



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
CURRENT PLANNING ACTIVITY
 123 W. Indiana Avenue, DeLand, FL 32720
 (386) 943-7059

PUBLIC HEARING: July 8, 2014 - Planning and Land Development Regulation Commission (PLDRC)

CASE NO: V-13-032

SUBJECT: Variances to side yard requirements for an existing accessory structure on Urban Single-Family Residential (R-4) zoned property.

LOCATION: 128 Coquina Key Drive, Ormond Beach

APPLICANT: Tim Hassler, agent for owner

OWNERS: Anthony and Jean Truman

STAFF: Carol McFarlane, AICP, Planner II

I. SUMMARY OF REQUEST

The applicant is requesting variances to legalize existing structures, namely a screened pool enclosure. In 2001, a pool permit was issued, but it was not built in accordance with the approved building permit plans. The pool contractor never requested a final inspection for the pool permit. In 2012, a code enforcement complaint was brought to the County's attention and it was discovered that the screened enclosure structure was constructed within the required south side yard. Approval of this variance will allow the owners to final the pool permit and resolve the code enforcement violation.

The requested variance is:

A variance to Section 72-277(1)(a) for a minimum south side yard from the required five feet minimum to six inches for an existing accessory swimming pool screened enclosure.

Staff recommendation: Denial, as the variance requested does not meet the five criteria. However, if the PLDRC does find that the variance request meets the five criteria, staff has recommended conditions of approval.

SITE INFORMATION

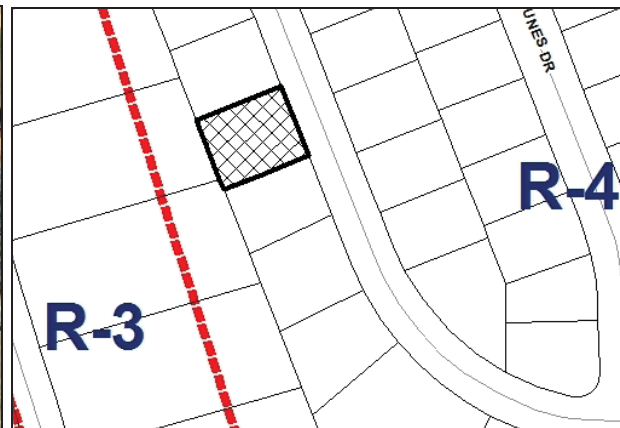
1. Location: The property is located on the west side of Coquina Key Drive approximately 480 feet northwest of its intersection with Egret Dunes Drive, Ormond Beach.
2. Parcel No(s): 3209-02-00-0860
3. Property Size: ±8,181 square feet
4. Council District: 4
5. Zoning: Urban Single-Family Residential (R-4)
6. Future Land Use: Urban Medium Intensity (UMI)
7. ECO Overlay: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	R-4	UMI	Single-family Residence
East:	R-4	UMI	Single-family Residence and vacant residential
South:	R-4	UMI	Single-family Residence
West:	R-4	UMI	Single-family Residence

10. Location Maps:



Aerial Map



Zoning Map

II. BACKGROUND AND PREVIOUS ACTIONS

The subject property is comprised of one lot from the Coquina Key subdivision, which was platted in 2001 as a cluster subdivision. The current owners purchased the lot from the developer in February 2001 and pulled permits to construct a single-family residence (BP # 20010910046) and a pool (BP # 20011008013) that same year. According to the survey submitted by the applicant, the house lies 10 feet further to the south than what was approved on the building permit. The building permit depicts an 11.5-foot setback from the north lot line and a 14-foot setback from the south lot line. However, the survey submitted with this application shows the dwelling meeting a 20-foot setback from the north lot line and the 5-foot setback from the south lot line.

The swimming pool in question has a screened enclosure that rests atop a masonry wall. On the building permit, the masonry wall is three feet in height and lines up with the southern sides of the house. The screened enclosure and masonry wall were not constructed in accordance with the approved pool permit. The height of the existing wall varies between 5.7 feet and 8.3 feet, and extends beyond the south face of the house by 4.5 feet into the required side yard.

The contractor for the pool permit, Pools N Spas of Central Florida, never requested a final inspection for the pool, and that permit was subsequently never completed. A certificate of occupancy for the house was issued on June 18, 2002.

In March of 2012, a complaint was received by the county that the pool permit had expired and that the screened enclosure is within the five-foot required setback for accessory structures. In an effort to resolve the violations, the owner submitted to reinstate the previous permit. Mr. Truman stated on the extension request that he tried to contact the original pool contractor, but the contractor would not return his calls. Therefore, Mr. Truman applied for the permit extension under his own name.

During the review of the permit, it was discovered that not only was the screened enclosure within the five-foot setback, but that it is also located within a platted five-foot drainage easement. The homeowners petitioned to vacate that portion of the easement affected by the screened enclosure. On June 5, 2014, the Volusia County Council approved the vacation of the affected portion of the drainage easement. The resolution is contingent upon the applicant obtaining a variance for the vacation area within nine months of the date of approval. Failure to meet this condition shall serve to automatically repeal the vacation of the drainage easement. The vacation resolution is attached for your review.

REVIEW CRITERIA AND ANALYSIS

The purpose of this variance is to legitimize an existing screened enclosure for a pool. This will allow the applicant to move forward with their building permit and resolve code enforcement complaints.

The site plan submitted with the variance application shows that the screened enclosure comes within six inches of the subject property's south property line. The original building

permit showed the screened enclosure flush with the residence, which is located 5.77 feet from the property line. Instead, the screen enclosure protrudes from the residence and encroaches into the side yard and a drainage easement. As mentioned above, the county council has vacated the drainage easement conditioned upon approval of this variance.

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.

The only special circumstance in this case is that the structure has been in existence on this property since 2002. The reason that the structure has been in existence on the property without meeting zoning setbacks is that the permit was never completed. All properties in the same zoning classification must receive building permit approval. Therefore, the special circumstance is applicable to other lands.

Staff finds that the variance request does not meet this criterion.

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

Since staff could not find a circumstance peculiar to the land, this variance request cannot meet this criterion.

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.

Literal interpretation of the zoning code would require at least a partial demolition of the screen enclosure. The screened enclosure could be rebuilt to fit within the required setbacks, but that would create an undue hardship on the applicant by requiring additional construction of the existing structure.

Staff finds that the variance request can meet this criterion.

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

The variance requested is the minimum variance necessary to make possible the use of the pool area. The screen enclosure and masonry wall could be moved without impeding on the use of the existing pool.

Staff finds that the variance request does not meet this criterion.

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.

Granting of this variance will not have an effect on traffic or the public health, safety or welfare. There will be no impact on essential services or fire safety. The county council has vacated the drainage easement that existed on the property.

Staff finds that the variance request can meet this criterion with the staff recommended conditions.

III. STAFF RECOMMENDATION

Staff finds that the requested variance does not meet all five criteria for the granting of a variance and must recommend denial of the variance to Section 72-277(1)(a) for a minimum south side yard from the required five feet minimum to six inches for an existing accessory swimming pool screened enclosure.

