



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING OCTOBER 9, 2023

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

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

1. OPENING REMARKS

A. Oath for Guy Desai

2. MINUTES

A. Planning & Zoning Minutes Sept. 12, 2023

3. QUASI-JUDICIAL HEARING

A. Zoning Variance ZV12023038: 2914 S. Peninsula Drive- Caldwell Property-Lot Width and Interior Side Yard Variance

4. ACTION ITEMS

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

MINUTES
PLANNING & ZONING BOARD MEETING
September 12, 2023
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Rose ann Tornatore, Jeni Groot-Begnaud, Member Guy Desai, Board member Chris Pollard
Staff: City Clerk Cheri Schwab, City Attorney Paul Waters, Community Services Director Stewart Cruz, and City Planner Noel Eaton.

2. OTHER

A. Sunshine Law, Public Records, Voting Conflicts, & Quasi Judicial Hearing Training

Board attorney Paul Waters provided annual training for the board members. He reviewed the Florida Sunshine Law and how that affects boardmembers directly. Public meetings, notices and public records were explained. The City Clerk will always produce an agenda and minutes for every board meeting. All meetings are noticed on the city's website. Voting conflicts and quasi-judicial hearings were also discussed in detail.

3. BOARD COMMENTS

4. ADJOURNMENT

The meeting ended at 9:53 am.

Cheri Schwab, Recording Secretary

Rick DeLange, Chairman



PLANNING & ZONING BOARD AGENDA MEMORANDUM OCTOBER 9, 2023 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Zoning Variance ZV12023038: 2914 S. Peninsula Drive- Caldwell Property-Lot Width and Interior Side Yard Variance

SYNOPSIS:

Zoning Variance Application ZV12023038 contains a request for two variances related to a proposed lot split at the single-family residential property located at 2914 S. Peninsula Drive. The +/- 0.88 acre property has two zoning districts assigned to it, RSF-1 (Urban Single-Family Residential Detached District) [Northerly Lot] and RSF-2 (Urban Single-Family Residential Detached District) [Southerly Lot]. Section 14-16.4. of the Land Development Code (LDC) requires a minimum property width of eight-five (85) feet and a minimum interior side yard of ten (10) feet for properties in the RSF-1 zoning district. The two variances being requested are as follows:

1. Relief from Sec. 14-16.4 of the LDC to allow a lot width of ten (10) feet in lieu of the required eighty-five (85) feet for the Northerly Lot.
2. Relief from Sec. 14-16.4 of the LDC to allow an interior side yard setback of 5.5 feet in lieu of 10 feet required on the south side of the proposed Northerly Lot.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. Background

On August 14, 2023, the property owner's agent, Joseph Posey Esquire, submitted Zoning Variance Application ZV2023038, which contains two variance requests related to a proposed lot split at 2914 S. Peninsula Drive. The property is designated as "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned RSF-1 (Urban Single-Family Residential Detached District) and RSF-2 (Urban Single-Family Residential Detached District) on the City's Official Zoning Map. Prior to June 2022, the property existed as two lots of record with a residential structure on each lot. Subsequent to the demolition of the residential structure on the Southerly lot, the City of Daytona Beach Shores provided a letter of no objection to combining the two lots known by Parcel IDs 5327-

06-05-0110 and 5327-06-05-0090. The current property owner purchased the property in January 2023 and desires to split the property to its previous configuration prior to June of 2022. The existing use of the property is consistent with the FLUM designation and subject zoning districts. Section 14-63.8.a of the City's LDC outlines the criteria for the Planning and Zoning Board to consider when evaluating variance requests. The aforementioned criteria and staff's analysis thereof are presented as part of the planning analysis (Exhibit B).

B. Analysis

The subject application (Exhibit A) and staff's analysis of the application and property (Exhibit B) are included.

C. Public Notice

Due public notice has been performed by the applicant and evidence of such has been submitted to the City (Exhibit A).

LEGAL REVIEW:

RECOMMENDATION:

1. Staff is recommending approval of the lot width variance request of 10 feet in lieu of the required 85 feet.
2. Staff is recommending denial of the side yard setback variance request of 5.5 feet in lieu of the 10 feet required and recommends the applicant adjust the position of the proposed lot line to allow for a 10 foot setback from the existing single family dwelling.

SUGGESTED MOTION:

A Board member may motion one of the following:

- 1) "I move to approve Variance ZV12023038 as presented."
OR
- 2) "I move to approve Variance ZV12023038, with the following conditions..."
OR
- 3) "I move to deny Variance ZV12023038, on the basis of..."

- ATTACHMENT:**
1. Exhibit A - Application
 2. Exhibit B-Planning Analysis



GLENN D. STORCH, ESQUIRE
glenn@storchlawfirm.com

COREY D. BROWN, ESQUIRE
corey@storchlawfirm.com

August 11, 2023

A. JOSEPH POSEY, ESQUIRE
joey@storchlawfirm.com

Via Hand Delivery

Noel Eaton
City Planner
City of Daytona Beach Shores
2990 S Atlantic Avenue
Daytona Beach Shores, FL 32118

Re: Application for Variances / Parcel No. 5327-06-05-0090

Dear Noel:

Thank you for reviewing this application for lot width and setback variances at 2910 and 2914 South Peninsula Drive. For purposes of the variance discussion, this letter will identify the property with the existing home as the "Northerly Lot" and the property with a previously existing home as the "Southerly Lot". Specifically, we are requesting the following variances for the Northerly Lot:

1. A lot width of 10 feet in lieu of 85 feet.
2. A side yard setback of 5.5 feet in lieu of 10 feet.

These variances are being requested as part of an effort to divide the subject property back into two previously vested parcels. The subject property was once two parcels with the addresses 2910 S. Peninsula Dr. and 2914 S. Peninsula Dr. until the lots were combined by the previous property owner. It is not clear why the previous owner combined the parcels, but I suspect he was not made fully aware of the implications. The goal with this request is to return the property to the same state that it was in prior to the lot combination, which requires the requested variances to accomplish.

The home on the Northerly Lot lies between two other parcels with existing homes to the east and west. Both of those homes, in addition to the Northerly Lot, utilize a driveway on the subject property to access S. Peninsula Dr. The residential building on the Northerly Lot faces north toward the common driveway, although, pursuant to the City's Land Development Code, the front yard is technically on the east side due to the driveway section of the parcel abutting S. Peninsula Dr. The width of this frontage on the right-of-way is only 10 feet, although the lot width is 80 feet where the home is located. The distance between S. Peninsula Drive and the home is about 123 feet, but the east side of the home is only 13 feet from the majority of the east property boundary. The enclosed survey shows in more detail the various dimensions listed herein.

The property owner is proposing to subdivide the Northerly Lot from the Southerly Lot in the same location where it was previously divided. The reestablished lot for the Southerly Lot will not require any variances and will be fully conforming with its RSF-2 zoning category. The requested variances are only necessary to restore the previous lot dimensions and setbacks for the existing home.

The first variance being requested is for a lot width of 10 feet in lieu of the required 85 feet for the Northerly Lot. The City's Land Development Code defines *lot width* as "*the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard*" (emphasis added). *Lot frontage* is defined as "*the property line abutting any street or right-of-way*". And *front yard* is defined as "*a yard extending between side lot lines across the front of a lot adjoining a public street.*" Based on these definitions, the front lot line is the 10-foot-wide portion of the lot adjacent to S. Peninsula Drive, and the lot width is measured at a point 30 feet to the west of the front lot line, with 30 feet being the rear of the required front yard setback. Accordingly, a variance is needed for a 10-foot lot width, even though the lot width at the home is 80 feet. Also, based on these definitions, no front yard setback variance is needed because the home is approximately 123 feet west of the front lot line.

The other variance being requested is for a side yard setback of 5.5 feet in lieu of 10 feet on the south side of the proposed Northerly Lot. This variance, along with the proposed lot split, will result in the Northerly and Southerly Lots being divided in the same location where it was previously divided, with the same 5.5-foot side setback for the home on the Northerly Lot prior to the lot combination.

