



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING JULY 8, 2019

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

- 1. OPENING REMARKS**
- 2. MINUTES**
 - A. Planning & Zoning Board minutes May 13, 2019
- 3. DISCUSSION ITEMS**
- 4. OTHER**
 - A. Special Exception Application SPEX12019016: Donald Banker Nonconforming Single-Family Residential Garage Expansion-3839 S. Atlantic Avenue
- 5. BOARD COMMENTS**
- 6. ADJOURNMENT**

MINUTES
PLANNING AND ZONING BOARD
3000 Bellemead Drive Daytona Beach Shores, Florida
May 13, 2019

Present: Marianne Bachstein, John Schmitz, James Lilly, Chuck Horion and Rick Delange.

Excused: Rose Ann Tornatore. **Staff present:** Board Attorney Lonnie Groot and City Planner Stewart Cruz.

AUDIENCE REMARKS: None.

APPROVAL OF MINUTES: Minutes of Planning and Zoning Board Meeting of
February 11, 2019

Mr. Horion moved, seconded by Mr. Lilly to approve the minutes of February 11, 2019. The motion was unanimously approved by a voice vote.

**PUBLIC HEARING: 1) Quasi-Judicial Hearing – SPEX 12019011 Fantasy Island
Resort II Mural Proposal**

Stewart Cruz provided a brief report to the board. The applicant is requesting to keep an “after the fact” mural that has been painted on two western facing walls of the resort. The murals in question are palm trees that are approximately 50 feet tall and 9 – 10 feet wide. City staff discovered the murals back in January and contacted Bluegreen Vacation Corporation. The application was submitted in March. Murals are not permitted in the “T Hotel/Motel” zoning district by right. Mr. Cruz explained that there are two criteria that must be met for the special exception, and they had been. Staff does recommend approval.

Kevin Steele, Director of Construction and Development for Bluegreen Vacation Corporation spoke to the board. When this was brought to their attention, they began the permitting process right away. He apologized for it being after the fact.

Board Attorney Groot had two concerns. The first was regarding an ongoing maintenance agreement on the mural that has not been pre-paid. Therefore, there is no guarantee it will be upheld. The second concern dealt with an easement or right of entry be given the city in the event the mural is not maintained. At that point, the city could paint over the mural if it was deemed as aesthetic blight. Mr. Steele felt that would need to be taken up with their legal department. Everyone agreed that they want to make sure the mural still looked attractive years from now.

Mr. Lilly liked the murals but was bothered that they didn’t ask for approval first. He would like to see a condition included for an easement to the city to observe the mural. The remaining board members agreed.

Mr. Lilly moved, seconded by Mr. Horion to approve SPEX12019011 with the following condition that an easement or right of entry is granted to the city to observe and maintain the mural in the event Bluegreen Vacation Corporation does not.

Vote: Motion carried by unanimous roll call vote (**summary: Yes = 5**).
Yes: Chuck Horion, James Lilly, John Schmitz, Marianne Bachstein, Rick Delange.

ACTION/DISCUSSION: None.

REMARKS OF STAFF: None.

REMARKS OF BOARD MEMBERS: None.

ADJOURNMENT: The meeting ended at 8:45 am.

ATTEST:

CITY OF DAYTONA BEACH SHORES

Cheri Schwab, City Clerk

John Schmitz, Chairman



City of Daytona Beach Shores

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AGENDA PLANNING & ZONING BOARD MEETING JULY 8, 2019

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

CITY COUNCIL AGENDA MEMORANDUM JULY 8, 2019 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT:

Special Exception Application SPEX12019016: Donald Banker Nonconforming Single-Family Residential Garage Expansion-3839 S. Atlantic Avenue

SYNOPSIS:

SPEX12019016, if approved, would entitle the property owners, Donald and Carolyn Banker, to expand an existing residential garage structure by adding a second story within the existing garage footprint on the property located at 3839 S. Atlantic Avenue. The subject property is located in the T-RMF-1 "Hotel/Motel-Multifamily Residential (High Density)" District.

FISCAL IMPACT STATEMENT:

The Fiscal Year 2018/2019 budget has sufficient funds to implement all administrative and technical functions associated with the permitting and inspection obligations of the City associated with the special exception. If approved, the just value of the property will increase as a result of the expansion.

BACKGROUND:

On April 29, 2019 applicant/owner submitted a completed special exception application (EXHIBIT A) requesting "continued use of single-family residence with renovation to garage to add second story within the existing building footprint" pursuant to Sec. 14-29.5 and Sec. 14-69.1.4.f of the Daytona Beach Shores Land Development Code (LDC).

Sec. 14-29.5. and Sec. 14-69.1.4.f of the LDC read as follow:

- Sec. 14-29.5. Development of "Small Lot" as Special Exception.

A development of a "small lot" pursuant to this chapter, shall be a special exception utilizing the conditions contained in section 14-69.1, 4.f., and shall pertain to the T Hotel/Motel District only.

- 14-29.6. Authority of Planning and Zoning Board.

That pursuant to the authority of section 14-69.1, 5., the planning and zoning board is hereby assigned the duties to the granting of special exceptions under this provision. In addition, any recommendations by the planning and zoning board shall be heard and require final approval by the city council after a public hearing. The developer shall provide due public notice pursuant to section 2-2 of the time and place that the planning and zoning board and the city council will consider the request for special exception for small lots.

The owner/applicant is seeking to expand the residential garage structure by adding a second story within the existing garage footprint located on the property located at 3839 S. Atlantic Avenue. The subject property is located in the T-RMF-1 "Hotel/Motel-Multifamily Residential (High Density)" District. This is a dual zoning district which permits the following uses and densities:

- Sec. 14-18. - RMF-1 Multi-Family Residential District (High Density).

14-18.2. Permitted Principal and Prohibited Uses and Structures.

Permitted Uses: Multifamily dwellings.

Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

- 14-18.4. Dimensional Requirements. Minimum density: Thirty-five (35) units per acre. Maximum density: Sixty (60) units per acre.

- Sec. 14-21. - T Hotel/Motel District.

14-21.2. Permitted Principal and Prohibited Uses.

Permitted Principal Uses:

1. Hotels, motels and tourist accommodations.

2. In connection with and accessory to hotel, motel and tourist accommodation facilities for the sale of sundries, flowers, gifts and souvenirs; newspapers and magazines and the like, personal service facilities such as barber or beauty shops; restaurants, coffee shops and cocktail lounges, shall be subject to the following limitations:

a. All such facilities shall be designed and scaled to serve the guests of the accommodating establishment, and hotels, motels and tourist accommodations having less than one hundred (100) rooms shall not have restaurant, lounges or coffee shops which have a combined occupancy load of more than two (2) persons per unit based upon the occupancy load established by the building official using the codes then currently adopted by the City.

b. All such facilities shall be accessible only from a foyer, interior court or corridor of the accommodating establishment.

