AGENDA

ORMOND BEACH
BOARD OF ADJUSTMENT AND APPEALS

October 5, 2016

ORMOND BEACH TRAINING ROOM (BETWEEN CITY HALL AND LIBRARY)
22 SOUTH BEACH STREET 7:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. September 7, 2016

III. NEW BUSINESS

A. <u>Case 2016-112: 526 Sandy Oaks Boulevard, pool screen enclosure, rear yard variance</u>

This is a request from Joseph A. Endara, property owner of 526 Sandy Oaks Boulevard, for a variance to locate a pool screen enclosure at a setback of 8' along the rear property line. Section 2-50(X)(1)(c)(2) of the Land Development Code requires a 10' setback for a pool screen enclosure to the rear property line. The variance request seeks to install a pool screen enclosure over an existing pool with a rear yard setback of 8', requiring a 2' variance to the required 10' setback. The variance request for the pool screen enclosure is sought based on the location of the existing pool.

IV. OTHER BUSINESS

V. ADJOURNMENT

M I N U T E S

BOARD OF ADJUSTMENT

September 7, 2016 **7:00 p.m.**

City Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present	Staff Present
Ryck Hundredmark	Loreen Kornel, Senior Planner
Jean Jenner, Vice Chair	Becky Weedo, Senior Planner
Stan Driscoll (Alternate)	Melanie Nagel, Minutes Technician
Frank Ganz (Alternate)	Carly Meek, Asst. City Attorney
Brian Nave (Alternate)	
Norman Lane (excused)	
Tony Perricelli (excused)	
Dennis McNamara, Chairman (excused)	

II. APPROVAL OF THE MINUTES

A. August 3, 2016 Minutes

Approval of the minutes of August 3, 2016 was tabled until the October meeting, since there were not enough members present who had attended the August meeting.

III. NEW BUSINESS

A. Case No. 2016-097: 30 Bosarvey Circle, Screened Room Rear Yard Variance

Ms. Becky Weedo, Senior Planner, City of Ormond Beach stated that this is a variance request from David and Kim Winbigler of 30 Bosarvey Circle. The request is for a variance of 11' to the required 25' in order to replace a deck and add a hard roof and screened room. The survey shows that the home sits at an angle on the property, and there are no other conforming locations on the lot where a screened room could be built. The screen room would not create any impact to the adjacent property owner, since the adjacent neighbor's house is farther west and closer to Riverside Drive. Ms. Weedo explained the location, orientation, and characteristics of the subject property and presented the staff report. Ms. Weedo further reported that the applicants obtained signatures in favor of the variance from the abutting neighbors at 25 and 40 Bosarvey Circle. Also, the Planning Department received verbal confirmation from the property owner at 115 Riverside Drive. No response of "for or against" from 127 Riverside Drive was received. Ms. Weedo stated staff is recommending approval.

Mr. Driscoll asked if this house was non-conforming as it is. Ms. Weedo stated Mr. Driscoll was correct. One corner of the house is only 21' from the property line.

Mr. Nave asked if 127 Riverview was the property that would be most impacted by this, and had there been any response from the property owners. Ms. Weedo replied that the applicant had spoken to the homeowners, and the variance wasn't even mentioned in the conversation. Mr. Nave stated that it looks like the pool at 127 Riverview is quite far from the property line. Ms. Weedo stated that the homeowners on Riverview are actually building a garage back by the pool, so this screen room shouldn't impact them at all.

Mr. Ganz asked if, other than the hard roof, this was just going to be a full screened room with no other walls. Ms. Weedo stated yes, it was just going to be a screened enclosure.

Mr. Nave asked if it would be all aluminum, or would it have a shingled roof. The applicant stated that it would be all aluminum.

Applicant, Mr. David Winbigler, 30 Bosarvey Circle, stated that the deck is in really bad condition and needs to be replaced. Due to some of the environmental issues that are going on right now, they would like to enclose the deck with a screen. It would also be nice to have a roof overhead, so that furniture doesn't have to be put away when it rains, and they will also be able to use it even when it is raining.

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

B. <u>Case No. 2016-104: 42 N Beach Street, Anderson Price Memorial Building, Locally Designated Historic Landmark, Sidewalk Side Yard Variance</u>

Ms. Laureen Kornel, Senior Planner, City of Ormond Beach stated that this is a request for a sidewalk variance located in the side yard of 42 North Beach Street, the Anderson-Price Memorial Building, to expand a sidewalk. The Land Development Code requires a 5' setback for sidewalks. The applicant seeks to expand the sidewalk to connect to an ADA ramp at the southwest corner of the building with a final sidewalk setback of 1.8' requiring a variance of 3.2' to the required sidewalk setback of 5'.