The City's Land Development Code includes a number of criteria for variances, which are set forth below along with explanations for how the proposed variances meet these criteria, as follows:

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

There are several special circumstances related to this property. The subject property consists of a lot and home on the Northerly Lot that was once a separate parcel from a home and property on the Southerly Lot. The lots were combined and the home on the Southerly Lot was demolished by a previous property owner. I can only assume that the previous owner was misinformed or received bad advice because the lot combination did not have any benefit, making a previously vested lot unbuildable, despite the fact that the prior lot area is very large, at 80' x 382'. The Northerly Lot has an existing driveway within the parcel running all the way east to S. Peninsula Dr. This driveway is also used by the owners of the adjacent properties to the east and west for access to Peninsula, with it being the only possible access route for the western-most home. The original configuration for the Northly Lot was vested non-conforming with regard to lot width, and the home thereon, built in 1955. The current owner should not be penalized for the adoption of the RSF-1 zoning since the zoning classification came into effect with the existing condition. This is consistent with many homes in the immediate neighborhood being vested non-conforming.

- b. **The special conditions or circumstances do not result from the actions of the applicant and are not primarily economic in nature.**

The current property owner is not responsible for the location of the house on the Northerly Lot, which was constructed in 1955, and is not responsible for the lots dimensions that were established at that time for both lots. The owner is also not responsible for the strange and unfortunate decision to combine the two prior lots, nor is he responsible for the demolition of the home on the Southerly Lot.

Also, note that a previous owner constructed a 4' wall to create a clear delineation between the Northerly Lot and the Southerly Lot.

- c. **Literal interpretation or enforcement 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 Land Development Code.**

Due to the historic development pattern in this area, the homes and lots directly to the east and west do not conform to minimum standards in their County R-3 zoning designations, including with regard to side setbacks. It would not be fair to eliminate the reasonable use of the Southerly Lot simply because the home on the Northerly Lot conforms to the historic development pattern. The ability to construct a home on the Southerly Lot, which will fully conform to the RSF-2 zoning requirements, is not possible without the requested variances even though the Southerly Lot is of typical dimensions within the area.

- d. **The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modifications of the regulation at issue.**

The variances being requested are the minimum necessary to permit the subject property to be divided consistent with its historic use as two residential parcels. The property was non-conforming with regard to width and setbacks in the past, and we are not proposing to increase that prior non-conformity.

- e. **The variance sought will not authorize or extend any nonconforming use or other nonconformity with respect to the land or structures in question.**

The variances being requested will not create a non-conforming use and will enable the property to be redivided into its previous configuration, with no decrease in the prior lot areas or setbacks.

- f. **The granting of the variance will be in harmony with the general intent and purpose of this ordinance, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification.**

The requested variances and lot split will continue the historic residential development pattern in this location and will not negatively impact any adjacent or neighboring properties.

- g. **The variance sought will be consistent with the City's Comprehensive Plan, its enabling legislation and regulations adopted pursuant thereto.**

The variances and proposed residential lots are consistent with the City's Comprehensive Plan and Code of Ordinances.

Enclosed with this letter are the following application documents:

1. Signed application form;
2. Application fee in the amount of \$220.00;
3. Notarized authorization of owner;
4. Property record card and deed;
5. Survey of the property; and
6. Flash drive with electronic copies of documents.

Please let me know if you have any questions or need any additional information for this variance application.

Kindest regards,



A. Joseph Posey, Jr.

AJP/cdb
Enclosures

Ck # 1402
Y 220.00

City of Daytona Beach Shores
Community Services Department
2990 S. Atlantic Avenue, Daytona Beach Shores, FL 32118
Telephone (386) 763-5377
Fax (386) 763-5370

706309

RECEIVED

AUG 14 2023



12023030

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

VARIANCE APPLICATION BEFORE THE PLANNING AND ZONING BOARD

The Undersigned Applicant requests the Planning and Zoning Board to hear and decide upon this application in accordance with Sec. 14-63 of the Daytona Beach Shores Land Development Code entitled "Planning and Zoning Board Functions, Powers and Duties."

Date Submitted: ___/___/___ Applicable Section of Code: _____

Fees must be paid at the time the application is submitted

Applicant's Name: Thomas Caldwell Email: TCaldwell@forthepeople.com
6097 Oxbow Bend Lane
Address: Port Orange, FL 32128 Phone #: _____

Property Address: 2914 S. Peninsula Drive

Representing Attorney (if any): Joseph Posey Email: joey@storchlawfirm.com
420 South Nova Road
Address: Daytona Beach, FL 32114 Phone #: 386-238-8383

NOTE: Notarized letter of authorization from owner MUST be submitted if application is filed by anyone other than the owner. In addition, all new exhibits introduced at a scheduled hearing must be submitted to the City Clerk to be included as part of the record.

Legal description of the property: Please see attached deed for legal description.

Description of your request: Please see attached variance petition letter.

1. Please explain how your application meets the following variance criteria (Sec. 14-63.8):

- a. Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable generally to other lands, structures or buildings in the same zoning classification. Please see attached variance petition letter.

- b. The special conditions or circumstances do not result from the actions of the applicant and are not primarily economic or financial in nature. Please see attached variance petition letter.

- c. Literal interpretation or enforcement 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 Land Development Code. Please see attached variance petition letter.

- d. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification of the regulation at issue. Please see attached variance petition letter.

- e. The variance sought will not authorize or extend any nonconforming use or other nonconformity with respect to the land or structures in question. Please see attached variance petition letter.

- f. The granting of the variance will be in harmony with the general intent and purpose of this ordinance, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification.

Please see attached variance petition letter.

- g. The variance sought will be consistent with the City's Comprehensive Plan, its enabling legislation and regulations adopted pursuant thereto. Please see attached variance petition letter.

The applicant must agree that:

2. In granting any variance, the Planning and Zoning Board may prescribe appropriate conditions and safeguards in conformity with this ordinance and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and regulations promulgated hereunder.

Agree (X) Disagree ()

Explanation: _____

3. The Planning and Zoning Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun, or completed, or both.

Agree (X) Disagree ()

Explanation: _____

4. No conforming use of neighboring lands, structures, or buildings in the same zoning classification and no permitted use of lands, structures or buildings in other zoning classifications shall be considered grounds for the authorization of a variance.

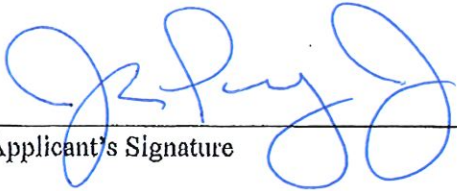
Agree (X) Disagree ()

Explanation: _____

5. Concerning ex-parte communications, the applicant shall not speak to the Planning and Zoning Board members upon their visiting the site and prior to the Public Hearing relating to said variance request in order that said board member shall not prejudice themselves prior to said variance request coming before the Planning and Zoning Board in an open proceeding where the Board's decision-making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept.

Agree (X) Disagree ()

Explanation: _____

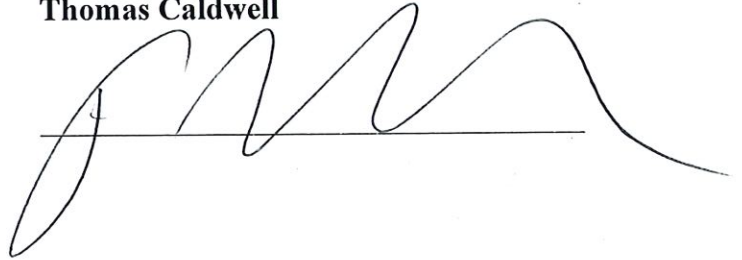

Applicant's Signature

8/10/23
Date

NOTARIZED AUTHORIZATION OF OWNER

I, Thomas Caldwell, hereby authorize Storch Law Firm and A. Joseph Posey, Jr. to act as my agent to apply for variances for property located at 2914 Peninsula Drive, Daytona Beach Shores.

Thomas Caldwell



STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 7 day of August, 2023, by Thomas Caldwell. He is ☐ personally known to me or ☐ has produced _____ as identification and did not take an oath.



