



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

January 11, 2017

ORMOND BEACH CITY COMMISSION CHAMBERS

7:00 P.M.

- I. ROLL CALL
- II. ADMINISTRATIVE ITEMS
 - A. Election of Chairperson and Vice-Chair.
 - B. Approval of the 2016 Rules of Procedures
 - C. Acceptance of 2016 BOAA calendar.
- III. APPROVAL OF THE MINUTES
 - A. December 7, 2016
- IV. NEW BUSINESS
 - A. **Case 2017-0023: 25 Ocean Shore Boulevard, fence variance**

This is a request for a fence height variance submitted by Lori E. Wilson, property owner at 25 Ocean Shore Boulevard within the waterfront rear oceanfront yard. The property owner seeks to remove an existing 6' high wood fence that was damaged in during Hurricane Matthew and construct a 6' high white PVC vinyl fence within the waterfront rear yard. The proposed 6' high white PVC vinyl fence is to be located in the same location as the existing wood fence. Section 2-50(n)(3) of the Land Development Code allows a maximum fence height of 3' in the waterfront (oceanfront) yard and the applicant is requesting a variance of 3' in height to allow a white PVC vinyl fence of 6' in height.
 - B. **Case 2017-0024: 10A Oriole Circle, side yard variance**

This is a request for a side yard variance submitted by Janis Rowe, property owner, for a variance at 10A Oriole Circle to reconstruct a screen enclosure that was destroyed during hurricane Matthew. The variance request seeks to re-construct the structure as it existed prior to the hurricane. The property at 10A Oriole Circle is zoned R-4 (Single-Family Cluster and Townhouse). Section 2-17(B)(9)(c) of the Land Development Code requires a 20' side yard setback. The applicant is requesting a side yard setback of 16.5' to re-construct the destroyed screen porch with a hard roof, requiring a variance of 3.5' to the required 20' side yard setback.
- V. OTHER BUSINESS
- VI. ADJOURNMENT

CITY OF ORMOND BEACH

FLORIDA

PLANNING

MEMORANDUM

TO: Board of Adjustment and Appeals members

FROM: Steven Spraker, AICP, Senior Planner

DATE: January 4, 2017

SUBJECT: Board of Adjustment and Appeals Administrative Items

This is the first meeting of the Board of Adjustment and Appeals (BOAA) for the year 2017. There are several administrative items on the agenda including:

1. The election of the chairperson/vice-chairperson;
2. 2017 Rules of Procedures; and
3. 2017 calendar of meetings.

Planning staff will continue to provide the BOAA members copies of the packets via hard copy and by e-mail. It would be beneficial for staff if BOAA members could respond to the packet e-mail to let us know if they will be attending the Board meeting. BOAA alternate members will receive packets via e-mail and staff will provide hard copies if an alternate member is requested to attend the Board meeting. If any alternate member desires hard copies of the packet, please contact me and staff can provide the packet to the member. Alternate member(s) are not required to attend the BOAA meetings unless substituting for a member who is absent.

The variance packet and agenda are also provided at the City website, under Boards and Committees. Staff has included a variance process flowchart that details the steps to apply for a variance that is provided to applicants. If there are any questions, I can be contacted at 676.3341 or by e-mail at Steven.Spraker@ormondbeach.org. Thank you.

**2017 RULES OF PROCEDURE
OF THE
BOARD OF ADJUSTMENTS AND APPEALS
FOR THE CITY OF
ORMOND BEACH, FLORIDA**

The Board of Adjustment and Appeals of the City of Ormond Beach, Florida ("Board") shall be governed by the terms of the Charter and Code of Ordinances of the City of Ormond Beach, the *Land Development Code* of the City of Ormond Beach, Florida, and the Rules of Procedure set forth herein and adopted by the Board.

SECTION 1. OFFICERS, MEMBERS AND DUTIES

1.1 Chairman. A Chairman shall be elected by the Board, in accordance with Section 1.16.A.6 of the *Land Development Code*. The Chairman shall decide upon all points of order and procedure subject to these rules, unless otherwise directed by a majority of the Board in session at the time. The Chairman shall appoint from the Board membership any committee found necessary to investigate matters before the Board. The Chairman shall sign all minutes of the Board and all pertinent correspondence.

1.2 Vice-Chairman. A Vice-Chairman shall be elected by the Board in accordance with Section 1.16A6 of the *Land Development Code*. The Vice-Chairman shall serve as Acting Chairman in the absence of the Chairman and, at such times, shall have the same powers and duties as the Chairman.

1.3 Secretary. The Secretary shall be the Director of Planning or the designee of the said Director. The Secretary shall keep all records, shall conduct all correspondence of the Board, shall cause to be given the required legal notice of each public hearing and shall generally take charge of the clerical work of the Board. The Secretary shall take, or cause to be taken, the minutes of every meeting of the Board. These shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or upon the final determination of any questions, in dictating the names of members absent or failing to vote. The Secretary shall endeavor to present the final copy of the minutes to the Chairman for signature not later than five (5) days before the next regular meeting. The Secretary shall keep all records open to the public at all times during normal business hours (8:00 AM-5:00 PM), but shall in no event relinquish the original of any record to any person, unless such authority is granted by the Chairman of the Board.

1.4 Members. As required by the Land Development Code Subsection 1-16:A.2, members of the Board shall be appointed by the City Commission. Terms and conditions of appointment shall be governed by Article I, inclusive. Members shall provide the Secretary with their current home address and home and/or office telephone number, unless such information is made confidential by law. Such information shall be kept current by the members. In the event that a member of the Board shall be unable to attend a regularly scheduled meeting, the member shall notify the Secretary of the member's expected absence

no later than five (5) days before that meeting. The five (5) days notice of absence shall not apply to emergency absences beyond the member's control, nor to special meetings described in Subsection 2.2 below.

1.5 Viewing. The Board members shall make every effort to view any site being considered for recommendation. The Secretary shall provide each member with a map showing the subject site.

SECTION 2. MEETINGS

2.1 Regular Meetings. Regular meetings of the Board of Adjustment and Appeals shall be held on the first Wednesday of each month, at 7:00 P.M. in City Hall Commission Chambers. If the Chambers are not available, an alternate location shall be noted on the agenda and in all related advertising and notices. The time and place of the regular monthly meeting may be changed by affirmative vote of a majority of the Board.

2.2 Special Meetings. Special meetings of the Board may be called at any time by the Chairman, or at the direction of any three (3) members of the Board. At least seventy-two (72) hours advance notice of the time and place of special meetings shall be given by the Secretary or Chairman to each member of the Board.

2.3 Cancellation of Meetings. Whenever there is no business for the Board, or whenever so many members notify the Secretary of inability to attend that a quorum will not be available, the Chairman may dispense with the regular meeting by instructing the Secretary to give written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

2.4 Quorum. A quorum shall consist of four (4) members for the transaction of business.

2.5 Conduct of Meeting. All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

- a. Roll Call
- b. Approval of the Minutes
- c. Unfinished Business, if any
- d. New Business and Hearing of Cases
- e. Board Comments, if any
- f. Adjournment

2.6 Continued Meetings. The Board may continue a regular or special meeting if all business cannot be disposed of on the day set, and no further public notice shall be necessary for resuming such a meeting if the time and place of its resumption is stated at the time of continuance and is not thereafter changed.

2.7 Adjournment. New items will not be heard by the Board after 10:00 PM unless authorized by a majority vote of the Board members present. Items which have not been heard before 10:00 PM may be continued to a date and time certain, or to the next regular meeting, as determined by affirmative vote of the majority of the Board members present.

SECTION 3. VOTING

3.1 Vote. The affirmative vote of a majority of the members present and legally entitled to vote at any meeting shall be necessary to reverse any order, requirement, decision or determination of the Chief Building Official, or to decide in favor of the applicant on any matter. The Chairman shall have one (1) vote on all issues voted upon by the Board.

3.2 Voting Conflict of Interest. No member of the Board shall participate in any matter which would inure to the member's special private gain or loss, which the member knows would inure to the special private gain or loss of any principal by whom the member is retained, or to the parent organization or subsidiary of a corporate principal by which the member is retained; or which the member knows would inure to the special private gain or loss of a relative or business associate of the member without first disclosing the nature of the member's interest in the matter.

Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the Secretary prior to the meeting in which consideration of the matter will take place, and shall be incorporated in the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

In the event that disclosure has not been made prior to the meeting, or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within fifteen (15) days after the oral disclosure with the Secretary and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

Any member of the Board who, after written notice and public hearing, is found to have violated the provisions listed above, shall have the member's membership on the Board immediately terminated.

3.3 Abstention. All members of the Board shall vote in favor of, or in opposition to, all matters coming before the Board for vote, and such vote shall be recorded in the official records of the Board. However, no member shall vote upon any matter which would inure to the member's special private gain or loss; which the member knows would inure to the special private gain or loss of any principal by whom the member is retained or to the parent organization or subsidiary of a corporate principal by which the member is retained, other than an agency as defined in §112.312(2), *Florida Statutes*; or which the member knows would inure to the special private gain or loss of a relative or business associate of the member. Any member so required to abstain shall, prior to the vote being taken, publicly state to the assembly the nature of the member's interest in the matter from which the member is abstaining from voting and, within fifteen (15) days after the vote occurs,

disclose the nature of the member's interest as a public record in a memorandum filed with the Secretary, who shall incorporate the memorandum in the minutes.

3.4 Policy. It shall be the policy of the Board to provide sufficient findings of fact in making a decision on each issue pending before the Board. All findings of fact shall be based on the applicable standards and regulations contained in the Land Development Code, the information provided by the applicant, City Staff's review of the application and appropriate information or evidence and testimony presented at the public hearing.

SECTION 4. ATTENDANCE

Attendance of the Board of Adjustment and Appeal Board members shall be subject to the standards contained in the Code of Ordinances, Chapter 2 Administration, Article VI Boards, Commissions, Committees and Other Agencies, Division 1. Generally, Section 2-202, Attendance of Members, as amended.

SECTION 5. APPEALS AND APPLICATIONS

All appeals and applications shall be filed in the manner provided for in Article I of the *Land Development Code*.

SECTION 6. RESIDENCY REQUIREMENTS

All Board members must be residents of the City of Ormond Beach. A member who, after appointment or selection to the Board, ceases to be a resident of the city shall promptly tender a resignation, which shall be effective immediately upon its tender. Failure to resign shall result in the person's membership on the Board being terminated by the City Commission.

SECTION 7. APPLICATIONS

All applications for Board action shall be complete and filed in the manner provided for in the Land Development Code.

SECTION 8. CONDUCT OF HEARINGS

The applicant, their agent or attorney, must be present, at the public hearing before the Board of Adjustment and Appeal. Failure to be present, or to be represented, will result in the application being tabled until the next regularly scheduled meeting. The applicant shall be billed for any additional advertising costs associated with the failure to be present. If the applicant fails to appear before the Board of Adjustment and Appeal a second time, the Board may deny the application.

The order of procedure for each hearing shall be as follows:

8.1 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. The Chairman may also direct speakers to limit their comments to issues which have not been previously stated;

8.2 The Chairman or the Chairman's designee, shall request that staff present the application;

8.3 The staff shall present its analysis and recommendations regarding the application;

8.4 The Board, with permission of the Chairman, may question staff regarding the application.

8.5 The applicant or the applicant's agent shall be afforded the opportunity to speak, typically 10 minutes unless extended by the Board, in behalf of the application;

8.6 Any Board member, with permission of the Chairman, may question the applicant or his agent;

8.7 The Chairman shall direct persons wishing to speak in favor of, or in opposition to, the application shall be allowed to do so after signing in and stating their name and address - such presentation shall be made at the podium and be limited to five (5) minutes unless extended by the Board;

8.8 The Chairman shall ensure that there is sufficient time allocated to the applicant to provide comments and to address questions, comments and recommendations raised by the public hearing;

8.9 After public comments, a motion is required to allow Board discussion of the application. Any Board member, with permission of the Chairman, may ask the Applicant, staff, or member of the general public a question regarding the application.

8.10 After Board discussion, a motion is required to approve, approve with conditions, or deny an application.

8.11 The Chairman will state the name of the Board member making the motion and the name of the Board member who seconded the motion.

8.12 The recording secretary will perform a roll call vote of each Board member for or against the proposed motion.

8.13 After the vote, the Chairman shall announce a summary of the vote.

8.14 After the vote, the Chairman shall close the public hearing

8.15 Arguments between the parties shall not be permitted - all remarks shall be addressed to the Chair;

8.16 Where there is no opposition to an application, the Chairman, by consensus of the Board and upon confirmation that all Board members have read the staff report, may waive the staff analysis;

8.17 Members shall at all times speak directly into the microphones to facilitate the recording of the meetings; and

8.18 Copies of any and all letters, exhibits, or any information not otherwise provided prior to the meeting are required to be presented to the recording secretary for inclusion in the Board minutes.

SECTION 9. DECISIONS

9.1 Time. Decisions by the Board shall be made in the form of a motion upon completion of the hearing.

9.2 Applicant's Rights. The Chairman shall inform the applicant of his or her right to appeal an unfavorable decision to the Circuit Court within thirty (30) days, and of his or her need to implement a successful decision by obtaining the necessary permits within twelve (12) months. In cases in which work requiring a variance began prior to consideration by the Board, and a request for a variance is denied, the Chairman shall inform the applicant that the City will take action to have offending structure(s) removed unless the City Commission decides otherwise, upon application for consideration by the applicant.

9.3 Notification. The Secretary shall send a copy of the Board's Order to the appellant or applicant within thirty (30) days of the date of decision by the Board. A copy of the Board's Order shall be inserted in the applicant's file and a copy of all Orders sent shall be attached to the Chairman's copy of the minutes.

9.4 Follow-up. The Planning Director or designee should keep the Board advised of all subsequent actions taken by the City and/or by the applicant in cases in which the Board has rendered a final decision.

SECTION 10. AGENDA

Each appeal shall be placed upon the agenda of the Board by the Secretary. The order shall be by the time of filing with the first application submitted appearing as the first case. There may be a cut-off date established by the Board after which no further cases shall be added to the agenda. If more than ten (10) cases appear on the agenda, the Secretary may first confer with the Chairman before a decision is made concerning the number of cases to be heard. The agenda of cases to be heard shall be mailed to each member of the Board and each alternate five (5) days before the regular meeting.

