



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
CURRENT PLANNING ACTIVITY
 123 W. Indiana Avenue, DeLand, FL 32720
 (386) 736-5959

PUBLIC HEARING: November 12, 2013 - Planning and Land Development
 Regulation Commission (PLDRC)

CASE NO: V-14-007

SUBJECT: Variance to the minimum yard requirements on Urban Single-Family Residential (R-4) zoned property.

LOCATION: 56 Plaza Drive, Ormond Beach

APPLICANT: Robert Merrell, III

OWNER: R. Brett Ford

STAFF: Scott Ashley, AICP, Senior Zoning Manager

I. SUMMARY OF REQUEST

The applicant requests variances to the minimum yard requirements for an existing accessory structure. This application is to address an encroachment by the accessory structure into the south rear and east side yards. The property consists of a single-family dwelling and two accessory structures.

This case arises from a violation notice sent by building compliance staff for construction without permits and inspections. The property owner expanded and converted the shed into a guesthouse without obtaining building permits, which includes zoning review for setback compliance.

The requested variances are:

Variance 1: Variance to section 72-277(1)(e) for a rear yard from the required 20 feet to 1.9 feet for an existing accessory guesthouse structure; and,

Variance 2: Variance to section 72-277(1)(e) for a east side yard from the required minimum 8 feet to 4.3 feet to maintain an existing accessory guesthouse structure on Urban Single-Family Residential (R-4) zoned property.

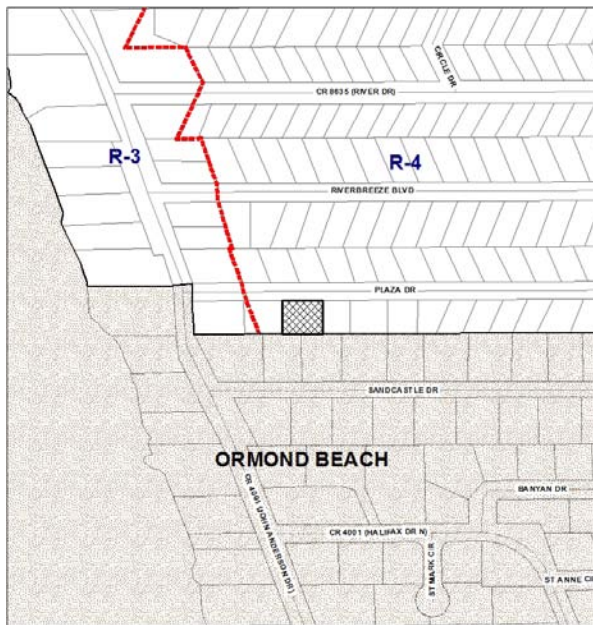
Staff recommendation: Approval, subject to staff recommended conditions.

II. SITE INFORMATION

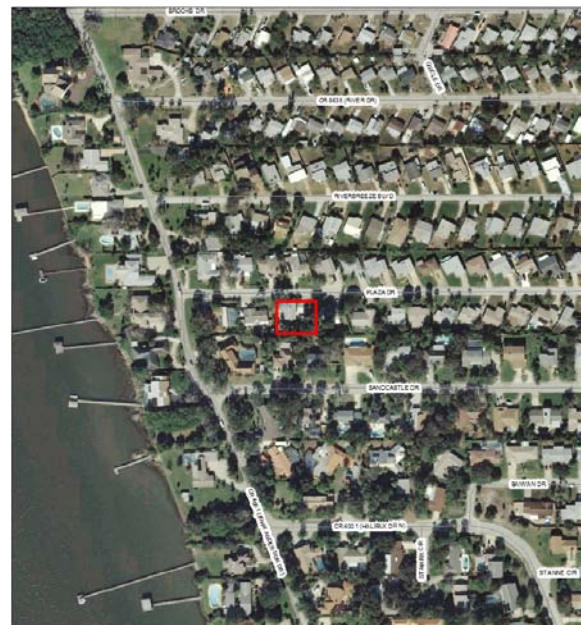
1. Location: The property is located on the south side of Plaza Drive approximately 250 feet east from its intersection with John Anderson Drive, abutting the City of Ormond Beach.
2. Parcel No(s): 4203-00-03-0130
3. Property Size: \pm 9,973.5 square feet
4. Council District: 4
5. Zoning: Urban Single-Family Residential (R-4)
6. Future Land Use: Urban Medium Intensity (UMI)
7. ECO Overlay: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

DIRECTI ON	ZONING	FUTURE LAND USE	CURRENT USE
North:	R-4	UMI	Single-family dwelling
East:	R-4	UMI	Single-family dwelling
South:	R-2A (Ormond Beach)	LDR (Ormond Beach)	Single-family dwelling
West:	R-4	UMI/ULI	Single-family dwelling

10. Location Maps:



ZONING MAP



AERIAL MAP

III. BACKGROUND AND PREVIOUS ACTIONS

The property is located adjacent to Ormond Beach in an area known as the North Peninsula. Existing site improvements include a single-family dwelling, a 196-square-foot frame shed and a 314-square-foot guesthouse. It is the latter structure that has been altered and expanded that has resulted in the need for this application. A complaint was filed in 2012 that new construction was occurring on the property, and subsequent staff review found no permits had been obtained for this construction. The property owner was issued a notice of violation for construction without building permits, and was instructed to obtain the required permits and inspection approvals for the work performed or remove the construction from the site. The owner chose to apply for this variance application so that a building permit could be processed.

Per historic permit records and information from the applicant, the shed was originally constructed in 1976, and a 1991 permit was issued to finish the structure. The building permit survey plan submitted with the 1991 permit indicated the shed met the then minimum 5-foot accessory structure setback from the rear and side lot lines. Conversion of the shed into a guesthouse changed the minimum yard requirements for the structure. Subsection 72-277(1)(e) of the zoning code requires a guesthouse to meet the same yard requirements as the principal building. However, as shown on the owner's property survey dated June 26, 2013, the existing accessory structure does not comply with current 20-foot rear yard or minimum 8-foot side yard requirements, or the previously applicable accessory structure yard requirement.

Expanding the accessory structure did not physically increase the already nonconforming setback encroachments. The property owner must address the yard area requirements in order to process the necessary permit application to resolve the compliance issue.

III. REVIEW CRITERIA AND ANALYSIS

Section 72-379 (1) a. 4 *Variances* of the zoning code contains five applicable criteria by which a variance application may be granted by the commission. The following staff evaluation using these criteria is as follows:

i. Special conditions and circumstances exist which are peculiar to the land, structure, sign, or building involved and which are not applicable to other lands, structures, signs, or buildings in the same zoning classification.

Variances 1 and 2: There are special conditions and circumstances peculiar to the building involved because the accessory structure has been in the required side and rear yards since the late 1970s era. An after-the-fact building permit is required since the builder failed to obtain a permit to expand the structure. The structure does not comply with the applicable east side yard and south rear yard requirements, and must obtain a variance to proceed with the county building permit review process.

Staff finds the application meets this criterion.

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

Variances 1 and 2: The property owner is not responsible for the special conditions and circumstances pertaining to the original construction of the 1970s era accessory structure on the property. The accessory structure existed when the current owner bought the property in 2001.

Staff finds that Variances 1 and 2 can meet this criterion for approval with conditions.

iii. *Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification, under the terms of the ordinance, and would work an unnecessary and undue hardship on the applicant.*

Variances 1 and 2: Literal interpretation of the ordinance requires the applicant to demolish and rebuild the existing guesthouse to comply with the minimum yard requirements of the zoning code, which will work an undue hardship on the property owner.

Staff finds that Variances 1 and 2 can meet this criterion for approval with conditions.

iv. *The variance granted is the minimum variance that will make possible the reasonable use of the land, building, structure, or sign.*

Variance 1 and 2: These are the minimum variances that will allow the continued use of the guesthouse structure and to remain as it has existed for 35 years.

Staff finds that Variances 1 and 2 can meet this criterion for approval with conditions.

v. *The grant of the variance will be in harmony with the general intent and purpose of this ordinance and the Volusia County Comprehensive Plan Ordinance No. 90-10, as amended, and that such variance will not be injurious to the area involved.*

Variances 1 and 2: Granting this requested variance is in harmony with the general intent and purpose of the zoning ordinance, and is unlikely to be injurious to the immediate area.

Staff finds that Variances 1 and 2 can meet this criterion for approval with conditions.

V. STAFF RECOMMENDATION

Staff finds that, with conditions, the application meets the five criteria to grant the requested variances. Therefore staff recommends approval of the variance to section 72-277(1)(e) for a rear yard from the required 20 feet to 1.9 feet for an existing accessory guesthouse structure (Variance 1); and the variance to section 72-277(1)(e) for a east side yard from the required minimum 8 feet to 4.3 feet to maintain an existing accessory guesthouse structure (Variance 2) on Urban Single-Family Residential (R-4) zoned property, subject to the following conditions:

1. The variances are limited to the ±314-square-foot accessory guesthouse structure as shown on the enclosed property survey prepared by Myer Land Surveying, Inc., dated 6/26/13. Any future expansion of the accessory structure beyond the current footprint and not in compliance with the R-4 zoning classification yard requirement(s) shall require a separate variance.
2. If the guesthouse structure is damaged by more than 75 percent of its building value as assessed by the Volusia County Property Appraiser, any reconstruction shall comply with current county code requirements, including but not limited to, applicable current minimum floor area requirements.
3. The guesthouse structure shall not be used as or converted into a dwelling as defined by the zoning code, as amended.
4. The property owner(s) or authorized agent(s) shall obtain and complete all required building permits and inspections for the ±314-square-foot guesthouse, within 90 days of the date of variance rendition, unless the property owner(s) requests and is granted an extension by the Zoning Enforcement Official.