STEPHANIE L. GOSSETT
Commission # HH 099059
Expires March 1, 2025
Bonded Thru Budget Notary Services

Stephanie Gossett

Notary Public
Type, Print or Stamp Name
My commission expires:



Volusia County Property Appraiser

123 W. Indiana Ave., Rm. 102

DeLand, FL. 32720

Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3427238

Parcel ID: 532706050090

CALDWELL THOMAS E

2914 S PENINSULA DR, DAYTONA BEACH SHORES, FL

Parcel Summary

Alternate Key:	3427238
Parcel ID:	532706050090
Township-Range-Section:	15 - 33 - 27
Subdivision-Block-Lot:	06 - 05 - 0090
Owner(s):	CALDWELL THOMAS E - FS - Fee Simple - 100%
Mailing Address On File:	6097 OXBOW BEND LN PORT ORANGE FL 32128
Physical Address:	2914 S PENINSULA DR, DAYTONA BEACH SHORES 32118
Property Use:	0100 - SINGLE FAMILY
Tax District:	403-DAYTONA BEACH SHORES
2022 Final Millage Rate:	17.1784
Neighborhood:	3053
Business Name:	
Subdivision Name:	
Homestead Property:	No

AltKey: 3427238

Parcel ID: 532706050090

CALDWELL THOMAS E

2914 S PENINSULA DR, DAYTONA BEACH SHORES, FL

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	\$617,333	\$615,765	\$0	\$617,333	1.5000	\$926.00
0012	DISCRETIONARY	\$617,333	\$615,765	\$0	\$617,333	0.7480	\$461.77
0011	REQ LOCAL EFFORT	\$617,333	\$615,765	\$0	\$617,333	3.2340	\$1,996.45
0050	GENERAL FUND	\$617,333	\$615,765	\$1,568	\$615,765	4.8499	\$2,986.40
0055	LIBRARY	\$617,333	\$615,765	\$1,568	\$615,765	0.4635	\$285.41
0520	MOSQUITO CONTROL	\$617,333	\$615,765	\$1,568	\$615,765	0.1781	\$109.67
0530	PONCE INLET PORT AUTHORITY	\$617,333	\$615,765	\$1,568	\$615,765	0.0760	\$46.80
0053	PUBLIC SAFETY FUND	\$617,333	\$615,765	\$1,568	\$615,765	0.0000	\$0.00
0058	VOLUSIA ECHO	\$617,333	\$615,765	\$1,568	\$615,765	0.2000	\$123.15
0057	VOLUSIA FOREVER	\$617,333	\$615,765	\$1,568	\$615,765	0.2000	\$123.15
0065	FLORIDA INLAND NAVIGATION DISTRICT	\$617,333	\$615,765	\$1,568	\$615,765	0.0320	\$19.70
0100	HALIFAX HOSPITAL AUTHORITY	\$617,333	\$615,765	\$1,568	\$615,765	0.8606	\$529.93
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	\$617,333	\$615,765	\$1,568	\$615,765	0.1974	\$121.55
0240	DAYTONA BEACH SHORES	\$617,333	\$615,765	\$1,568	\$615,765	4.6389	\$2,856.47
						17.1784	\$10,586.45

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			\$0.00

Estimated Ad Valorem Tax: \$10,586.45
Estimated Non-Ad Valorem Tax: \$0.00

Estimated Taxes: \$10,586.45
Estimated Tax Amount without SOH: \$10,604.79

AltKey: 3427238

Parcel ID: 532706050090

CALDWELL THOMAS E

2914 S PENINSULA DR, DAYTONA BEACH SHORES, FL

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2022	\$390,640	\$307,085	\$697,725	\$697,725	\$0	\$697,725	\$0
2021	\$373,920	\$111,393	\$485,313	\$485,313	\$0	\$485,313	\$0
2020	\$373,920	\$116,398	\$490,318	\$356,222	\$100,000	\$256,222	\$134,096
2019	\$254,800	\$131,142	\$385,942	\$348,213	\$50,000	\$298,213	\$37,729
2018	\$254,800	\$133,483	\$388,283	\$341,720	\$50,000	\$291,720	\$46,563
2017	\$259,784	\$142,456	\$402,880	\$334,691	\$50,000	\$284,691	\$68,189
2016	\$260,424	\$111,576	\$372,000	\$327,807	\$50,000	\$277,807	\$44,193
2015	\$262,375	\$102,224	\$364,599	\$325,528	\$50,000	\$275,528	\$39,071
2014	\$255,372	\$80,560	\$335,932	\$322,944	\$50,000	\$272,944	\$12,988

AltKey: 3427238

Parcel ID: 532706050090

CALDWELL THOMAS E

2914 S PENINSULA DR, DAYTONA BEACH SHORES, FL

Land Data

#	Land Use	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
1	0101-IMP PVD THRU .49 ACF-FRONT FOOT					80	110	710	\$56,800
2	0133-IMP RVRFRNT-1 <2 ACF-FRONT FOOT					80	311	4450	\$341,760
3	0000-VAC RES UNBUILDABLE	U-UNIT	1					1000	\$1,000

Total Land Value: \$399,560

AltKey: 3427238

Parcel ID: 532706050090

CALDWELL THOMAS E

2914 S PENINSULA DR, DAYTONA BEACH SHORES, FL

Miscellaneous Improvement(s)

#	Type	Year	Area	Units	Depreciated Value
2	SEW-SEA WALL (BULKHEADS)	1967	100	1	\$1,108

AltKey: 3427238**Parcel ID: 532706050090****CALDWELL THOMAS E****2914 S PENINSULA DR, DAYTONA BEACH SHORES, FL****Sales History**

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description and/or recorded and indexed with the Clerk of the Court. Follow this link to search all documents by owner's name.

Book/Page	Inst #	Sale Date	Deed Type	Q/U	V/I	Sale Price
8364 / 4894	2023023779	01/25/2023	WD-WARRANTY DEED	QUALIFIED	Improved	\$1,100,000
7933 / 3170	2020207964	10/14/2020	DC-DEATH CERTIFICATE	MULTI-PARCEL	Improved	\$100
7162 / 1554	2015170815	09/10/2015	QC-QUIT CLAIM DEED	UNQUALIFIED	Improved	\$100
7162 / 1552	2015170814	09/10/2015	QC-QUIT CLAIM DEED	UNQUALIFIED	Improved	\$100
4079 / 3102	1996028679	02/15/1996	WD-WARRANTY DEED	UNQUALIFIED	Improved	\$165,000
4058 / 1486	1995183515	10/15/1995	PR-vcpa pr	UNQUALIFIED	Improved	\$100

AltKey: 3427238

Parcel ID: 532706050090

CALDWELL THOMAS E

2914 S PENINSULA DR, DAYTONA BEACH SHORES, FL

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

27-15-33 WESTERLY 110 FT OF EASTERLY 220 FT OF SOUTHERLY 80 FT OF THE
SOUTHERLY 220 FT & INC SOUTHERLY 80 FT OF NORTHERLY 300 FT BLK E
MCELROYS BELLEVIEW MB 11 PG 98 MEAS ALONG WESTERLY LINE OF SOUTH
PENINSULA DRIVE AS DESCRIBED IN OR 7162 PG 1552 & OR 4079 PG 3102 & INC E
110 FT OF S 10 FT OF N 150 FT OF BLK E PER OR 8364 PG 4894

AltKey: 3427238

Parcel ID: 532706050090

CALDWELL THOMAS E

2914 S PENINSULA DR, DAYTONA BEACH SHORES, FL

Permit List

Permit Date	Permit #	Description	Contractor	Amount
03/30/2023	20230675	APPLY STUCCO COATING TO EXISTING BLOCK EXTERI	ICON HOMES LLC	\$12,000

THIS INSTRUMENT PREPARED BY:
Covenant Closing & Title Services
4879 Palm Coast Parkway NW, Suite 4
Palm Coast, FL 32137

Incident to the fulfillment of conditions contained
in title insurance commitment issued by it.

Tax ID #: 532706050090
File #: 23-206056

WARRANTY DEED (Trust)

This Warranty Deed made this 25th day of January, 2023 by **John Dees, a single man, Individually and as Successor Trustee of The William Dougherty Smith Revocable Trust dated September 10, 2015 as amended**, hereinafter called the grantor,

to: **Thomas E. Caldwell**, a unmarried man, whose post office address is: 6097 Oxbow Bend Lane, Port Orange, FL 32128 ,hereinafter called the grantee,

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

WITNESSETH: that the grantor, for and in consideration of the sum of **\$1,100,000.00**, and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situated in **Volusia County, Florida**, viz:

Legal Description Attached.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) nor any members of the household of Grantor(s) reside thereon.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in **FEE SIMPLE** forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in **FEE SIMPLE**; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **2022**, reservations, restrictions and easements of record, if any.

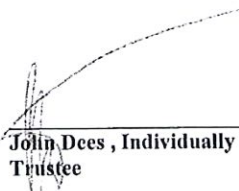
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

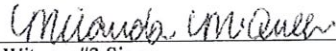
Signed, sealed and delivered in our presence:


Witness #1 Sign

Susan Flanagan

Witness #1 Print


John Dees, Individually and as Successor
Trustee


Witness #2 Sign

Miranda McQueen
Witness #2 Print

****TWO DIFFERENT WITNESSES REQUIRED****

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 25 day of January, 2023 by John Dees, Individually and as Successor Trustee of The William Dougherty Smith Revocable Trust dated September 10, 2015, who is personally known to me, or provided valid government issued identification.