However, if the PLDRC were to find that the variance request does meet the required criteria, staff recommends the following conditions:

1. The variance is limited to the existing pool screen enclosure as indicated on the variance site plan prepared by Casey Land Survey, LLC and dated April 9, 2012. The structure cannot be enlarged, increased, or extended to further encroach or occupy greater area or other part of the side or other required yards of the property as described by the zoning ordinance without approval of a separate variance and/or building permits and inspections.
2. The property owner shall obtain all inspections for the screen enclosure in compliance with the plans submitted with this variance application prepared by Casey Land Survey, LLC and dated April 9, 2012, prior to 90 days from the rendition of this variance, unless the Zoning Enforcement Official extends the valid period.

VI. ATTACHMENTS

- Written Petition
- Variance Site Plan/Survey
- Reviewer Comments
- Letters of Opposition/Support
- Building Permit 20010910046 (excerpts)
- Building Permit 20011008013 (excerpts)
- Resolution 2014-81
- Site Photos
- 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.

RECEIVED BY E-MAIL**Current Planning****Date** June 23, 2014

**VOLUSIA COUNTY
WRITTEN PETITION FOR A VARIANCE
(RESPONSE)**

- A. The subject property had a permit issued in 2002 to construct a single family courtyard home with swimming pool (including spa) in the center and a 6 foot concrete wall completing the enclosure. A separate contract was negotiated at the same time for the swimming pool, spa and screen enclosure. The home was completed and a Certificate of Occupancy was issued in June 2002. The swimming pool contractor built the pool, spa and enclosure, passed all ongoing inspections, but, unknown to the owner, never called for a final inspection. The owner assumed the contractor had built the pool, spa and enclosure in conformity with current zoning and building codes at that time and that the final inspection had been performed and the matter was closed.

Approximately ten years later a Code Enforcement Complaint was issued against the petitioners' property claiming that the southern portion of the pool and courtyard screen enclosure encroaches in the 5' side yard setback by 4.89 feet. The pool and courtyard screen enclosure includes a 6 foot high precast concrete wall/ fence that divides the petitioner's property from the southerly neighbor's property. Current zoning side yard setbacks of 5 feet preclude the construction of any structure in the setback. At the western end (at the rear of the pool/courtyard), the pool wall/fence screen enclosure turns north approximately 4 feet and ties into the southern wall of the house and includes a screen door for access to the rear of the property. The screen door enclosure is 99 ½" in height which is over the maximum 72".

The survey submitted for the building permit shows that originally the home was to be placed closer to the north property line, but it was actually built about eight feet further to the south. Also, the swimming pool was to be even with the south end of the house, but was built further to the south. This was all caused by the surveyor marking the property line incorrectly. Once the house was built on the incorrect spot, it caused the pool to be moved further south. These conditions created the encroachment.

The contractor's remedy was to place a precast concrete wall/fence (without a foundation) in lieu of a structure at the most southern part of the lot to allow enough room for the pool cool-deck area and provide the privacy wall originally planned. . At the western end (at the rear of the pool/courtyard), the 4 foot long wall/fence is 99½" high instead of the maximum 72" to allow for the screen door height and to give stability to the door and frame. These special conditions and circumstances were caused by the contractor and not the result of any intentional action by the petitioner.

- B. The subject property lies in the Coquina Key Subdivision in Ormond by the Sea which was platted as a "cluster" subdivision that allows 5 foot side yard setbacks. Literal interpretation of the Zoning Ordinance would be an undue hardship on the petitioner since moving the enclosure to within the 5 foot setback would place it over the spa and rendering it useless. Decreasing the

height of the 99 ½" screen door enclosure would eliminate the door and deny the petitioner's rear access to the back yard. Only a variance(s) will provide relief for these conditions.

- C. The request for variance(s) is the minimum required to allow the pool wall/fence and screen enclosure to exist in its current condition. The encroachment is 4.89 feet into the setback. The remaining 35 feet of the screen enclosure is attached to the petitioners' home and tile roof areas and exists in accordance with current zoning. The second variance request is for the exceeded height limit on the screen door enclosure located on the west side of the pool enclosure. Petitioner is asking for a variance of 27 ½". Due to the enclosure's design and method of attachment, if the 4.89 feet of the affected area must be removed and the concrete structure above the screen door be removed, then the structural integrity of the entire pool wall/fence will be compromised. If the structures would have to be removed, not only would it be costly, but will cause undue hardship, lower the resale value and change the architectural design of the courtyard house plans. (There are five other courtyard homes in the Coquina Key neighborhood.) Granting this variance(s) request will provide relief for this.
- D. 1. The structure will not impede on public health and does not affect the character, appearance and aesthetic qualities of the surrounding properties. In fact, the neighbor's 6 foot high PVC privacy fence obscures the petitioner's structure from view.
2. The structure has existed since 2002 with no adverse affect and will not be injurious to the surrounding area.

VARIANCE SITE PLAN

Inter-Office
Memorandum



TO: Carol McFarlane, Planner II **DATE:** May 21, 2013

FROM: Danielle Dangleman, Environmental Specialist III

SUBJECT: Planning & Land Development Regulation Commission meeting for
Date: July 9, 2013
Parcel #: 3209-02-00-0860
Case #: V-13-032, Anthony and Jean Truman, owners

Environmental Permitting (EP) has conducted a site visit and reviewed the Variance application for the Truman property. EP has no objection to the side setback requested under this Variance.

Patrick J. Wise
Coquina Key
140 Coquina Key Dr.
Ormond Beach FL. 32176
January 11, 2013

Tony and Jean Truman
128 Coquina Key Dr.
Ormond Beach Fl. 32176

Dear Tony and Jean Truman:

Neither the Board of Directors, Coquina Key Homeowner's Association nor the Coquina Key Architectural Review Committee has any objection to the present location or appearance of the wall and pool-screen enclosure at the home of Anthony and Jean Truman, 128 Coquina Key Drive, Ormond Beach, Florida. We accept the way the Truman's house represents the style of the Coquina Key development and is an enhancement to the surrounding homes. We feel that the pool-screen enclosure does not deter or detract from the adjacent homes and should be accepted as is. They meet the architectural, aesthetic and other requirements of the association. The Truman's advised that the wall and screen enclosure were erected by the builder in 2002 during the construction of the house. Please feel free to contact me if you need additional clarification

Sincerely,

A handwritten signature in cursive script, reading "Patrick J. Wise".

Patrick J. Wise
President
Coquina Key Homeowners Association
Chairman
Coquina Key HOA Architectural Review Committee

June 14, 2012

Carol McFarland
Volusia County Building and Zoning Office
123 West Indiana Avenue
Deland, Florida 32720

Complaint Numbers: 20120313063 and 20120313065
128 Coquina Key Drive
Ormond Beach, Florida 32176

Dear Ms. McFarland:

This is a follow up letter to our telephone conversation of June 11, 2013.
It has now been one year and three months (March 13, 2012) since we filed a complaint regarding our neighbor's pool screen enclosure along with the cement pool pad which was illegally built within the five foot setback.

You stated that the county is allowing the Truman to continue and try to obtain a variance which we are opposed. The water from the Truman's 20-foot swimming pool cement pad and screen enclosure which extends over the five foot setback continues to cause excessive water to flow onto our property. A variance will not stop this problem and the lack of a dead line to resolve this complaint is troublesome.

Sincerely,



Benny Shippey



Mary Shippey
128 Coquina Key Drive
Ormond Beach, Florida 32176

cc: Bryan Jiles
Building and Zoning Compliance Manager

From: Gene Paul <gpaul3@cfl.rr.com>
To: "CMCFarlane@volusia.org" <cmcfarlane@volusia.org>
Date: 6/26/2014 8:49 PM
Subject: Caser No:V-13-032

We have been neighbors of Tony & Jean Truman in Coquina Key for the past ten years. We are aware that Mr; & Mrs. Truman have applied for a variance and we are in support of their request for this variance.