VI. ATTACHMENTS

- Variance site plan
- Applicant's submittal
- Reviewer comments
- Maps

VII. AUTHORITY AND PROCEDURE


The commission may, except as otherwise provided in Section 72-379 of the zoning code, authorize, after due public notice upon application on a form prescribed by the zoning enforcement official, such variance or variances from the terms of this ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provision of this ordinance would result in unnecessary and undue hardship. Said variance application shall be heard only if it is presented by the person owning 51 percent or more of the specific area of land involved or upon an administrative application by the county council.

Any new information to be presented at the planning and land development regulation commission meeting for any application will be grounds to continue an application to the next planning and land development regulation commission meeting. Applicants shall inform and provide staff with the new information prior to the planning and land development regulation commission meeting.

SCALE : 1" = 20'

VARIANCE SITE PLAN



 MYER LAND SURVEYING, INC. LICENSED BUSINESS #6877 MICHAEL M. MYER #LS 4006 PROFESSIONAL LAND SURVEYOR 316 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117 386 255-6304 Phone 386 255-6306 Fax				
SCALE	DESIGNED	DRAWN	CHECKED	DATE
1" = 20'		ALH	MMM	6/26/13

William M. Cobb
(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)

Harold C. Hubka
Scott W. Cichon
Robert A. Merrell III
Bruce A. Hanna
John P. Ferguson
Thomas J. Leek
Mark A. Watts
Heather Bond Vargas
Joshua J. Pope



Daytona Beach • DeLand

150 Magnolia Avenue
Post Office Box 2491

Daytona Beach, Florida 32115-2491

(386) 255-8171

CobbCole.com

Andrea M. Kurak
Kathryn D. Weston
Kelly Parsons Kwiatek
Michael J. Woods
Katherine Hurst Miller
Michael O. Sznapstajler
Melissa B. Murphy

OF COUNSEL

C. Allen Watts
Thomas S. Hart
Larry D. Marsh
Maja Sander Bowler

RETIRED

Jay D. Bond, Jr.
Rhoda Bess Goodson

September 24, 2013

VIA HAND DELIVERY

Mr. Scott Ashley
Planning Administrator
County of Volusia
Growth Management Department
123 W. Indiana Avenue, Suite 202
DeLand, FL 32720-4604

Re: Variance Application
R. Brett "Randy" Ford
56 Plaza Drive, Ormond Beach, Florida

Dear Scott:

It is this Firm's pleasure to represent R. Brett "Randy" Ford with respect to his property located at 56 Plaza Drive, Ormond Beach, Florida, as more particularly described in Exhibit A hereto. In order for Mr. Ford to continue the use of the existing guesthouse on his property, Mr. Ford requires a variance from the rear yard setback provision of the R-4 Urban Single-Family Residential zoning classification, as more specifically described below.

Please find enclosed our Variance Application package including:

1. Planning & Development Services Division Pre-Application Meeting Form;
2. Variance Application Form;
3. Two signed and sealed surveys of the property showing the house and guesthouse locations;
4. Two copies of the legal description;
5. A Notarized Authorization of Owner;
6. The application fee in the amount of \$571.00;



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7. A copy of the Property Appraiser's Information Card;
8. A copy of the Warranty Deed; and
9. Letters of support from all adjoining property owners.

This property is zoned as R-4 Urban Single-Family Residential under Chapter 72 of the Volusia County Code of Ordinances. Properties located in the R-4 zoning classification are required to have a 20 foot rear yard setback. Mr. Ford's property is somewhat unusual in that there is a guesthouse on the property with a rear yard setback of only 1.9 feet at the narrowest point and 2.3 feet at the widest point that existed when Mr. Ford purchased the property in 2001. The survey from Stephenson Surveying, attached hereto as Exhibit B, shows the guesthouse existed on the property when the survey was conducted in 1976. Mr. Ford's neighbor, Elaine Schutte, confirmed that the guesthouse was on the property she moved into the house next door at 54 Plaza Drive in 1977. Ms. Schutte explained the original owner used the guesthouse for family and later rented it out to several tenants as an apartment. This testimony by Ms. Schutte is attached to this petition as Exhibit C. The survey and Ms. Schutte's testimony confirm that the guesthouse has been on the property for at least 35 years in the same location 1.9 to 2.3 feet from the rear yard property boundary.

The guesthouse contains a bathroom with associated plumbing but does not have a kitchen or separate utility meters. As such, the guesthouse meets the definition of a guesthouse under Chapter 72, Article I, Section 72-2 of the Volusia County Code of Ordinances as:

[L]iving quarters within a detached accessory building located on the same lot with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters and not rented or otherwise used as a separate dwelling.

The Code of Ordinances allows guesthouses in the R-4 Urban Single-Family Residential zoning classification under Chapter 72, Article II, Division 8, Section 72-277 (1)(e) subject to the same yard requirements as the principal building.

Mr. Ford is able to comply with three out of the four R-4 setback requirements, but for the "rear" yard setback he is proposing a 1.9 to 2.3 foot setback in lieu of the required 20 foot setback. Mr. Ford recently improved the guesthouse and added a covered wood deck and other features as evidenced in the survey attached hereto as Exhibit D. The improvements made by Mr. Ford did not alter the southern side of the guesthouse that is closest to the rear yard boundary.

In 1991, the previous owners Harold and Sheila Schwartz applied for a building permit to conduct maintenance and repair work to the guesthouse. Pursuant to building permit 910322037,



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attached hereto as Exhibit E, the Schwartzes made various improvements to the guesthouse. As part of the application for the building permit, the Schwartzes submitted a survey, attached hereto as Exhibit B, depicting the guesthouse as being 5 feet from the rear yard boundary. This hand-drawn depiction of the distance from the guesthouse to the rear yard boundary was inaccurate. In reality, the guesthouse was in the same location it is today only 1.9 feet from the rear yard boundary at the narrowest point and 2.3 feet from the boundary at the widest point. The fact that the previous owner misrepresented the rear yard setback of the guesthouse in order to obtain a building permit creates a hardship for Mr. Ford as he maintains the guesthouse in good condition to enjoy its use.

As you can see from the photograph of the property taken circa July 2012, which is attached to this petition on page 1 of Exhibit F, the guesthouse needed improvements to match the neighborhood characteristics. The photograph on page 2 of Exhibit F, taken September 2013, shows the guesthouse after the improvements made by Mr. Ford. These improvements make the guesthouse more aesthetically pleasing to match the charm of the surrounding neighborhood. Mr. Ford's improvements to the guesthouse do not cause the guesthouse to encroach further south towards the rear yard boundary. The guesthouse remains the same distance from the rear yard boundary it has been for at least the last 35 years.

Furthermore, as evidenced by the letters attached hereto as Exhibit(s) G, the neighboring property owners support Mr. Ford in his maintenance of the guesthouse. Seeing as the purpose of the ordinance requiring a 20 foot setback from the rear yard boundary is to protect the neighbors to the south of the property, these letters of support from the neighbors show the purpose and intent of the ordinance is met by the 1.9 to 2.3 foot setback. Mr. Ford's only intention is to continue using the guesthouse as the ordinance allows.

Even though the guesthouse was rented to tenants by previous owners, Mr. Ford intends only to use the guesthouse for family and personal use. As such, Mr. Ford is comfortable if the variance is clearly conditioned on the use of the guesthouse solely by Mr. Ford and his guests and not for use by paying tenants. We believe the 1.9 to 2.3 foot rear yard setback provides a reasonable location for the guesthouse in light of the unique circumstances outlined above to allow Mr. Ford to continue the use of the guesthouse as allowed by the ordinance.

Pursuant to Section 72-379(1)(a)(4) of the Volusia County Code of Ordinances, as amended, our variance request satisfies all of the specific conditions necessary to grant the requested variance as follows:

- A. What special condition(s) and circumstance(s) exist which are peculiar to your land, structure, building, or sign and are not applicable to other lands, structures, buildings, or signs in the same zoning classification? Were these special condition(s) and circumstance(s) the result of actions by you?**



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As outlined above, the guesthouse located 1.9 feet from the rear yard boundary at the narrowest point and 2.3 feet from the rear yard boundary at the widest existed for at least the last 35 years. The original construction of the guesthouse in that location and the previous owners' inaccurate depiction of the guesthouse as 5 feet from the rear yard boundary creates a hardship for Mr. Ford to continue the use of the guesthouse as allowed under Volusia County Code of Ordinances Section 72-277 (1)(e)

None of these unusual circumstances resulted from any action by Mr. Ford.

B. How would literal interpretation of the Zoning Ordinance deprive you of rights commonly enjoyed by other properties in the same zoning classification and be an unnecessary and undue hardship on you?