SECTION 11. RECONSIDERATION, REHEARINGS AND REAPPLICATIONS

11.1 Reconsideration. Once a motion has been adopted, the Board may reconsider that matter at the same meeting, provided a motion to reconsider is made by a member who voted with the prevailing side.

11.2 Rehearing.

11.2.1 Any aggrieved party may apply for a rehearing before the Board by filing a written statement setting forth what fact(s) or principle(s) of law which the party believes was overlooked by the Board.

11.2.2 The application for a rehearing must be filed in the same manner as was the original application and within thirty (30) days of the date of the Board's Order. All filing fees and notice requirements shall apply as for an original application.

11.2.3 The matter will be placed on the first available agenda and, before any debate or argument, the Chairman will entertain a motion for or against rehearing the case. The motion will be considered without argument or debate other than by the Board, by the applicant or his agent or attorney, and by the City. All debate and argument shall be limited to matters allegedly overlooked in the original hearing of the case. No new evidence whatsoever will be considered.

11.2.4 If a motion to grant the rehearing is approved, the case shall proceed as an original hearing. If the rehearing request is denied, the Board's original ruling shall be final as of the date of denial of the motion for rehearing.

11.2.5 No more than one request for rehearing shall be entertained in any case.

11.3 Reapplication. Upon denial of any application, and exhaustion of all appeals therefrom, no reapplication to the Board may be made unless:

11.3.1 There is an allegation in the application demonstrating that there has been a substantial change in facts or conditions, any such allegation being supported by a statement setting forth the specific nature of the change; and

11.3.2 At least six (6) months has expired since the action of the Board, or the denial of any appeal therefrom, whichever is last to occur.

SECTION 12. AMENDMENTS

These Rules of Procedures may be amended or modified by an affirmative vote of not less than four (4) members of the Board, provided that such amendment be presented in writing at a regular meeting and action taken thereon at a subsequent regular meeting.

SECTION 13. MOTIONS

Every motion shall require an affirmative vote of the majority of the Board members present and voting. Prior to polling the board, the Chairman shall announce the movant and the second.

SECTION 14. ROBERTS RULES OF ORDER

Any point of procedure not otherwise addressed by these Rules shall be governed by *Roberts Rules of Order, Newly Revised*.

PRESENTED IN WRITING at a regular meeting of the Board on January 11, 2017.

APPROVED at a regular meeting of the Board on January 11, 2017.

BOARD OF ADJUSTMENT AND APPEALS 2017 CALENDER

Action	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Application due	12/01/16	01/03/17	02/01/17	03/01/17	04/03/17	05/01/17	06/01/17	07/03/17	08/01/17	09/01/17	10/02/17	11/01/17
Newspaper ad submitted	12/21/16	01/11/17	02/08/17	03/15/17	04/12/17	05/17/17	06/14/17	07/12/17	08/16/17	09/13/17	10/11/17	11/15/17
Abutter letters sent	12/23/16	01/13/17	02/10/17	03/17/17	04/14/17	05/19/17	06/16/17	07/14/17	08/18/17	09/15/17	10/13/17	11/17/17
Property posted	12/23/16	01/13/17	02/10/17	03/17/17	04/14/17	05/19/17	06/16/17	07/14/17	08/18/17	09/15/17	10/13/17	11/17/17
Newspaper ad runs	12/24/16	01/14/17	02/11/17	03/18/17	04/15/17	05/20/17	06/17/17	07/15/17	08/19/17	09/16/17	10/14/17	11/18/17
Staff Report issued	01/04/17	01/25/17	02/22/17	03/29/17	04/26/17	05/31/17	06/28/17	07/26/17	08/30/17	09/27/17	10/25/17	11/29/17
Board hearing date	01/11/17	02/01/17	03/01/17	04/05/17	05/03/17	06/07/17	07/05/17	08/02/17	09/06/17	10/04/17	11/01/17	12/06/17
Appeal period ends	02/11/17	03/04/17	04/01/17	05/06/17	06/03/17	07/08/17	08/05/17	09/02/17	10/07/17	11/04/17	12/02/17	01/06/18
Building permit required to be executed to vest variance	01/11/18	02/01/18	03/01/18	04/05/18	05/03/18	06/07/18	07/05/18	08/02/18	09/06/18	10/04/18	11/01/18	12/06/18

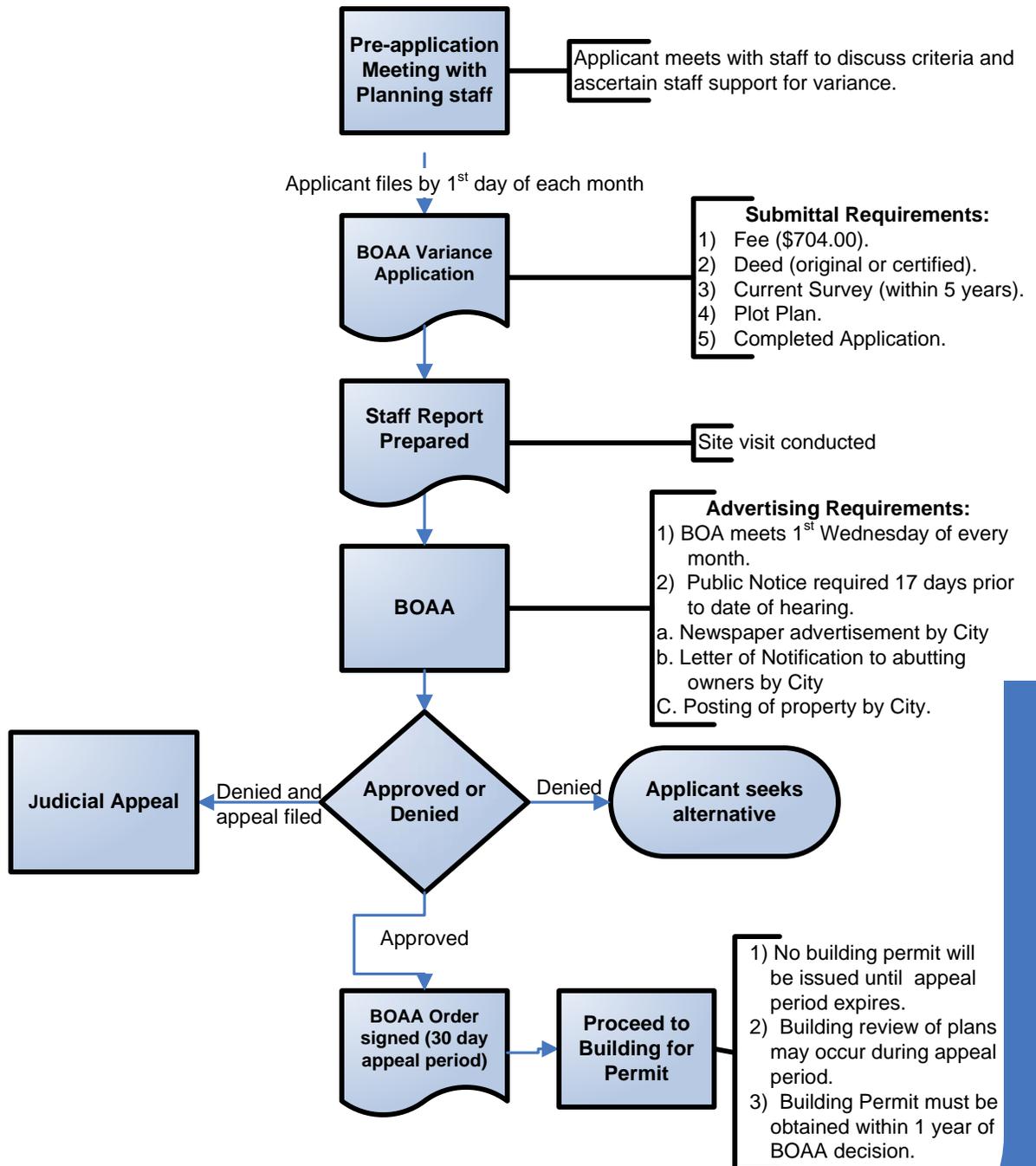
Variance Process



Ormond Beach Planning Department
August 2012

NOTE:

BOAA = Board of Adjustment and Appeal



MINUTES
BOARD OF ADJUSTMENT

December 7, 2016

7:00 p.m.

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Staff Present

Ryck Hundredmark
Jean Jenner, Vice Chair
Norman Lane
Tony Perricelli
Dennis McNamara, Chairman

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

II. APPROVAL OF THE MINUTES

A. November 2, 2016 Minutes

Mr. Hundredmark moved to approve the November 2, 2016 Minutes as submitted. Mr. Jenner seconded the motion. Vote was called, and the motion was approved, with Mr. Lane abstaining.

III. NEW BUSINESS

A. Case No. 2017-009: 8C Oriole Circle, Side Yard Variance

Mr. Steven Spraker, Senior Planner, City of Ormond Beach, stated that this is a variance request from Robert Baillargeon, property owner of 8C Oriole Circle, for a variance to reconstruct a screen enclosure that was destroyed during hurricane Matthew. This residence is in Ocean Villas, which has a long history acknowledging that the setbacks don't conform to the existing building environment. The applicant is seeking to put back exactly what he had, which was a 10' x 12' room. The setback that is required is 20 feet, and the room would be at 7.57 feet, which would require a variance of 12.43 feet. Staff is recommending approval.

Mr. Robert Baillargeon, 8C Oriole Circle, stated that Hurricane Matthew destroyed his screen enclosure, and he would like to re-construct it on the same slab.

Mr. Jenner asked if the homeowners insurance covers this damage. Mr. Baillargeon stated that he has a \$1,500.00 deductible, but then the insurance company would pay \$1,800.00 toward the cost. Mr. Jenner asked if the cost of

the variance would be paid for. Mr. Baillargeon stated that he would check if he could turn that in for payment.

Mr. Jenner stated that it bothers him that when there is a natural disaster that people have to go through a variance process to replace what was already there. Mr. Spraker stated that this is part of the non-conforming section of our Land Development Code. There is one home in a commercial zoning district that was destroyed, and they will not be able to build back their home. There are multiple properties that were damaged that are non-conforming. Mr. Jenner was just wondering if there was some way people could get a break if damage was due to a major storm.

Ms. Ann-Margret Emery, Deputy City Attorney, stated that the permit costs have been waived if the destruction was from the hurricane. Mr. Spraker stated that there are a lot of non-conforming signs that will not be able to be put back. Next month there will be another screen enclosure variance coming before this Board, for a screen room that has been there a very long time. There is no way at this time for staff to amend the development order. The staff has discussed amending the LDC to create an overlay district, but it is a very complicated process that will require discussions with the HOA.

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

IV. OTHER BUSINESS

Chairman McNamara stated that he would like to thank three members of the Board who will no longer be serving; Jean Jenner, Ryck Hundredmark and Norman Lane. These men have served many years and the City is a better place because of their service. Chairman McNamara presented each of the three men with a gift of a clock, from the City. Mr. Hundredmark stated that it has been a joy being on the Board for the past six years, and getting to know everyone. Mr. Lane stated that he enjoyed being on the board, he has learned a lot, and told Mr. Spraker that he had a lot of respect for him and the very professional job he does. Mr. Jenner has enjoyed working with the Board, and the City staff is the best to work with.

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Steven Spraker, AICP, Senior Planner

ATTEST:

Dennis McNamara, 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: January 4, 2017

SUBJECT: 25 Ocean Shore Boulevard

APPLICANT: Lori E. Wilson, property owner

FILE NUMBER: VAR 2017-023

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a fence height variance submitted by Lori E. Wilson, property owner at 25 Ocean Shore Boulevard within the waterfront rear oceanfront yard. The property owner seeks to remove an existing 6' high wood fence that was damaged in during Hurricane Matthew and construct a 6' high white PVC vinyl fence within the waterfront rear yard. The proposed 6' high white PVC vinyl fence is to be located in the same location as the existing wood fence. Section 2-50(n)(3) of the Land Development Code allows a maximum fence height of 3' in the waterfront (oceanfront) yard and the applicant is requesting a variance of 3' in height to allow a white PVC vinyl fence of 6' in height.

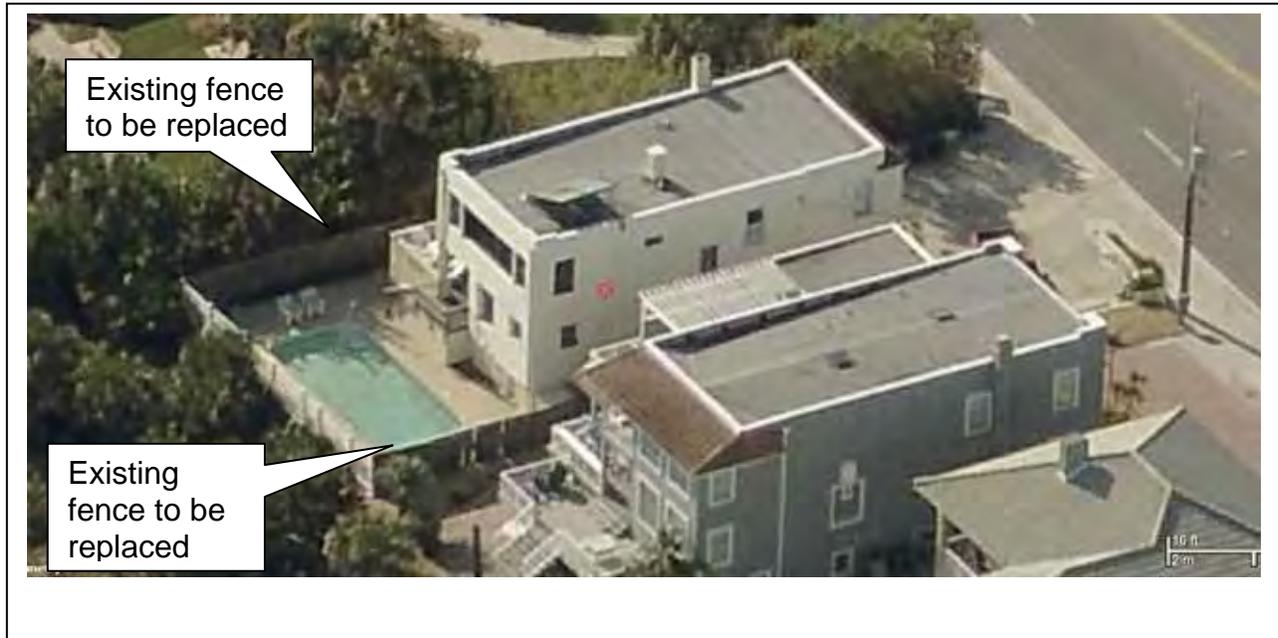
BACKGROUND:

The property is designated as "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned R-2 (Single Family Low Density) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district. The surrounding uses and zoning designations are as follows:

EXHIBIT 1: Adjacent land uses and zoning:

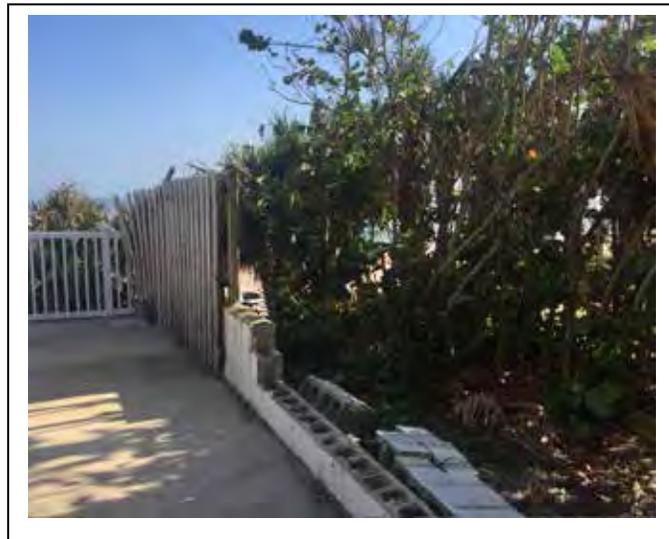
	Current Land Uses	Future Land Use Designation	Zoning
North	Single-Family house	"Low Density Residential"	R-2 (Single Family Low Density)
South	Birthplace of Speed park	"Open Space/Conservation"	R-2 (Single Family Low Density)
East	Beach and ocean	NA	NA
West	Granada Plaza	"General Commercial"	B-4 (Central Business)

EXHIBIT 2: Site Aerial



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

EXHIBIT 3: Existing site photograph

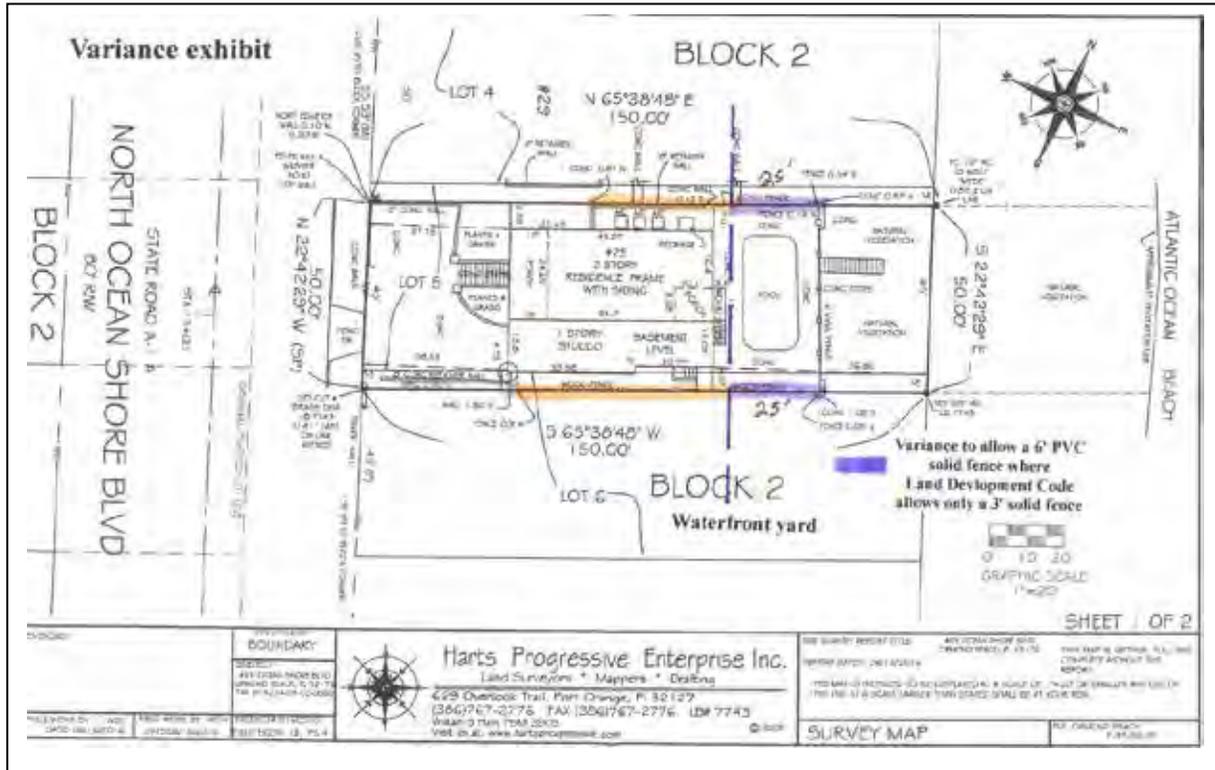


North side of the property, abutting 29 Ocean Shore Boulevard

South side of the property, abutting the Birthplace of Speed park.



The Volusia County Property Appraisers website shows that the building at 25 Ocean Shore Boulevard was constructed in 1910 and the current property owners purchased the property in April of 2016. The north and south property lines have an existing 6' wood fence that extends into the waterfront rear setback that was damaged during Hurricane Matthew. The variance application seeks to replace the existing wood fence with a 6' white PVC fence as shown in the exhibit below:



The exhibit highlights the waterfront yard in the blue dashed line. Section 2-50(n)(3) of the Land Development Code allows a maximum solid fence height of 3' in the waterfront (oceanfront) yard. This Section allows an open style, at least 50% open, at a height of 6'. The property owner is seeking that the last approximately 25' of the proposed fence to maintain a height of 6' within the waterfront yard.

ANALYSIS:

The regulations of Section 2-50(n)(3) of the Land Development Code are designed to allow abutting neighbors to enjoy waterfront view corridors of the water. The maximum three feet of solid fence is designed so the view angles of abutting neighbors would not be limited. The Land Development Code does allow open style fencing to a height of six feet. Additionally, there are no regulations on the height of landscape plantings within the Land Development Code.

The subject property has had the wooden fence since at least 2006 (the earliest aeriels available to City staff). Staff cannot locate a fence permit or a variance that allowed the additional solid fence height in the waterfront yard. During the review of the fence application, Planning staff did advise the fence contractor that the Land Development

Code does allow repair of the existing fence with the same type of fencing material if less than 50% of the fence line was being replaced without a permit. The property owner has indicated that they desire privacy along the southern property boundary abutting the public park which is the reason they desire the 6' solid fence. The abutting property owner at 29 Ocean Shore Boulevard has signed the variance application with no objection and they have indicated there would be no impacts to their existing view corridor of the beach.

CONCLUSION:

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

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

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

Argument for the variance: The subject property has a public park to the south of the property and the fence provides privacy and security. The subject property is non-conforming to the lot width and overall dimension requirements of the R-2 Zoning District as the house was constructed in 1910. The overall lot width decreases the land area available to provide additional screening and is one reason why a solid fence is needed and requested.

Argument against the variance: While the overall lot size is non-conforming, there is an ability to secure the property with 6' open style fencing.

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

Argument for the variance: The 6' wooden fence has existed since at least 2006 and was damaged by Hurricane Matthew. The need for the replacement fencing was not caused by the applicant.

Argument against the variance: While the need for the new fence was not caused by the applicant, the applicant could replace the damaged fence with an open style 6' fence.

3. **Literal interpretation of the provisions of these zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the**

same zoning district under the terms of these zoning regulations and would work unnecessary and undue hardship on the applicant.

Argument for the variance: The fence regulations in Section 2-50 of the Land Development allow for a 3' solid fence or wall in the waterfront rear yard. The literal interpretation of the zoning regulations would not allow a 6' high solid fence within the waterfront yard. The City granted a similar variance at 359 Ocean Shore where the property abutted the Neptune Avenue beach approach. The ability to utilize privacy fencing is a right commonly enjoyed by others and not allowing it would create an undue hardship.

Argument against the variance: The applicant can have a 3' high solid fence, a combination of solid and open fence totaling 6', or a 6' high open style fence.

- 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: The subject property has had a 6' fence for a number of years and seeks to restore what was damaged by a hurricane. The variance is the minimum to allow the screening, privacy and sound reduction of the property consistent with other residential properties.

Argument against the variance: An alternative would be an open style fence 6' in height.

- 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 fencing. The property owner has the ability to restore the existing wooden fence as a maintenance activity and is seeking an improved quality style of fencing.

Argument 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.**

Argument for the variance: The request will not increase congestion, fire danger or public hazards. Fencing is a common accessory structure and the variance is needed based on the fence height only.

Argument 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**

Argument for the variance: Fencing is a common accessory structure and the proposed fence abuts the side yard of all the properties touching the subject

property. The fencing should not diminish the property values of the surrounding properties or alter the residential character of the surrounding properties. The applicant has discussed the fencing with abutting neighbors and obtained signatures in support of the variance.

Argument against the variance: One could argue that a solid fence 6' in height would block view corridors and impact property values. It should be noted that one side abuts a park and the abutting neighbor does not object to the variance.

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 the applicant has met the variance criteria and the applicant should be granted the variance.

Argument against the variance: 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. If the Board does not believe the variance criteria have been met, then the application should be denied.

RECOMMENDATION: It is recommended that the Board of Adjustments and Appeals **APPROVE** a PVC vinyl fence with a height of 6' where Section 2-50(n)(3) of the Land Development Code allows a maximum fence height of 3' in the waterfront (oceanfront) yard, granting a variance of 3' in height for a solid fence.

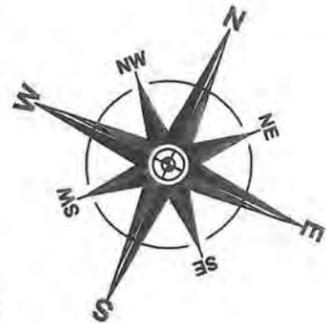
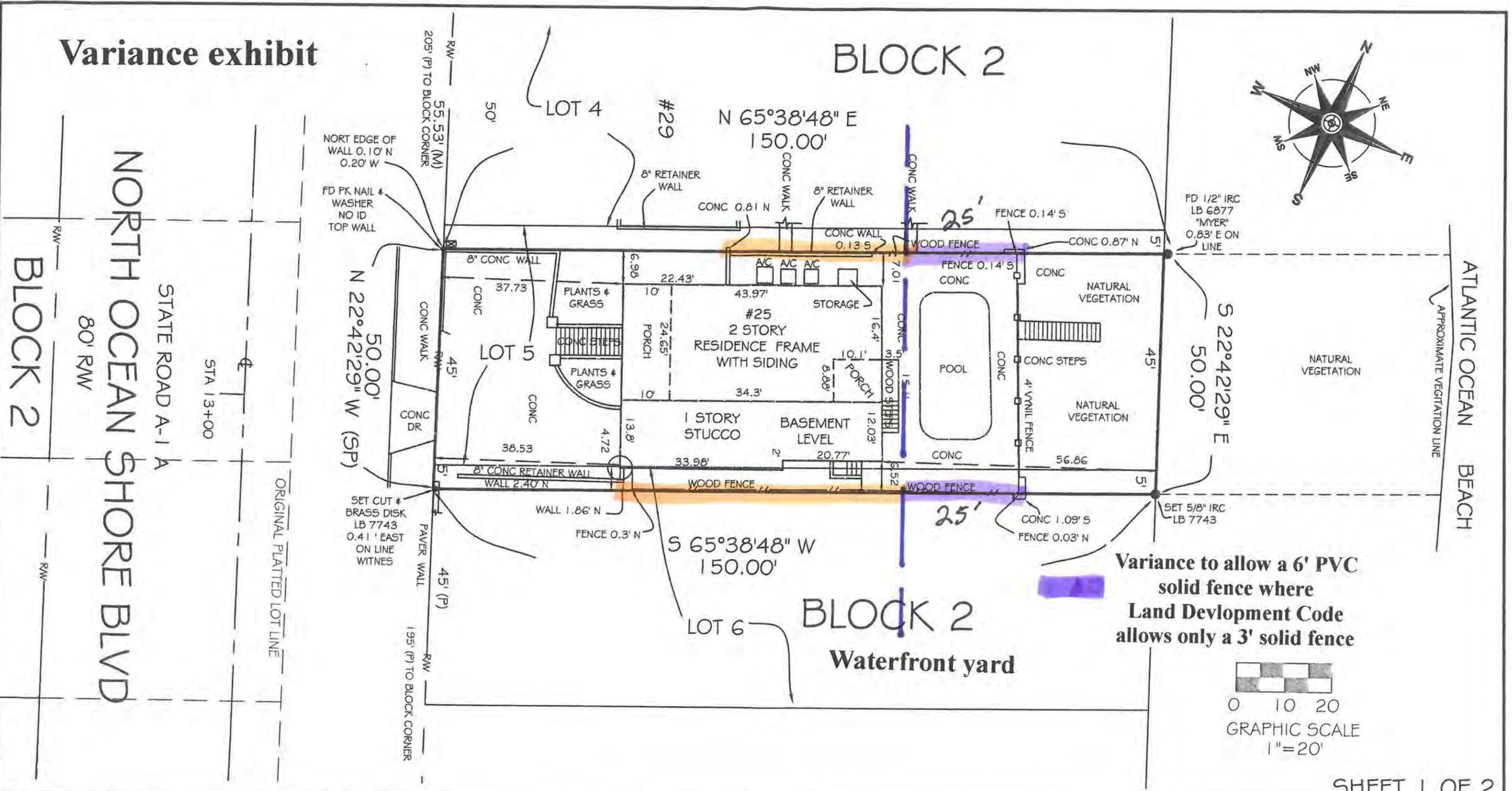
Attachments:

- 1: Variance Exhibit
- 2: Location Map and Photos
- 3: Applicant Provided Information

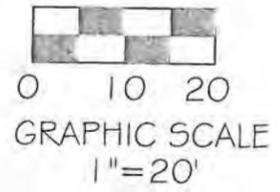
ATTACHMENT 1

Variance Exhibit

Variance exhibit



Variance to allow a 6' PVC solid fence where Land Development Code allows only a 3' solid fence