Please contact us at 386-852-1170 should you wish to discuss this matter in greater detail.

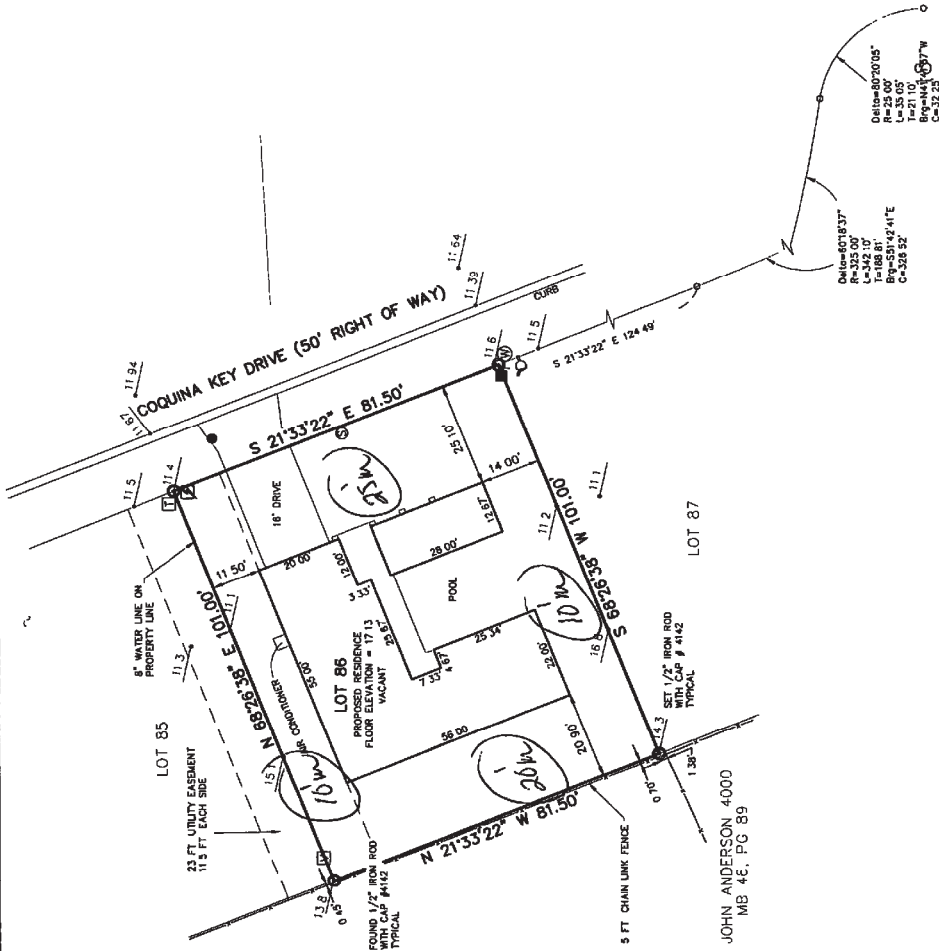
Gene & Mary Paul

DESCRIPTION
LOT 86, COQUINA KEY SUBDIVISION, UNIT 2,
AS RECORDED IN MAP BOOK 48, PAGE 46,
PUBLIC RECORDS OF VOLUSIA COUNTY,
FLORIDA.

NOTES

- 1 NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY, AND OR OWNERSHIP FURNISHED THIS SURVEYOR EXCEPT AS SHOWN
- 2 DESCRIPTION PROVIDED BY CLIENT
- 3 NO UNDERGROUND STRUCTURES AND OR FOUNDATIONS, IF ANY, WERE LOCATED EXCEPT AS MAY BE SHOWN.
- 4 BEARING BASE S21°33'22"E ALONG COQUINA KEY DRIVE
- 5 ELEVATIONS REFER TO NATIONAL GEODETIC VERTICAL DATUM 1929

- LEGEND
- R= RADIUS
 - L= ARC LENGTH
 - BRG = CHORD BEARING
 - T= TANGENT LENGTH
 - C= CHORD LENGTH
 - ELECTRIC TRANSFORMER
 - TELEVISION SERVICE
 - TELEPHONE BOX
 - WATER VALVE
 - GATE VALVE
 - SANITARY LATERAL
 - WATER SERVICE
 - FIRE HYDRANT
 - EXISTING ELEVATION



CERTIFIED TO:

FLOOD ZONES C FLOOD ELEVATION
PANEL NO 125155 0038 F DATED 7-2-92

THE FORGING PLAT IS CERTIFIED TO MEET THE REQUIREMENTS OF THE FLORIDA SURVEYORS ACT AS ENFORCED BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PER CHAPTER 6107-6, FLORIDA ADMINISTRATIVE CODE, PARAGRAPH 20 SECTION 472.27, FLORIDA STATUTES.

ES 125155 0038 F M. J. DUNHAM P.L.S. 2296
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DUNHAM ASSOCIATES, INC.
LAND SURVEYORS, L.B. # 6073
1733 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117
(904) 677-5443

SURVEY TYPE
BOUNDARY

SCALE: 1"=30'

DATE: 8-28-01

ZONING REVIEW

Address 128 Coquina Key Dr
Work Type # 1-4
Wild Road Type 1-4
Notes
Approved By [Signature] Date 9/1/01

JOHN ANDERSON 4000
MB 48, PG 89

DOB NO

[illegible][illegible]

SEE INSTRUCTIONS SHEET
FOR NOTATIONS ON PLANS

REVIEWED FOR COMPLIANCE
DATE: 10/16/17. RL
PERMIT # 10910246
UNIVERSITY OF CALIFORNIA
PLUMBING DIVISION
UNIVERSITY OF CALIFORNIA
PLUMBING DIVISION

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FOR PLAN

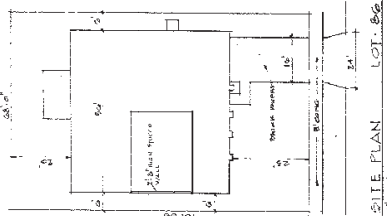
WINDOW IN BEDROOMS
SHALL CONFORM TO
SECTION 105.05 S. B. C.

AREA 1	1725 SF
LIVING AREA	400 SF
KITCHEN	211 SF
BATH	54 SF
STORAGE	100 SF

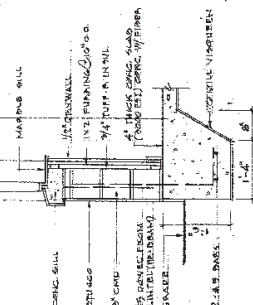
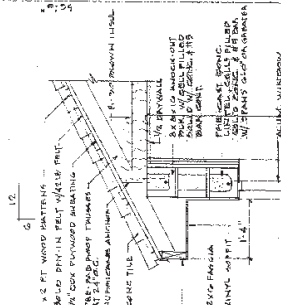
ELECTRICAL NOT REVENUED

THE DESIGN OF
CONSTRAINTS IS NOT A
WITH THE CONSTRAINTS, INSTALLED BY
THE COASTAL CODE 8107 OF VOLUNTARY
AND EARLY, COASTAL ZONES 01.45.