Properties in the R-4 Urban Single-Family Residential are permitted to contain guesthouses pursuant to Code of Ordinances Section 72-277 (1)(e). Mr. Ford and the previous owners of the property enjoyed this right to have a guesthouse for at least the last 35 years. To interpret the zoning ordinance literally and deny this variance request would require deprive Mr. Ford of the right to a guesthouse enjoyed by the property owners for at least the last 35 years and the surrounding property owners.

C. Explain how the Variance(s) you are requesting is/are the minimum Variance(s) that will make it possible for you to make reasonable use of your land, building, structure or sign.

The 1.9 to 2.3 foot rear yard setback is the minimum variance possible to allow Mr. Ford to continue the use of the guesthouse. Any larger setback would require Mr. Ford to relocate the structure, which presents considerable hardship to Mr. Ford, or would require him to tear down the structure and deny him the right to a guesthouse commonly enjoyed by other property owners in the R-4 Urban Single-Family Residential zoning classification.

D. The general intent and purpose of the Zoning Ordinance and the Volusia County Comprehensive Plan Ordinance No. 90-10 is to lessen congestion in the streets, to promote public health, safety, morals, and the general welfare; to properly provide for the use of land and governmental services; and to preserve the character, appearance, and aesthetic qualities of Volusia County by regulating signs.

1. Is your request for Variance(s) consistent with this intent and purpose?

Yes, the guesthouse on Mr. Ford's property does not cause congestion in the streets; does not interfere with the public health, safety, morals, and the general welfare; does not interfere



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with the use of land and governmental services; and does not interfere with Volusia County's ability to regulate signs.

2. Explain how your request for Variance(s) will not be injurious to the surrounding area.

As explained above, Mr. Ford's neighbors support the continued use of the existing guesthouse on Mr. Ford's property. The purpose and intent of the ordinance requiring a 20 foot rear yard setback in R-4 zoning classification, to protect the abutting property owners, is met by the 1.9 to 2.3 foot setback as evidenced by the neighbors' letters of support.

Based on the foregoing, we respectfully request the Planning and Land Development Regulation Commission approve the variance request to permit Mr. Ford to continue the use of the existing guesthouse on the property. If you have any questions regarding this request, please don't hesitate to contact me. Otherwise, I look forward to the consideration of this request at the Planning and Land Development Regulation Commission public hearing on November 12, 2013.

Sincerely,



Robert A. Merrell III

Direct Dial (386) 323-9263
Email Rob.Merrell@CobbCole.com
Fax (386) 944-7955

RAM:ddl
Enclosures
cc: Mr. R. Brett "Randy" Ford

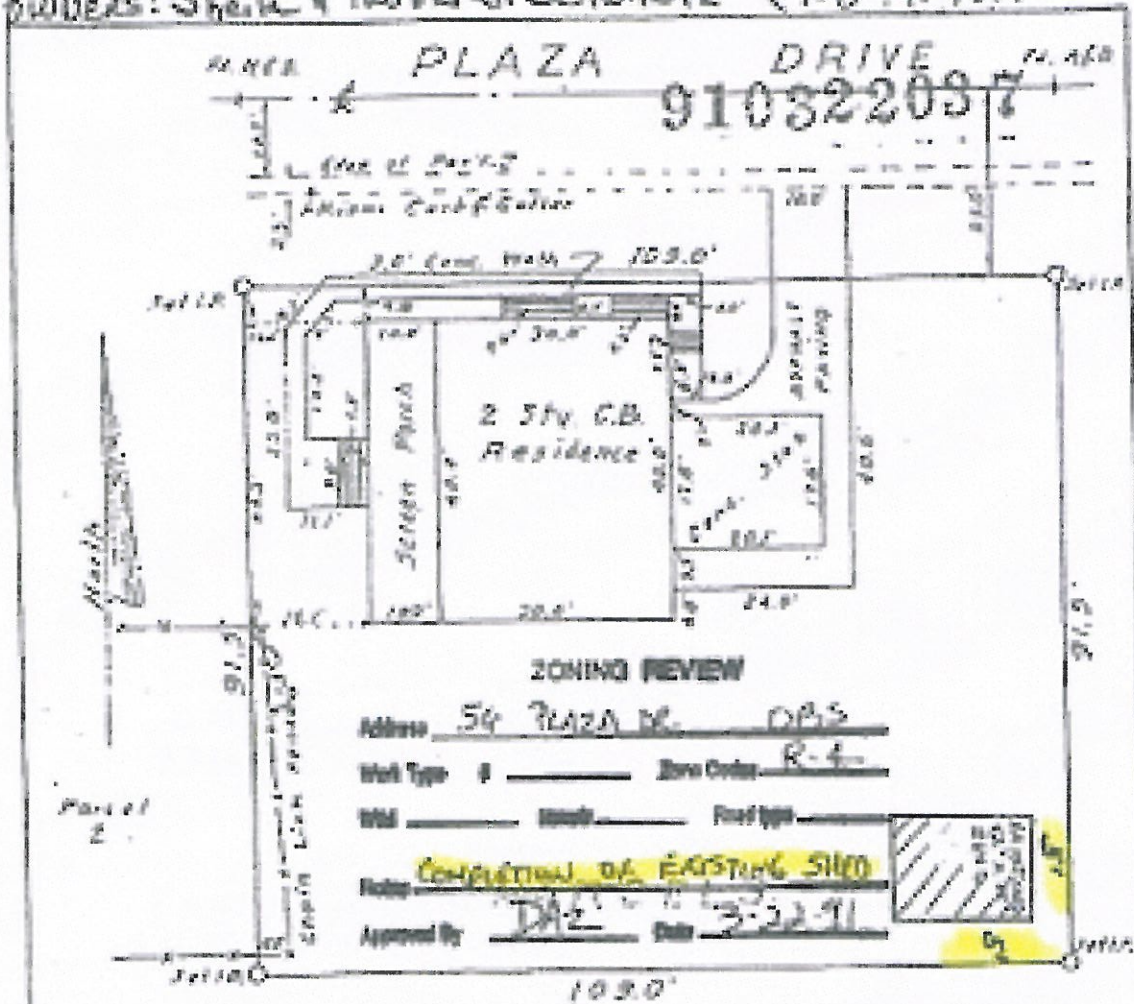
Book: 4738
 Page: 1740
 Diane M. Matousek
 Volusia County, Clerk of Court

EXHIBIT "A"

A portion of the South 231.5 feet of the North 870 feet of Government Lot 3, Section 3, Township 14 South Range 32 East, Volusia County, Florida, described as follows: begin at a point in the South line of Plaza Drive, a 50 foot street as platted by the Plat of Plaza Shore Subdivision of record in Map Book 23, Page 260, Public Records of Volusia County, Florida, said point being a distance of 172 feet Westerly of the Northwest corner of Lot 25, of said Plaza Shore Subdivision, thence Southerly and at right angles to Plaza Drive, a distance of 91.5 feet to the South line of said South 231.5 feet of the North 870 feet of said Government Lot 3; thence Westerly along said line a distance of 109 feet to a point; thence Northerly and at right angles to last described line, a distance of 91.5 feet to the South line of Plaza Drive; thence Easterly along said South line of Plaza Drive, a distance of 109 feet to the Point of Beginning.

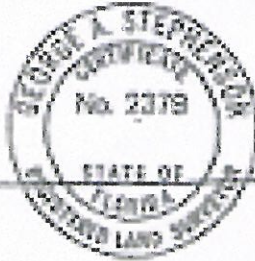
EXHIBIT "B"

56 PLAZA DRIVE ORMOND BEACH, FL 32176
OWNERS: STEIN & HAROLD J. SCHWARTZ (904) 441-1619



DESCRIPTION

PARCEL No. 3:
That portion of the South 231.5 Feet of the North 870 Feet of Government Lot 3, Section 3, Township 14 North, Range 30 East, Volusia County, Florida, described as follows:
Begin at a point in the south line of Plaza Drive, a 50.00 foot street as platted by the plat of PLAZA SHORES SUBDIVISION, of record in the Map Book 23, Page 260, Public Records of Volusia County, Florida, said point being a distance of 172.00 feet westerly of the Northwest corner of Lot 23 of said Plaza Shores Subdivision. Thence southerly and at right angle to Plaza Drive a distance of 91.5 feet to the south line of the said South 231.5 feet of the North 870.0 Feet of said Government Lot 3; Thence westerly along said line a distance of 109.00 feet to a point; Thence northerly and at right angle to last described line a distance of 91.5 feet to the south line of Plaza Drive; Thence easterly along said south line of Plaza Drive a distance of 109.00 feet to the point of beginning.



STEPHENSON SURVEYING P.O. BOX 118 - BUNNELL FLORIDA 32010 1-904-437-2363	
<input type="checkbox"/> IRON PIPE <input type="checkbox"/> CONC. MON. <input type="checkbox"/> WOOD STAKE <input type="checkbox"/> FENCE	I HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM STANDARD REQUIREMENTS APPROVED AND ADOPTED BY THE F.S.P.L.S. AND THE E.L.A. <i>George A. Stephenson</i> GEORGE A. STEPHENSON Reg. Fla. Land Surveyor No. 2379
JOB NO. 76-33	DATE 10 February 1976 SCALE: 1" = 20'

Exhibit "C"

Debi LaCroix

Subject: FW: Letter for 56 Plaza

From: Elaine Schutte [<mailto:eschutte62@yahoo.com>]

Sent: Tuesday, September 24, 2013 12:29 PM

To: Randy Ford

Subject: Re: Letter for 56 Plaza

Dear Randy,

In answer to your inquiry about the apartment at your property at 56 Plaza Dr the building was there when we moved in to house at 54 Plaza Dr in 1977.