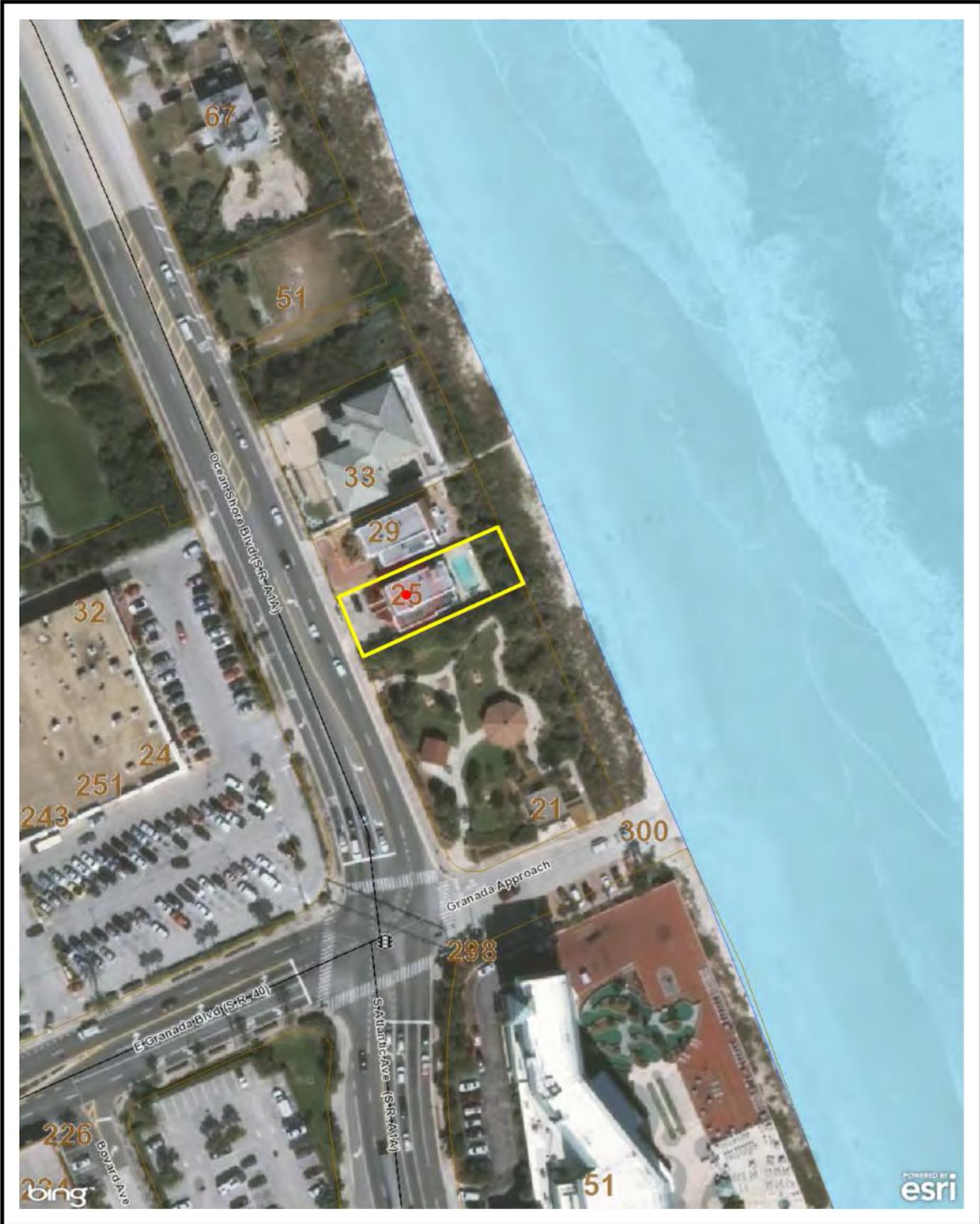


SHEET 1 OF 2

<p>REVISIONS:</p>	<p>TYPE OF SURVEY: BOUNDARY</p> <p>SUBJECT: #25 OCEAN SHORE BLVD ORMOND BEACH, FL 32176 TAX ID: 4214-09-02-0050</p>	<p>Harts Progressive Enterprise Inc. Land Surveyors * Mappers * Drafting</p> <p>629 Overlook Trail, Port Orange, FL 32127 (386)767-2776 FAX (386)767-2776 LB# 7743 William S Hart PSM 3905 Visit us at: www.hartsprogressive.com</p> <p>© 2009</p>	<p>SEE SURVEY REPORT TITLE: #25 OCEAN SHORE BLVD ORMOND BEACH, FL 32176</p> <p>REPORT DATED: 06/16/2016</p> <p>THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1"=20' OR SMALLER ANY USE OF THIS FILE AT A SCALE LARGER THAN STATED SHALL BE AT YOUR RISK.</p>	<p>THIS MAP IS NEITHER FULL AND COMPLETE WITHOUT THE REPORT</p>
<p>OFFICE WORK BY: WSH DATE: 06/16/2016</p>	<p>FIELD WORK BY: WSH DATE: 06/16/2016</p>	<p>PROJECT# H160505 FIELD BOOK 13, PG 41</p>	<p>SURVEY MAP</p>	<p>FILE: ORMOND BEACH F-35-02-05</p>

ATTACHMENT 2

- Maps



LOCATION MAP
25 Ocean Shore Boulevard



25 Ocean Shore Boulevard



© 2015 Pictometry

Missing fence section sought to be replaced, along south side of property abutting park





Missing fence section sought to be replaced, along south side of property abutting park



Missing fence section sought to be replaced, along south side of property abutting park



View of 25 Ocean Shore Boulevard from the park

Missing fence section sought to be replaced, along north side of the property abutting 29 Ocean Shore Boulevard



Backyard, pool area of 25 Ocean Shore Boulevard



25

29

View of fencing between 25 and 29 Ocean Shore Boulevard from the Beach.

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 Philip E Wilson & Lori E Wilson

Full Address 25 Ocean Shores Blvd. Ormond Beach 32176

Telephone 317-679-8435 Email _____

* 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 Philip E Wilson & Lori E Wilson

Full Address 25 Ocean Shores Blvd

Telephone 317-679-8435 Email Loriwilson@unciebills.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 25 Ocean Shores Blvd.

Parcel ID Number 6307-03-00-1010

Legal Description _____

REQUEST

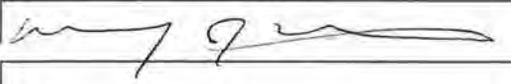
For the Board of Adjustment and Appeals to grant a variance, there must be special conditions or circumstances existing which are peculiar to a particular piece of land, structure or building. The variance should not request special privilege denied to other lands, buildings or structures, and must prove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

Request:

To put a 6' white PVC privacy fence up on our property.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
	29 Ocean Shore	<input checked="" 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:

The south end of the property is a public park that we feel we need a buffer from. Our residence has a pool and we would like privacy.

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

Hurricane Matthew destroyed a portion of our existing fence line.

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

Yes because it would reduce the enjoyability & privacy of our property.

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

There is no practical alternative given that a privacy fence is exactly what we need for privacy of our pool. We had a wooden privacy fence before Hurricane Matthew destroyed it. We simply just want to replace it with something similar except more aesthetically pleasing.

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:

We are upgrading our property value with this ~~variance~~ variance.

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:

NO, it should enhance the look for all properties in new! A white pvc fence will look clean & nice and resist the weathering in the future.

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:

The LDC allows variances for unique situation and we feel we meet this situation and our neighbor has NO objection.

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:

NOT APPLICABLE

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

NOT APPLICABLE

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:

NOT APPLICABLE

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:

NOT APPLICABLE

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

NOT APPLICABLE

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

NOT APPLICABLE

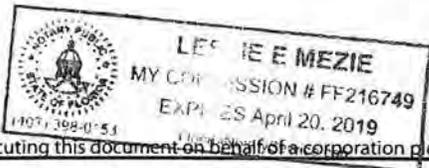
CERTIFICATION

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: Lori E. Wilson

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 9th day of Dec, 2016, by Lori E. Wilson as owner (title*) for 250 Ocean Shore Blvd (name of corporation*), who provided ID# 0465-302939 as identification, or who is personally known to me.



Lori E. Wilson
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.



* Surveyor Brian Fries 386-547-7081
386-517-0517

A1A Fence Co, Inc.

Licensed • Insured • Residential • Commercial
AUTOMATED ELECTRIC GATE OPENERS
Office 386.672.5056 • Fax 386.672.1770

3247

A1AFenceCo.com

Date 5-27-16

Source _____

Of Lead _____

Home/Office _____

Number _____

Cell # 317-679-8435

Fax # 317-506-5937

Proposal To Phil Wilson

Address 25 N Ocean Shore Blvd

Location OB

Phil Wilson @uncle Bills.com

Phil

Lori

SPECIFICATIONS: All work will be performed in a workmanlike manner and in accordance with standard practice. All chain link posts set in concrete. Wood posts not set in concrete unless specified

Total Height 6'

Post Spaced 6'

Style Fence Vinyl

Gauge 9 11

Knuckled

Safeguard

RESIDENTIAL

Top Rail 1 1/8" O.D.

Line Post 1 1/8" O.D.

End Post 2 1/2" O.D.

Corner Post 2 1/2" O.D.

Walk Gate Post 2 1/2" O.D.

Drive Gate Posts 2 1/2" O.D.

Gate Frames 1 3/8" O.D.

COMMERCIAL

Top Rail _____ O.D.

Line Post _____ O.D.

End Post _____ O.D.

Corner Post _____ O.D.

Walk Gate Post _____ O.D.

Drive Gate Posts _____ O.D.

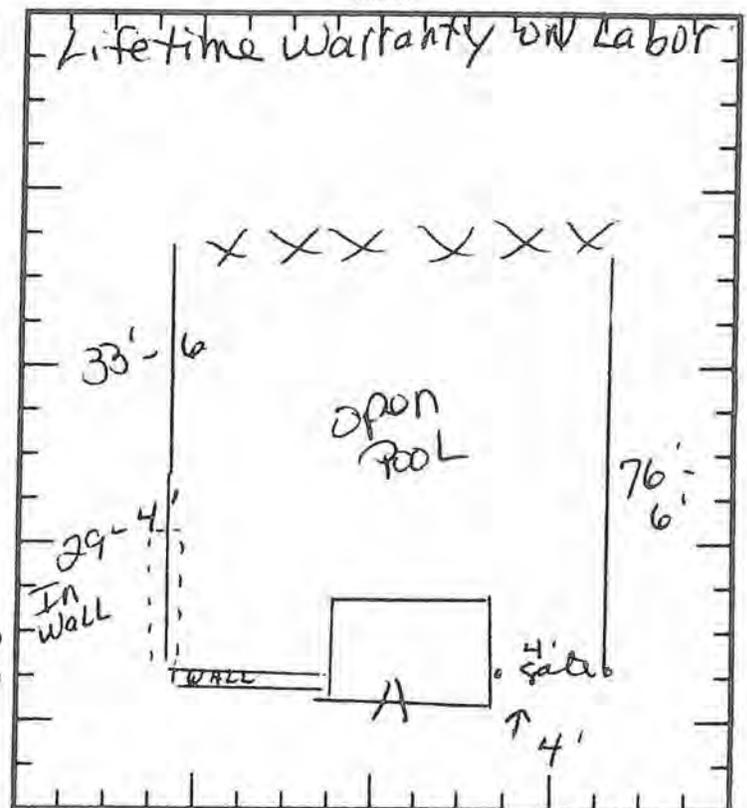
Gate Frames _____ O.D.

QUANTITY

Cash Upon Completion

SKETCH

	HL Complete Fence With-Without Top Rails		
	In. O.D. Terminal Posts <u>white</u>		
<u>1</u>	<u>4'</u> Ft. Wide Single Swing Walk Gates <u>Shadow Box</u>		
	Ft. Wide Double Swing Drive Gates <u>white</u>		
<u>138</u>	<u>6'</u> PVC Style: <u>Shadow Box</u> <u>w/ Flat Post Caps</u>		
	Wood Style:		
	Alum		



We Accept:



TOTAL CONTRACT PRICE: 5285.00

DOWN PAYMENT: 3800.00

BALANCE DUE: 1485

Salesman Shawn

ACCEPTED

Thank you for your call!

Location of property lines and/or damage to underground objects or utilities and obtaining building permits are the responsibility of A1A Fence Company Inc. Unless specified, quotations do not include grading, brushing or jackhammer work, which are charges by the hour as needed. The company reserves the right to repossess all material delivered to or installed on the job, if payment is not made as specified. The customer agrees to hold the Company harmless for all claims arising from questions of survey of said property of location of said lines and from claims for personal injury, property damage or trespass from or by means of the installation of said fence material. Not responsible for loss due to wind, rain, flood or other natural causes. This proposal becomes a contract when accepted by both parties. Interest will be charged at 5% per month on accounts over 30 days. Cost of collection and attorney fees if any will be added. Contract is based on Lump Sum Contract Method.

Corporate Warranty Deed

05/05/2016 08:56 AM
Doc stamps 5950.00
(Transfer Amt \$ 850000)
Instrument# 2016-082294 # 1
Book: 7249
Page: 3405
Diane M. Matousek
Volusia County, Clerk of Court

This Indenture, made , April 28, 2016 A.D.
Between

25 Ocean Shore Boulevard, LLC, an Alaska limited liability company whose post office address is: 377 WILLIAMS AVE, Daytona Beach, Florida 32118 a corporation existing under the laws of the State of Alaska, Grantor and **Philip E. Wilson and Lori E. Wilson and Philip Scott Wilson** whose post office address is: 8409 S. East Street, Indianapolis, Indiana 46227, Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), 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:

The Southerly 45 feet of Lot 5 and the Northerly 5 feet of Lot 6, Block 2, Revised Map of Ormond Beach shown on so called "Foulke Map" as recorded in Map Book 1, page 94, according to the plat thereof recorded in Map Book 6, page 40, Public Records of Volusia County, Florida.

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

Parcel Identification Number: 6307-03-00-1010

And the said Grantor does hereby 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.