PLANS CONFORM TO THE
REQUIREMENTS OF SECTION 1508.
OF THE 1987 STANDARD
BUILDING CODE AND ARE
STRUCTURALLY ADEQUATE FOR
110 MPH WINDS.



SITE PLAN LOT. 86



3/4" x 1/2" x 1/4" TYPICAL WALL SECTION

第 15 頁 共 15 頁

HEADLEV

大正十三年

FRONT ELEV.

Building Permit #
20011008013

FILE COPY

DESCRIPTION
LOT 86, COQUINA KEY SUBDIVISION, UNIT 2,
AS RECORDED IN MAP BOOK 48, PAGE 46,
PUBLIC RECORDS OF VOLUSIA COUNTY,
FLORIDA.

NOTES

- 1 NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY AND OR OWNERSHIP FURNISHED THIS SURVEYOR EXCEPT AS SHOWN
- 2 DESCRIPTION PROVIDED BY CLIENT
- 3 NO UNDERGROUND STRUCTURES AND OR FOUNDATIONS, IF ANY, WERE LOCATED EXCEPT AS MAY BE SHOWN
- 4 BEARING BASE S21°33'22"E ALONG COQUINA KEY DRIVE DATUM 1929
- 5 ELEVATIONS REFER TO NATIONAL GEODETIC VERTICAL DATUM 1929

REVIEWED FOR CODE COMPLIANCE

DATE: 10/16/01 BY: *Red MCA*

PERMIT # 011008013

NOTE: THIS DOES NOT GRANT PERMISSION TO VIOLATE ANY APPLICABLE LAW, CODE OR ORDINANCE.
VOLUSIA COUNTY CODE ADMINISTRATION

- LEGEND
- R= RADIUS
 - L= ARC LENGTH
 - Brg = CHORD BEARING
 - T= TANGENT LENGTH
 - C= CHORD LENGTH
 - ELECTRIC TRANSFORMER
 - TELEVISION SERVICE
 - TELEPHONE BOX
 - WATER VALVE
 - GATE VALVE
 - SANITARY LATERAL
 - WATER SERVICE
 - FIRE HYDRANT
 - EXISTING ELEVATION

CERTIFIED TO

FLOOD ZONES C FLOOD ELEVATION
PANEL NO 125155 0038 F DATED 7-2-92

THE FOREGOING PLAT IS CERTIFIED TO MEET THE MINIMUM TECHNICAL REQUIREMENTS AS ESTABLISHED BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS, CHAPTER 6163-6, FLORIDA ADMINISTRATIVE CODE, 12-2 TO SECTION 472.027, FLORIDA STATUTES.

John Andepson
ES DUNHAM 60'S 7412, M.A. DUNHAM P.L.S. 2296
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

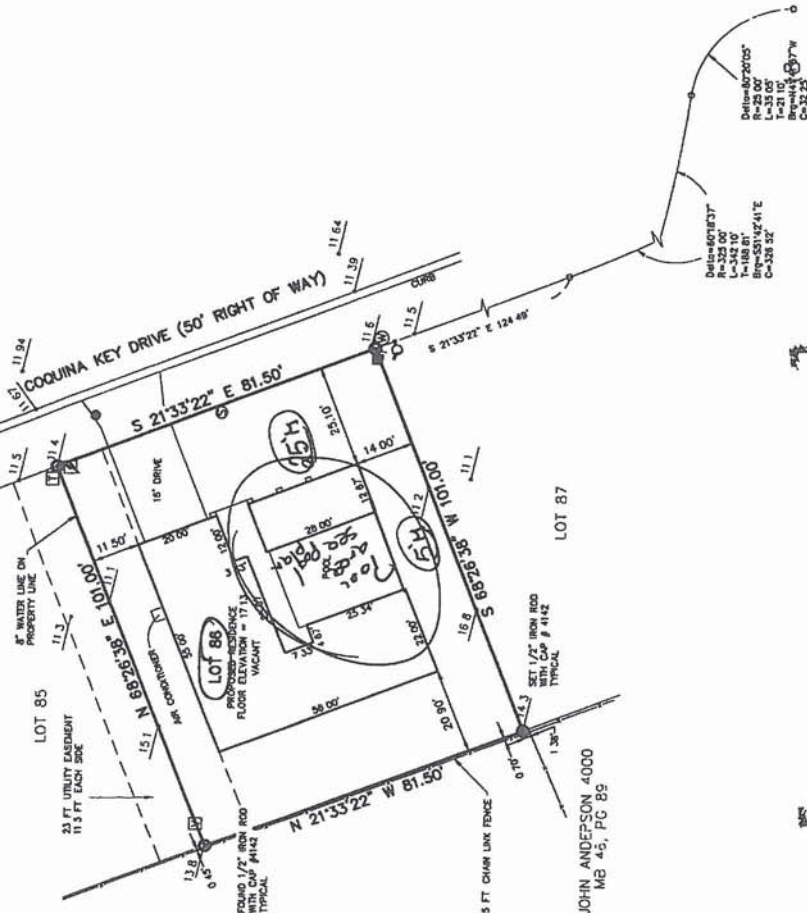
SURVEY TYPE
BOUNDARY

DUNHAM ASSOCIATES, INC.
LAND SURVEYORS, L.B. # 6073
1733 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117
(904) 677-9443

DATE 8-28-01

SCALE: 1"=30'