(NOTARY SEAL)


Notary Public

My Commission Expires: _____



Exhibit A

Parcel 1:

The Westerly 110 feet of the Easterly 220 feet, subject to a perpetual easement over and upon the Northerly 10 feet thereof, of the following described property: That part of McElroy's Belleview, of record in Map Book 11, Page 98, of the Public Records of Volusia County, Florida, described as follows: Begin at a point in the Westerly line of South Peninsula Drive, a 50-foot street as now laid out, said point being 140 feet Southerly as measured along said Westerly line of South Peninsula Drive, from the intersection of said Westerly line of South Peninsula Drive, with the Northerly line of McElroy's Belleview; thence at right angles to the Westerly line of South Peninsula Drive, a distance of 340 feet more or less to the Easterly shoreline of the Halifax River; thence along said shoreline, a distance of 80 feet more or less to a point in a line which is parallel to the first named course, and 80 feet Southerly as measured at right angles thereto; thence Northeasterly along said parallel line, a distance of 365 feet more or less, to the aforesaid Westerly line of South Peninsula Drive; thence Northwesterly along said Westerly line of South Peninsula Drive, a distance of 80 feet to the point of beginning; including an easement of ingress or egress over and upon the Northerly 10 feet of the Easterly 110 feet thereof.

and

Parcel 2:

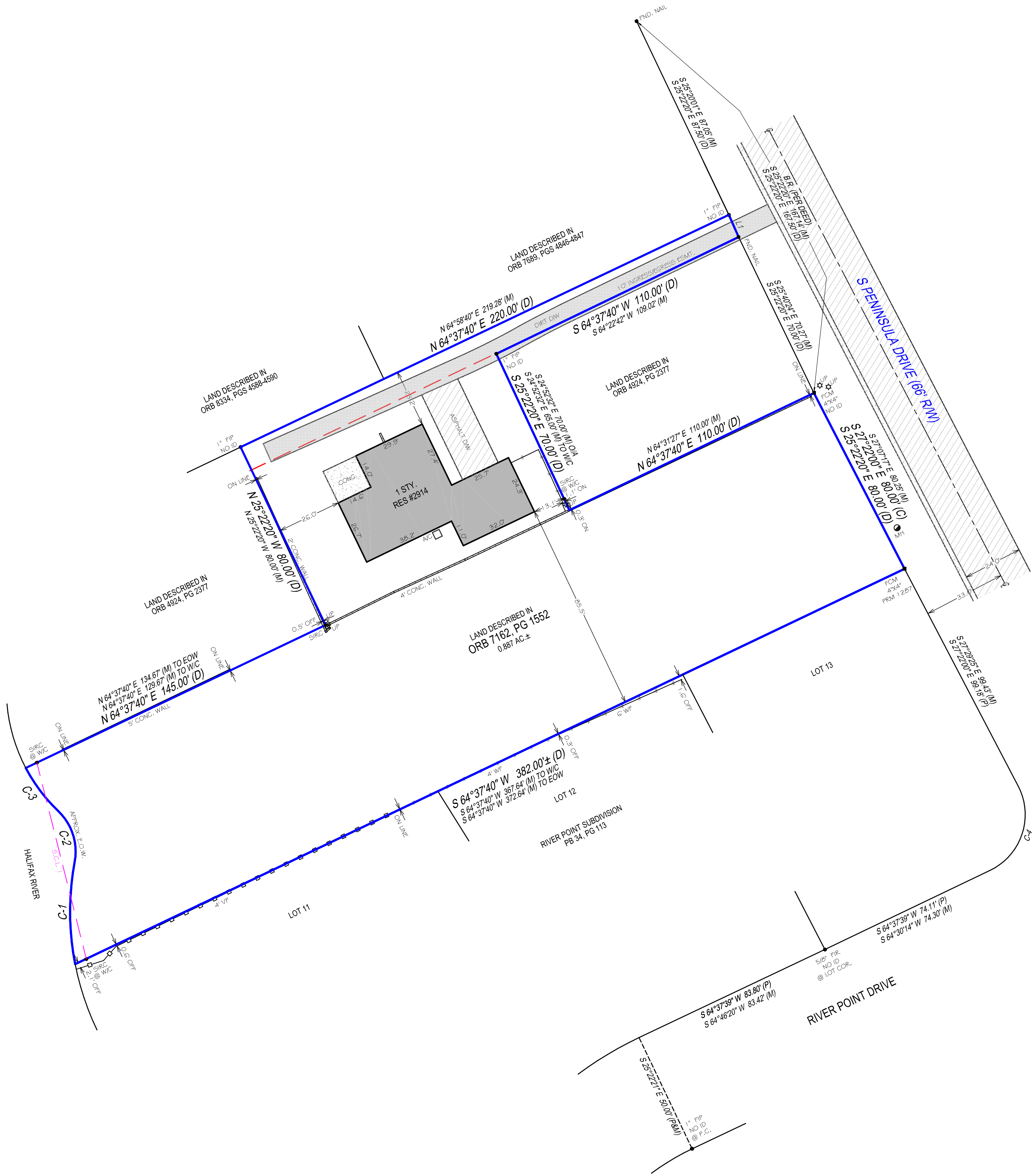
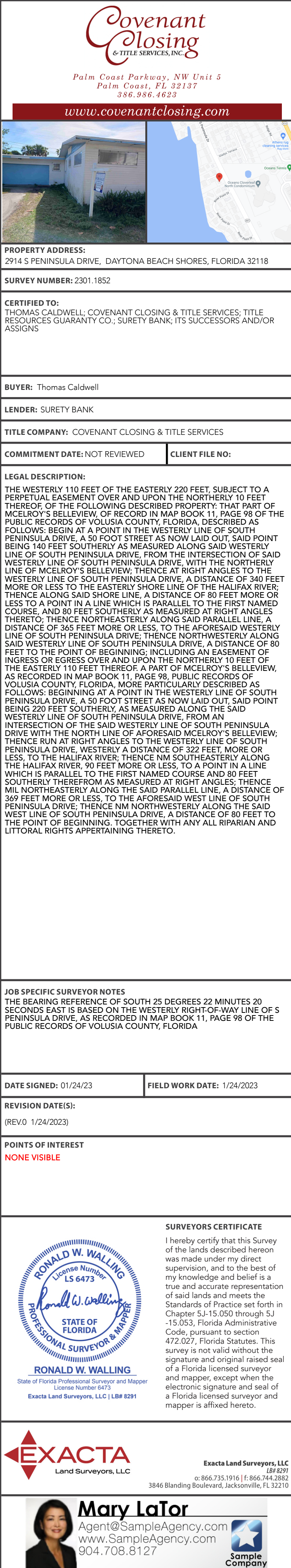
A part of McElroy's Belleview, as recorded in Map Book 11, Page 98, Public Records of Volusia County, Florida, more particularly described as follows: Beginning at a point in the Westerly line of South Peninsula Drive, a 50-foot street as now laid out, said point being 220 feet Southerly, as measured along the said Westerly line of South Peninsula Drive, from an intersection of the said Westerly line of South Peninsula Drive with the North line of aforesaid McElroy's Belleview; thence run at right angles to the Westerly line of South Peninsula Drive, Westerly a distance of 322 feet, more or less, to the Halifax River; thence run Southeasterly along the Halifax River, 90 feet more or less, to a point in a line which is parallel to the first named course and 80 feet Southerly therefrom as measured at right angles; thence run Northeasterly along the said parallel line, a distance of 369 feet more or less, to the aforesaid West line of South Peninsula Drive; thence run Northwesterly along the said West line of South Peninsula Drive, a distance of 80 feet to the point of beginning.