25 Ocean Shore Boulevard, LLC, an Alaska limited liability company

By:


Ronald J Rice
Its: Managing Member

By:


Witness Print Name: Donella S. Stone HAVE


Witness Print Name: JEANNE DURRANCE

(Corporate Seal)

State of Florida
County of Volusia

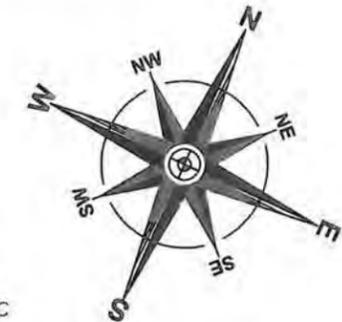
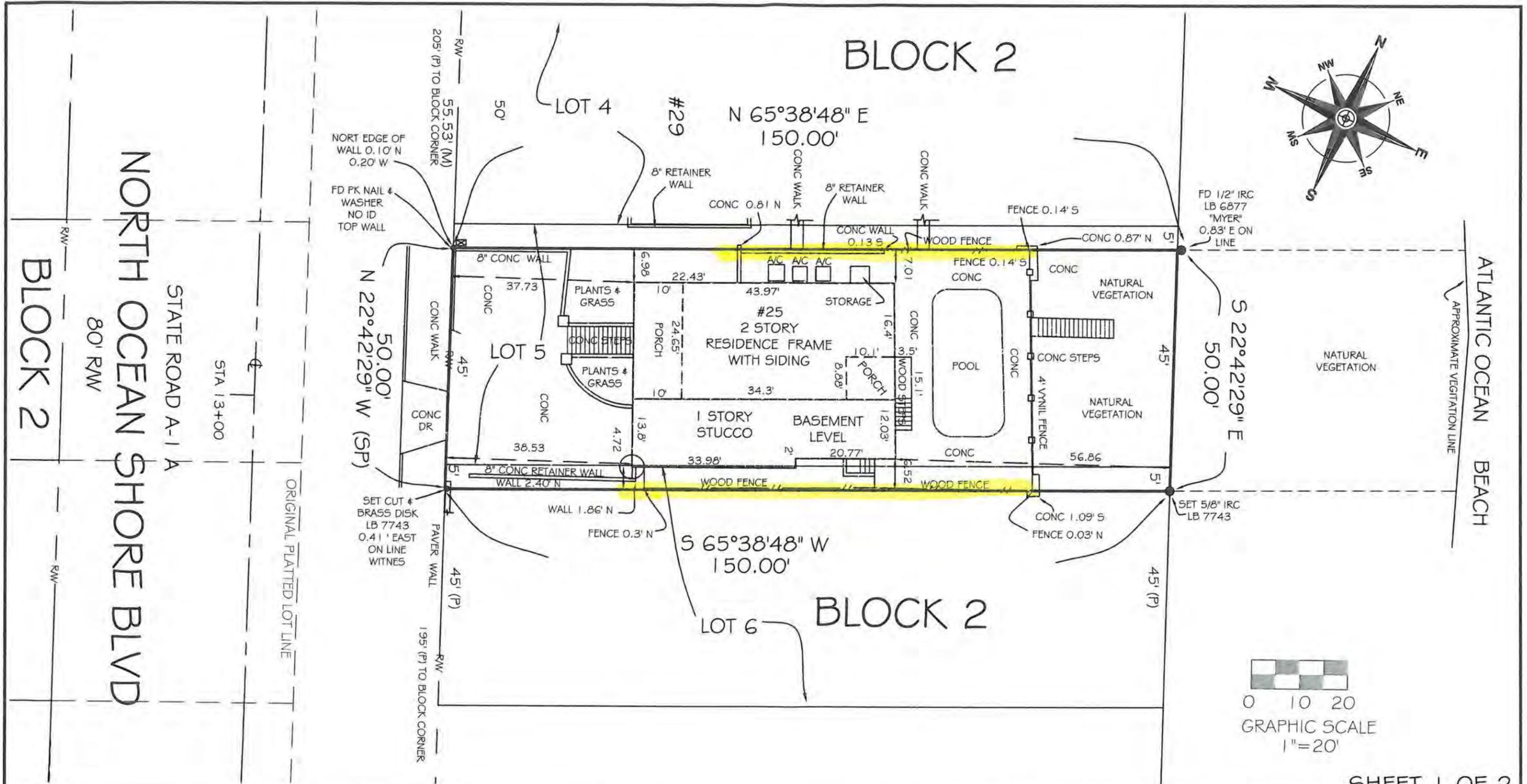
The foregoing instrument was acknowledged before me this 28th day of April, 2016, by Ronald J Rice, the Managing Member of 25 Ocean Shore Boulevard, LLC, an Alaska limited liability company A corporation existing under the laws of the State of Alaska, on behalf of the corporation. He/She is personally known to me or has produced Drivers License as identification.




1) _____ (Seal)
Notary Public
Notary Printed Name: JEANNE DURRANCE
My Commission Expires: SEPT. 08, 2016

Prepared by:
Jeannette Durrance, an employee of
Trust Title of Central Florida, LLC,
1122 Pelican Bay Drive
Daytona Beach, Florida 32119

File Number: 160412



SHEET 1 OF 2

REVISIONS:		TYPE OF SURVEY: BOUNDARY
OFFICE WORK BY: WSH DATE: 06/16/2016		SUBJECT: #25 OCEAN SHORE BLVD ORMOND BEACH, FL 32176 TAX ID: 4214-09-02-0050
FIELD WORK BY: WSH DATE: 06/16/2016	PROJECT# H160505 FIELD BOOK 13, PG 41	



Harts Progressive Enterprise Inc.
Land Surveyors * Mappers * Drafting

629 Overlook Trail, Port Orange, FL 32127
(386)767-2776 FAX (386)767-2776 LB# 7743
William S Hart PSM 3905
Visit us at: www.hartsprogressive.com

© 2009

SEE SURVEY REPORT TITLE: #25 OCEAN SHORE BLVD ORMOND BEACH, FL 32176	THIS MAP IS NEITHER FULL AND COMPLETE WITHOUT THE REPORT
REPORT DATED: 06/16/2016	
THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1"=20' OR SMALLER ANY USE OF THIS FILE AT A SCALE LARGER THAN STATED SHALL BE AT YOUR RISK.	
SURVEY MAP	FILE: ORMOND BEACH F-35-02-05

GENERAL NOTES:

1. THIS BOUNDARY SURVEY WAS PREPARED FOR GETTING A FENCE PERMIT. THE CLIENT DID NOT REQUEST SHOWING THE COASTAL CONSTRUCTION CONTROL LINE OR BUILDING TIES NORTH AND SOUTH OF THIS PROJECT. THE MEAN HIGH WATER LINE WAS NOT PART OF THIS SURVEY. THE DESCRIPTION DID NOT INCLUDE RIPARIAN RIGHTS.
2. BEARING STRUCTURE (N 22°42'29" E) STATE PLANE FLORID EAST GRID ALONG THE EAST RIGHT OF WAY LINE OF OCEAN SHORE BLVD. NO ANGLES OR BEARINGS SHOWN ON PLAT OF RECORD.
3. LEGAL DESCRIPTION NOT PROVIDED TO THIS SURVEYOR TAKEN FROM OR 7249, PAGE 3405.
4. RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS (), WHEN DIFFERS FROM MEASURED.
5. FLOOD PLANE CERTIFICATION ACCORDING TO THE FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) F.I.R.M (FEDERAL INSURANCE RATE MAP), COMMUNITY NAME ORMOND BEACH, NUMBER 125136, PANEL NUMBER 12127C0216 J, DATED: 02-19-2014, THE RESIDENCE AND IMPROVEMENTS IS IN FLOOD ZONE 'X'.
6. ACCURACY STATEMENT THE TRAVERSE CLOSURE FOR THIS PROPERTY WAS 1 : 17,924.
7. DATA SOURCES: NO VERTICAL DATA WAS REQUESTED FOR THIS PROJECT.
8. MEASUREMENT METHODS: HORIZONTAL AND VERTICAL MEASURES MADE BY ONE OR MORE OF THE FOLLOWING INSTRUMENTS:
SOKKIA GR1 GPS, TOPCON INSTRUMENTS GPT-3003W, AT-G2, FC-500 DATA COLLECTOR USING MAGNET SOFTWARE , MC5 DATA COLLECTOR USING C4G SOFTWARE.
LUFKIN STEEL TAPE, CST STEEL TAPE, STEEL HIGHWAY CHAIN, CST & LUFKIN FIBERGLASS TAPE FOR DIMENSIONS FOR BUILDINGS.
9. HISTORY REFERENCE TO PREVIOUS SURVEY OR HELPER SURVEYS. NONE PROVIDED TO THIS SURVEYOR. RIGHT OF WAY OF STATE ROAD A-1-A (OCEAN SHORE BLVD.) TAKEN FROM FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 79080-2506 SHEET 4 OF 20. LAST REVISED DATE 7-25-1979.
10. LINEAGE OF DATA HORIZONTAL DATA REFERENCES, DATE OF ORIGINAL PLAT, PLAT PREPARED BY JOHN W. ROBINSON, DATED NOVEMBER 19, 1823. NO EASEMENTS ON PLAT OF RECORD. THIS PLAT CAN BE FOUND AT MAP BOOK 15, PAGE 84, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FL.

LIMITATIONS

- A.) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAY AND OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR, EXCEPT AS SHOWN. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.
- B.) IT IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR AND THE FIRM, FROM WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AND AS SUCH, DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM, DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED BY THE OWNER, LENDER, OR OWNER'S CONTRACTORS OR OTHERS, WHICH IS USED AS A BASIS TO FORMULATE THIS SURVEYORS OPINION.
- C.) ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY.
- D.) THE ACCEPTANCE OF THIS SURVEY AS CERTIFIED FOR THE EXCLUSIVE USE OF NAMES SHOWN HEREON SHALL CONSTITUTE FULFILLMENT OF MY CONTRACTUAL OBLIGATION. ADDITIONAL SEALED ORIGINALS MAY BE PURCHASED UP TO SIX MONTHS AFTER THE DATE OF THE INVOICE. ORIGINAL AS DEFINED HEREON REFERS TO THE SIGNED AND SEALED GRAPHIC REPRESENTATION OF THE FIELD SURVEY. CAD FILES ARE NOT THE SURVEY AND THERE WILL BE A SURCHARGE FOR THEM.
- E.) TAX PARCEL IDENTIFICATION NUMBERS, ADJACENT OWNERS NAMES AND ADDRESS WHEN SHOWN SHOWN IS EITHER SUPPLIED BY CLIENT AND/OR TAKEN FROM COUNTY APPRAISERS INTER NET WEB PAGE AND MAY NOT BE THE MOST CURRENT.
- F.) SPECIAL PURPOSE SURVEYS WHEN IDENTIFIED AS TYPE OF SURVEY
 1. WHEN TREES AS SHOWN ON THE SURVEY IT IS FOR THE LOCATION OF THE TREES 6" INCHES DIAMETER AND ABOVE TREES TAKEN APPROXIMATELY 4 TO 4-1/2 FEET ABOVE GROUND LEVEL. TREE IDENTIFICATION OTHER THAN LOCATION AND SIZE , SEE AN ARBORIST.
 2. JURISDICTIONAL WETLANDS WHEN SHOWN WERE LOCATED FROM FLAGS/MARKS BY OTHERS AND THE DETERMINATION OF WETLANDS ARE OUT OF THE EXPERTISE OF THIS SURVEYOR AND MAPPER.
 - 3.) ARCHAEOLOGICAL FEATURES WHEN SHOWN WERE LOCATED FROM OBJECTS IDENTIFIED BY OTHERS AND THE DETERMINATION OF WHAT CONSTITUTES A ARCHAEOLOGICAL FEATURES IS OUT OF THE EXPERTISE OF THIS SURVEYOR AND MAPPER.
 - 4.) WILDLIFE CORRIDORS OR HABITATS WHEN SHOWN WERE LOCATED FROM OBJECTS IDENTIFIED BY OTHERS AND THE DETERMINATION OF WHAT CONSTITUTES A WILDLIFE CORRIDORS OR HABITATS IS OUT OF THE EXPERTISE OF THIS SURVEYOR AND MAPPER.

LEGAL DESCRIPTION

THE SOUTHERLY 45 FEET OF LOT 5 AND THE NORTHERLY 5 FEET OF LOT 6, BLOCK 2, REVISED MAP OF ORMOND BEACH SHOWN ON 50 CALLED "FOULKE MAP" AS RECORDED IN MAP BOOK 1, PAGE 94. ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 6, PAGE 40, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA

ABBREVIATIONS / LEGEND

A/C... AIR CONDITIONER	LB ...LICENSED BUSINESS	NAD 83 (1990)...NORTH AMERICAN DATUM OF 1983 ADJUSTED 1990
BOW ...BACK OF WALK	LC ...LICENSED CORPORATION	O.R. OFFICIAL RECORDS BOOK
B/DISK ...BRASS DISK	LS ...LICENSED SURVEYOR	OA... OVERALL
CL CENTER LINE	(M) MEASURED	PCP ...PERMENT CONTROL POINT
CM...CONCRETE MONUMENT	R... RADIUS	(P) PLAT
CONC. ...CONCRETE	CA... CENTRAL ANGLE	PG ... PAGE
CMU ... CONCRETE MASONRY UNIT	CH BRG... CHORD BEARING	PK ...PARKER TALON / MAG NAIL
(D) ... DESCRIPTION OR DEED	CH... CHORD DISTANCE	P. O. ... POST OFFICE
EL OR ELEV... ELEVATION	L... LENGTH OF ARC	PRC ...POINT OF REVERSE CURVE
EOP ... EDGE OF PAVEMENT	(NR) NON RADIAL	PRM...PERMENT REFERENCE MONUMENT
FAX... FACSIMILE	RW ...RIGHT-OF-WAY	PT ... POINT OF TANGENCY
FL ...FLORIDA	SQ. FT. SQUARE FEET	P.S.M. PROFESSIONAL SURVEYOR & MAPPER
FD ...FOUND	WO# ... WORK ORDER NUMBER	⊗ ... 'X' CUT
FNC...FENCE	WM WATER METER	NAVD83... NORTH AMERICAN VERTICAL DATUM OF 1988
○ ICP...IRON PIPE AND CAP		ID... IDENTIFICATION
○ IP...IRON PIPE		(UR) UNABLE TO READ
● IRC ...IRON ROD & CAP		
● IR ...IRON ROD		

THIS REPORT IS NEITHER FULL AND COMPLETE WITHOUT THE MAP

SEE SURVEY MAP TITLE:
#25 OCEAN SHORE BLVD
ORMOND BEACH, FL 32176
REPORT DATED: 06/16/2016

SHEET 2 OF 2

CERTIFIED for the exclusive use of: -- PHILIP E. WILSON	
TYPE OF SURVEY: BOUNDARY	
OFFICE WORK BY: WSH DATE: 06/16/2016	FIELD WORK BY: WSH DATE: 06/16/2016
WO# H160605	



Harts Progressive Enterprise Inc.
Land Surveyors * Mappers * Drafting

629 Overlook Trail, Port Orange, FL 32127
(386)767-2776 FAX (386)767-2776 LB# 7743
Visit us at: www.hartsprogressive.com

© 2009

THE FOREGOING PLAT IS CERTIFIED TO MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS, EFFECTIVE DATE JULY 1, 2014, AS PURSUANT TO SECTION 472, FLORIDA STATUTES.