Ms. Kornel continued that the improvement involves the removal of a portion of the existing sidewalk located at the south side of the front of the building. The existing sidewalk will be replaced and slightly widened. In addition, the new sidewalk is proposed along the south side of the building. Both abutting property owners have provided their signatures of no objection to the requested variance.

Ms. Kornel continued that the widening and extension of the sidewalk to connect with an ADA ramp at the southwest corner of the building is the most desirable

option available to provide an equal opportunity access from the front yard to the rear yard for disabled persons. Any run-off associated with the improvement will be directed away from the adjacent property to the south. The other entrance points at the north and south sides of the building are not viable options because they do not provide direct ADA access to the hall area.

Ms. Kornel stated that Staff has analyzed the criteria for and against the requested variance in the staff report. Staff believes that the existing historic building location and non-conforming lot size are unique conditions that are worthy of a variance. Staff has also considered that the abutting property owners have no objection to the variance request. Staff recommends approval of the variance.

Applicant, Dr. Philip Shapiro, 1st Vice President of the Ormond Beach Historical Society, stated that over the years it has been witnessed that people with handicaps and disabilities struggle to get into the building. The Lohman family has graciously offered a gift, pending approval by the City, to make this an ADA compliant sidewalk, so that people entering from the front of the building can safely and easily get to the ADA accessible ramp at the southwest corner of the building.

Mr. Driscoll stated that the request is for a sidewalk, but a ramp will be needed to get up to the ADA area, so is the request just for a sidewalk, or also for a ramp. Dr. Shapiro stated that a contractor would be putting in a ramp in compliance with the ADA guidelines. Mr. Driscoll asked if the Historical Society is actually asking for an ADA ramp extending to the east, in addition to the sidewalk.

Ms. Kornel stated that the purpose of the application is for the sidewalk setback, which is the issue, and the applicant is requesting the 1.8' setback for the sidewalk. Mr. Driscoll confirmed that it doesn't matter if it is for a sidewalk or a ramp, the request would be the same. Ms. Kornel stated that the setback requested would be the same.

Mr. Nave asked what the building is used for. Dr. Shapiro stated that it was originally built as the Ormond Beach City Hall as a meeting place. Over time it became the City Library, then the Women's Club took over the building, and in 2002 the Club deeded the property to the Historical Society. The building is used for educational purposes, social events and meetings.

Mr. Hundredmark asked if it had been studied to install a ramp at the steps on the east side of the building. Dr. Shapiro stated that it would be difficult given the incline on the east side. The angle of inclination would be nearly impossible to construct at the front, the way the building has been designed. Mr. Hundredmark asked if this was the only way to gain access from the east side of the building. Dr. Shapiro stated that the north side has more room, but there is a historic oak tree there, and there is no direct linkage that would go to the already existing ADA ramp. So, the south side is the most logical and least distance to get to the ADA ramp.

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

C. <u>Case No. 2016-105: 124 Ann Rustin Drive, Pool Screen Enclosure, Rear Yard Variance</u>

Ms. Laureen Kornel, Senior Planner, City of Ormond Beach stated that this is a request for a rear yard variance for property at 124 Ann Rustin Drive to expand a pool screen enclosure. The property is a corner lot located at the southwest corner of Ann Rustin Drive and Holly Circle. The Land Development Code requires a 10' setback for a pool screen enclosure to the rear property line. The property owner seeks to allow an expansion of the pool screen enclosure with a rear yard setback of 2', requiring a variance of 8' to the required 10' rear yard pool screen enclosure setback for a total variance encroachment of 80 square feet.

Ms. Kornel stated that the applicant purchased the property in February of 2016 and is seeking to better utilize the pool area. A key issue is the lack of width around the existing pool and a desire for a larger deck area that would allow more enjoyment and function of the pool area, including table and chairs. The existing pool screen enclosure is non-conforming and is permitted to be expanded through the variance process.

Ms. Kornel continued that the project owner proposes to expand the screen enclosure from the existing garage south to the existing 2' rear yard setback. The proposed improvement exceeds the required side corner yard setback along Holly Circle. The applicant is seeking to expand the deck area, of which an 8' by 10' area encroaches into the setback. The abutting property owner at 956 Holly Circle has signed the application for the variance.

Ms. Kornel stated that Staff has analyzed the criteria for and against the requested variance in the staff report. Staff has also considered that the abutting property owner has no objections to the variance request. Staff is recommending approval of the variance to allow an 8' encroachment for a width of 10', or 80 square feet, with a final setback of 2' as shown on the variance exhibit.