As combined and now known as:

A part of Mcelroy's Belleview, according to the Map or Plat thereof, as recorded in Map Book 11, Page 98, of the Public Records of Volusia County, Florida, more particularly described as follows:

Beginning at a point on the Westerly line of South Peninsula Drive, a 50.00-foot street as now laid out, said point being 220.00 feet Southerly, as measured along the said Westerly line of South Peninsula Drive. From an intersection of the said Westerly line of South peninsula drive with the North line of aforesaid Mcelroy's Belleview; thence Southerly along said Westerly line of South peninsula drive, a distance of 80.00 feet; thence run at right angles to the Westerly line of South Peninsula Drive, Westerly a distance of 369.00 feet; more or less, to the Halifax River; thence run Northeasterly along the Halifax river, 90.00 feet more or less, to a point in a line which is parallel to last named course and 80.00 feet Northerly therefrom as measured at right angles; thence run Northeasterly along the said parallel line, a distance of 102.00 feet more or less, to a point on a line lying 220.00 feet Westerly of and parallel with said Westerly line of South peninsula drive; thence Northwesterly along said parallel line, a distance of 80.00 feet; thence run Easterly along a line measured at right angles to the aforesaid West line of South peninsula drive, a distance of 110.00 feet to a point on a line lying 110.00 feet Westerly of and parallel with said Westerly line of South peninsula drive; thence run Southeasterly along the said parallel line, a distance of 80.00 feet; thence along a line measured at right angles to the aforesaid West line of South peninsula drive, a distance of 110.00 feet to the point of beginning.

Together with an Easement for Ingress or Egress as described in Official Records Book 7162, Page 1552.



GENERAL SURVEYORS NOTES:

1. The Legal Description used to perform this survey was supplied by others. This survey does not determine nor imply ownership of the lands or any fences shown hereon. Unless the Title Commitment Number referenced on this survey, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
2. The purpose of this survey is to establish the boundary of the lands described by the legal description provided and to depict the visible improvements thereon for a pending financial transaction. Underground footings, utilities, or other service lines, including roof eave overhangs were not located as part of this survey. Unless specifically stated otherwise the purpose and intent of this survey is not for any construction activities or future planning.
3. If there is a septic tank or drain field shown on this survey, the location depicted hereon was either shown to the surveyor by a third party or it was estimated by visual above ground inspection. No excavation was performed to determine its location.
4. This survey is exclusively for a pending financial transaction and only to be used by the parties to whom it is certified.
5. Alterations to this survey map and report by other than the signing surveyor are prohibited.
6. Dimensions are in feet and decimals thereof.
7. Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain said data was performed at www.fema.gov and may not reflect the most recent information.
8. Unless otherwise noted "SIRC" indicates a Set Iron Rebar with a Cap stamped LB#8291, a minimum half inch in diameter and eighteen inches long.
9. If you are reading this survey in an electronic form, the information contained on this document is only valid if this document is electronically signed as specified in Chapter 517.062, (3) of the Florida Administrative Code and Florida Statute 472.025. The Electronic Signature File related to this document is prominently displayed on the invoice for this survey which is sent under separate cover. Manually signed and sealed logs of this survey signature files are kept in the office of the performing surveyor.
10. The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been printed at the approximate center of the field location and may not represent the actual shape or size of the feature.
11. Points of Interest (POI's) are select above-ground improvements, which may appear in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. These POI's may not represent all items of interest to the viewer. There may be additional POI's which are not shown or called-out as POI's, or which are otherwise unknown to the surveyor.
12. Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
13. The information contained on this survey has been performed exclusively by and is the sole responsibility of Exacta Land Surveyors, LLC. Additional logs or references to third party firms are for informational purposes only.
14. Pursuant to F.S. 558.0035, an individual employee or agent may not be held individually liable for negligence.
15. Due to varying construction standards, building dimensions are approximate and are not intended to be used for new construction or planning.

LINETYPES		ABBREVIATIONS	
	Boundary Line		
	Center Line	(C) - Calculated	MB - Map Book
	Chain Link or Wire Fence	(D) - Deed	ME - Maintenance Easement
	Easement	(F) - Field	MES - Mitered End Section
	Edge of Water	(M) - Measured	MF - Metal Fence
	Iron Fence	(P) - Plat	MH - Manhole
	Overhead Lines	(R) - Record	MHW - Mean High Water Line
	Structure	(S) - Survey	NNR - Non-Radial
	Survey Tie Line	A/C - Air Conditioning	NTS - Not to Scale
	Vinyl Fence	AE - Access Easement	NAVDSB - North American Vertical Datum 1988
	Wall or Party Wall	ASBL - Accessory Setback Line	NGVD29 - National Geodetic Vertical Datum 1929
	Wood Fence	B/W - Bay/Box Window	OG - On Ground
SURFACE TYPES		BC - Block Corner	ORR - Official Records Book
	Asphalt	BFP - Backflow Preventer	ORV - Official Record Volume
	Brick or Tile	BLDG - Building	O/A - Overall
	Concrete	BLK - Block	O/S - Offset
	Covered Area	BM - Benchmark	O/S - Outside Subject Property
	Water	BR - Bearing Reference	OH - Overhang
	Wood	BRL - Building Restriction Line	OH - Overhead Utility Lines
SYMBOLS		BSMT - Basement	OHWL - Ordinary High Water Line
	Benchmark	C - Curve	ON - Inside Subject Property
	Center Line	C/L - Center Line	P/E - Pool Equipment
	Central Angle or Delta	C/P - Covered Porch	PB - Plat Book
	Common Ownership	C/S - Concrete Slab	PC - Point of Curvature
	Control Point	CATV - Cable TV Riser	PCP - Point of Compound Curvature
	Catch Basin	CB - Concrete Block	PCP - Permanent Control Point
	Elevation	CH - Chord Bearing	PI - Point of Intersection
	Fire Hydrant	CHIM - Chimney	PLS - Professional Land Surveyor
	Find or Set Monument	CLF - Chain Link Fence	PLT - Planter
	Guywire or Anchor	CME - Canal Maintenance Easement	POB - Point of Beginning
	Manhole	CO - Clean Out	POC - Point of Commencement
	Tree	CONC - Concrete	POC - Point of Reverse Curvature
	Utility or Light Pole	COR - Corner	PRM - Permanent Reference Monument
	Well	CS/W - Concrete Sidewalk	PSM - Professional Surveyor & Mapper
		CUE - Control Utility Easement	PT - Point of Tangency
		CVG - Concrete Valley Gutter	PUE - Public Utility Easement
		D/W - Driveway	R - Radius or Radial
		DE - Drainage Easement	R/W - Right of Way
		DF - Drain Field	RES - Residential
		DH - Drill Hole	ROE - Range
		DUE - Drainage & Utility Easement	RGE - Roof Overhang Easement
		ELEV - Elevation	R - Radius Point
		EM - Electric Meter	SP - Sidewalk
		ENCL - Enclosure	SBL - Setback Line
		ENT - Entrance	SC - Survey Closure Line
		EOP - Edge of Pavement	SLR - Screen
		EOW - Edge of Water	SEC - Section
		ESMT - Easement	SEP - Septic Tank
		EUB - Electric Utility Box	SEW - Sewer
		F/DH - Found Drill Hole	SIRC - Set Iron Rod & Cap
		FF - Finished Floor	SMWE - Storm Water Management Easement
		FIP - Found Iron Pipe	SN&D - Set Nail and Disc
		FIPC - Found Iron Pipe & Cap	SQFT - Square Feet
		FIR - Found Iron Rod	STL - Survey Tie Line
		FIRC - Found Iron Rod & Cap	STY - Story
		FN - Found Nail	SV - Sewer Valve
		FN&D - Found Nail & Disc	SWE - Sidewalk Easement
		FRRSPP - Found Rail Road Spike	TBM - Temporary Benchmark
		GAR - Garage	TEL - Telephone Facilities
		GM - Gas Meter	TOB - Top of Bank
		ID - Identification	TUE - Technological Utility Easement
		IE/E - Ingress/Egress Easement	TWP - Township
		IL - Illegible	TX - Transformer
		INST - Instrument	TYP - Typical
		INT - Intersection	UE - Utility Easement
		IRRE - Irrigation Easement	UG - Underground
		L - Length	UP - Utility Pole
		LAE - Limited Access Easement	UR - Utility Riser
		LB# - License No. (Business)	VF - Vinyl Fence
		LBE - Limited Buffer Easement	WC - Winess Corner
		LE - Landscape Easement	W/F - Water Filter
		LME - Lake/Landscape Maintenance Easement	W - Wood Fence
		LS# - License No. (Surveyor)	WM - Water Meter/Valve Box
			WV - Water valve

FLOOD ZONE INFORMATION:
 BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY
 APPEARS TO BE LOCATED IN ZONE X, X SHADED. THIS PROPERTY WAS FOUND IN CITY OF DAYTONA BEACH
 SHORES, COMMUNITY NUMBER 125100, PANEL NUMBER 0386 DATED 09/29/2017.