William A. Hart 06/16/2016
PSM 3905
WILLIAM S HART

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. FLORIDA ADMINISTRATIVE CODE 5J-17.062 (2).

SURVEY REPORT

FILE: ORMOND BEACH
F-35-02-05

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: January 4, 2017

SUBJECT: 10A Oriole Circle

APPLICANT: Janis Rowe, property owner

FILE NUMBER: VAR 2017-024

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a side yard variance submitted by Janis Rowe, property owner, for a variance at 10A Oriole Circle to reconstruct a screen enclosure that was destroyed during hurricane Matthew. The variance request seeks to re-construct the structure as it existed prior to the hurricane. The property at 10A Oriole Circle is zoned R-4 (Single-Family Cluster and Townhouse). Section 2-17(B)(9)(c) of the Land Development Code requires a 20' side yard setback. The applicant is requesting a side yard setback of 16.5' to re-construct the destroyed screen porch with a hard roof, requiring a variance of 3.5' to the required 20' side yard setback.

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 Density) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district. The surrounding uses and zoning designations are as follows:

EXHIBIT 1: Adjacent land uses and zoning:

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

EXHIBIT 2: Site Aerial



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

EXHIBIT 3: Existing site photograph



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

The Ocean Village Villas Development Agreement did not provide any modifications to the R-4 zoning setbacks. Beginning in 1992, there was a realization that the existing structures did not comply with R-4 zoning setbacks and that renovation, expansion, and repair of the existing structures would have setback conflicts. City staff had various correspondences with the Ocean Village Villas Homeowners Association and in 1999 encouraged the amendment of the 1989 Development Order. In 2000, the Planning Director stated that City staff would support setbacks of 15' for the rear yard and 7' for the side yards. There has been no Development Order amendment and previous property owners seeking expansions and renovations have done so through the variance process. The property at 8C Oriole Circle went through a similar request at the December 7, 2016 Board of Adjustment and Appeal meeting.

The property owner resides out of state and has authorized the Ocean Village Villsa HOA President, Mr. Patrick Kelly to act on her behalf at the Board of Adjustment and Appeal meeting.

ANALYSIS:

The subject property is part of a three unit triplex. The application seeks to allow the reconstruction of a 12' by 25', 300 square foot screen room. Unit A faces Oriole Circle and is located closest to the street. There is a common area immediately west of unit 10A. The 10B unit was granted a variance on August 1, 2012 for a building addition and is connected to unit A to the south. Unit C is located to the northwest of unit 10A. The Volusia County Property Appraiser shows that the building at 10A Oriole Circle has 504 square feet of living area. The screen room under the variance review is shown on the site survey, by the Property Appraiser's website, and photographs prior to hurricane Mathew.

CONCLUSION:

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

SIDE YARD SETBACK

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 9,558 square feet and is only 12,688 square feet if the common area for 10 Oriole Circle is included. The total lot area does not meet the minimum for the R-4 zoning district based on Resolution 89-70 and prevents the required 20' from being met based on the existing built conditions.

Argument against the variance: None. The total area for 10A Oriole Circle meets the minimum lot area for the zoning district.

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 re-construction of the screen room at 10A Oriole Circle. The existing principal building is shown at a setback of 28.53' on the survey and there is insufficient setback to allow a hard roof screen room without the variance. The existing building configuration and the R-4 zoning district dimensions limit the ability to expand and meet the required setbacks. As a result of hurricane Mathew, the property owner is only seeking to re-construct the screen room in the exact same location with the exact same dimensions.

Argument against the variance: None. Given the established lot lines, there is no ability to add additional building square footage without a variance.

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 Ocean Village Villas development has had a long history with zoning setbacks that do not reflect the existing developed structures within the project.

Argument against the variance: None.

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

Argument for the variance: The proposed screen room is located in the exact same footprint as existed prior to hurricane Mathew and 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 hard roof screen room that is sought for re-construction, due to damage during hurricane Mathew, has existed for a number of years and is consistent with the built environment of the Ocean Village Villas development.

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 re-constructed hard roof screen room will not impact adjacent properties by limiting view or increasing light or noise.

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 property owner to re-establish the screen room as existed prior to hurricane Matthew.

It is recommended that the Board of Adjustments and Appeals **APPROVE** the re-construction of a screen room in the same footprint as existed prior to hurricane Matthew. The property at 10A Oriole Circle is zoned R-4 (Single-Family Cluster and Townhouse) and Section 2-17(B)(9)(c) of the Land Development Code requires a 20' side yard setback. It is recommended that side yard setback of 16.5' to re-construct a hard roof screen room be approved, requiring a variance of 3.5' to the required 20' side yard setback.

Attachments:

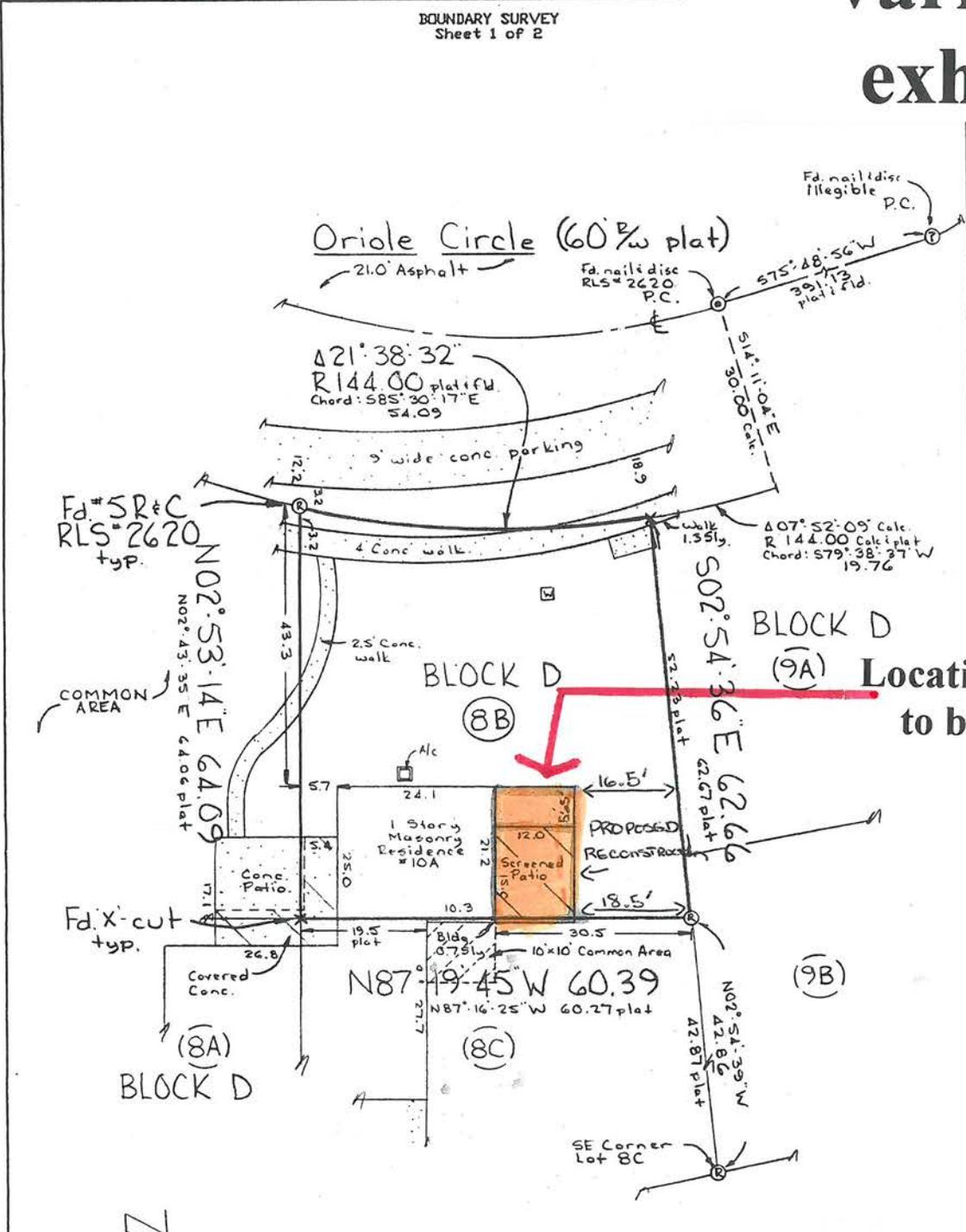
- 1: Variance Exhibit
- 2: Location Map and Photos
- 3: Applicant Provided Information

ATTACHMENT 1

Variance Exhibit

Variance exhibit

BOUNDARY SURVEY
Sheet 1 of 2



Location of screen porch to be re-constructed

Required setback = 20'
Setback requested = 16.5'
Variance requested = 3.5'

(Not valid unless accompanied by sheet 2, Survey Report)

MYER LAND SURVEYING, INC.
LICENSED BUSINESS #6877
MICHAEL M. MYER #LS 4006
PROFESSIONAL LAND SURVEYOR

1617 RIDGEWOOD AVE. SUITE B, HOLLY HILL, FLORIDA 32117

Job Number 02454 FB218 pp 57,58

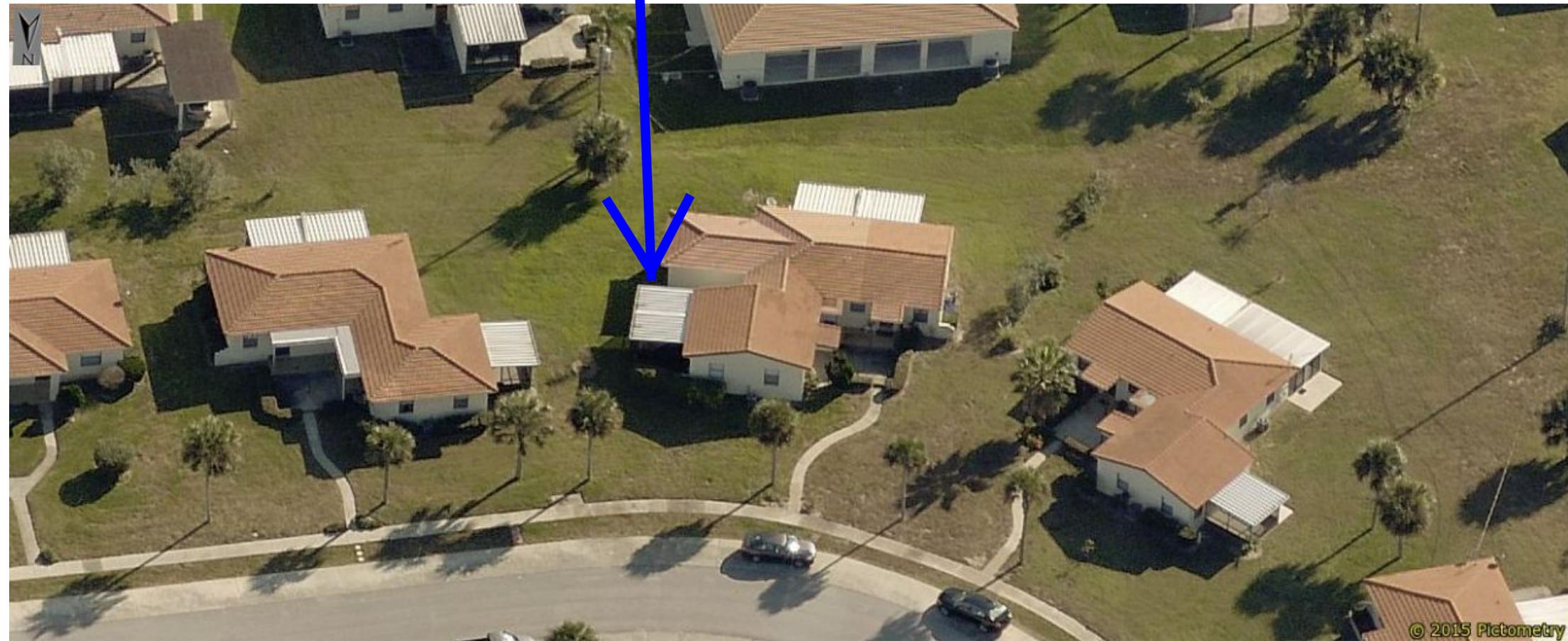
SCALE 1" = 20'	DESIGNED	DRAWN KATREK	CHECKED	DATE 10/28/02
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ATTACHMENT 2

- Maps

10A Oriole Circle

Location of screen room to be re-constructed



Street view of screen porch prior to being destroyed



Source: Google streetview,

<https://www.google.com/maps/place/10+a+oriole+circle+ormond+beach+fl/@29.2747358>

Location of
destroyed screen
porch

Front view of 10A Oriole Circle

Location of
destroyed screen
porch



Side view of 10A Oriole Circle



Distance between 10A Oriole Circle
and 12C Oriole Circle

ATTACHMENT 3

Applicant provided
information



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 Janis Rowe

Full Address 32 Country Club Rd Apt 9 Oneonta, NY, 13820

Telephone 607-972-1910

Email

jemr - @hotmail.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 Janis Rowe

Full Address 10A Oriole Circle, Ormond Beach, Fla, 32176

Telephone 607-972-1910

Email

jemr - @hotmail.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 10A Oriole Circle, Ormond Beach, Fla, 32176

Parcel ID Number 23-14-32-25-04-0088

Legal Description LOT 88 BLK D Ocean Village Villa's MB 42 PGS 192 To 197 Inc Per or 4958

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:

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
<i>F Le Sage</i>	108 ORIOLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i>	6 B Oriole	<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:

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:

I would like to rebuild my screen porch which was completely destroyed by Hurricane Matthew on its existing pad, dimensions exactly as it was when I purchase this property in 2002. This does require a permit and due to code, a variance.