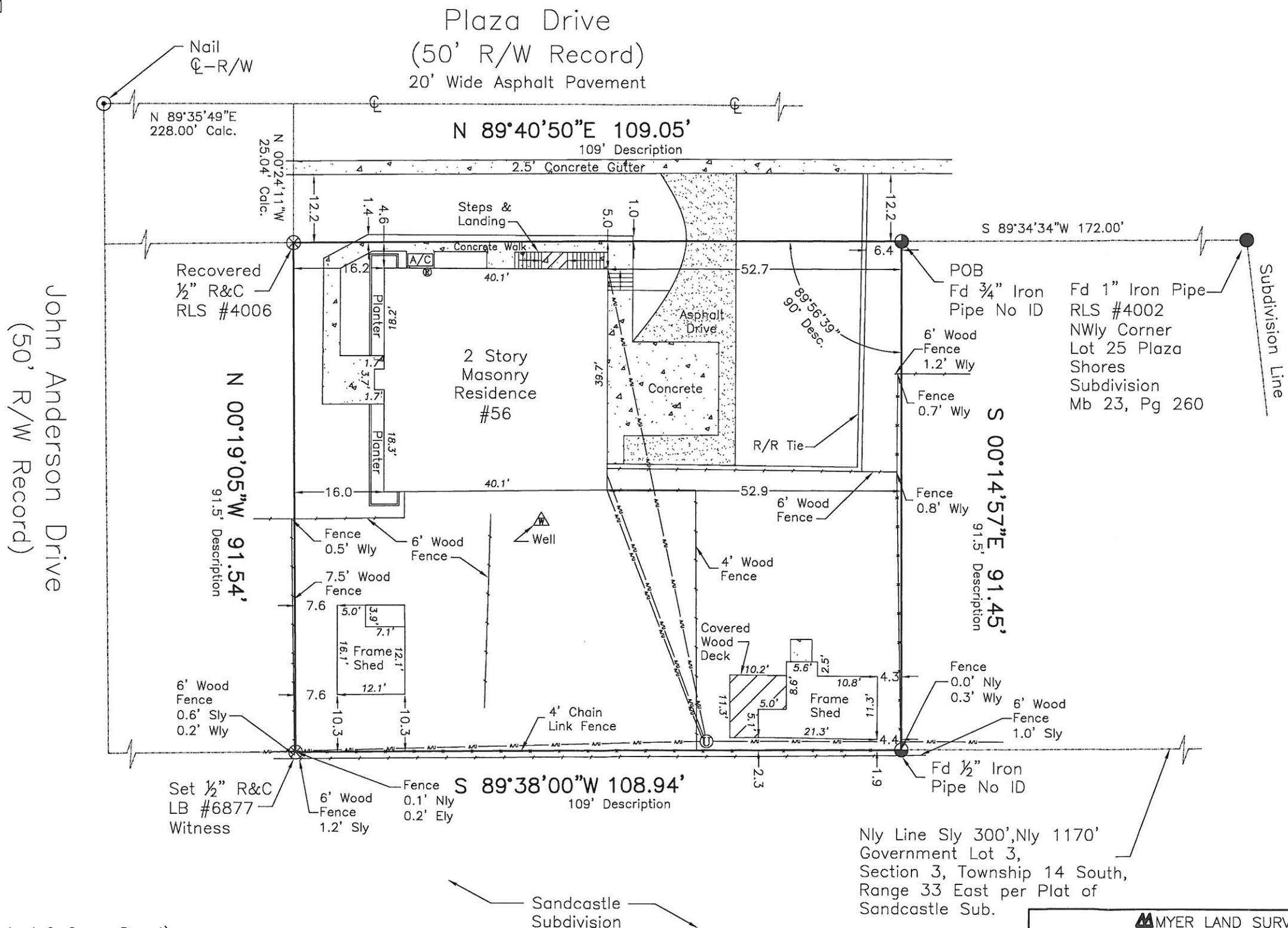
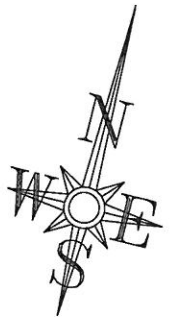
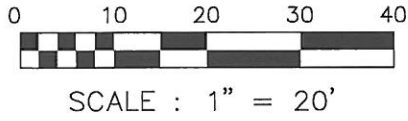
The owner was using in for family and then was rented out to several others as an apartment.

If you have any other questions I can be reached T 386 212 6979.

Sincerely,
Elaine Schutte

EXHIBIT "D"

BOUNDARY SURVEY
Sheet 1 of 2



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

Job Number 13060 Ref #01207 Crd #95079
FB 172 @ 38-39 & Loose Leaf Survey Sheets

MYER LAND SURVEYING, INC. LICENSED BUSINESS #6877 MICHAEL M. MYER #LS 4006 PROFESSIONAL LAND SURVEYOR 316 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117 386 255-6304 Phone 386 255-6306 Fax				
SCALE 1" = 20'	DESIGNED	DRAWN ALH	CHECKED MMM	DATE 6/26/13

SURVEY REPORT
Sheet 2 of 2

LEGAL DESCRIPTION:

A portion of the south 231.5 feet of the north 870 feet of Government Lot 3, Section 3, Township 14 South, Range 32 East, Volusia County, Florida, described as follows: Begin at a point in the southerly line of Plaza Drive, a 50 foot street as platted by the plat of Plaza Shore Subdivision of record in Map Book 23, page 260, of the Public Records of Volusia County, Florida, said point being a distance of 172 feet westerly of the northwest corner of Lot 25, of said Plaza Shore Subdivision; thence southerly and at right angles to Plaza Drive, a distance of 91.5 feet to the southerly line of the said southerly 231.5 feet of the northerly 870 feet of said Government Lot 3; thence westerly along said line a distance of 109 feet to a point; thence northerly and at right angles to the last described line, a distance of 91.5 feet to the southerly line of said Plaza Drive; thence easterly along said southerly line of Plaza Drive a distance of 109 feet to the Point Of Beginning.

GENERAL NOTES:

- 1. Field survey completed 6-24-13.
- 2. Bearing basis assumed: S89°24'33"W along the southerly right of way of Plaza Drive.
- 3. Underground utilities were not located except as shown.
- 4. No title search has been performed by or provided to MYER LAND SURVEYING, INC.
- 5. Dimensions shown are feet and decimals thereof.
- 6. Underground foundation not located.

GENERAL LEGEND:

A	Arc length	N&D	Nail and disc
AVC	Air conditioning pad	NGVD	National Geodetic Vertical Datum
AUV	Aerial utilities	P	Pool pump
C	Cable TV service	PC	Point of curve
CALC	Calculation	PCC	Point of compound curve
CB	Catch basin	PCP	Permanent control point
CL	Centerline	POB	Point of beginning
CLF	Chain link fence	POC	Point of commencement
CM	Concrete monument	PP	Pinched pipe
CMP	Corrugated metal pipe	PRC	Point of reverse curve
CONC	Concrete	PT	Point of tangent
CR	Cable riser	PVC	Polyvinyl chloride
D	Delta	R	Radius
DESC	Description	R&C	Rod and cap
ⓔ	Electric meter	RCP	Reinforced Concrete Pipe
E(LY)	East(ery)	REC	Recovered
EMT	Electrical metal tubing	RLS	Registered land surveyor
FD	Found	RIW	Right of Way
FLD	Field	Ⓢ	Utility services
G	Gas meter	S(LY)	South(ery)
FPL	Florida Power and Light	T	Telephone service
FPLS	Florida Professional	TYP	Typical
ID	Land Surveyor	U	Utility pole
IP	Identification	Ⓜ	Water meter
L	Iron pipe	W(LY)	Westerly
LB	Light pole	WF	Wooden fence
N(LY)	Licensed business North(ery)		

(This Survey Report is not valid unless signed, embossed with signatory's seal and accompanied by Map of Boundary Survey, Job No. 13060.) MICHAEL M. MYER, PSM LS4006

Report and map of survey are exclusively prepared for the benefit of:
Randy Ford

Job No. 13060 CRD #95079 FB 172, pp 38, 39 and loose leaf
Ref No 01027

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VOLUSIA COUNTY RESIDENTIAL PERMIT APPLICATION

01/91
 (02) Property Information AP# 24533 PM# 716322037
 Tax Parcel Number 4263 - 00 - 03 - 0130 APPROVED BY me
 (PERMIT OFFICER)
 Owner/Leaseholder's Name Shelia Schwartz & Harold M. Schwartz
 Owner/Leaseholder's Address 56 PLAZA DRIVE City CRIMMIE BEACH Zip 32176
 Day Phone Number (904) 255-6573
 Fee Simple Titleholder's Name _____ Address _____
 City _____ State _____ (If other than Owner's)
 Property Location JOB SITE Lot _____ Block _____ Unit _____ (Deltona Only)
 Legal Description _____