AFFIDAVIT OF COMPLIANCE WITH
PUBLIC NOTICE REQUIREMENTS OF THE CITY
DAYTONA BEACH SHORES, FLORIDA

I, the undersigned hereby certify that I have mailed or caused to be mailed by First Class, Certified Mail Return Receipt, to the named property owners listed below whose property is abutting the property which is subject of an application and public hearing pursuant to the City of Daytona Beach Shores Code of Ordinances, a notice containing the time, date and purpose of the public hearing and address of the subject property. The notices were sent at least thirty (30) days prior to the meeting. The subject property was also posted with a placard on September 27, 2023. The names and addresses of the following adjoining property owners were obtained from the Volusia County Property Appraiser's Office and mailed to said property owners on September 6, 2023.

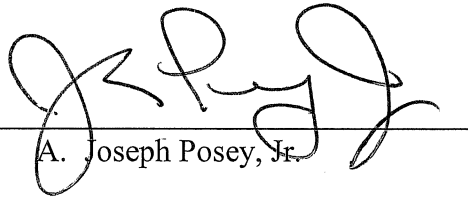
Name

Tax Parcel ID

PLEASE SEE ATTCHED LIST

Planning and Zoning Board Hearing Date: October 9, 2023 at 8:30am

Signature: _____


A. Joseph Posey, Jr.

Address: 420 South Nova Road
Daytona Beach, FL 32114

STATE OF FLORIDA
COUNTY OF VOLUSIA

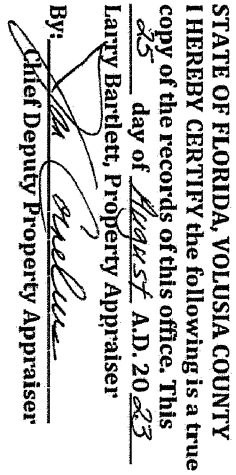
Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 29 day of September, 2023, by A. Joseph Posey, Jr., who is personally known.

(NOTARY SE



APRIL M. ROSAMILIA
Commission # HH 201362
Expires January 8, 2026


Notary Public, State of Florida at Large



DISCLAIMER: Surrounding Owners Request Prepared by Volusia County Property Appraisers Office. The Volusia County Property Appraiser and staff are constantly working to provide and publish the most current and accurate information possible. No warranties, expressed or implied are provided for the data herein, its use, or its interpretation. Additionally, the Appraiser's data is not as current as the Clerk of the Court data causing mismatches - which are beyond our control. Again, one must remember that the primary use of the assessment data contained is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

Yellow Highlighted Information is redacted pursuant to Florida Statute 119.071. Please provide a copy of the documents being mailed to our office at 123 W. Indiana Ave., Room 102, Deland, FL 32720. We will mail the information to this property owner for you. If you have any questions, please call 386-822-5717.

Printed Date: 08/25/2023
W.O. Number: S230066
Search Type: Adjacent parcels
Subject Parcel ID or Road Name:
5327-06-05-0090
(If Road)
From:
To:
Customer Name: Storch Law Firm
Company Name:

[illegible]

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2 and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
CALDWELL THOMAS E
6097 Oxbow Bend Ln
Port Orange, FL 32128-7162



9290 9901 3247 3400 1897 4439 74

2. Article Number (Transfer from service label)
92147901324734001897443970

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No
3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail |
| ☒ Certified Mail | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Return Receipt for Merchandise |
| ☐ Collect on Delivery | ☐ Signature Confirmation |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (Over \$500) | |

DOMESTIC RETURN RECEIPT

672607-11-7

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2 and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
ISLEY VICTORIA E
2906 River Point Dr
Daytona Beach, FL 32118-5915



9290 9901 3247 3400 1897 4439 98

2. Article Number (Transfer from service label)
92147901324734001897443994

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent
☐ Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No
3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail |
| ☒ Certified Mail | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Return Receipt for Merchandise |
| ☐ Collect on Delivery | ☐ Signature Confirmation |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (Over \$500) | |

DOMESTIC RETURN RECEIPT

72607-11-1

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2 and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
VRP2 LLC
9 Partridge Run
Princeton Junction, NJ 08550-2157



9290 9901 3247 3400 1897 4439 50

2. Article Number (Transfer from service label)
92147901324734001897443956

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent
☐ Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No
3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail |
| ☒ Certified Mail | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Return Receipt for Merchandise |
| ☐ Collect on Delivery | ☐ Signature Confirmation |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (Over \$500) | |

DOMESTIC RETURN RECEIPT

Page 29 of 45

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2 and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
SHEPPARD DONNA JEAN
2906 S Peninsula Dr
Daytona Beach Shores, FL 32118-5910



9290 9901 3247 3400 1897 4439 43

2. Article Number (Transfer from service label)
92147901324734001897443949

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Donna Sheppard* ☐ Agent
☒ Address

B. Received by (Printed Name)

C. Date of Delivery

Donna Sheppard *9/9/23*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail |
| ☒ Certified Mail | ☐ Registered Mail Restricted Delivery |
| ☒ Certified Mail Restricted Delivery | ☐ Return Receipt for Merchandise |
| ☐ Collect on Delivery | ☐ Signature Confirmation |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (Over \$500) | |

DOMESTIC RETURN RECEIPT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2 and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
OCEANS WEST HOMEOWNERS ASSOC
2 Oceans West Blvd
Daytona Beach, FL 32118



9290 9901 3247 3400 1897 4440 25

2. Article Number (Transfer from service label)
92147901324734001897444021

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Don Skilton* ☐ Agent
☐ Address

B. Received by (Printed Name)

C. Date of Delivery

Don Skilton *9/9/23*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail |
| ☒ Certified Mail | ☐ Registered Mail Restricted Delivery |
| ☒ Certified Mail Restricted Delivery | ☐ Return Receipt for Merchandise |
| ☐ Collect on Delivery | ☐ Signature Confirmation |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (Over \$500) | |

DOMESTIC RETURN RECEIPT

Click2Mail MOL Pro Tracing Data

Page 1 of 5

For Click2Mail Order #21444450

Tracking Number	Mailing Address/Standard Address	Address Type	Scan Status	Scan Date	Scan Location (ZipCode)
92147901324734001897443949	SHEPPARD DONNA JEAN 2906 S Peninsula Dr Daytona Beach Shores FL 32118-5910 UNITED STATES				
92147901324734001897443949		Standard	Printed	09/05/23 17:02 EDT	
92147901324734001897443949		Standard	Pre-Shipment Info Sent to USPS	09/06/23 10:44 EDT	48502
92147901324734001897443949		Standard	Shipment Acceptance	09/06/23 16:38 EDT	48502
92147901324734001897443949		Standard	Provided to postal processing facility	09/06/23 17:03 EDT	485029998
92147901324734001897443949		Standard	Origin Acceptance	09/06/23 22:05 EDT	48502
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92147901324734001897443949		Standard	Enroute/Processed	09/08/23 12:05 EDT	32862
92147901324734001897443949		Standard	Enroute/Processed	09/08/23 19:46 EDT	32799
92147901324734001897443949		Standard	Enroute/Processed	09/08/23 22:11 EDT	32799
92147901324734001897443949		Standard	No Authorized Recipient Available	09/09/23 10:38 EDT	32118
92147901324734001897443949		Standard	Delivered	09/09/23 10:39 EDT	32118
92147901324734001897443956	VRP2 LLC 9 Partridge Run Princeton Junction NJ 08550-2157 UNITED STATES				
92147901324734001897443956		Standard	Printed	09/05/23 17:02 EDT	
92147901324734001897443956		Standard	Pre-Shipment Info Sent to USPS	09/06/23 10:44 EDT	48502
92147901324734001897443956		Standard	Shipment Acceptance	09/06/23 16:38 EDT	48502
92147901324734001897443956		Standard	Provided to postal processing facility	09/06/23 17:03 EDT	485029998
92147901324734001897443956		Standard	Origin Acceptance	09/06/23 22:05 EDT	48502
92147901324734001897443956		Standard	Enroute/Processed	09/06/23 23:20 EDT	48340
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92147901324734001897443956		Standard	Dispatched from Sort Facility	09/08/23 20:12 EDT	08650
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92147901324734001897443956		Standard	Arrival at Unit	09/11/23 04:54 EDT	08540
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92147901324734001897443956		Standard	Arrival at Pickup Point	09/11/23 19:36 EDT	08540
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Report Generated on : September 28, 2023

NOTICE TO ABUTTING PROPERTY OWNERS

September 5, 2023

Dear Property Owner:

The owner of the property located at 2914 South Peninsula Drive, Daytona Beach Shores, Florida, 32118, Parcel No. 5327-06-05-0090 which abuts your property, has submitted an application to the Planning and Zoning Board of the City of Daytona Beach Shores for the following requests:

1. Variance for a lot width of 10 feet in lieu of 85 feet.
2. Variance for an interior side yard setback of 5.5 feet in lieu of 10 feet.