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

There is no other way to rebuild my screen porch. The current layout of my house and porch is the only way to rebuild my porch where I am 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:

This property was redeveloped from cottages to Duplex's and Triplex's as allowed in this zoning district. This expansion was intended for the enjoyment of this 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:

my existing pad is approximately 16.5 feet from the property line. Rebuilding this porch will in no way block any view from my adjoining neighbors.

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

my villa will stay as a single story structure. My adjoining neighbor added a second bedroom, bathroom, and washroom in 2012, and like mine, other porches were also added to other villa's. Rebuilding my porch will in no way differ from other expansions.

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

Rebuilding my porch will in no way have any impact on adjoining neighbors.

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: Janis E Rowe

STATE OF ~~FLORIDA~~ New York
COUNTY OF Osage

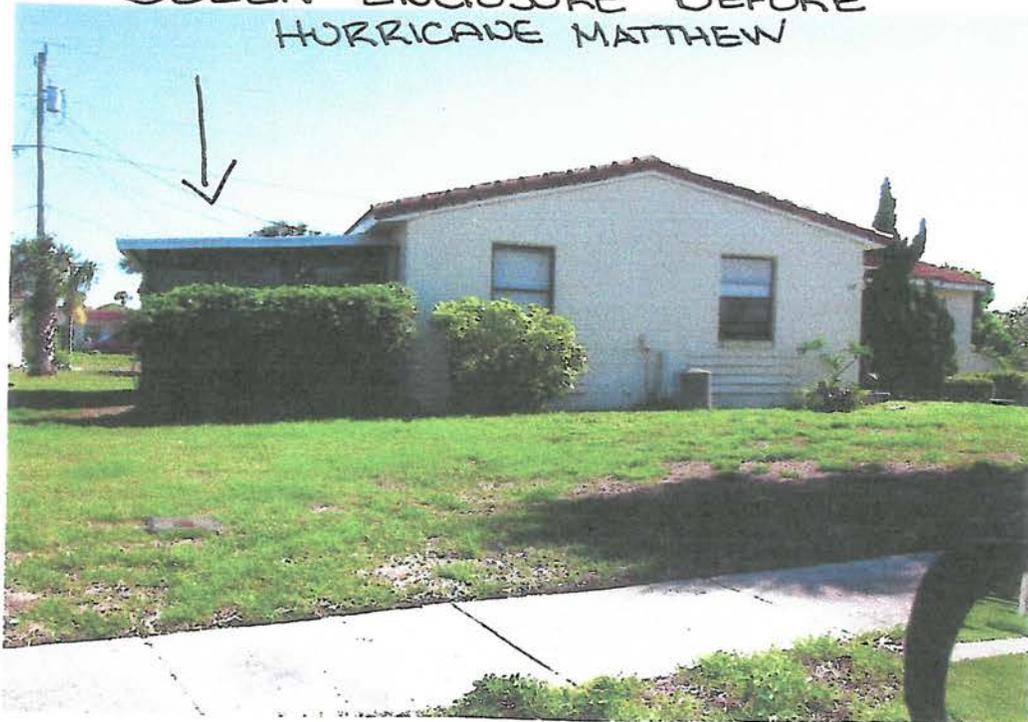
The foregoing instrument was acknowledged before me this 3rd day of Dec, 2016, by Janis E Rowe as owner (title*) for 10A Oriole Circle Ormond Beach (name of corporation*), who provided LDL 642082 527 as identification, or who is personally known to me.

Barbara J Champlin
Notary Public, State of ~~Florida~~ New York
My Commission Expires: 10-3-2017

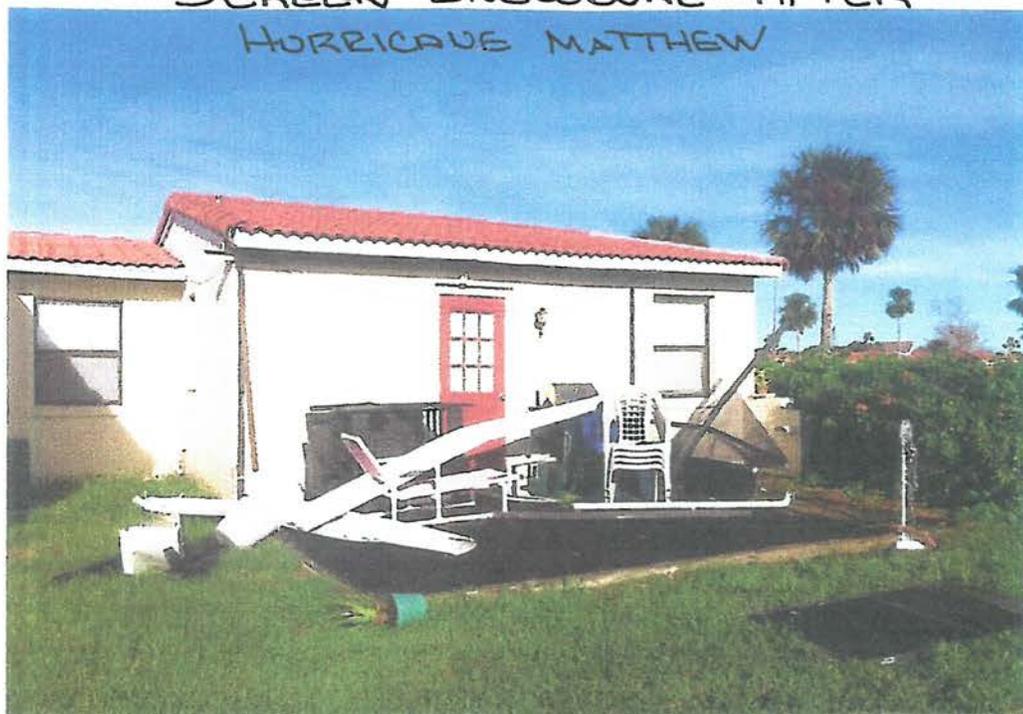
BARBARA J. CHAMPLIN
Notary Public, State of New York
County of Osage, No. 01C10134400
Commission Expires Oct. 3, 2017

* 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.

SCREEN ENCLOSURE BEFORE
HURRICANE MATTHEW



SCREEN ENCLOSURE AFTER
HURRICANE MATTHEW





Business
12

Scan Porch

A
B
C

10 Oriole Cir

© 2016 Google

Google Earth

1995

29°16'27.77" N 81°02'07.20" W elev 15 ft eye alt 148 ft

10A ORIOLE CIRCLE PORCH DESTROYED BY HURRICANE



Google Earth





Google Earth



**AREA BETWEEN 10A ORIOLE CIRCLE
AND 12 ORIOLE CIRCLE**

November 30 2016

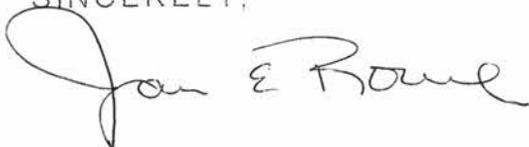
**City Of Ormond Beach
Planning Department
22 South Beach Street
Ormond Beach, FL. 32174**

ATT: LAUREEN KORNEL

I Janis Rowe currently residing at 32 Country Club Rd. Apt. 9 Oneonta NY 13820 hereby give my consent to Patrick Kelly at Ocean Village Villas HOA, Inc. 635 Flamingo Dr. Ormond Beach FL. 32176 to become my designated agent for my request for a variance at 10A Oriole Circle, Ormond Beach FL 32176

If any questions arise I may be contacted at 607 972 1910

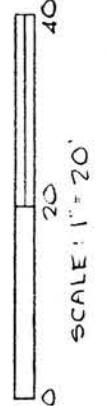
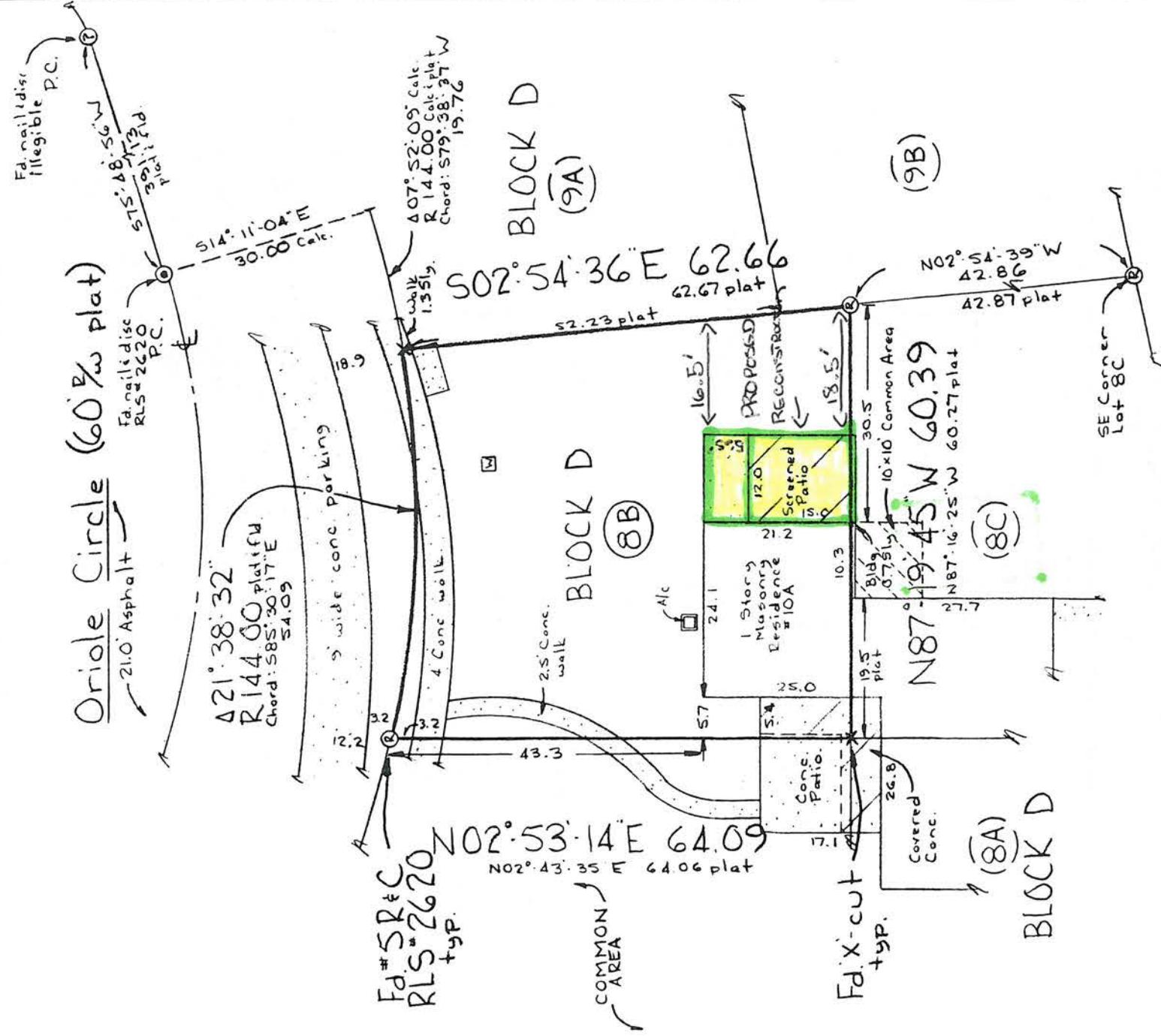
SINCERELY,



JANIS ROWE



BARBARA J. CHAMPLIN
Notary Public, State of New York
County of Otsego, No. 01CH0134405
Commission Expires Oct. 3, 2017



(Not valid unless accompanied by sheet 2, Survey Report)

MYER LAND SURVEYING, INC.
 LICENSED BUSINESS #6877
 MICHAEL M. MYER #LS 4006
 PROFESSIONAL LAND SURVEYOR
 1617 RIDGEWOOD AVE. SUITE B, HOLLY HILL, FLORIDA 32117

DESIGNED	DRAWN	CHECKED	DATE
1" = 20'	K.ATREK		10/28/02

This Warranty Deed

Made this 31st day of October
by **THERESA PINTER A SINGLE WOMAN**

A.D. 2002

hereinafter called the grantor, to
JANIS ROWE

whose post office address is:
**10A ORIOLE CIRCLE
ORMOND BEACH, FLORIDA 32176
Grantees' Tax Id # :**

hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of \$ **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 8B, BLOCK D, OCEAN VILLAGE VILLAS, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 42, PAGE 192 THROUGH 197 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 42232504008B

Together with all the tenements, hereditaments and appurtenances thereto belonging or ~~in anywise appertaining.~~
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2002

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

Signed, sealed and delivered in our presence:


Name: _____


Name: **Cheryl E. Johnson**

Name & Address: **THERESA PINTER** LS

Name & Address: _____ LS

Name & Address: _____ LS

Name & Address: _____ LS

State of **Florida**
County of **Volusia**

The foregoing instrument was acknowledged before me this **31st** day of **October**, **02**, by

THERESA PINTER A SINGLE WOMAN

who is personally known to me or who has produced

drivers license

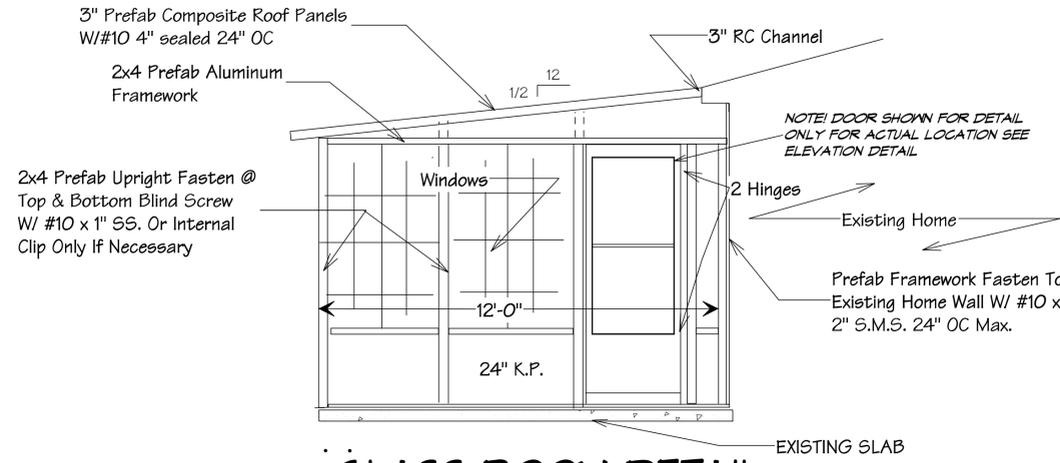
as identification.