3. All uses permitted in RMF-1 as long as they meet all dimensional requirements of an RMF-1 district.

4. Travel agency.

5. Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

6. Hotel suites.

- 14-21.4. Dimensional Requirements. Minimum density: Thirty-five (35) units per acre. Maximum density: Seventy (70) units per acre.

Sec. 14-10 of the LDC provides for the interpretation of uses permitted and reads:

- Sec. 14-10. - Interpretation of uses permitted.

Uses not designated as permitted by right or accessory to those permitted by right or allowed as special exception shall be prohibited from that district. Special exceptions shall only be permitted according to the additional regulations imposed, approved and permitted in accordance with the provisions of this ordinance.

Sections 14-18 and 14-21 of the LDC do not include single-family uses as permitted principal uses. Therefore, the existing single-family use is nonconforming. Chapter 14 of the LDC address nonconforming uses with the relevant subsection below:

14-11.2. Nonconforming Uses of Land and Uses of Structures.

Where at the effective date of adoption or amendment of this ordinance, a lawful use of land or use of structure exists which would not be permitted under the regulations imposed by this ordinance, the use may be continued provided:

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land or structure than was occupied at the effective date of adoption or amendment of this ordinance;
2. No other nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
3. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land or structure.

. The addition of a second story on the existing garage within the garage structure footprint constitutes an enlargement or increase in the nonconforming single-family use.

Planning analysis:

The Future Land Use Classification of the subject property is “High Intensity.” Daytona Beach Shores Comprehensive Plan policies relevant to high intensity uses are found below:

- Policy 1-1.1.2: Maintain and enforce land Development regulations consistent with the following standards:

2. High Intensity Uses - **hotels/motels and timeshares** shall have densities up to a maximum of 70 units per gross acre; **condos, multi-family residential units**, and **apartments** shall have a maximum density of 60 units per gross acre (site specific density to be controlled by Land Development Code)

- Policy 1-1.4.3: High Intensity Uses. The City of Daytona Beach Shores Future Land Use Map shall indicate a land use category of “High Intensity.” **This land use category shall allow hotels/motels; condos; multi-family residential units; apartments; and timeshares.** The maximum density for hotels/motels and timeshares shall be 70 units per gross acre, while condos, multi-family residential units, and apartments shall have a maximum density of 60 units per gross acre. The density of each specific development site shall be controlled by Land Development Code.

Neither of the above policies prescribe single-family residential as a use in the high intensity future land use classification. In addition, both of the policies call for a high intensity density development. A single-family residential expansion is inconsistent with these policies.

Other relevant Comprehensive Plan policy:

- Policy 1-1.1.3: Maintain and enforce land development regulations consistent with the location and extent of land uses as discussed within the Element and indicated on the Future Land Use Map. To this end, the map that accompanies the new Land Development Regulations shall reflect the Future Land Use Plan Map 2020, in terms of ensuring that zoning districts shall be consistent with the map. **All new development and redevelopment activities shall be required to be consistent with the zoning district classifications.**

Policy 1-1.1.3 states that new development or redevelopment shall be consistent with the zoning district classifications. As seen in the Background section of this staff report, the subject property has a zoning of T-RMF-1 “Hotel/Motel-Multifamily Residential (High Density)” District. The proposed garage expansion is inconsistent with both the list of uses permitted and minimum density permitted in these districts.

Lastly, Florida law requires development consistency with the comprehensive plan and reads as follows:

- Florida Statute Sec. 163.3194(1)(a) Legal status of comprehensive plan.—After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

LEGAL REVIEW:

Section 163.3194, *Florida Statutes*, states that comprehensive plans shall have a most important legal status and that no public or private development may be permitted except in conformity with the goals, objectives and policies of the pertinent comprehensive plan. The statute does not allow local governments to have any discretion as to whether a proposed development should be consistent with their comprehensive plans. Consistency with a comprehensive plan is, therefore, not a discretionary matter. The case of *Pinecrest Lakes, Inc. v. Shidel*, 795 So. 2d 191, 198 (Fla. 4th DCA 2001) stands clearly for that position as, indeed, in *Pinecrest Lakes v. Shidel* the courts ruled that a complete demolition and removal of several multi-story buildings could be ordered because the development was inconsistent with the applicable local government comprehensive plan.

The statutory definition of what is meant by consistent states that a development order is consistent with a comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by a development order are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and meet the criteria set forth in the implementing land development regulations. Compatible means in harmony with. Each development order must “further” the goals or policies of the comprehensive plan by advancing the provisions of the comprehensive plan.

The expectation of consistency with the comprehensive plan is very high. When courts examine the issue, they do not defer to the local government in the government’s decision of what is or isn’t consistent, as is done in some other reviews of local government determinations. Strict scrutiny is the legal test in the comprehensive plan consistency context. The courts have defined strict scrutiny based on the meaning of the two words, saying strict implies rigid exactness or precision. A thing scrutinized has been subjected to minute investigation. Strict scrutiny is, thus, the process whereby a court makes a detailed examination of a statute, rule or order of a tribunal for exact compliance with, or adherence to, a standard or norm. It is the antithesis of a deferential review. This means that, since the courts will adhere to that standard, every decision on a development order must exactly comply with the applicable provisions of the controlling comprehensive plan.

Additionally, another statutory provision is applicable. Section 166.033, *Florida Statutes*, provides that an approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the decision. Thus, if this application is denied, a denial development order must be issued which must cite to the applicable portions of each ordinance, rule, statute, or other legal authority supporting the denial of the application. For example, if a goal, objective or policy of the City’s Comprehensive Plan were to be the basis for a denial, then such goal, objective or policy must be part of the motion proposing the denial.

RECOMMENDATION:

Staff recommends **denial** of SPEX 12019016 pursuant to Sec. 163.3194(1)(a), Florida Statutes, due to inconsistency of the proposed expansion with the Daytona Beach Shores Comprehensive Plan policies noted in this staff memo.

SUGGESTED MOTION:

A Planning and Zoning Board member may move as follows:

1. “I move to recommend approval of SPEX12019016 as presented
OR
2. “I move to recommend approval of SPEX12019016 with the following conditions...”
OR
3. “I move to deny the application on the basis of the following “

- ATTACHMENT:**
1. Exhibit A-Banker SPEX Application
 2. Exhibit B-Area Zoning Map
 3. Exhibit C-Area Future Land Use Map

JAMES A. STOWERS, P.A.
ATTORNEY AT LAW

JAMES A. STOWERS
Phone: 386.383.4232
Email: jstowerslaw@gmail.com

Please Reply To:
PO Box 732013
Ormond Beach, FL 32173

April 26, 2019

VIA HAND DELIVERY

Mr. Stewart Cruz
City Planner
City of Daytona Beach Shores
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118

RECEIVED
APR 29 2019
404576
BUILDING DEPT
CITY OF DAYTONA BEACH

Re: Special Exception Request for 3837 & 3839 S. Atlantic Avenue

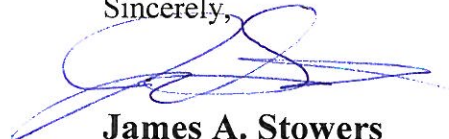
Dear Mr. Cruz:

My firm is privileged to represent Mr. Donald Banker regarding his Special Exception application for property located at 3837 & 3839 S. Atlantic Avenue in Daytona Beach Shores (the "Property"). As you know, Mr. Banker currently maintains the Property as a single-family residence. Due to the Property's size, Mr. Banker is seeking to make a renovation to the garage portion of the residence. Attached, please find the Special Exception Application and associated materials related to the request. We look forward to working with the City of Daytona Beach Shores and the Board of Adjustments to address the necessary action needed to get the Property renovated.