The City of Daytona Beach Shores Planning and Zoning Board will hold a Public Hearing on this application October 9, 2023, beginning at 8:30 A.M. in the City Commission Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at this public hearing and will be given an opportunity to be heard.

If this Notice is to a homeowner's association, condominium association or the management company for same, please post a copy of this Notice in a place where occupants of the association or condominium will be likely to see it.

The application is available for public inspection at the City of Daytona Beach Shores, Community Services Department, 2990 S. Atlantic Avenue, Daytona Beach Shores. For more information, please contact the Planning Division at 386-763-5376.

Anyone who wishes to appeal any decision by the Planning and Zoning Board with respect to any matter considered at said Public Hearing will need a record of Public Hearing proceedings, including all testimony and evidence, and should arrange in advance for the making of a verbatim transcript of the Public Hearing. The Public Hearing may be continued to one or more dates. The dates, times and places of any continuation of the Public Hearing will be announced at the Public Hearing and no further notice regarding said continuation is required to be published.

In accordance with the Americans with Disabilities Act (ADA), persons needing special accommodations to participate in the proceedings should contact the City Clerk's Office no later than seven days prior to the hearing.

PUBLIC NOTICE

The property owners of the property located at 2914 S. Peninsula Drive, Daytona Beach Shores, Florida 32118, have made application to the City of Daytona Beach Shores for two variances as follows:

1. Variance for a lot width of 10 feet in lieu of 85 feet.
2. Variance for an interior side yard setback of 5.5 feet in lieu of 10 feet.

The following public hearing has been scheduled for consideration for the above items:

**Daytona Beach Shores Planning & Zoning Board
Monday, October 9, 2023, at 8:30 a.m.**

**In City Commission Chambers in the
Community Center located at 3000 Bellemead Drive,
Daytona Beach Shores, Florida**

The applications are available for public inspection at the City of Daytona Beach Shores, Community Services Department, Planning Division, 2990 S. Atlantic Avenue, Daytona Beach Shores, Florida. For more information, please contact the Planning Division at (386) 763-5376. All interested parties are invited to appear at the public hearings and submit oral or written objections or comments.

Anyone who wishes to appeal any decision by the City with respect to any matter considered at said Public Hearings will need a record of Public Hearing proceedings, including all testimony and evidence, and should arrange in advance for the making of a verbatim transcript of the Public Hearings. The Public Hearings may be continued to one or more dates. The dates, times and places of any continuation of the Public Hearings will be announced at the Public Hearings and no further notice regarding said continuation is required to be published.

In accordance with the Americans with Disabilities Act (ADA), persons needing special accommodations to participate in the proceedings should contact the City Clerk's Office no later than seven working days prior to the hearing.

If you have any questions, please contact:

**A. Joseph Posey, Jr., Esq.
Storch Law Firm
420 South Nova Road
Daytona Beach, FL 32114 (386) 238-8383**

Exhibit B – Planning Analysis

MEETING DATE: October 9, 2023

SUBJECT: 2914 S. Peninsula Drive, lot width and side yard variances related to a proposed lot split

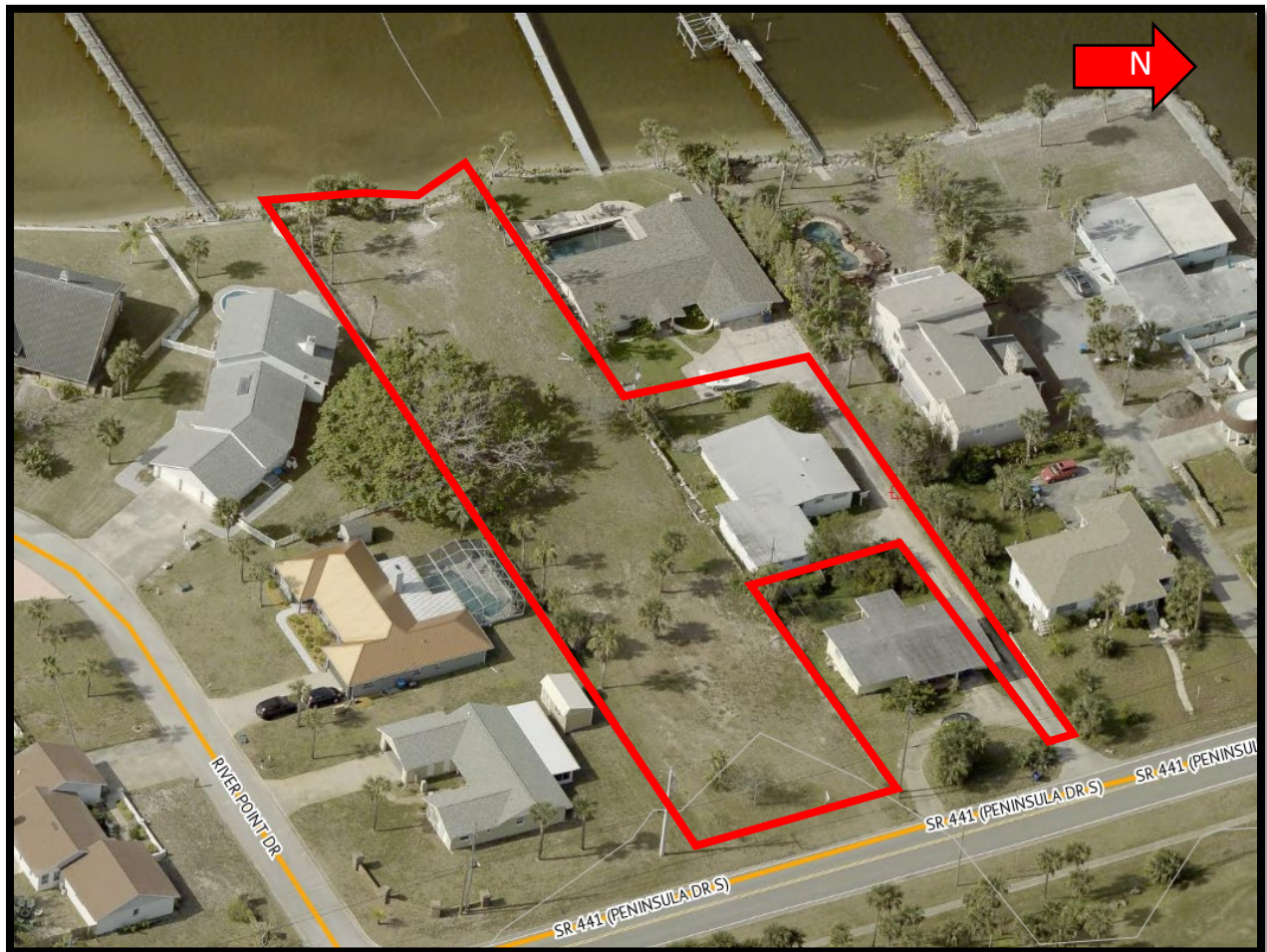
APPLICANT: Joey Posey, Esquire- Storch Law Firm, oh behalf of Thomas Caldwell, property owner.

VARIANCE NUMBER: ZV2023038

I. INTRODUCTION:

This is a request for two variances related to the lot split of the property located at 2914 S. Peninsula Drive. The property has two zoning districts assigned to it (Exhibit 3). The north portion of the lot which will be referenced as “northerly lot” in the remainder of this staff report is zoned RSF-1 (Urban Single-Family Residential Detached District) and the southern portion of the lot which will be referenced as “southernly lot” is zoned RSF-2 (Urban Single-Family Residential Detached District). Section 14-16.4. of the Land Development Code (LDC) requires a minimum property width of eight-five (85) feet and a minimum interior side yard of ten (10) feet. The applicant is requesting a variance from both standards in order to subdivide the property into two lots of record.

