

Variance Request Information – Euleta Dianne Fox Revocable Trust for Property at
4 Ocean Beach Dr. Ocean Shore Blvd, Ormond Beach, FL 32176

CHECKLIST

1. Description of Variance Requested:

Single Family Dwelling Minimum Yard Size as follows:

- Rear yard setback from required 20 feet to 7.5 feet.
- Front yard setback from required 20 feet to 14.67 feet.
- Side yard set back from required 5 feet to 1 foot.

2. Property Owners Information:

Name: Euleta Dianne Fox Revocable Trust
Address: 8 Ocean Dunes Drive
Ormond Beach, FL 32176
Telephone Number: 386-290-8800 Shayna Morrow, Trustee

3. **Applicant Information:** Owners are the applicants. Shayna Morrow will be primary contact.

4. Information on Utilities:

- Septic
- City Water
- Well for irrigation
- Electric

5. Tax parcel number and address of parcel:

Tax Parcel Number: 34-13-32-07-00-0125
Address of Parcel: 4 Ocean Beach Drive
Ormond Beach, FL 32176

6. **General Location of Site:** North side of Ocean Beach Drive approximately 80 feet east of Ocean Shore Boulevard.

7. **Number of acres in the parcel:** Approximately 0.136 acres or 5920 square feet.

8. **Square footage of each proposed building, if applicable.** – N/A

Additional Requirements – Check List

1. **Application Fee** – Waived per Resolution 2013-01.
2. **A notarized authorization form from owner or attorney representing the owner.** - N/A as applicants and owners are the same.
3. **Two (2) copies of the legal description** – See Survey.

4. **Two (2) current surveys of the property prepared by a Florida Registered Land Surveyor – See attached.**
5. **Five (5) copies of a site plan that complies with Section 72-379(1)(a)(3) of the Zoning Ordinance and one 8 ½" x 11" reduced copy of the survey – N/A**
6. **Written petition as described in Section 72-379(1)(a)(4) of the Zoning Ordinance. – See attached.**
7. **Additional information required for a variance from Section 72-206(1) (Nonconforming lot) – N/A**

Responses to Written Petition for a Variance

- 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?**

This home is part of the O'Byrne Subdivision and was built in 1957. In 1957, the O'Byrne Subdivision was not zoned B-8 – Tourist. The B-8 Tourist zoning classification was recently modified under Ordinance 2013-01 as a result of a settlement agreement between the County of Volusia and Mr. Joseph Kohler. The minimum yard size requirements for Single Family Dwellings and/or the setbacks for Accessory structures to single family dwellings contained in Ordinance 2013-01, make this property non-conforming. Because this property and the majority of the properties impacted by Ordinance 2013-01 cannot meet the proposed single family dwelling minimum yard requirements and/or accessory structures setbacks, County Council passed Resolution 2013-01 waiving variance fees for properties zoned B-8, Tourist Classification, in Neptune Subdivision, O'Byrne Subdivision, and Replat of Ormond by the Sea #4 until March 1, 2014. These circumstances are not the result of actions by the owner(s).

- 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?**

Because this property is non-conforming, a variance for the existing minimum yard size and/or existing accessory structure setbacks is being requested. The variance will eliminate issues lenders have with respect to re-financing and financing a non-conforming property. Additionally, the variance affords the owner(s) the right to rebuild the existing structure and/or accessory structures in their current locations should they be partially or completely destroyed.

- 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.**

Granting the requested variance(s) will conform the existing structure and/or accessory structure to Ordinance 2013-01.

- D) The general intent and purpose of the Zoning Ordinance and the Volusia County Comprehensive Plan Ordinance NO. 90-10 is to lesson 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?**

This variance request applies to an already developed property therefore will not impact congestion on the streets, public health, safety, morals, and general welfare; or use of land and governmental services.

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

This variance request applies to an already developed property therefore will not be injurious to the surrounding area.