* * * * *

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,



James A. Stowers

Direct Dial (386) 383-4232
Email jstowerslaw@gmail.com



City of Daytona Beach Shores
COMMUNITY SERVICES DEPARTMENT
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118
Phone (386) 763-5377 Fax (386) 763-5370

CE # 1007
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RECEIVED
404576
APR 29 2019
PLANNING AND CODES DEPARTMENT
CITY OF DAYTONA BEACH SHORES

12019016
APPLICATION FOR SPECIAL EXCEPTION

The Undersigned Applicant requests the Board of Adjustments OR Planning and Zoning Board, as required, to hear and decide upon this application in accordance with Article X, AND Section 14-58 of the Land Development Code.

Date Submitted: 26 / April / 2019

Applicable Section of Code: §14.29.5 LDC
§14-69.1.4.f LDC

Fees must be paid at the time the application is submitted.

Applicant's Name: Donald Banker

Address: 400 Washington Street Lynchburg, VA 24504

Phone #: N/A

Fax #: N/A

Property Address: 3837 & 3839 S. Atlantic Avenue Daytona Beach Shores, FL 32118

Parcel Number: 630205060190

Existing Property Use: Single-Family Residence

Requested Special Exception: Continued use of single-family residence with renovation to garage to add second story within the existing building footprint.

Representing Agent/Attorney (if any): James Stowers, Esq.

Address: PO Box 732013 Ormond Beach, FL 32173

Phone #: (386) 383-4232

Fax #: N/A

NOTES: 1) Notarized letter of authorization from owner **MUST** be submitted if application is filed by anyone other than the owner. 2) A completed application **MUST** be submitted at least 45 days prior to the anticipated hearing date.

Legal description of the property:

LOT 19 BLK 6 OCEAN VIEW SEC HALIFX ESTS MB 11
PG 100 PER OR 5084 PG 2995 PER OR 5484 PG 1029
PER OR 6500 PG 4182 PER OR 6771 PGS 2709-2710

LOT 20 BLK 6 OCEAN VIEW SEC HALIFAX EST MB
11 PG 100 PER OR 5049 PGS 0208 PER OR 5484 PG
1030 PER OR 6500 PG 4213

Description of your request:

The applicant's request is to permit the property owner to pursue a renovation of his single-family property to modify his garage in order to construct a second story. The renovation will not increase the original footprint of the garage. As far as any expansion of a non-conforming use, the property is currently utilized as a single-family residence, so the expansion of the existing structure within the same building footprint will not expand this use.

Please explain how your application meets the following special exception criteria:

- 1. In granting any special exceptions the Board shall find that such grant will not authority (sic)(adversely) affect the public interest.**

The construction of a second story on top of the existing garage of the single-family residential structure will have no negative impact on the public interest. If anything, the work completed will simply add to the property's taxable value and allow the property owner to continue use of their private property.

- 2. In granting any special exception, the Board may prescribe appropriate conditions and safeguards pursuant to this ordinance and the regulations enacted under it which are consistent with the protection of the public health, safety, morals and general welfare. Violation of such conditions and safeguards when made a part of the terms under which a special exception is granted shall be deemed a violation of the ordinance and regulations promulgated hereunder.**

Agree (x)

Disagree ()

Explanation: Applicant understands that certain conditions may be incorporated into the approval of this request. The property owner is willing to stipulate to the condition that no added impervious surface will be created as part of the request. Additionally, the property owner is willing to stipulate that no expansion of the existing structural footprint of the existing single-family residential structures may occur as part of this special exception request.

- 3. The Board may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both.**

Agree (x)

Disagree ()

Explanation: The property owner is willing to stipulate to certain timing considerations as part of this special exception application.

- 4. The following standards shall be applicable in determining whether the Board shall grant or deny a special exception, in addition to the aforementioned provisions, or provisions set forth in zoning regulations adopted pursuant to this ordinance.**

a. The grant of a special exception shall be in harmony with the purpose and intent of this ordinance and the zoning regulations and any comprehensive plans promulgated hereunder, particularly those applicable to the zoning classification in which the special exception is located.

The City's Land Development Code ("LDC") provides relief for certain nonconforming lots that are of a limited size, thus limiting the potential uses under the application zoning district. As such, the LDC provides a "relief valve" of the special exception process with a standard merely that the request does not *"adversely affect the natural environment, natural resources or scenic beauty or give rise of any pollution of the air, land or water, or cause unnecessarily injurious heat, noise or odor."* This language is consistent with similar efforts within the City of Daytona Beach Shores to protect the rights of property owners to use their property, even when that use is non-conforming. In the City's Comprehensive Plan, Policy 5.1.59 specifically references properties being built back to their existing residential development pre-disaster density and intensity. Additionally, the LDC zoning designations appear to consistently create use hierarchies where less intense uses are permitted; whereas, in those districts where only less intense uses are permitted, more intensive uses are prohibited. Fortunately, in the current matter the existing non-conforming use and lot size issues are not of a nature that they are more intense or dense than the maximums allowed under the LDC.

b. The Board may not grant a special exception unless the applicant has demonstrated his compliance, or ability to comply with, the conditions imposed by the zoning regulations.

The property is currently utilized as a single-family residence on a non-conforming lot. The property and use are permitted under the existing zoning regulations. As for the question of securing a building permit to modify the garage to add a second story, that request falls under the special exception section of non-conforming lots with the question for the Board of Adjustments to be simply whether the request will *"adversely affect the natural environment, natural resources or scenic beauty or give rise of any pollution of the air, land or water, or cause unnecessarily injurious heat, noise or odor."*

c. The Board must find that the applicant has submitted sufficient evidence to assure that he is or will be able to comply with all requirements of the city or state agencies having jurisdiction over the particular use, and the board may require appropriate guarantees to assure compliance.

The property owner is confident that the extremely limited scope of the request and the work to be conducted on the property are of a nature that working with the City via the building permit process will meet any standard or concern set forth herein. No expansion of the structure's footprint is suggested or planned, and the work will be completed consistent with the City's building permit standards.

d. The Board shall find that the proposed use will not generate an undue amount of traffic congestion which would tend to create a hazard or danger to the public or to persons in the vicinity from such use or create a public nuisance.