Mr. Nave asked for verification on the aerial view as to where the screen enclosure was going. The applicant, Mr. Al Sidoti stated that they are opening up to the existing fence as it protrudes from the garage. Mr. Nave verified that the abutting home owners had signed the application in favor of the variance. Ms. Kornel stated that page 3 of the application was signed by the resident at 956 Holly Circle.

Mr. Ganz then asked the applicant if this area was going to be used for a patio as well. Mr. Sidoti explained that there is no room around the pool to place any furniture, so they need the extra patio area.

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

IV. OTHER BUSINESS

None.

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:26 p.m.

Respectfully submitted,

_____

Steven Spraker, AICP, Senior Planner

ATTEST:

_____

Jean Jenner, Vice-Chairman

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: September 27, 2016

SUBJECT: 526 Sandy Oaks Boulevard Pool Screen Enclosure Variance

APPLICANT: Joseph A. Endara

FILE NUMBER: 2016-112

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request from Joseph A. Endara, property owner of 526 Sandy Oaks Boulevard, for a variance to locate a pool screen enclosure at a setback of 8' along the rear property line. Section 2-50(X)(1)(c)(2) of the Land Development Code requires a 10' setback for a pool screen enclosure to the rear property line. The variance request seeks to install a pool screen enclosure over an existing pool with a rear yard setback of 8', requiring a 2' variance to the required 10' setback. The variance request for the pool screen enclosure is sought based on the location of the existing pool.

BACKGROUND:

The property is designated as "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned R-3 (Single Family Medium Density) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district. Below is a chart with the surrounding land use and zoning designations:

EXHIBIT 1: Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Single Family House	"Low Density Residential"	R-3 (Single Family Medium Density)
South	Central Park	"Open Space/Conservation"	Special Environmental
East	Single Family House	"Low Density Residential"	R-3 (Single Family Medium Density)
West	Single Family House	"Low Density Residential"	R-3 (Single Family Medium Density)

EXHIBIT 2: Site Aerial

Source: http://explorer.pictometry.com/index.php

EXHIBIT 3: Site Picture

Picture of existing pool

The subject property is located on lot 28 of the Hammock Trace, unit 1 subdivision. According to the Volusia County Property Appraiser, the house was constructed in 1987 and the pool was constructed in 1993. The existing edge of the pool deck is 8' and applicant desires to place a screen enclosure on the edge of the concrete at the 8' setback. The applicant has expressed a desire to place a pool screen enclosure over the existing pool for similar reasons to past applications, which include:

1. The trees on the property and on abutting properties have become more mature and have produced more droppings of leaves and branches.
2. There is a desire to not impact the trees in the area of the pool though pruning or removal.
3. The lack of the pool screen enclosure has led to consistent and escalating pool maintenance.
4. To prevent small animals from entering into the pool.
5. To increase the enjoyment and ability to use the pool.

The proposed screen pool enclosure meets the required 7.5' setback along the side interior lot line.

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 variance: The special condition relates to the location of the existing pool and deck that was constructed in 1993. The location of the pool and deck does not allow the opportunity to construct a screen enclosure that can meet a 10' setback.

   Case against the variance: Alternatively, one may argue that the location of the pool and deck is not a special condition and is common throughout the City. The existing pool and deck is conforming and the screen enclosure should not be permitted.

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

   Case for the variance: The location of the pool was not a result of the current property owners. The special conditions did not result from the actions of the applicant.

   Case against the variance: 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 variance: The literal interpretation of the zoning regulations would prevent the construction of the pool screen enclosure. Meeting the 10' screen enclosure setback would require the enclosure to be located very close to the pool water. This condition is a direct cause of the location of the 1993 location of the pool and deck. Pool screen enclosures are commonly enjoyed by other properties in the same neighborhood and zoning district.

   Case against the variance: The Land Development Code establishes standards for screen enclosure setbacks and based on individual properties, not all sites can have pool 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 variance: There is no practical alternative if a screen enclosure is to be allowed. As stated previously, applying the setback would require the pool screen enclosure in the close proximity to the water of the pool. The request is the minimum necessary, at a 2' variance, in order to allow the construction of the screen enclosure. Staff has not received any objections or correspondence against the variance request. All surrounding property owners have provided a signature for the variance application.

   Case against the variance: As stated in criteria 3, property owners do not have an absolute right to screen enclosures at less than 10' to the property line. 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 variance: The variance is not sought to reduce the cost of the construction of the pool screen enclosure.

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

   Case against the variance: 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 variance: The request will not diminish property values or alter the character of the surrounding area. One purpose of the variance process is to measure the impact of the improvement subject to the variance on adjoining properties. Any future property owner would be aware of the existing screen enclosure and can make a determination to buy or not to buy the property based on the existing conditions. Staff has not received any objections and believes that the screen enclosure would not alter the character of the neighborhood.