Notary Public
Print Name: _____
My Commission Expires: _____

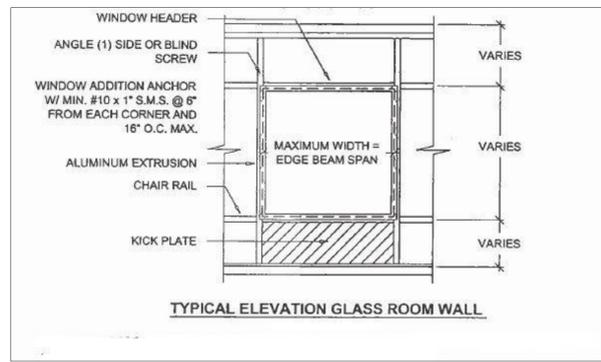
**PREPARED BY: Cheryl E. Johnson
RECORD & RETURN TO:
Parker-Rose Title Agency, Inc.
222 Seabreeze Blvd.
Daytona Beach, Florida 32118
File No: PR-6129**

11/06/2002 09:14
Doc stamps 329.00
(Transfer Amt \$ 47000)
Instrument # 2002-254651
BOOK: 4958
PAGE: 4315
Diane M. Matausek
Volusia County, Clerk of Court

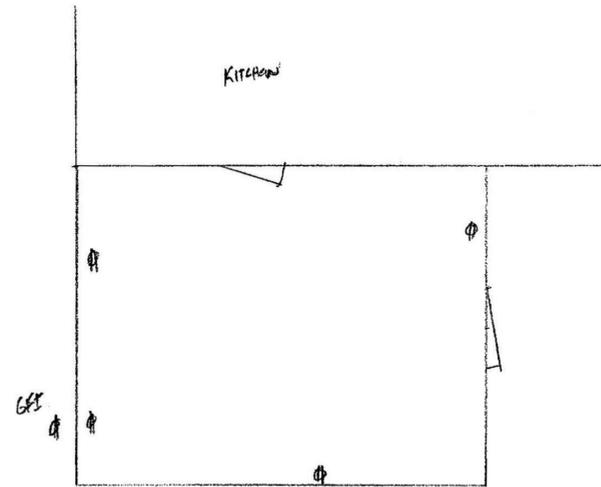


GLASS ROOM DETAIL

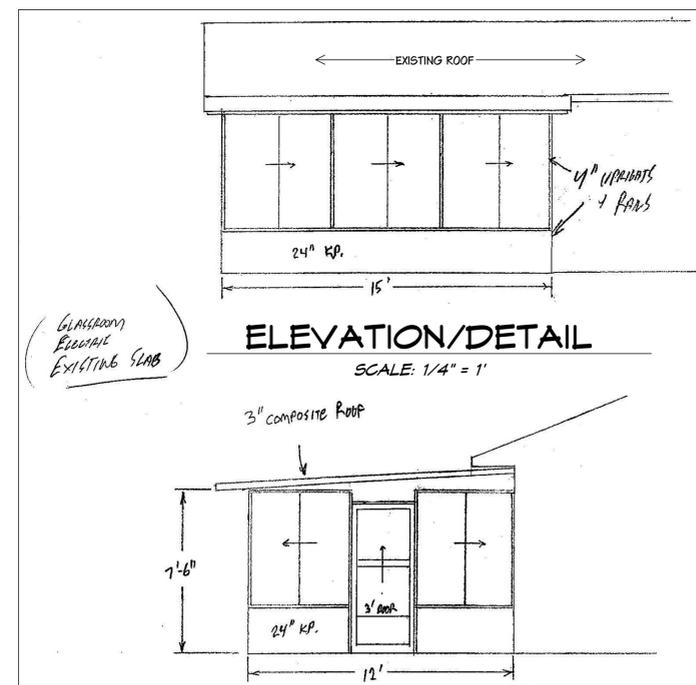
NTS



TYPICAL ELEVATION GLASS ROOM WALL



ELECTRICAL PLAN



ELEVATION/DETAIL

SCALE: 1/4" = 1'

CLASSIFICATION OF WORK:

The Classification of work for this project will be that of an "Alteration Level 1", per 5th EDITION FLORIDA BUILDING CODE, 2014: EXISTING BUILDING.

BUILDING CODES:

- FBCB 5th EDITION 2014
- FBC-EC 5th EDITION 2014
- FFPC 5th EDITION 2014
- FLORIDA ELECTRICAL CODE, NEC 2011
- FLORIDA PLUMBING CODE, 2014 5th EDITION
- FLORIDA MECHANICAL CODE, 2014 5th EDITION
- FLORIDA ACCESSIBILITY CODE, 2014 5th EDITION
- FLORIDA FUEL GAS CODE, 2014 5th EDITION

SCOPE OF WORK:

THIS ALTERATION WILL CONSIST OF ADDING A 12x15' GLASS ROOM ON EXISTING SLAB AS INDICATED USING 2x4 ALUMINUM UPRIGHTS AND FRAMING W/ A 3" COMPOSITE ROOF. THERE WILL BE NO PLUMBING OR AIR CONDITIONING INCLUDED IN THIS ADDITION. ELECTRICAL AS NOTED. NO EXISTING PATHS OF EGRESS WILL BE DISTURBED.

NOTES:

- THE ALTERNATIVE DESIGN METHOD USED FOR THESE PLANS ARE IN ACCORDANCE WITH FBC 5th ADDITION (2014) RESIDENTIAL R.301.2.1.1.3.
- THESE PLANS CONFORM TO THE STRUCTURAL REQUIREMENTS OF FBC 2014 SECTION 1609.3.1 FOR EXPOSURE C, A ULTIMATE DESIGN WIND SPEED OF 140 MPH & A NOMINAL DESIGN WINDSPEED OF 100 MPH WITH A MEAN ROOF HEIGHT OF 3' OR LESS, A RISK CATEGORY II AND A LOAD AND RESISTANCE DESIGN FACTOR OF (1). THE NOMINAL DESIGN PRESSURES FOR THIS STRUCTURE ARE: +30.48, -32.90 PSF. (PARTIALLY ENCLOSED). ALL WORK WILL COMPLY WITH SECTION 402 OF THE FBC 2014 "EXISTING BUILDING" STRUCTURAL LOADS CONFORM TO 1607.1 FBC 2014 "BUILDING"
- ELECTRICAL DEPICED FOR GENERAL LAYOUT ONLY. ALL OUTLETS AND FIXTURES TO BE FIELD VERIFIED AND TO COMPLY TO THE 2011 NEC 210.52, NFPA 70-05 AND NFPA 70A-05



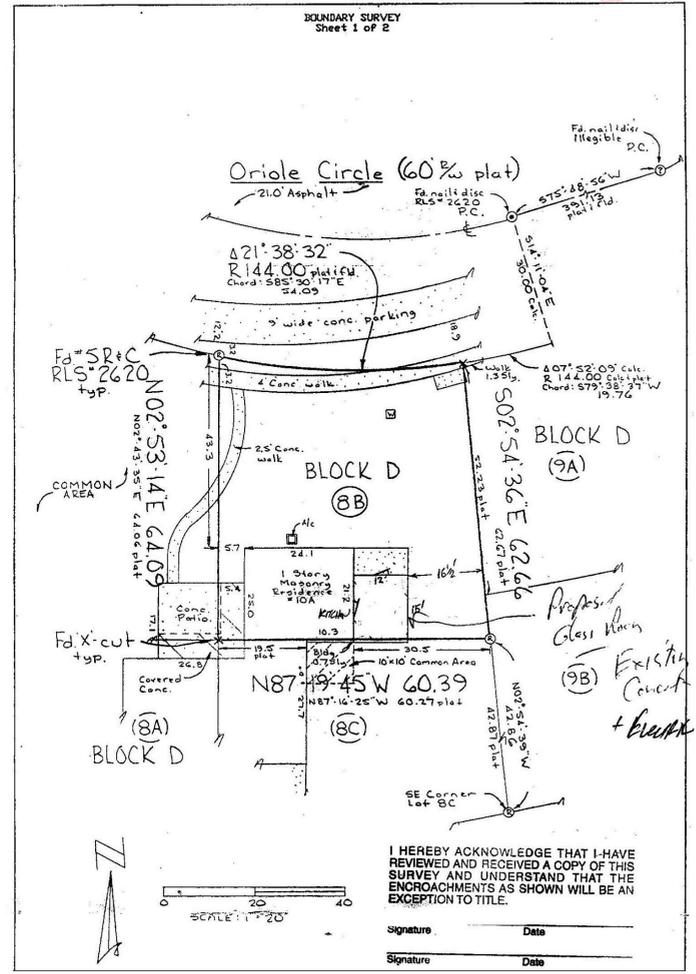
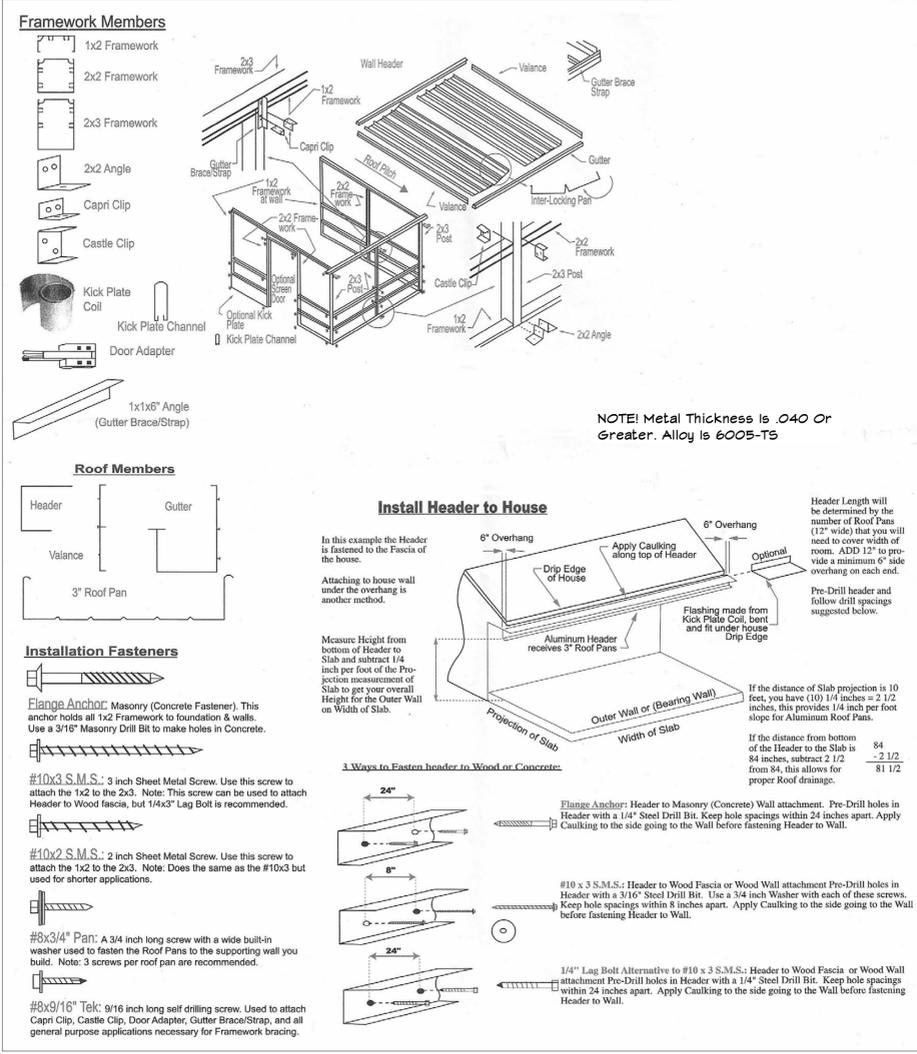
REVISIONS	
1.	
2.	
3.	
4.	
5.	

LOCATION:
10A ORIOLE CIR.
ORMOND BEACH, FL.

The proposed sunroom meets the requirements as defined in Chapter 2, Section R202 Sunrooms of the 2014 Florida Residential Code 5th Edition as the proposed wall area is over 65% of A one-story structure added to a dwelling with solid roof panels without sloped glazing. The sunroom walls may have any configuration, provided the open areas with operable or fixed glass or windows or side hinged or sliding glass doors of the longer wall and one additional wall is equal to at least 65 percent of the area below 6 foot 8 inches of each wall, measured from the floor. In compliance with the Florida Residential Code 2014 Section 301.2.1.1.2 this room qualifies as a Category II structure with the windows and doors being glass and the space being unconditioned. In compliance with 301.2.1.2(ab1) "Opening in sunrooms, balconies or enclosed porches constructed under existing roofs or decks are not required to be protected provided the spaces are separated from the building interior by a wall and all openings in the separating wall are protected in accordance with this section. Such space shall be permitted to be designed as either partially enclosed or enclosed structures." In Windborne Debris zones the walls and openings of the existing dwelling may be protected with 1/2" plywood structural panels in accordance with Table R301.2.1.2 of the Florida Residential Code 2014.

William A Cross
Digitally signed by William A Cross
Date: 2016.12.09 08:51:25 -05'00'

TYPICAL CONNECTORS



SITE PLAN

SCALE: 1" = 20'

DATE: 12-07-16

SCALE: NOTED

ENGINEER:

W.A. CROSS
CONSULTING ENGINEERING, INC.
1155 GEORGE ANDERSON ST.
ORMOND BEACH, FL. 32174
CERTIFICATE OF AUTHORIZATION NO. 4250
386-672-3064 PHONE & FAX
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SHEET NO:
1

TED & BOB'S ALUMINUM

1011 S. NOVA ROAD
ORMOND BEACH, FL. 32174
386-677-2729