The City of Daytona Beach Shores has one designated evacuation route, which is Atlantic Avenue north to International Speedway Boulevard and south to Dunlawton Avenue. The property is located on South Atlantic Avenue. The special exception requested will not create any additional traffic congestion or otherwise create a hazard or danger to the public. Alternatively, the denial of the special exception could result in the property owner being forced down a path of increasing the number of units on the property, thus creating the very type of additional traffic that this special exception request is eliminating.

e. The Board shall find that the special exception will not materially alter the character of the surrounding neighborhood or adversely affect the value of surrounding lands, buildings, or natural resources.

The property immediately north of the property includes a multi-story (10 story) condominium complex. The area immediately north of the garage that is part of this special exception request consists of a raised tennis court over an underground parking garage. As such, the addition of a second story over the garage would merely bring the garage structure to a level consistent with the tennis court structure located on the north side of the adjacent property's entrance driveway and underground parking access tunnel. As for the property to the south, that too is a single-family home. Given that the addition is anticipated to "square off" the existing second story, we do not see that this will materially impact the property to the south either. Accordingly, we see no way in which the requested special exception will have any adverse effects on surrounding lands, buildings or natural resources.

f. The Board shall find that the special exception will not adversely affect the natural environment, natural environment (resources) or scenic beauty, or give rise of any pollution of the air, land or water, or cause unnecessarily injurious heat, noise or odor.

The special exception request is of an exceedingly limited nature and will merely result in the garage structure having a similar height to the elevated tennis court located just north of the property. Accordingly, we see no adverse effect of the nature referenced by this standard.

5. The Board shall find that the special exception is consistent with the Daytona Beach Shores Comprehensive Plan.

The Daytona Beach Shores Comprehensive Plan includes future land uses that list the maximum densities and intensities. Nothing in these theoretical maximums prohibit existing residential uses that are not inconsistent with the character of the Future Land Use Plan and the City. Accordingly, the applicable special exception request is consistent with the Daytona Beach Shores Comprehensive Plan.

6. When reviewing an application for a special exception, the Planning and Zoning Board and City Council shall also consider the following requirements and criteria:

a. Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety.

This application will allow the property owner to construct an addition to his existing garage. The special exception request will result in zero additional traffic generation and access will remain the same.

b. Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that which generally experienced in the district with regard to normative development activity.

N/A

c. Required yards, screening or buffering and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses as determined by the City.

As referenced earlier, the structure will be constructed at a location that will ensure compatibility with the adjacent second-story tennis court located to the north across the drive aisle located on the adjacent condominium property.

e. Size, location or number of special exception uses in an area shall be limited so as to maintain the overall character of the district as generally intended by this Code.

This special exception is of an exceedingly limited nature, as most oceanfront lots within Daytona Beach Shores are either conforming or have otherwise been redeveloped. With the number of lots that could even make this special exception request being so limited, there is little doubt that this request will have no negative impact on the overall character of the district.

APPLICANT's SIGNATURE

[Signature]

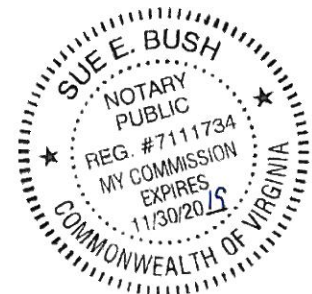
STATE OF Virginia

COUNTY OF King

Sworn to and subscribed before me this 24 day of April 20
19, by Donald Baker who is personally known to me or has produced
and who did (did not) take an oath.

[Signature]

My Commission Expires: November 30 2019



APPLICANT AFFIRMATION (Sec. 14-58.1.1)

Applicant's Affirmation: By signing below, I hereby state that all information contained in this application and all documentation submitted herewith is true and correct to the best of (my) (our) knowledge and belief. I acknowledge that I fully understand the requirements relating to the specific special exception use that I am applying for and that I fully understand the process for the application that I am submitting, as outlined in the City's Code of Ordinances. Moreover, I acknowledge and agree that the following conditions shall apply to my permit, if approved, and that the city may impose further conditions pursuant to the City's Code of Ordinances:

Transfer or abandonment of special exceptions. Special exceptions shall run with the property and the ownership of a special exception use may be transferred to another party. A special exception use that is not initiated within two (2) years of being granted shall not be established without a new public hearing in accordance with requirements of this Section and shall be deemed abandoned. A special exception use that is abandoned, after establishment, for a period of six (6) months or more shall not be reestablished without a new public hearing in accordance with requirements of this Section.

Violation of special exception terms or conditions. It is a violation of this Code for any person to violate or to refuse or fail to comply with any term or condition of a special exception. Violations may be prosecuted or enforced in any manner as may be provided by law for prosecution or enforcement of municipal ordinances.

Expiration or abandonment of special exception purpose. If a special exception does not begin to serve the purpose for which it was granted permission within two (2) years from the date of approval of the special exception it shall expire and be deemed, conclusively, to have been abandoned. The submittal of a site development plan will constitute meeting the requirements of this provision. If after receiving approval the site development plan expires, the special exception will also expire and a new application must be submitted and approved in accordance with this Section.

APPLICANT's SIGNATURE



STATE OF

Virginia

COUNTY OF

Stafford

Sworn to and subscribed before me this 20 day of April 20

19, by Donald Barker who is personally known to me or has produced
and who did (did not) take an oath.

Sue E. Bush

My Commission Expires: November 30 2019



Authorization of Owner

I/We Donald Banker
As the acting owner(s) related to the special exception request of the property described as:

630205060190

(Legal description or parcel ID number(s))

Authorize James Stowers, Esq. to act as our agent to seek
(Applicant's name)
the referenced variance request for the above described property.


Owner's Signature

DONALD BANKER
Type or Print Owner's Name

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 3/26/19
(Date)
by Donald Banker, who is personally known to me or
(Name of person acknowledging)
who has produced known To Me as identification and
(Type of identification)
who did not take an oath.