   Case against the variance: 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 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.

   Case against the variance: One can argue that granting the variance requests will lead to multiple applications for screen enclosures for pools with less than a 10' setback. Staff would state that there have been requests in the past for these types of situation. 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** the following variances to allow the construction of a pool screen enclosure at 526 Sandy Oaks Boulevard with a setback of 8' along the rear property line, requiring a variance of 2' to the required 10' setback contained in Section 2-50(X)(1)(c)(2) of the Land Development Code.

ATTACHMENT 1

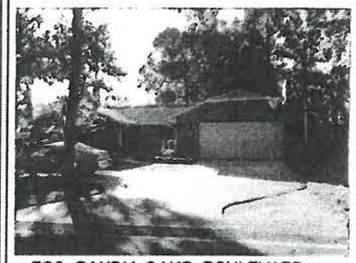
Variance Exhibit

VARIANCE EXHIBIT

526 SANDY OAKS BLVD.

Required setback = 10'
Requested setback = 8'
Requested variance = 2'

LEGAL DESCRIPTION: LOT 28, HAMMOCK TRACE SUBDIVISION UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 41, PAGES 65, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.



526 SANDY OAKS BOULEVARD
ORMOND BEACH, FL.

COLUMBIA TITLE RESEARCH CORPORATION

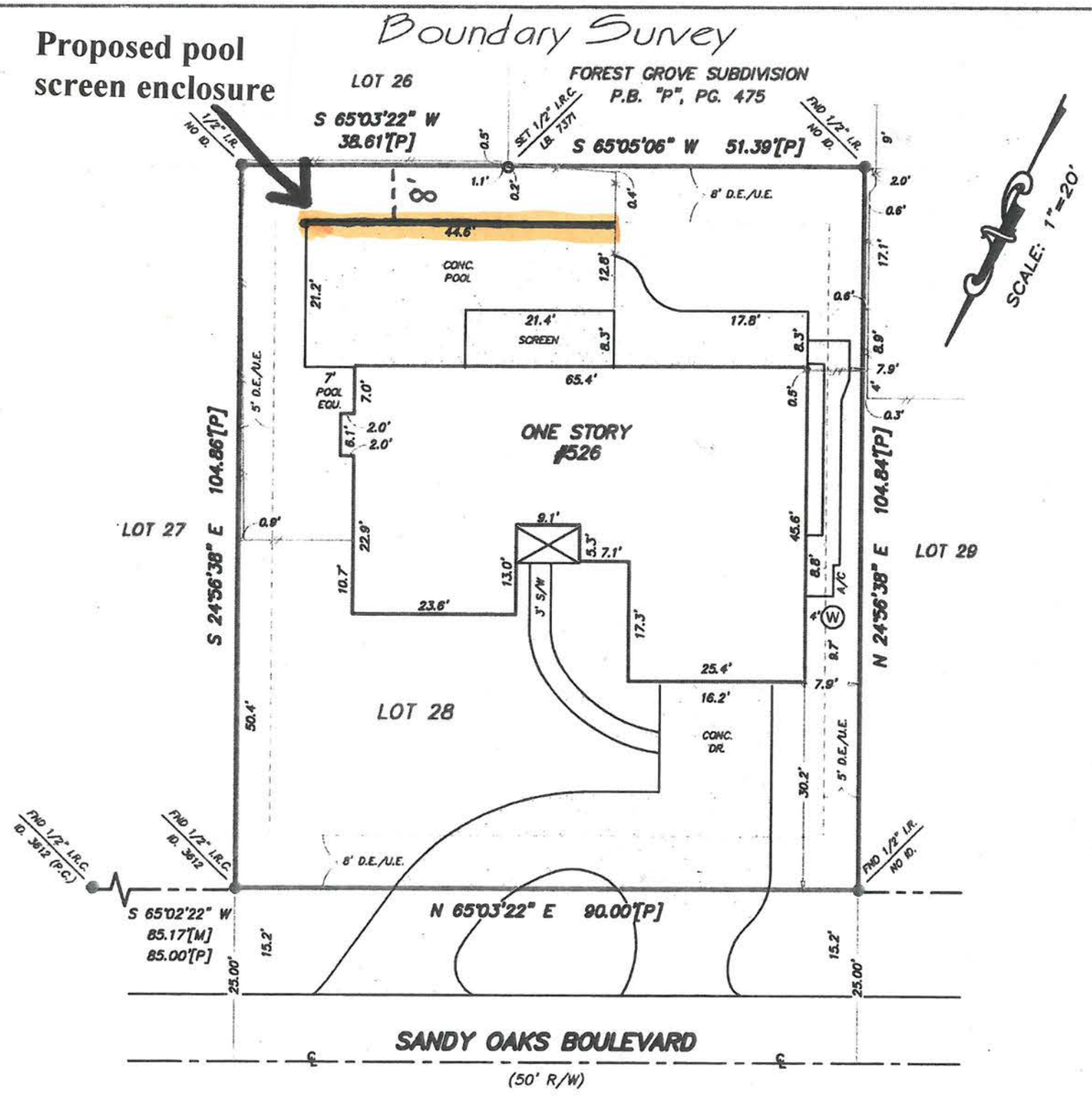
Long Surveying, Inc.
"Specializing in Residential Surveying"
LB No. 7371
143 Villa Di Este Terrace #113
Lake Mary, FL 32746
Office 407-330-9717 or 407-330-9716
Fax 407-330-9775
www.longsurveying.com