Street Address of Project 56 PLAZA DRIVE
 NUMBER DIR STREET NAME TYPE SUITE
 City CRIMMIE BEACH County Volusia Zip 32176
 Directions to Property (Physical Location) _____

(03) Type of Work Being Performed

(check one or more)

Single Family Detached _____ Duplex _____ Mobile Home ☒ Existing
 Garage/Carport _____ Addition/Alteration _____ HVAC _____ Fence _____
 Electrical _____ Plumbing _____ Roof _____ Demolition _____ Pool _____

Other (explain) CONVERTING EXISTING SHED INTO A HOUSE WHEN WE PURCHASED PROPERTY JANUARY 1990 (SEE ATTACHED)

Bonding Company Name _____ Address _____
 City _____ State _____ Zip _____
 Mortgage Lender's Name _____ Address _____
 City _____ State _____ Zip _____

(05) Contractor & Licensed Refuse Hauler

Check here if owner contractor on owner's residence ☒ IF NOT owner/builder, enter at least one of the following numbers for main CONTRACTOR, Licensed Refuse Hauler Name
 VOL # _____ STATE LICENSE # _____ VOL. OCC LICENSE # _____

Company Name _____ License Holder _____
 Address _____ Phone () _____
 City _____ Zip _____
 Architect/Engineer's Name _____ Address _____

(06) Subcontractors

Enter one of the following license numbers for Each subcontractor
 VOL # STATE LICENSE # OCC LICENSE # CARD HOLDER'S NAME (include address for each subcontractor)
 ELEC _____
 PLUMB _____
 HVAC _____
 ROOF _____
 WELL _____
 OTHER _____

The undersigned hereby affirms:

- Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction.
- OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.
- I have the authority to allow and hereby agree to allow County Personnel to enter upon this property to inspect development permitted from this application.
- If an owner/builder, I accept and acknowledge receipt of the disclosure form for owner/builders as required by State Statutes.
- All trees removed are to be clearly designated by paint or colored ribbon prior to start of operations.
- Protection barriers will be erected around all trees to remain prior to land clearing; the County Forester will be notified prior to the start of clearing.
- I have read and agree to all requirements established by the Use Permit Conditions.
- I hereby certify that I have the necessary Workmen's Compensation Insurance and will maintain the same as required by Chapter 440, Florida Statutes, for the duration of work authorized by this permit.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Owner's Signature _____ Date 3/22/91
 Owner is listed with the Tax Assessor's Office
 must personally appear and sign when acting as Owner Contractor.

Contractor's Signature _____ Date _____
 License Holder may appear in person or have their signature notarized on this application.

Agent for Contractor must submit agent authorization - Notarized.

Notary as to Owner
 My Commission Expires: _____

Notary as to Contractor
 My Commission Expires: _____

**NOTE: WORKSHEET ON BACK



PATRICIA JANE ALLAN
 MY COMMISSION EXPIRES
 November 28, 1993

NOTARY PUBLIC - FLORIDA

MUST BE FILLED OUT COMPLETELY

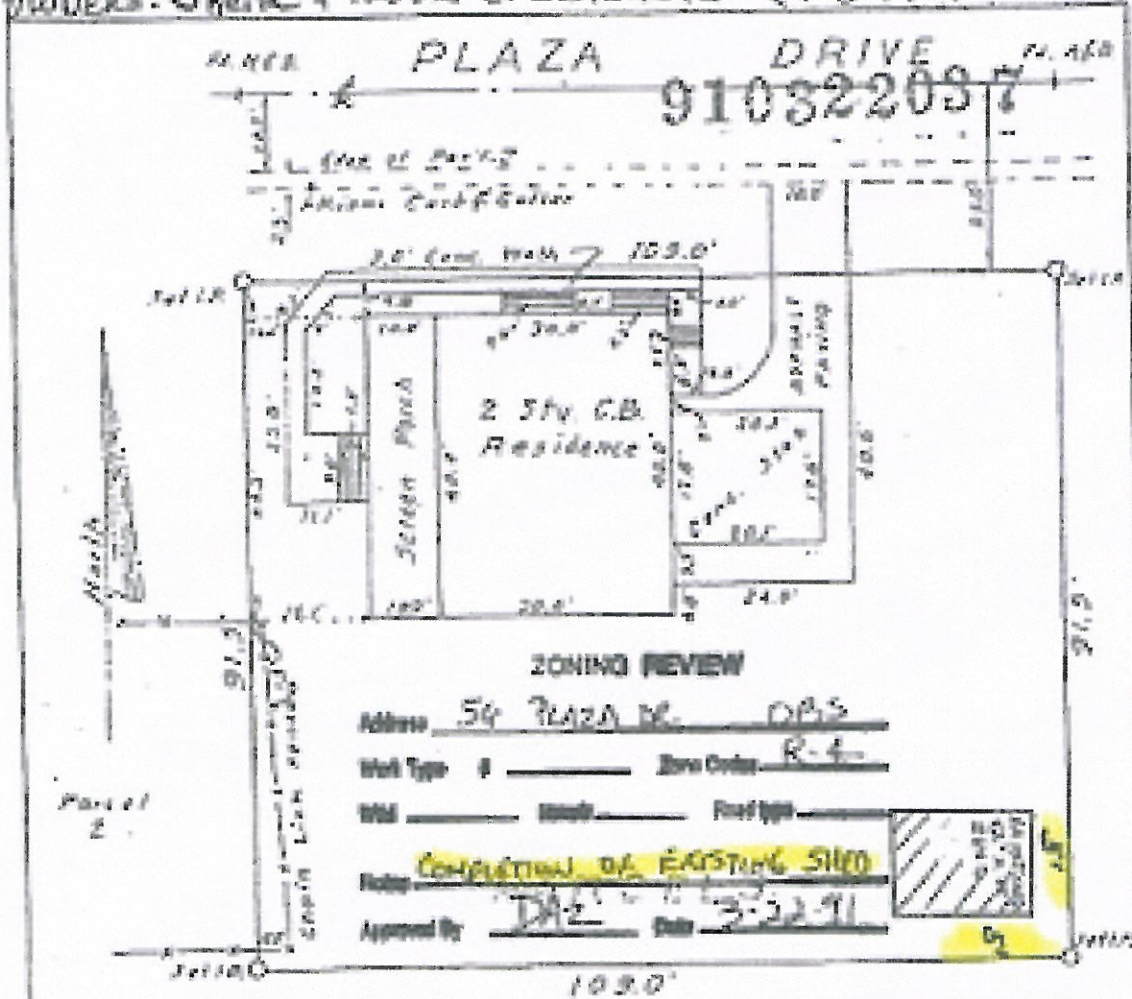
PLEASE PRINT OR TYPE ONLY

APPLICATION FEES DUE WHEN SUBMITTED FOR REVIEW

EXHIBIT "B"

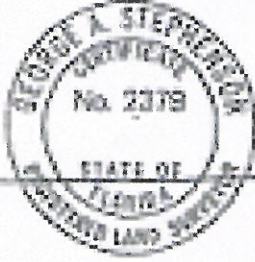
2 3 6 4

56 PLAZA DRIVE ORMOND BEACH, FL 32176
OWNERS: Sheikh & Harold J. Schwarte (904) 441-1619



DESCRIPTION

PARCEL No. 3:
That portion of the South 231.5 Feet of the North 870 Feet of
Government Lot 3, Section 3, Township 14 North, Range 30 East,
Volusia County, Florida, described as follows:
Begin at a point in the south line of Plaza Drive, a 50.00 foot
street as platied by the plat of PLAZA SHORES SUBDIVISION, of
record in the Map Book 23, Page 260, Public Records of Volusia
County, Florida, said point being a distance of 172.00 feet westerly
of the Northwest corner of Lot 23 of said Plaza Shores Subdivision.
Thence southerly and at right angle to Plaza Drive a distance of 91.5
feet to the south line of the said South 231.5 feet of the North 870.0
feet of said Government Lot 3; Thence westerly along said line a dis-
tance of 109.00 feet to a point; Thence northerly and at right angle to
last described line a distance of 91.5 feet to the south line of Plaza
Drive; Thence easterly along said south line of Plaza Drive a distance
of 109.00 feet to the point of beginning.