Linda Johnson Whitmore
Notary Public, State of Florida VA

Linda Johnson Whitmore
Type or Print Name

Commission No.: 7505927

My Commission Expires: 3/31/23

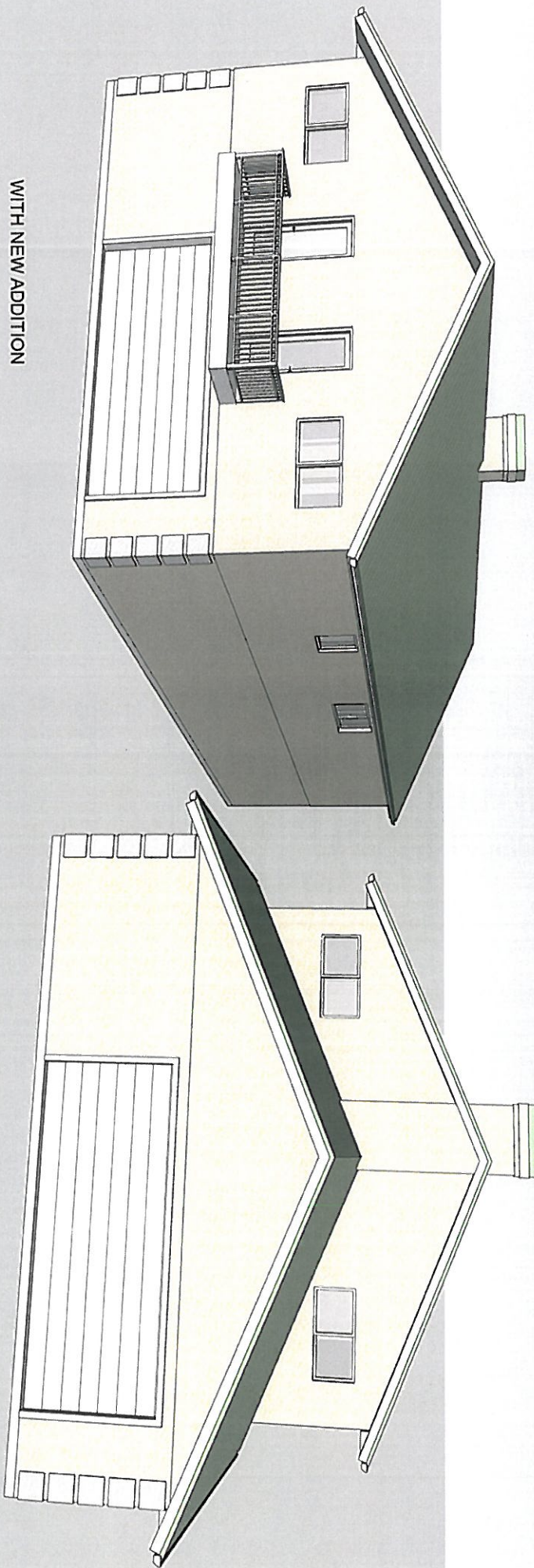


EXHIBITS REQUIRED FOR SPECIAL EXCEPTION

1. Recent survey, certified by a licensed professional surveyor in the State of Florida, showing location of all structures on site and a complete legal description.
2. Statement of ownership and control of the project.
3. Eleven (11) 24"x36" sets of the site plan, including the following items:
 - a. Title or Name of the Project
 - b. Architect or Engineer's Name
 - c. Date
 - d. North arrow based on an exact survey of the property drawn to scale of sufficient size
 - e. Boundaries of the project, any existing streets, buildings, water courses, easements and section lines
 - f. Total area of site
 - g. Project location map
 - h. Exact location of all buildings, structures, retaining walls, buildings, parking and access locations, utility service points, proposed screening or buffering, supplemental details necessary to address the review criteria and satisfy any specific requirements for such use described in Sec. 14-58, and any other information pertinent to the specific requested use of the site
 - i. Access and traffic flow
 - j. Off-street parking and off-street loading areas with clearly delineated parking spaces
 - k. Landscaping clearly delineated by shading
 - l. Building elevations with shading of proposed area to be changed, if applicable
 - m. If more than one story is proposed, area to be changed shall be shaded as an overlay

NOTE: All drawings shall be signed and sealed by a registered civil engineer, architect, landscape architect, or other person as required under this Code, or by Florida general law.

4. Two sets of photographs showing elevations of the building (if applicable), the property included in this application, and adjacent properties.
5. Comply with due public notice requirements for the Board of Adjustments hearing (see attached due public notice definition and sample legal advertisement, notice letter and affidavit).