FILE C-24-O-86



ZONING REVIEW

128

Address COQUINA KEY DRIVE

Work Type # RA Zone Codes RA

W10 Stmwr Road Type Road type

Notes ADD POOL & SCREEN ENCLOSURE

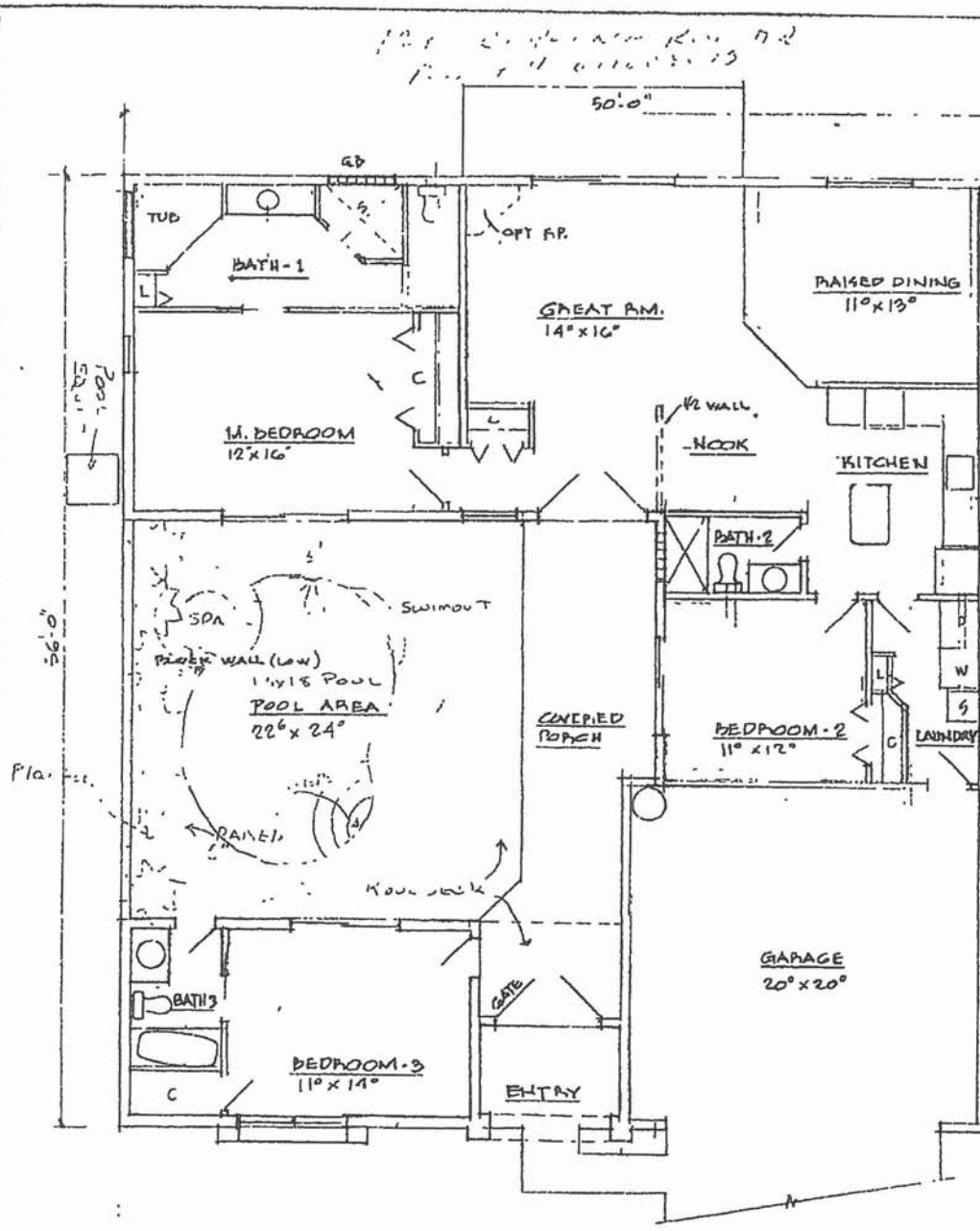
Approved By John Andepson Date 10-8-01

House # 010910046

10-8-01

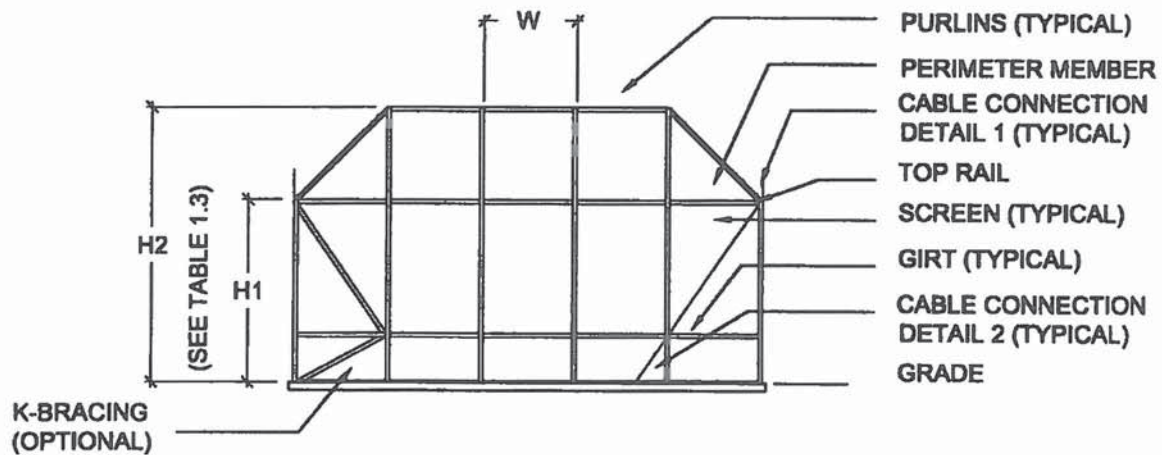
JOB NO

POOL WORKS
PLAN 2111

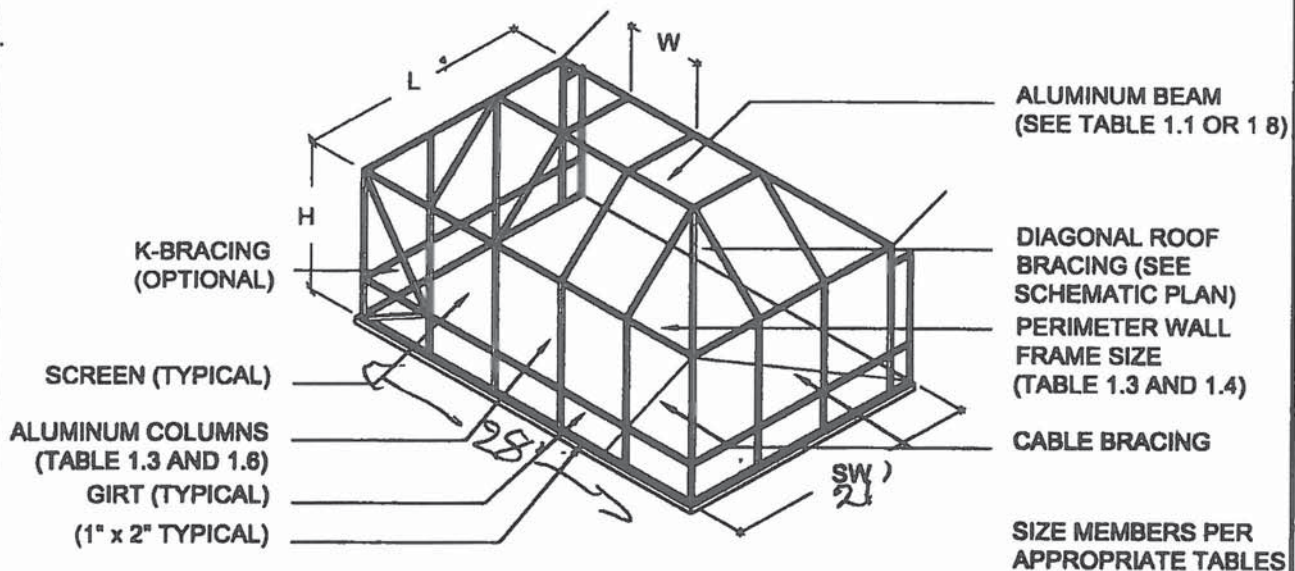


SECTION 1

SCREENED ENCLOSURES

TYPICAL MANSARD ROOF ELEVATION

NOTE: USE H2 FOR CABLE AREA CALCULATION

TYPICAL MANSARD ROOF ISOMETRIC

CONNECTION DETAILS AND NOTES ARE FOUND IN THE SUBSEQUENT PAGES.