DRAWN BY:	CHECKED BY:
GR	BRETT

CERTIFIED TO:
JOHN ALBERT ENDARA
COLUMBIA TITLE RESEARCH CORPORATION
CHICAGO TITLE INSURANCE COMPANY
HOMEBRIDGE FINANCIAL SERVICES, INC.

COMMUNITY NO: 125136
PANEL: 0214 SUFFIX: J F.I.R.M. DATE: 02/19/14
FLOOD ZONE: AE(6.71)

SURVEY NO. 59171 FIELD DATE: 10/28/14



A/C – AIR CONDITIONER
Δ – CENTRAL ANGLE
BLK – BLOCK
C.B. – CHORD BEARING
C.B.S. – CONCRETE BLOCK STRUCTURE
C.M. – CONCRETE MONUMENT
CONC. – CONCRETE
D – DEED
D.E. – DRAINAGE EASEMENT
E – EAST
F.F.E. – FINISHED FLOOR ELEVATION
FND – FOUND
ID. – IDENTIFICATION
I.P. – IRON PIPE
I.R. – IRON ROD
I.R.C. – IRON ROD & CAP
L – ARC LENGTH
L.B. – LAND SURVEYING BUSINESS
L.S. – LAND SURVEYOR
M – MEASURED
N – NORTH
N&D – NAIL AND DISK
P – PLAT
P.C. – POINT OF CURVATURE
P.C.C. – POINT OF COMPOUND CURVATURE
P.C.P. – PERMANENT CONTROL POINT
P.L. – PROPERTY LINE
P.O.B. – POINT OF BEGINNING
P.O.C. – POINT OF COMMENCEMENT
P.O.L. – POINT ON LINE
P.R.C. – POINT OF REVERSE CURVE
P.R.M. – PERMANENT REFERENCE MONUMENT
P.T. – POINT OF TANGENT
R – RADIUS
R/W – RIGHT OF WAY
S/W – SIDEWALK
S – SOUTH
U.E. – UTILITY EASEMENT
W – WEST
W.F.S. – WOOD FRAME STRUCTURE
O – SET 1/2" I.R.C. PSM LB#7371

RIGHT-OF-WAY LINE
CENTERLINE
BARB WIRE FENCE
WOOD FENCE
CHAIN LINK FENCE
PLASTIC FENCE

BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF SANDY OAKS BOULEVARD BEING S 65°02'22" W PER PLAT

NOTES:
1) This survey is based on the legal description as provided by the Client
2) This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land
3) Do not reconstruct property lines from building ties
4) No footing or overhange have been located except as shown
5) No improvements or utilities have been located except as shown
6) Not valid without a signature and the authenticated electronic seal or the original raised seal of a Florida licensed Surveyor and Mapper