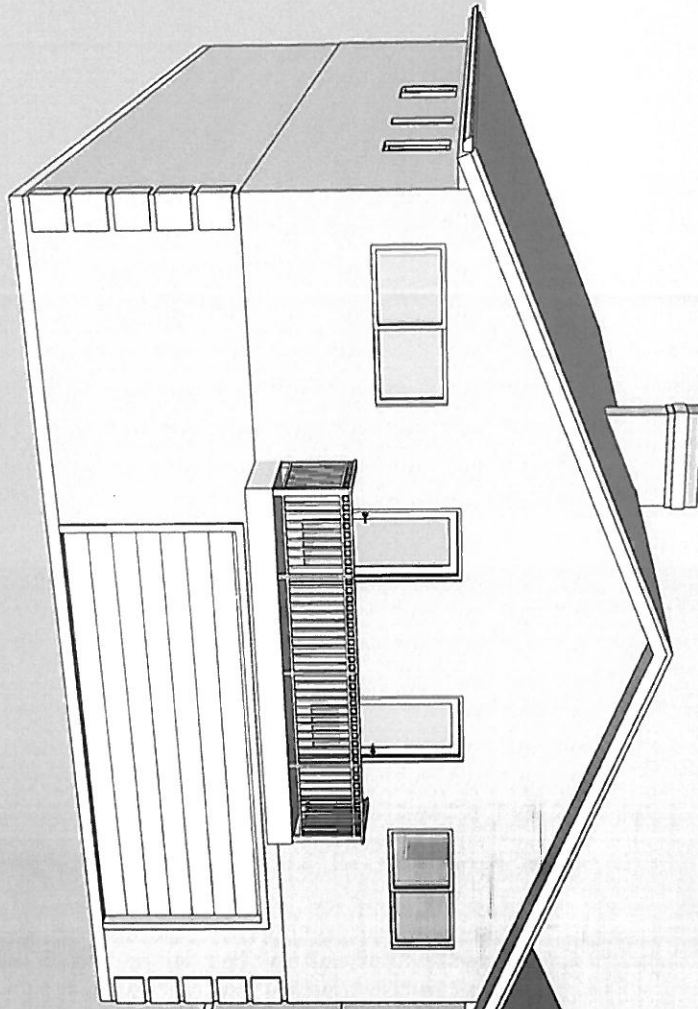


WITH NEW ADDITION

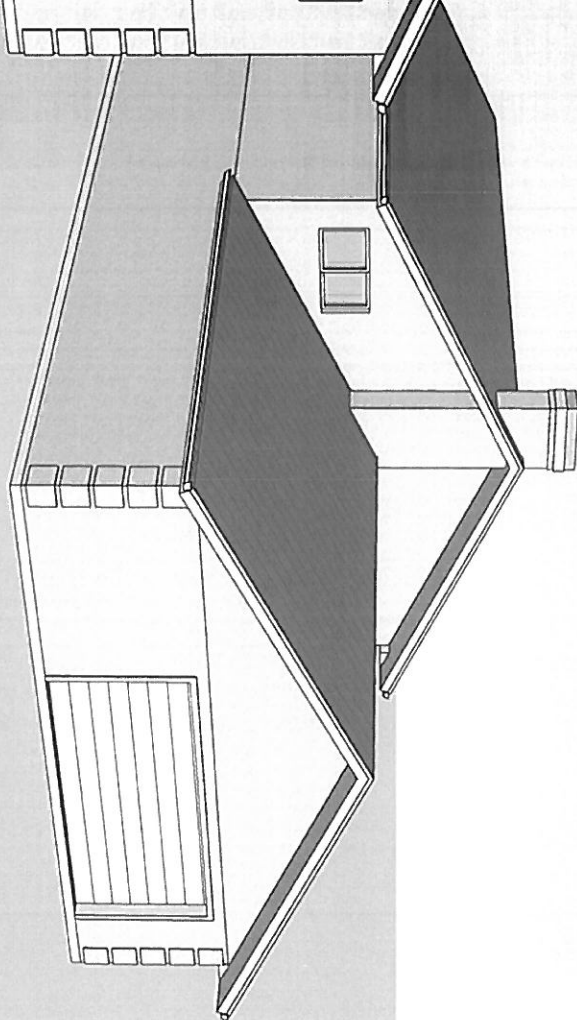
EXISTING

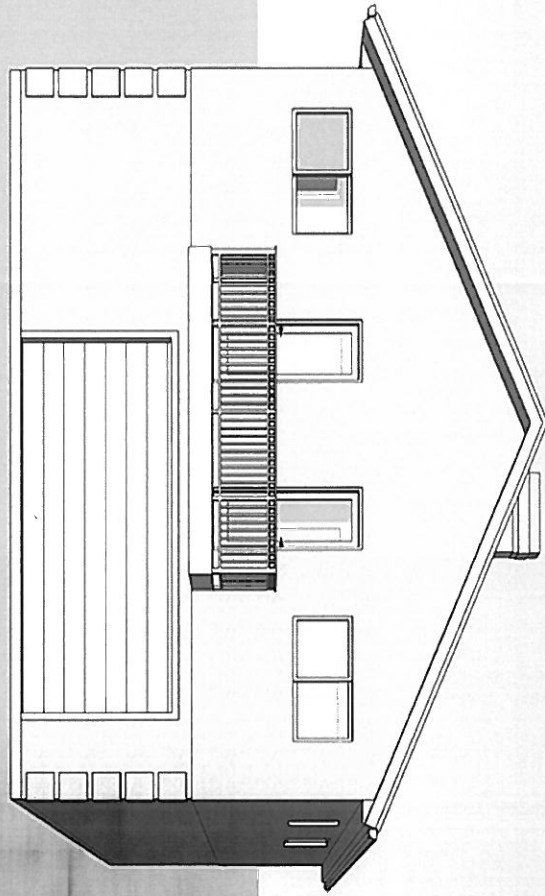
RECEIVED
APR 29 2019
BUILDING DEPARTMENT
CITY OF DRY TOWN, OHIO
404576

WITH NEW ADDITION

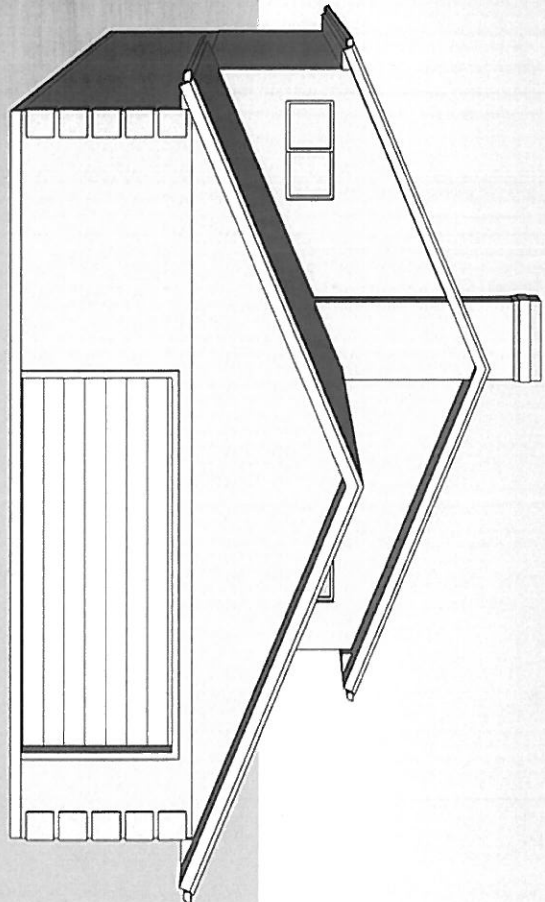


EXISTING





WITH NEW ADDITION



EXISTING

3841 South Atlantic Avenue – Property directly south of the applicant.



VICINITY MAP (NOT TO SCALE)

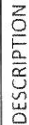
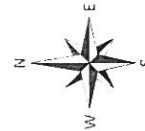