Lawrence E. Bennett, P.E.
 CIVIL ENGINEER - DEVELOPMENT CONSULTANT
 P O BOX 4388, SOUTH DAYTONA, FL 32121
 TELEPHONE (804) 767-4774
 FAX (804) 767-8558

SEAL

PAGE

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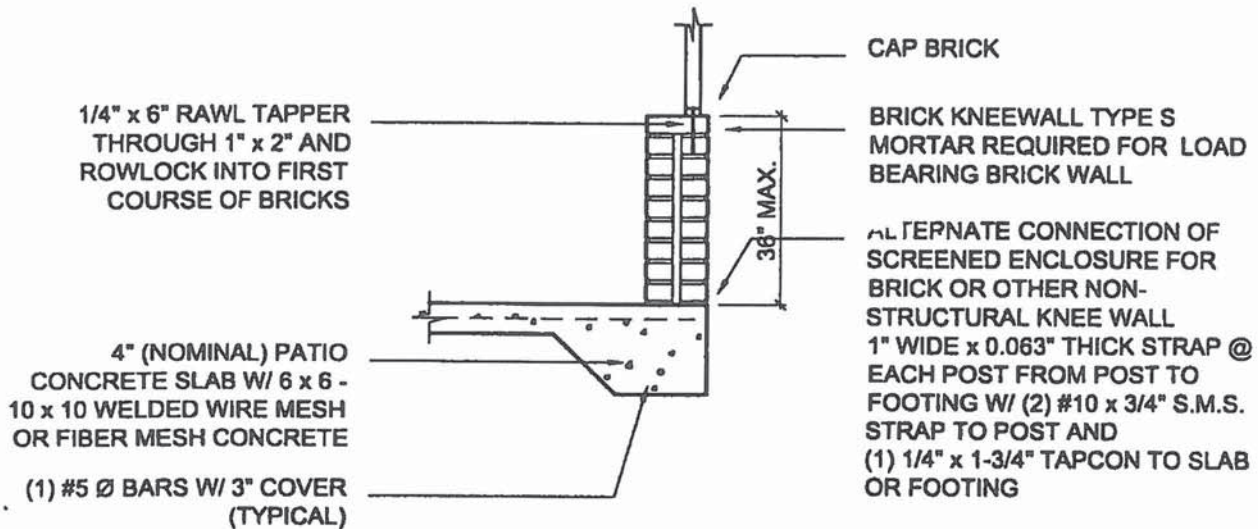
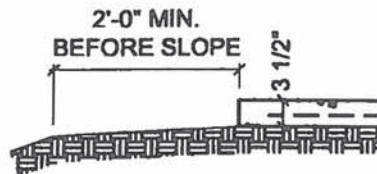
© COPYRIGHT 2000

NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF LAWRENCE E BENNETT, P E

SECTION 1

SCREENED ENCLOSURES

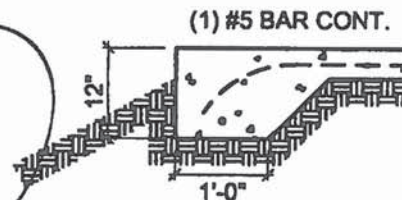
ALUMINUM FRAME SCREEN WALL

BRICK KNEEWALL AND FOUNDATION FOR SCREEN WALLS

TYPE I
FLAT SLOPE / NO FOOTING
0'-2" / 12"



TYPE II
MODERATE SLOPE FOOTING
2" / 12" - 1'-10"



TYPE III
STEEP SLOPE FOOTING
> 1'-10"

NOTES:

1. NO FOOTING REQUIRED EXCEPT WHEN ADDRESSING EROSION UNTIL THE COMBINED BEAM LENGTH AND UPRIGHT HEIGHT OF THE ENCLOSURE EXCEEDS 55'-0" THEN A TYPE II FOOTING IS REQUIRED.
2. MONOLITHIC SLABS AND FOOTINGS SHALL BE MINIMUM 2,500 PSI CONCRETE WITH 6 x 6 - 10 x 10 WELDED WIRE MESH OR FIBER MESH MAY BE USED IN LIEU OF MESH.
3. IF LOCAL BUILDING CODES REQUIRE A MINIMUM FOOTING USE TYPE II FOOTING OR FOOTING SECTIONS REQUIRED BY LOCAL CODE. LOCAL CODE GOVERNS.

SLAB-FOOTING DETAILS

Lawrence E. Bennett, P.E.
CIVIL ENGINEER - DEVELOPMENT CONSULTANT
P O BOX 4368, SOUTH DAYTONA, FL 32121
TELEPHONE (904) 787-4774
FAX (904) 787-6556

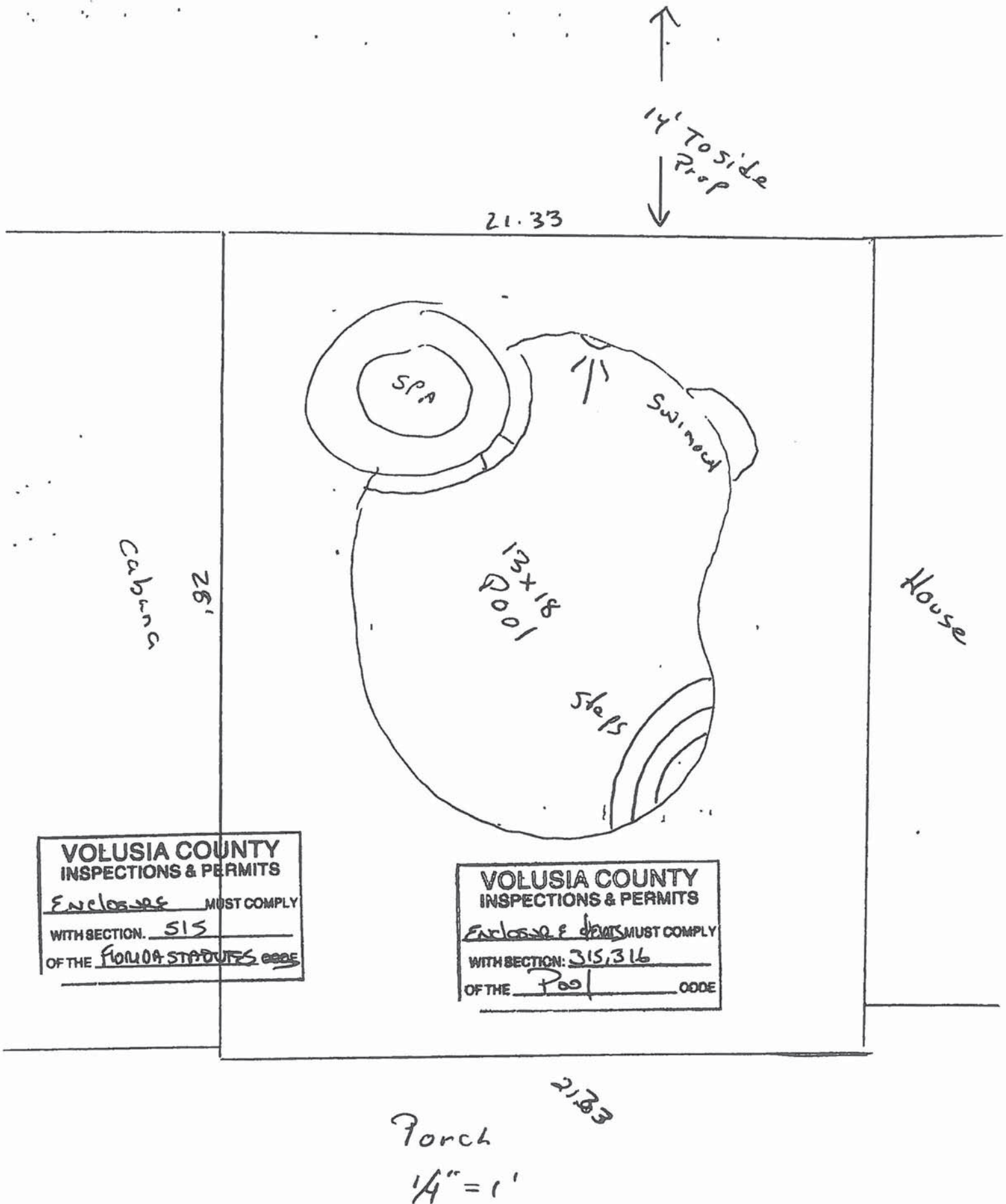
SEAL

PAGE

1-42

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RESOLUTION 2014 - 81RESOLUTION VACATING AND ABANDONING CERTAIN RIGHT
OF WAY, EASEMENT OR LAND IN VOLUSIA COUNTY, FLORIDA
AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the County of Volusia, Florida, upon the request of Anthony R. Truman and Jean Truman, did set a time and place for a public hearing pursuant to Resolution No. 93-110 and Resolution No. 93-111 to disclaim, discontinue, release, close, vacate, abandon and renounce any right of said County and Public in and to the right of way, easement or land, more particularly described as follows:

A portion of Lot 86, Coquina Key, Unit 2 as recorded in Map Book 48, Pages 46 through 48 of the Public Records of Volusia County, Florida being more particularly described as follows:

Commence at the southeasterly corner of said Lot 86; thence run S 68°24'44" W (S 68°26'36" W plat), along the southerly line of said Lot 86, a distance of 38.50 feet to the Point of Beginning; thence, continue, S 68°24'44" W, a distance of 22.00 feet; thence departing said southerly line, N 24°35'16" W, a distance of 5.00 feet to a point on a line that is 5.00 feet north of and parallel with the southerly line of said Lot 86; thence run N 68°24'44" E, along said line, a distance of 22.00 feet; thence departing said line, S 24°35'16" E, a distance of 5.00 feet to the Point of Beginning. Described portion contains 110.00 square feet.

WHEREAS, Notice of said Public Hearing was published as required by the laws of the State of Florida, and

WHEREAS, a Public Hearing regarding the disclaiming, discontinuing, releasing, closing, vacating and abandoning of a certain right of way, easement or land, or portion thereof, was held on the 5th day of June, 2014, to determine whether or not said County Council would disclaim, discontinue, release, close, vacate or abandon the aforesaid right of way, easement or land, or any portion thereof, in Volusia County, Florida.

WHEREAS, the County Council of Volusia County, Florida, pursuant to said hearing is now of the opinion and so find and determine that a portion of said right of way, easement or land hereinafter mentioned, referred to and designated should be disclaimed, discontinued, released, closed, vacated and abandoned and any right, title and interest of said County and Public in and to same is hereby renounced and disclaimed, NOW THEREFORE

BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED AT THE THOMAS C. KELLY ADMINISTRATION CENTER, COUNTY COUNCIL MEETING ROOM, IN THE CITY OF DELAND, FLORIDA, THIS 5TH DAY OF JUNE, A.D. 2014, AS FOLLOWS:

SECTION I: That the following right of way, easement or land, or portion thereof, mentioned and referred to hereinafter and further described as follows, to-wit:

A portion of Lot 86, Coquina Key, Unit 2 as recorded in Map Book 48, Pages 46 through 48 of the Public Records of Volusia County, Florida being more particularly described as follows:

Commence at the southeasterly corner of said Lot 86; thence run S 68°24'44" W (S 68°26'36" W plat), along the southerly line of said Lot 86, a distance of 38.50 feet to the Point of Beginning; thence, continue, S 68°24'44" W, a distance of 22.00 feet; thence departing said southerly line, N 24°35'16" W, a distance of 5.00 feet to a point on a line that is 5.00 feet north of and parallel with the southerly line of said Lot 86; thence run N 68°24'44" E, along said line, a distance of 22.00 feet; thence departing said line, S 24°35'16" E, a distance of 5.00 feet to the Point of Beginning. Described portion contains 110.00 square feet.

is hereby disclaimed, discontinued, released, closed, vacated and abandoned and any right, title or interest of the County and Public in and to said lands, as above described by deed or delineated on any recorded map or plat, is and are hereby renounced and disclaimed.

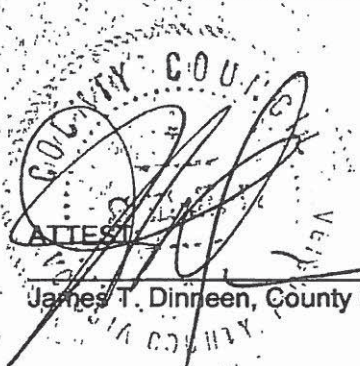
SECTION II: The effect of this resolution shall be, and is to disclaim, discontinue, release, close, vacate and abandon the above described portion of said right of way, easement or land, to renounce or disclaim any right, title or interest of the County and Public in and to said land delineated on any public map or plat or as described by deed as such right of way, easement or land and to abrogate, relinquish, release any or all easements heretofore owned, held, claimed or used by or on behalf of the Public therein or thereto; and, the owner of fee simple title to said land affected by these proceedings shall be authorized to exercise complete dominion over said lands.

NOTICE of the adoption of this resolution shall be published one time within 30 days of the date of the adoption of this resolution in a newspaper in Volusia County, Florida, qualified to publish legal notices.

SECTION III: This Resolution is contingent upon the petitioner obtaining a variance for the vacation area within nine (9) months of the date of this resolution. Failure to meet this condition and to obtain recordation of the Zoning Enforcement Official's affidavit of compliance shall serve to automatically repeal this resolution and the vacation in Sections I and II above shall be null and void ab initio.

SECTION IV: This Resolution shall become effective immediately upon its adoption.

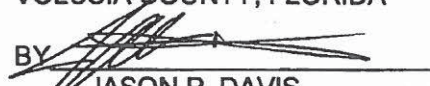
SAID RESOLUTION adopted this 5th day of June, A.D. 2014.



 ATTEST:

 James T. Dinneen, County Manager

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

BY 

 JASON P. DAVIS

 County Chair

Photos provided by the Applicant



6/14/02



House facing east 12/11/2003



Photos provided by Public Works



Subject Property.



Southeast doorway into pool area with 5.7-foot masonry wall.



Southwest doorway into pool area with 8.3-foot masonry wall.



View inbetween 128 and 126 Coquina Drive from the southwest.



View inbetween 128 and 126 Coquina Drive.



View of the fence on 126 Coquina Drive from 128 Coquina Drive.



Pool area.