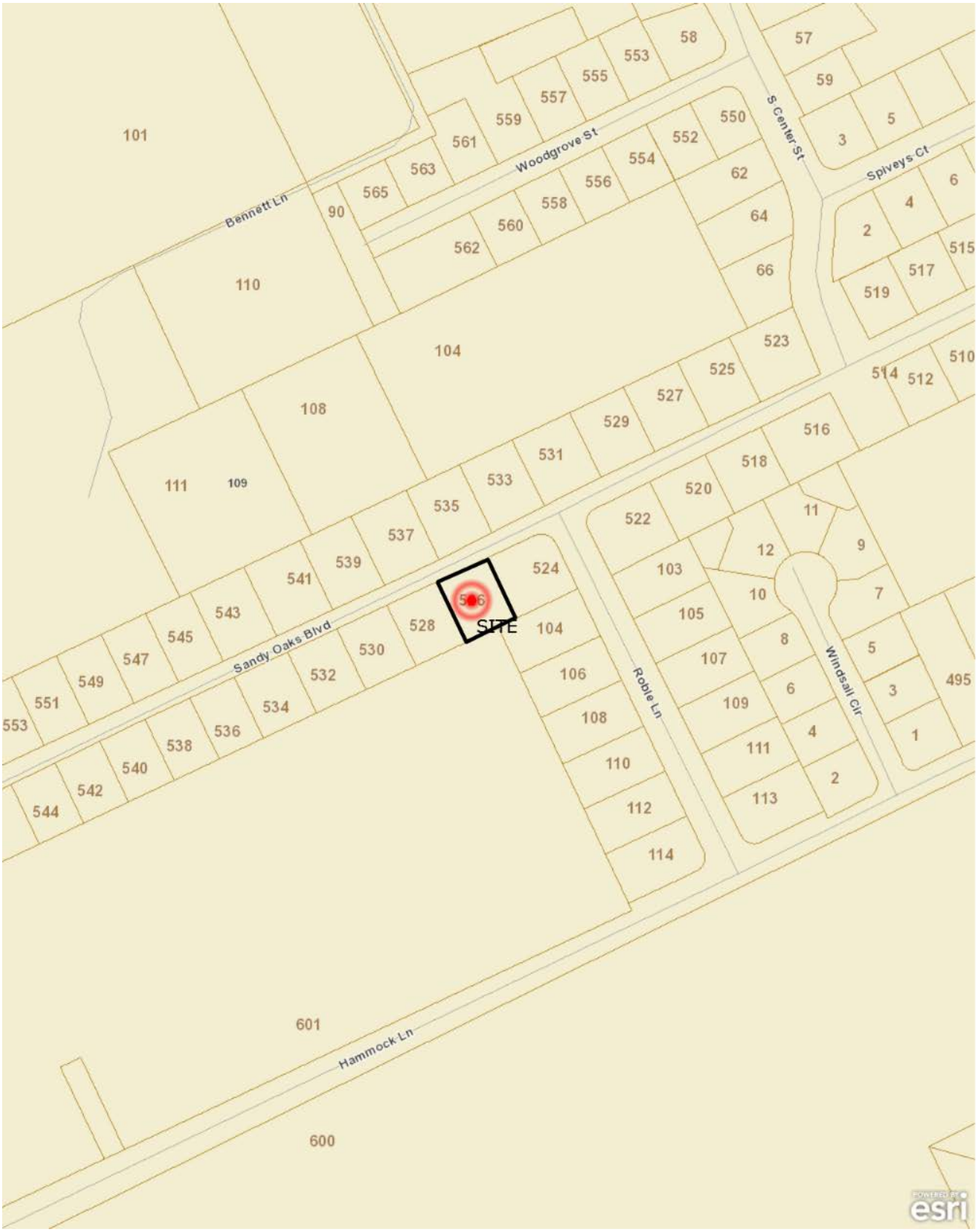
Certification: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jon M. Shoemaker
No. 5144
State of Florida
Professional Surveyor and Mapper

JON M. SHOEMAKER P.S.M. NO. 5144

ATTACHMENT 2

- Maps and pictures



LOCATION MAP

526 Sandy Oaks Boulevard

Site aerial for 526 Sandy Oaks Boulevard

Source: http://explorer.pictometry.com/index.php

ATTACHMENT 3

Applicant provided information

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

v3.2013

RECEIVED
AUG 26 2016
By: LEM

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*
☑ Residential or Commercial	350	350	N/A	700
☐ After the Fact Residential or Commercial	700	350	N/A	1050

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

APPLICANT INFORMATION

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

Name: JOHN A ENDARA AND JOSEPH A ENDARA

Full Address: 526 SANDY OAKS BLVD. ORMOND BEACH FL 32174

Telephone: 386-795-3254 Email: JOHNENDARA@MSN.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: 526 SANDY OAKS BLD. ORMOND BEACH FL 32174

Parcel ID Number: 4241-23-00-0280

Legal Description: LOT 28 HAMMOCK TRACE SUB UNIT I MB 41 PG 65 PER OR 3405 PG 1656 PER OR 6104 PGS 3417-3418

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:

INSTALLATION OF POOL ENCLOSURE.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
[illegible]	104 ROBLE LANE	☒	☐
[illegible]	504 SANDY OAKS BLVD.	☒	☐
		☐	☐

CRITERIA: CONFORMING

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

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

LOCATION OF CURRENT POOL DECKING DOES NOT ALLOW PLACEMENT OF SCREEN ENCLOSURE AT THE 10' SET BACK REQUIRED.