Figure 1. The effect of the concentration of the *Agaricus bisporus* spores on the growth of *Agaricus bisporus* on the substrate. The concentration of the spores was 10⁴ spores/ml (○), 10⁵ spores/ml (□), 10⁶ spores/ml (△), 10⁷ spores/ml (◇), 10⁸ spores/ml (×), 10⁹ spores/ml (●), 10¹⁰ spores/ml (◊), 10¹¹ spores/ml (◐), 10¹² spores/ml (◑), 10¹³ spores/ml (◒), 10¹⁴ spores/ml (◓), 10¹⁵ spores/ml (◔), 10¹⁶ spores/ml (◕), 10¹⁷ spores/ml (◖), 10¹⁸ spores/ml (◗), 10¹⁹ spores/ml (◘), 10²⁰ spores/ml (◙), 10²¹ spores/ml (◚), 10²² spores/ml (◛), 10²³ spores/ml (◜), 10²⁴ spores/ml (◝), 10²⁵ spores/ml (◞), 10²⁶ spores/ml (◟), 10²⁷ spores/ml (◠), 10²⁸ spores/ml (◡), 10²⁹ spores/ml (◢), 10³⁰ spores/ml (◣), 10³¹ spores/ml (◤), 10³² spores/ml (◥), 10³³ spores/ml (◦), 10³⁴ spores/ml (◧), 10³⁵ spores/ml (◨), 10³⁶ spores/ml (◩), 10³⁷ spores/ml (◪), 10³⁸ spores/ml (◫), 10³⁹ spores/ml (◬), 10⁴⁰ spores/ml (◭), 10⁴¹ spores/ml (◮), 10⁴² spores/ml (◯), 10⁴³ spores/ml (◰), 10⁴⁴ spores/ml (◱), 10⁴⁵ spores/ml (◲), 10⁴⁶ spores/ml (◳), 10⁴⁷ spores/ml (◴), 10⁴⁸ spores/ml (◵), 10⁴⁹ spores/ml (◶), 10⁵⁰ spores/ml (◷), 10⁵¹ spores/ml (◸), 10⁵² spores/ml (◹), 10⁵³ spores/ml (◺), 10⁵⁴ spores/ml (◻), 10⁵⁵ spores/ml (◼), 10⁵⁶ spores/ml (◽), 10⁵⁷ spores/ml (◾), 10⁵⁸ spores/ml (◿), 10⁵⁹ spores/ml (◠), 10⁶⁰ spores/ml (◡), 10⁶¹ spores/ml (◢), 10⁶² spores/ml (◣), 10⁶³ spores/ml (◤), 10⁶⁴ spores/ml (◥), 10⁶⁵ spores/ml (◦), 10⁶⁶ spores/ml (◧), 10⁶⁷ spores/ml (◨), 10⁶⁸ spores/ml (◩), 10⁶⁹ spores/ml (◪), 10⁷⁰ spores/ml (◫), 10⁷¹ spores/ml (◬), 10⁷² spores/ml (◭), 10⁷³ spores/ml (◮), 10⁷⁴ spores/ml (◯), 10⁷⁵ spores/ml (◰), 10⁷⁶ spores/ml (◱), 10⁷⁷ spores/ml (◲), 10⁷⁸ spores/ml (◳), 10⁷⁹ spores/ml (◴), 10⁸⁰ spores/ml (◵), 10⁸¹ spores/ml (◶), 10⁸² spores/ml (◷), 10⁸³ spores/ml (◸), 10⁸⁴ spores/ml (◹), 10⁸⁵ spores/ml (◺), 10⁸⁶ spores/ml (◻), 10⁸⁷ spores/ml (◼), 10⁸⁸ spores/ml (◽), 10⁸⁹ spores/ml (◾), 10⁹⁰ spores/ml (◿), 10⁹¹ spores/ml (◠), 10⁹² spores/ml (◡), 10⁹³ spores/ml (◢), 10⁹⁴ spores/ml (◣), 10⁹⁵ spores/ml (◤), 10⁹⁶ spores/ml (◥), 10⁹⁷ spores/ml (◦), 10⁹⁸ spores/ml (◧), 10⁹⁹ spores/ml (◨), 10¹⁰⁰ spores/ml (◩), 10¹⁰¹ spores/ml (◪), 10¹⁰² spores/ml (◫), 10¹⁰³ spores/ml (◬), 10¹⁰⁴ spores/ml (◭), 10¹⁰⁵ spores/ml (◮), 10¹⁰⁶ spores/ml (◯), 10¹⁰⁷ spores/ml (◰), 10¹⁰⁸ spores/ml (◱), 10¹⁰⁹ spores/ml (◲), 10¹¹⁰ spores/ml (◳), 10¹¹¹ spores/ml (◴), 10¹¹² spores/ml (◵), 10¹¹³ spores/ml (◶), 10¹¹⁴ spores/ml (◷), 10¹¹⁵ spores/ml (◸), 10¹¹⁶ spores/ml (◹), 10¹¹⁷ spores/ml (◺), 10¹¹⁸ spores/ml (◻), 10¹¹⁹ spores/ml (◼), 10¹²⁰ spores/ml (◽), 10¹²¹ spores/ml (◾), 10¹²² spores/ml (◿), 10¹²³ spores/ml (◠), 10¹²⁴ spores/ml (◡), 10¹²⁵ spores/ml (◢), 10¹²⁶ spores/ml (◣), 10¹²⁷ spores/ml (◤), 10¹²⁸ spores/ml (◥), 10¹²⁹ spores/ml (◦), 10¹³⁰ spores/ml (◧), 10¹³¹ spores/ml (◨), 10¹³² spores/ml (◩), 10¹³³ spores/ml (◪), 10¹³⁴ spores/ml (◫), 10¹³⁵ spores/ml (◬), 10¹³⁶ spores/ml (◭), 10¹³⁷ spores/ml (◮), 10¹³⁸ spores/ml (◯), 10¹³⁹ spores/ml (◰), 10¹⁴⁰ spores/ml (◱), 10¹⁴¹ spores/ml (◲), 10¹⁴² spores/ml (◳), 10¹⁴³ spores/ml (◴), 10¹⁴⁴ spores/ml (◵), 10¹⁴⁵ spores/ml (◶), 10¹⁴⁶ spores/ml (◷), 10¹⁴⁷ spores/ml (◸), 10¹⁴⁸ spores/ml (◹), 10¹⁴⁹ spores/ml (◺), 10¹⁵⁰ spores/ml (◻), 10¹⁵¹ spores/ml (◼), 10¹⁵² spores/ml (◽), 10¹⁵³ spores/ml (◾), 10¹⁵⁴ spores/ml (◿), 10¹⁵⁵ spores/ml (◠), 10¹⁵⁶ spores/ml (◡), 10¹⁵⁷ spores/ml (◢), 10¹⁵⁸ spores/ml (◣), 10¹⁵⁹ spores/ml (◤), 10¹⁶⁰ spores/ml (◥), 10¹⁶¹ spores/ml (◦), 10¹⁶² spores/ml (◧), 10¹⁶³ spores/ml (◨), 10¹⁶⁴ spores/ml (◩), 10¹⁶⁵ spores/ml (◪), 10¹⁶⁶ spores/ml (◫), 10¹⁶⁷ spores/ml (◬), 10¹⁶⁸ spores/ml (◭), 10¹⁶⁹ spores/ml (◮), 10¹⁷⁰ spores/ml (◯), 10¹⁷¹ spores/ml (◰), 10¹⁷² spores/ml (◱), 10¹⁷³ spores/ml (◲), 10¹⁷⁴ spores/ml (◳), 10¹⁷⁵ spores/ml (◴), 10¹⁷⁶ spores/ml (◵), 10¹⁷⁷ spores/ml (◶), 10¹⁷⁸ spores/ml (◷), 10¹⁷⁹ spores/ml (◸), 10¹⁸⁰ spores/ml (◹), 10¹⁸¹ spores/ml (◺), 10¹⁸² spores/ml (◻), 10¹⁸³ spores/ml (◼), 10¹⁸⁴ spores/ml (◽), 10¹⁸⁵ spores/ml (◾), 10¹⁸⁶ spores/ml (◿), 10¹⁸⁷ spores/ml (◠), 10¹⁸⁸ spores/ml (◡), 10¹⁸⁹ spores/ml (◢), 10¹⁹⁰ spores/ml (◣), 10¹⁹¹ spores/ml (◤), 10¹⁹² spores/ml (◥), 10¹⁹³ spores/ml (◦), 10¹⁹⁴ spores/ml (◧), 10¹⁹⁵ spores/ml (◨), 10¹⁹⁶ spores/ml (◩), 10¹⁹⁷ spores/ml (◪), 10¹⁹⁸ spores/ml (◫), 10¹⁹⁹ spores/ml (◬), 10²⁰⁰ spores/ml (◭), 10²⁰¹ spores/ml (◮), 10²⁰² spores/ml (◯), 10²⁰³ spores/ml (◰), 10²⁰⁴ spores/ml (◱), 10²⁰⁵ spores/ml (◲), 10²⁰⁶ spores/ml (◳), 10²⁰⁷ spores/ml (◴), 10²⁰⁸ spores/ml (◵), 10²⁰⁹ spores/ml (◶), 10²¹⁰ spores/ml (◷), 10²¹¹ spores/ml (◸), 10²¹² spores/ml (◹), 10²¹³ spores/ml (◺), 10²¹⁴ spores/ml (◻), 10²¹⁵ spores/ml (◼), 10²¹⁶ spores/ml (◽), 10²¹⁷ spores/ml (◾), 10²¹⁸ spores/ml (◿), 10²¹⁹ spores/ml (◠), 10²²⁰ spores/ml (◡), 10²²¹ spores/ml (◢), 10²²