STEPHENSON SURVEYING
P.O. BOX 118 - BUNNELL FLORIDA 32010
1-904-437-2363

- IRON PIPE
- CONC. MON.
- WOOD STAKE
- FENCE

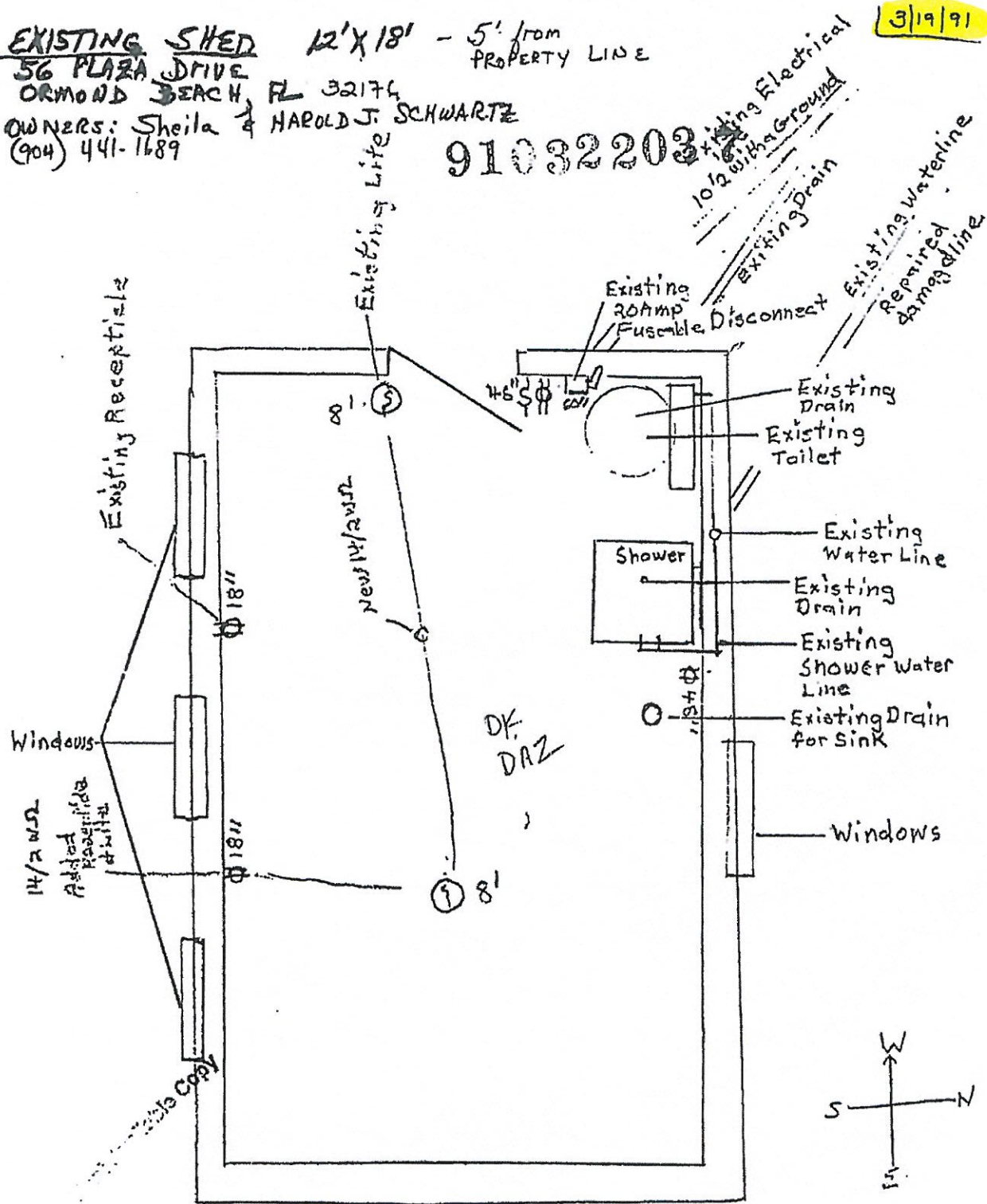
I HEREBY CERTIFY THAT THE SURVEY REPRESENTED
HEREON MEETS THE MINIMUM STANDARD REQUIREMENTS
APPROVED AND ADOPTED BY THE F.S.P.L.S. AND THE E.L.A.
George A. Stephenson
GEORGE A. STEPHENSON Reg. Fla. Land Surveyor No. 2379

JOB NO. 76-33

DATE 10 February 1976 SCALE: 1" = 20'

91032203

3/19/91



2 3 6 7

EXISTING SHED - 58 PLAZA DRIVE, ORMOND BEACH, FL. 32176
(Sheila and Harold J. Schwartz - Owners)

Built around 1976 - SE corner of property - 5' from property line

12' X 18'

Concrete slab

2' X 4' wood studs

PLUMBING FOR:

commode

shower

sink

Roof (pitched) with shingles

1/2" plywood outside

Electric

Water from well - tied into second septic tank

910322037

PROPOSED MAINTENANCE AND REPAIR WORK TO EXISTING SHED

OUTSIDE

- Treat for termites DONE
- Remove rotten wood from bottom 2' of shed DONE
Replace with new 1/2" plywood; 2" X 2" stripping; fasten with 3" screws outside, 1" X 2" on outside corners; weatherize with caulking all areas PARTIALLY DONE
- Paint base of slab and up to 2' of stud boards to treat for other insects before installing replacement 2' of 1/2" plywood outside DONE
- Replace any and all questionable wood DONE
- Paint)
- Shrub)
- Repair existing well water line to city water at house DONE

INSIDE

- Remove and replace shower stall PARTIALLY DONE
- Remove and replace commode PARTIALLY DONE
- Install R-19 insulation between 2' X 4' studs (ceiling and walls) PARTIALLY DONE
- Install 4' X 8' sheetrock - 5/8" - with 3" screws ceiling and walls PARTIALLY DONE
- Tape, spackling compound, and paint sheetrock
- Trim work on 4 windows
- Paint floor
- Install bathroom sink (possibly)

Approximate cost of repairs: under \$500.00

ss_shed.mis

EXHIBIT "F"

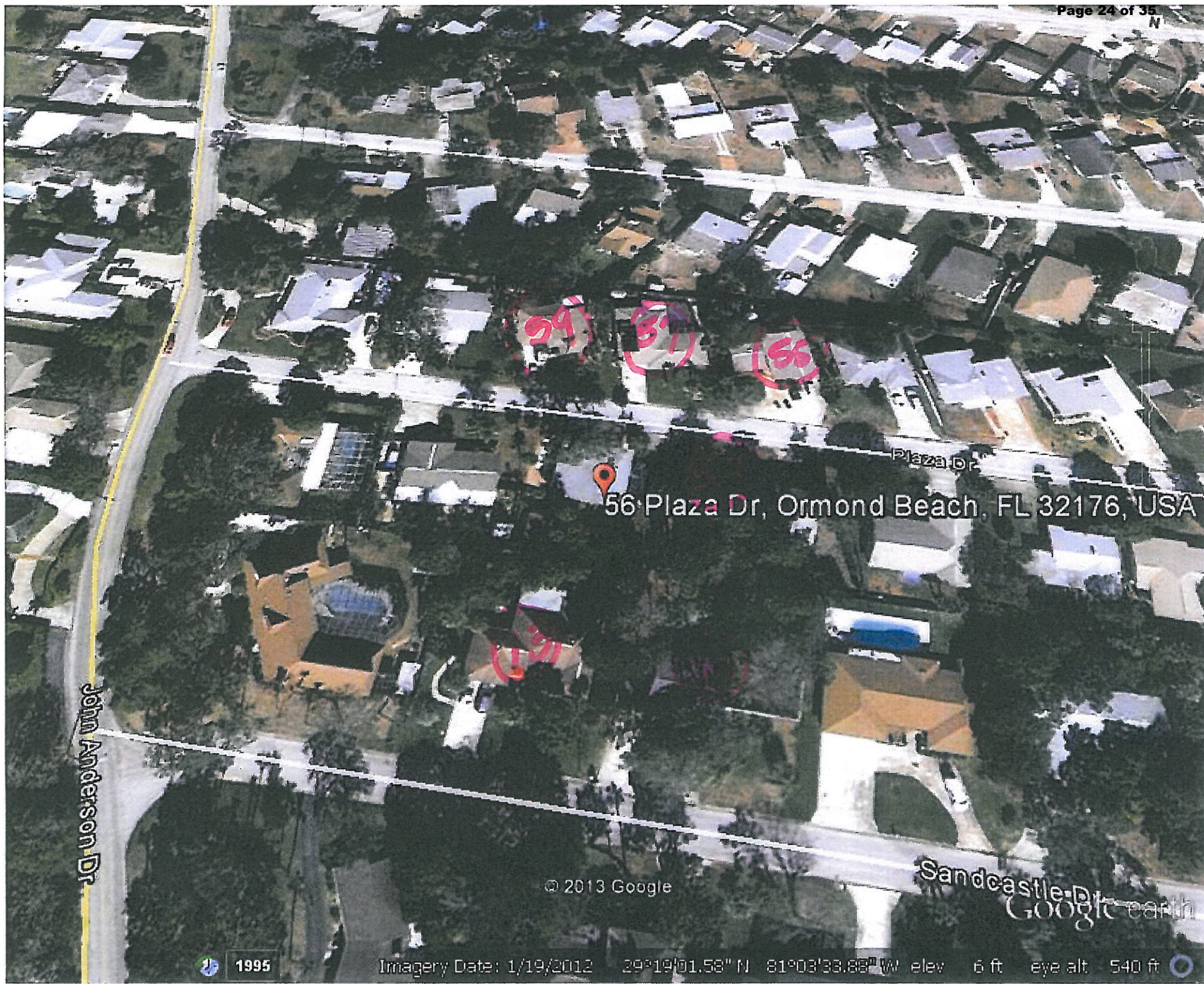


July 2012

EXHIBIT "F"