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

POOL WAS ALREADY INSTALLED BEFORE HOME PURCHASE.

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:

IT WOULD BE A HARDSHIP NOT TO HAVE THE ENCLOSURE BECAUSE OF EXCESIVE TREE LEAVES THAT FALL IN THE POOL, SNAKES AND MOSQUITOS.

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:

EXISTING POOL DOES NOT ALLOW TO MEET SETBACKS, IF INSTALLED AT SETBACKS IT WOULD IMPACT USE AND ENJOYMENT OF THE POOL. 2' VARIANCE IS THE MINIMUM NECESSARY BASED ON EXISTING POOL AND POOL DECK.

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:

DOES NOT REDUCE THE COST.

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

NO.

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:

ENCLOSURE WILL NOT NEGATIVELY IMPACT PROPERTY VALUE.

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. POOL ENCLOSURES ARE COMMON IMPROVEMENTS AND BOTH NEIGHBORS HAVE NO OBJECTION TO IMPROVEMENT.

CRITERIA: NONCONFORMING

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

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

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

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

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

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

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

CERTIFICATION

By submitting this application, I hereby certify that the information provided above is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and review process for this application. I hereby authorize City of Ormond Beach Staff to place legal notice on my property and to take pictures pertaining to my request. I am aware of the required pre-application meeting and am aware that if all the submittal requirements are not provided, my application will be continued to the next regularly scheduled hearing.

Signature: _____

STATE OF FLORIDA
COUNTY OF Volusia
The foregoing instrument was acknowledged before me this 26th day of Aug 2016 by Joseph A. Endara as Co-owner (title*) for 526 Sandy Oaks (name of corporation*), who (_) provided FLDL# E536-481-66-084-0 as identification, or (_) who is personally known to me.

LESLIE E MEZIE
MY COMMISSION # FF216749
EXPIRES April 20, 2019
(407) 398-0153 FloridaNotaryService.com

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.

Boundary Survey

LEGAL DESCRIPTION: LOT 28, HAMMOCK TRACE SUBDIVISION UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 41, PAGES 65, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

526 SANDY OAKS BOULEVARD
ORMOND BEACH, FL.

COLUMBIA TITLE RESEARCH CORPORATION

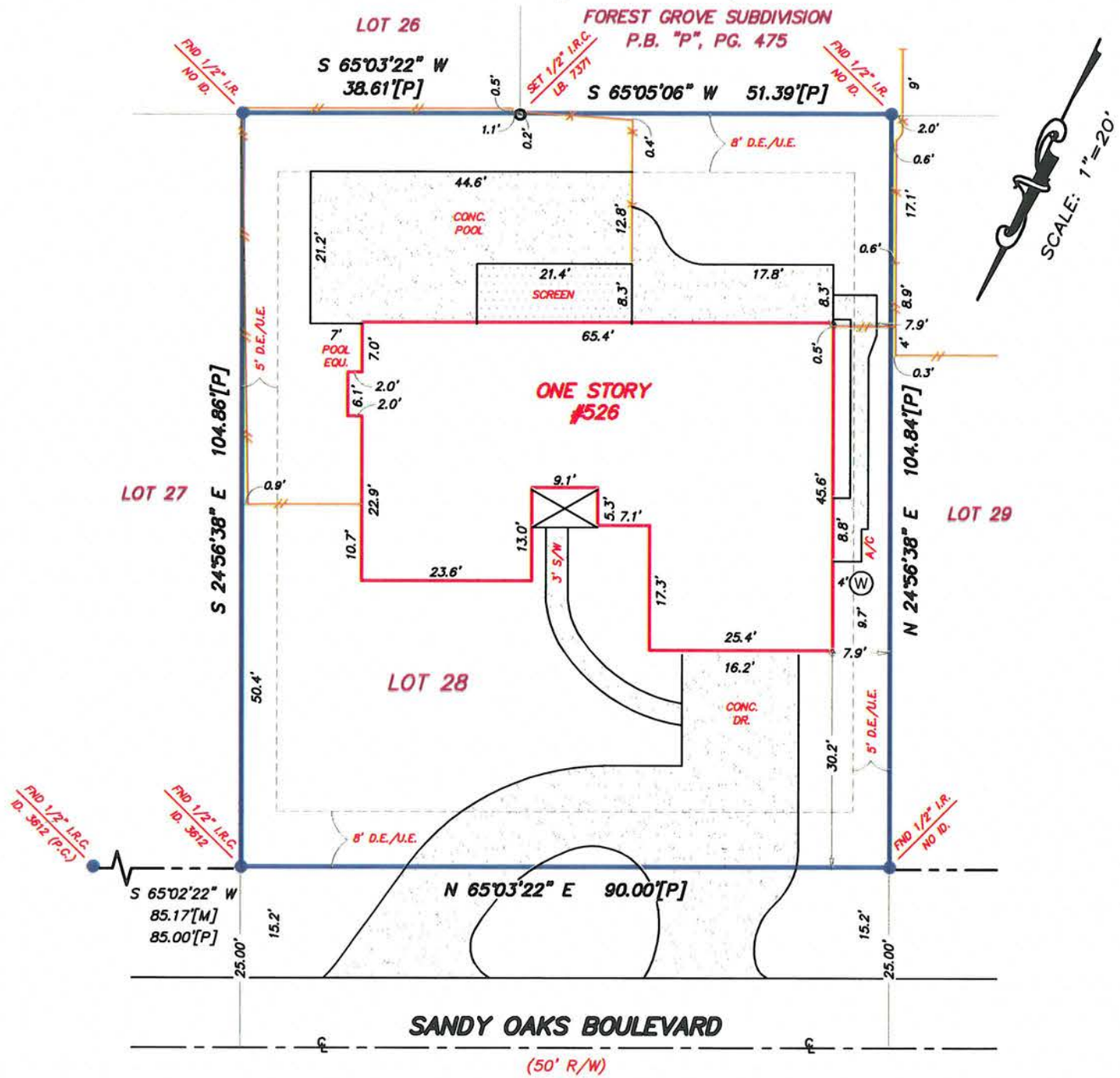
Long Surveying, Inc.
"Specializing in Residential Surveying"
LB No. 7371
143 Villa Di Este Terrace #113
Lake Mary, FL 32746
Office 407-330-9717 or 407-330-9716
Fax 407-330-9775
www.longsurveying.com