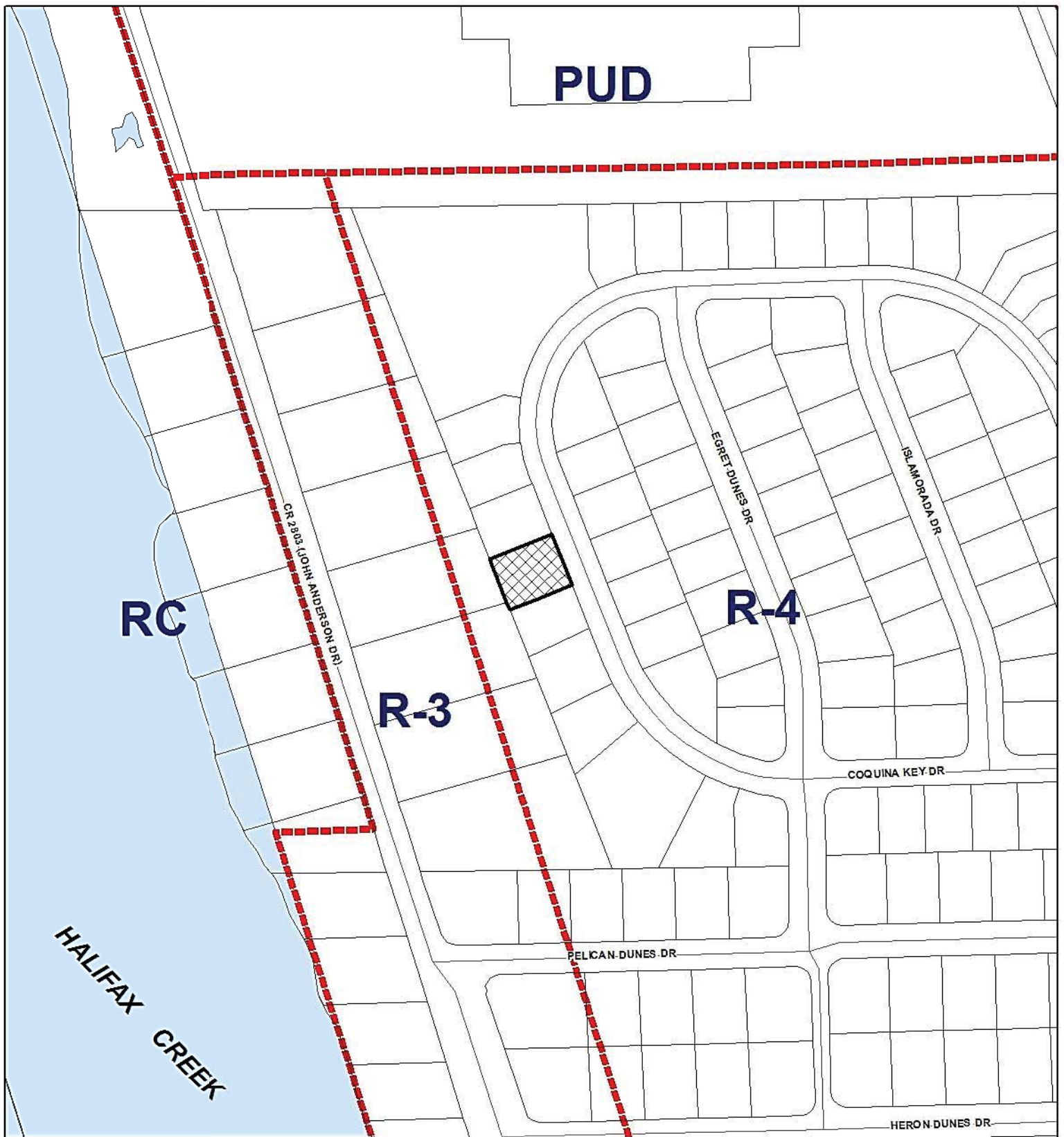
ECO/NRMA

1" = 200'




**VARIANCE
CASE NUMBER
V-13-032**

 ECO
  REQUEST AREA
  NRMA



ZONING CLASSIFICATION

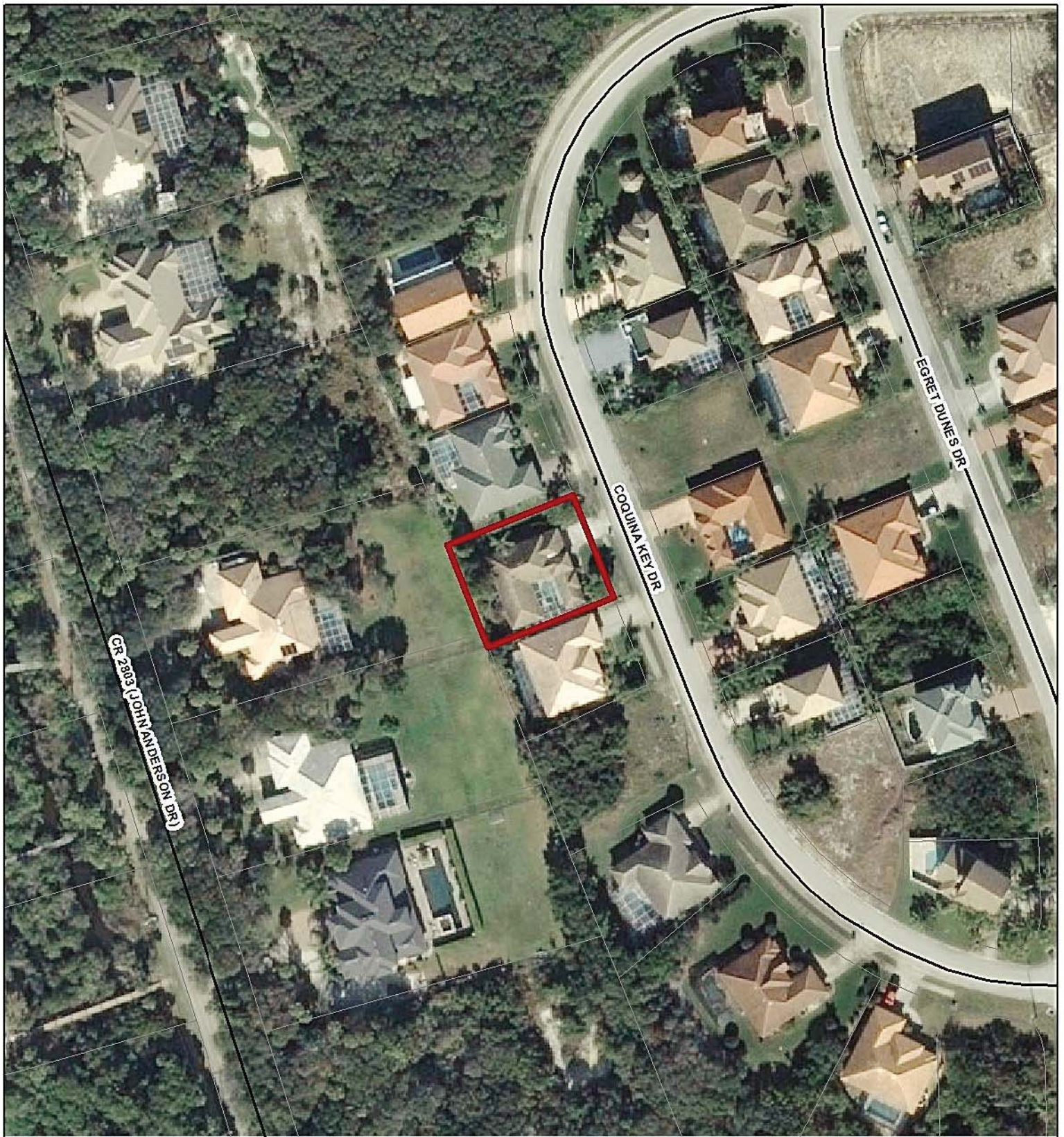
 REQUEST AREA

1" = 200'



**VARIANCE
CASE NUMBER**

V-13-032



AERIAL


IMAGE DATE: 2012

1"= 100"



**VARIANCE
CASE NUMBER**

V-13-032

 **REQUEST AREA**



FUTURE LAND USE DESIGNATION

1" = 200'

VARIANCE



CASE NUMBER
V-13-032