September 2013



56 Plaza Dr, Ormond Beach, FL 32176, USA

© 2013 Google

Sandcastle Dr
Google earth

EXHIBIT "G"

September __, 2013

Mr. Scott Ashley
Planning Administrator
Volusia County
123 W. Indiana Avenue, Room 202
DeLand, FL 32720

Re: R. Brett Ford
Variance Request No: _____
56 Plaza Drive, Ormond Beach, FL

Dear Mr. Ashley:

I live at , 54 PLAZA DRIVE Ormond Beach. My next door neighbor, Randy Ford, has submitted an Application to the Planning & Land Development Review Commission for a variance to the rear yard setback on his property at 56 Plaza Drive. I have spoken with Randy about this matter and feel there is no reason why he should not be able to receive the variance as contemplated.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

Blaine S. Baughman
BLAINE S. BAUGHMAN
(386) 441-1261

September __, 2013

Mr. Scott Ashley
Planning Administrator
Volusia County
123 W. Indiana Avenue, Room 202
DeLand, FL 32720

Re: R. Brett Ford
Variance Request No: _____
56 Plaza Drive, Ormond Beach, FL

Dear Mr. Ashley:

I live at , 13 SANDCASTLE Ormond Beach. My next door neighbor, Randy Ford, has submitted an Application to the Planning & Land Development Review Commission for a variance to the rear yard setback on his property at 56 Plaza Drive. I have spoken with Randy about this matter and feel there is no reason why he should not be able to receive the variance as contemplated.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

Sally Faugnier
386-441-3319

September __, 2013

Mr. Scott Ashley
Planning Administrator
Volusia County
123 W. Indiana Avenue, Room 202
DeLand, FL 32720

Re: R. Brett Ford
Variance Request No: _____
56 Plaza Drive, Ormond Beach, FL

Dear Mr. Ashley:

I live at , 23 Sankus He Dr Ormond Beach. My next door neighbor, Randy Ford, has submitted an Application to the Planning & Land Development Review Commission for a variance to the rear yard setback on his property at 56 Plaza Drive. I have spoken with Randy about this matter and feel there is no reason why he should not be able to receive the variance as contemplated.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

Kelley D. King

September __, 2013

Mr. Scott Ashley
Planning Administrator
Volusia County
123 W. Indiana Avenue, Room 202
DeLand, FL 32720

Re: R. Brett Ford
Variance Request No: _____
56 Plaza Drive, Ormond Beach, FL

Dear Mr. Ashley:

I live at , 55 Plaza Dr. Ormond Beach. My next door neighbor, Randy Ford, has submitted an Application to the Planning & Land Development Review Commission for a variance to the rear yard setback on his property at 56 Plaza Drive. I have spoken with Randy about this matter and feel there is no reason why he should not be able to receive the variance as contemplated.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,


Lisa Fisher

September __, 2013

Mr. Scott Ashley
Planning Administrator
Volusia County
123 W. Indiana Avenue, Room 202
DeLand, FL 32720

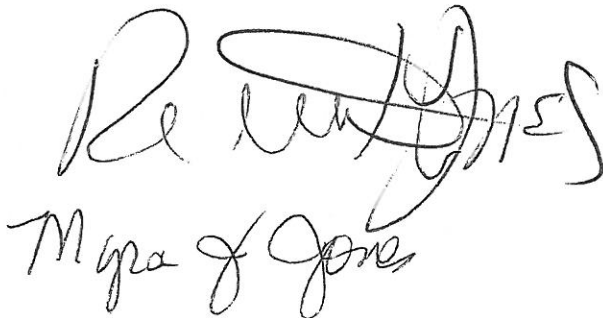
Re: R. Brett Ford
Variance Request No: _____
56 Plaza Drive, Ormond Beach, FL

Dear Mr. Ashley:

I live at , 57 PLAZA DR. Ormond Beach. My next door neighbor, Randy Ford, has submitted an Application to the Planning & Land Development Review Commission for a variance to the rear yard setback on his property at 56 Plaza Drive. I have spoken with Randy about this matter and feel there is no reason why he should not be able to receive the variance as contemplated.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,


Mira J. Jones

September 1, 2013

Mr. Scott Ashley
Planning Administrator
Volusia County
123 W. Indiana Avenue, Room 202
DeLand, FL 32720

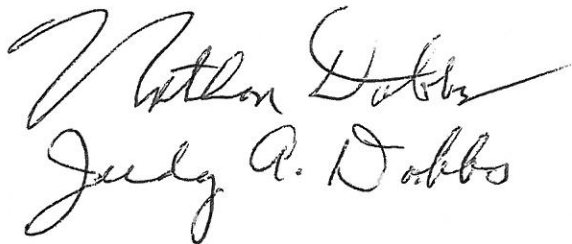
Re: R. Brett Ford
Variance Request No: _____
56 Plaza Drive, Ormond Beach, FL

Dear Mr. Ashley:

I live at 59 PLAZA DR. Ormond Beach. My next door neighbor, Randy Ford, has submitted an Application to the Planning & Land Development Review Commission for a variance to the rear yard setback on his property at 56 Plaza Drive. I have spoken with Randy about this matter and feel there is no reason why he should not be able to receive the variance as contemplated.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,



Judy R. Dobbs




REVIEW STAFF COMMENTS**MERRILL.FORD****V-14-007****BUILDING CODE ENFORCEMENT****Tom Reynolds****October 17, 2013****Comments:**

An original shed, with some plmg. & elect., appears to have been permitted with a final inspection approval, by a previous property owner. At some point the structure, the plmg. and electrical was modified (without the required permit(s) and inspection approvals) and the bldg. used for occupancy. The present owner no longer has a tenant in this bldg. and has removed the "kitchen".

BUILDING CODE ENFORCEMENT**Tom Reynolds****October 24, 2013****Comments:**

Appears the original portion of this accessory structure was permitted with the required inspection approval(s), as a shed. At some point in time the building was modified and rented out as a dwelling unit. The present property owner stated the structure in question was rented, to a tenant for occupancy as a dwelling unit, when he purchased the property. After the present owner (Mr Ford) was notified of the violation(s) he had the bldg. vacated and has removed the kitchen facilities. See additional info in the violation file (Row ID 747387).