DRAWN BY:	CHECKED BY:
GR	BRETT

CERTIFIED TO:
JOHN ALBERT ENDARA
COLUMBIA TITLE RESEARCH CORPORATION
CHICAGO TITLE INSURANCE COMPANY
HOMEBRIDGE FINANCIAL SERVICES, INC.

COMMUNITY NO: 125136
PANEL: 0214 SUFFIX: J F.I.R.M. DATE: 02/19/14
FLOOD ZONE: AE(6.71)

SURVEY NO. 59171 FIELD DATE: 10/28/14



SCALE: 1"=20'

A/C – AIR CONDITIONER
Δ – CENTRAL ANGLE
BLK – BLOCK
C.B. – CHORD BEARING
C.B.S. – CONCRETE BLOCK STRUCTURE
C.M. – CONCRETE MONUMENT
CONC. – CONCRETE
D – DEED
D.E. – DRAINAGE EASEMENT
E – EAST
F.F.E. – FINISHED FLOOR ELEVATION
FND – FOUND
ID. – IDENTIFICATION
I.P. – IRON PIPE
I.R. – IRON ROD
I.R.C. – IRON ROD & CAP
L – ARC LENGTH
L.B. – LAND SURVEYING BUSINESS
L.S. – LAND SURVEYOR
M – MEASURED
N – NORTH
N&D – NAIL AND DISK
P – PLAT
P.C. – POINT OF CURVATURE
P.C.C. – POINT OF COMPOUND CURVATURE
P.C.P. – PERMANENT CONTROL POINT
P.L. – PROPERTY LINE
P.O.B. – POINT OF BEGINNING
P.O.C. – POINT OF COMMENCEMENT
P.O.L. – POINT ON LINE
P.R.C. – POINT OF REVERSE CURVE
P.R.M. – PERMANENT REFERENCE MONUMENT
P.T. – POINT OF TANGENT
R – RADIUS
R/W – RIGHT OF WAY
S/W – SIDEWALK
S – SOUTH
U.E. – UTILITY EASEMENT
W – WEST
W.F.S. – WOOD FRAME STRUCTURE
O = SET 1/2" I.R.C. PSM LB#7371

RIGHT-OF-WAY LINE
CENTERLINE
BARB WIRE FENCE
WOOD FENCE
CHAIN LINK FENCE
PLASTIC FENCE

BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF SANDY OAKS BOULEVARD BEING S 65°02'22" W PER PLAT

NOTES:
1) This survey is based on the legal description as provided by the Client
2) This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land
3) Do not reconstruct property lines from building ties
4) No footing or overhangs have been located except as shown
5) No improvements or utilities have been located except as shown
6) Not valid without a signature and the authenticated electronic seal or the original raised seal of a Florida licensed Surveyor and Mapper

Certification: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 51G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jon M. Shoemaker No. 5144 State of Florida Professional Surveyor and Mapper

JON M. SHOEMAKER P.S.M. NO. 5144