[illegible]

GRAPHIC SCALE

0' 10' 20' 40' 60'

1" = 20'

at Central Veterinary College, Farnham, Kent, UK.
2012 E. Putnam Street, Rhode Island 02881
MS-06 Acetabular AD Corp., Inc.
AC Tech, Acetabulum, Inc.
99674 1407 393 0314

2014-15	2013-14	2012-13	2011-12	2010-11	2009-10	2008-09	2007-08	2006-07	2005-06	2004-05	2003-04	2002-03	2001-02	2000-01	1999-00	1998-99	1997-98	1996-97	1995-96	1994-95	1993-94	1992-93	1991-92	1990-91	1989-90	1988-89	1987-88	1986-87	1985-86	1984-85	1983-84	1982-83	1981-82	1980-81	1979-80	1978-79	1977-78	1976-77	1975-76	1974-75	1973-74	1972-73	1971-72	1970-71	1969-70	1968-69	1967-68	1966-67	1965-66	1964-65	1963-64	1962-63	1961-62	1960-61	1959-60	1958-59	1957-58	1956-57	1955-56	1954-55	1953-54	1952-53	1951-52	1950-51	1949-50	1948-49	1947-48	1946-47	1945-46	1944-45	1943-44	1942-43	1941-42	1940-41	1939-40	1938-39	1937-38	1936-37	1935-36	1934-35	1933-34	1932-33	1931-32	1930-31	1929-30	1928-29	1927-28	1926-27	1925-26	1924-25	1923-24	1922-23	1921-22	1920-21	1919-20	1918-19	1917-18	1916-17	1915-16	1914-15	1913-14	1912-13	1911-12	1910-11	1909-10	1908-09	1907-08	1906-07	1905-06	1904-05	1903-04	1902-03	1901-02	1900-01	1899-00	1898-99	1897-98	1896-97	1895-96	1894-95	1893-94	1892-93	1891-92	1890-91	1889-90	1888-89	1887-88	1886-87	1885-86	1884-85	1883-84	1882-83	1881-82	1880-81	1879-80	1878-79	1877-78	1876-77	1875-76	1874-75	1873-74	1872-73	1871-72	1870-71	1869-70	1868-69	1867-68	1866-67	1865-66	1864-65	1863-64	1862-63	1861-62	1860-61	1859-60	1858-59	1857-58	1856-57	1855-56	1854-55	1853-54	1852-53	1851-52	1850-51	1849-50	1848-49	1847-48	1846-47	1845-46	1844-45	1843-44	1842-43	1841-42	1840-41	1839-40	1838-39	1837-38	1836-37	1835-36	1834-35	1833-34	1832-33	1831-32	1830-31	1829-30	1828-29	1827-28	1826-27	1825-26	1824-25	1823-24	1822-23	1821-22	1820-21	1819-20	1818-19	1817-18	1816-17	1815-16	1814-15	1813-14	1812-13	1811-12	1810-11	1809-10	1808-09	1807-08	1806-07	1805-06	1804-05	1803-04	1802-03	1801-02	1800-01	1799-00	1798-99	1797-98	1796-97	1795-96	1794-95	1793-94	1792-93	1791-92	1790-91	1789-90	1788-89	1787-88	1786-87	1785-86	1784-85	1783-84	1782-83	1781-82	1780-81	1779-80	1778-79	1777-78	1776-77	1775-76	1774-75	1773-74	1772-73	1771-72	1770-71	1769-70	1768-69	1767-68	1766-67	1765-66	1764-65	1763-64	1762-63	1761-62	1760-61	1759-60	1758-59	1757-58	1756-57	1755-56	1754-55	1753-54	1752-53	1751-52	1750-51	1749-50	1748-49	1747-48	1746-47	1745-46	1744-45	1743-44	1742-43	1741-42	1740-41	1739-40	1738-39	1737-38	1736-37	1735-36	1734-35	1733-34	1732-33	1731-32	1730-31	1729-30	1728-29	1727-28	1726-27	1725-26	1724-25	1723-24	1722-23	1721-22	1720-21	1719-20	1718-19	1717-18	1716-17	1715-16	1714-15	1713-14	1712-13	1711-12	1710-11	1709-10	1708-09	1707-08	1706-07	1705-06	1704-05	1703-04	1702-03	1701-02	170
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$\frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx = \frac{1}{\sqrt{\pi}}$

BOUNDARY SURVEY DATE: 4-10-19

1851	1852	1853	1854	1855	1856	1857	1858	1859	1860	1861	1862	1863	1864	1865	1866	1867	1868	1869	1870	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880	1881	1882	1883	1884	1885	1886	1887	1888	1889	1890	1891	1892	1893	1894	1895	1896	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259
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BOUNDARY AND LOCATION SURVEY

[illegible]

3832 South Atlantic Avenue – Property directly north of the applicant.



3837 & 3739 South Atlantic Avenue - Applicant's Property.

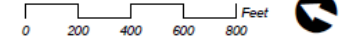


Zoning Map

City of Daytona Beach Shores, FL

Sheet 5 of 5

Daytona Beach Shores	Zoning Category	RMF-1	T-RMF-1	GC-1	P
Address Numbers	RSF-1	RMF-2	MXD	GC-2	
County Zoning	RSF-2	RMF-3	PUD	GC-RD	

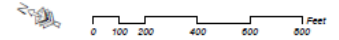


Prepared by the Volusia County Metropolitan Planning Organization for the City of Daytona Beach Shores, November 9, 2009. Replaced August 30, 2009, June 16, 2009, July 9, 2009, March 11, 2009, January 16, 2010 and March 2, 2010.

Future Land Use Map - 2020 **City of Daytona Beach Shores, FL**



Sheet 5 of 5



This map is for City planning purposes only.
 The Coastal High Hazard data should not
 be utilized for parcel specific analysis.

3839 S. Atlantic Avenue