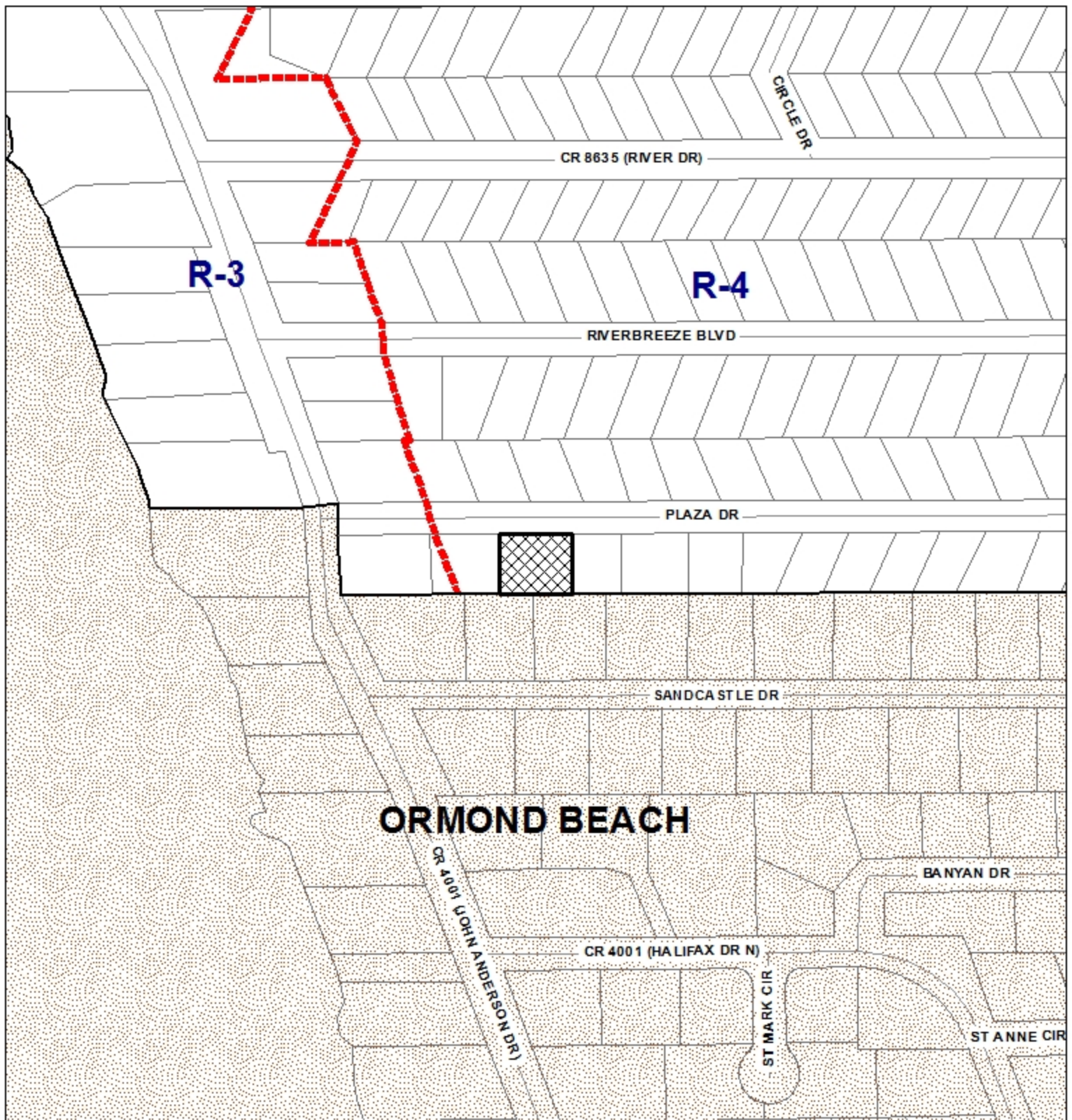
**ECO/NRMA**

 ECO
  NRMA
  REQUEST AREA


1 inch = 500 feet



VARIANCE
CASE NUMBER
V-14-007



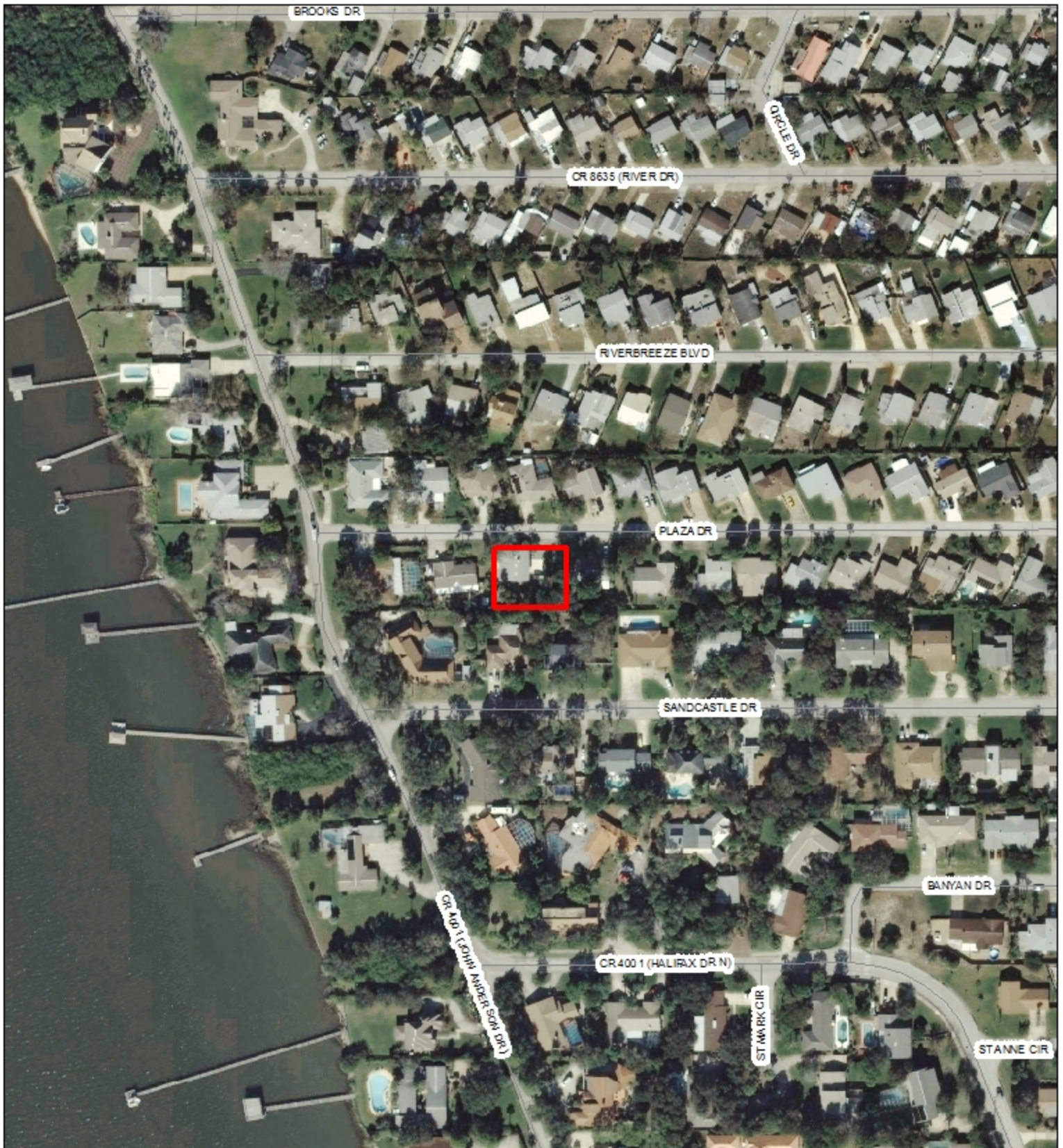
ZONING CLASSIFICATION

 REQUEST AREA

1 inch = 200 feet




**VARIANCE
CASE NUMBER
V-14-007**



AERIAL

IMAGE YEAR: 2012

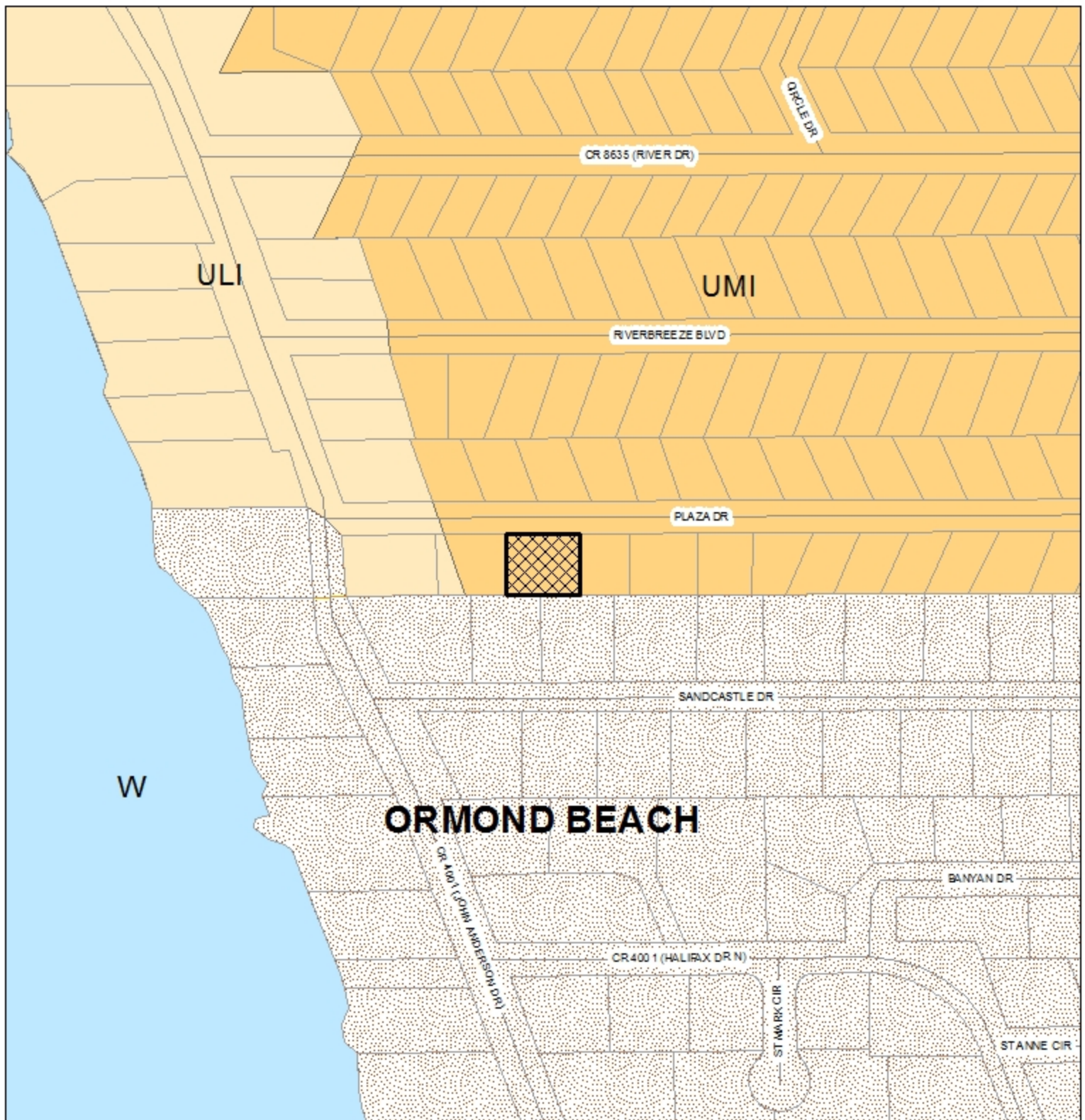
1 inch = 200 feet

 REQUEST AREA







**VARIANCE
CASE NUMBER**

V-14-007



FUTURE LAND USE DESIGNATION

	INCORPORATED (2)		URBAN MEDIUM INTENSITY (1)
	URBAN LOW INTENSITY (1)		WATER (1)

1 inch = 200 feet



***VARIANCE
CASE NUMBER***

V-14-007