EXHIBIT 1: Current aerial view of 2914 S. Peninsula Drive looking west:



II. BACKGROUND

The property is designated as “Low Density Residential” on the City’s Future Land Use Map (FLUM) and is zoned both RSF-1 (Urban Single-Family Residential Detached District) and RSF-2 (Urban Single-Family Residential Detached District) on the City’s Official Zoning Map (Exhibit 3). The existing use of the property is consistent with the FLUM designation and zoning district. The adjacent land uses and zoning designations are as follows:

EXHIBIT 2: Abutting land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Single-Family Dwelling	Low Density Residential	RSF-1 (Urban Single-Family Residential Detached District)

South	Single-Family Dwelling	Low Density Residential	RSF-2 (Urban Single-Family Residential Detached District)
East	Single-Family Dwelling	VC Urban Low Intensity (ULI)	VC R-3 (Urban Single-Family Residential)
West	Single-Family Dwelling	VC Urban Low Intensity (ULI)	VC R-3 (Urban Single-Family Residential)

The subject property at 2914 S. Peninsula Dr. (Exhibit 1) is part of the McElroy's Belleview plat and has two points of frontage on South Peninsula Drive. Prior to June 2022, the property existed as two lots of record. The City of Daytona Beach Shores provide a letter of no objection to combining the two lots known by Parcel IDs 5327-06-05-0110 and 5327-06-05-0090. The current property owner purchased the property in January 2023 and desires to split the property to its previous configuration prior to June of 2022.

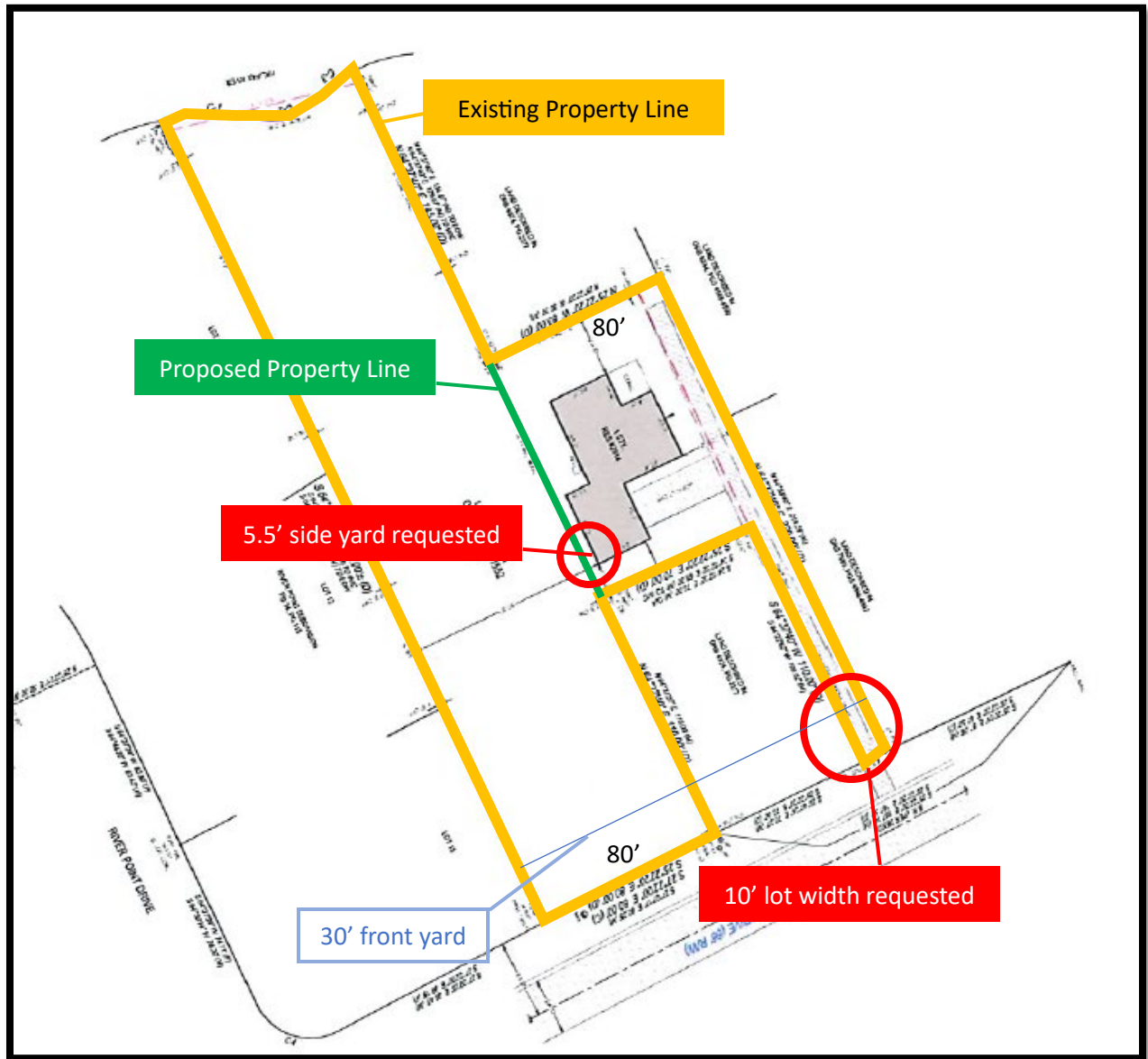
EXHIBIT 3: Aerial of property in January 2022



As shown in Exhibit 4 below, the first variance being requested is for a lot width of ten (10) feet in lieu of the required eighty-five (85) feet for the northerly lot. The LDC defines lot width as "the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard". Lot frontage is defined as "the property line abutting any street or right-of-way". And front yard is defined as "a yard extending between side lot lines across the front of a lot adjoining a public street." Based on these definitions, the front yard lot line on the northerly lot is the 10-foot-wide portion of the lot adjacent to S. Peninsula Drive, and the lot width is measured at a point 30 feet to the west of the front lot line, with 30 feet being the rear of the required front yard setback. Accordingly, a variance is needed for a ten (10) foot lot width in lieu of the eighty-five (85) feet required.

The second variance being requested is for an interior side yard setback of 5.5 feet in lieu of 10 feet required on the south side of the proposed northerly lot due to the proposed location of the property line.

EXHIBIT 4: Variance Exhibit:



III. EVALUATION CRITERIA

Section 14-63.8.a. of the City's LDC outlines the criteria for the Planning and Zoning Board to consider when evaluating variance requests. To justify a variance request, the applicant must demonstrate the following [NOTE: required criteria is indicated in italics; for applicant's response and justification see variance application (Attachment A)]:

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

Applicant's response: "There are several special circumstances related to this property. The subject property consists of a lot and home on the northerly lot that was once a separate parcel from a home and property on the southerly lot. The lots were combined and the home on the southerly lot was demolished by a previous property owner. I can only assume that the previous owner was misinformed or received bad advice because the lot combination did not have any benefit, making a previously vested lot unbuildable, despite the fact that the prior lot area is very large, at 80' x 382'. The northerly lot has an existing driveway within the parcel running all the way east to S. Peninsula Dr. This driveway is also used by the owners of the adjacent properties to the east and west for access to Peninsula, with it being the only possible access route for the western-most home. The original configuration for the northly Lot was vested non-conforming with regard to lot width, and the home thereon, built in 1955. The current owner should not be penalized for the adoption of the RSF-1 zoning since the zoning classification came into effect with the existing condition. This is consistent with many homes in the immediate neighborhood being vested non-conforming."

Staff Comment: The property previously existed as two separate lots prior to June 2022. The northly lot was an existing non-conforming lot that was able to remain so long as the LDC regulations such as building setbacks, for new construction were met. The previous owner combined the lots into one large lot and as a condition of lot combination, demolished the previous single-family dwelling that resided on the southerly lot (Exhibit 3). The applicant desires to split the property in order to build a single-family dwelling on the southern lot and keep the existing single-family dwelling on the northern lot. The property does have a unique shape that provides vehicular access from S. Peninsula Drive to the existing single-family dwelling and the property located at 2912 S. Peninsula Drive. However, the proposed lot split creates the need for both variance requests.

The preexisting shape of the property is a unique condition that justifies the lot width variance request but does not justify the interior side yard variance. The proposed property line can be established as to create a conforming side yard setback from the existing single-family dwelling.

ii. The special conditions or circumstances do not result from the actions of the applicant and are not primarily economic or financial in nature.

The property was combined by the previous owner in June 2022. The current owner seeks to re-establish the previous two lots as they existed prior to June 2022 and construct a new single-family dwelling on the southerly lot as was the previous case (Exhibit 3). The unique flag style shape of the lot is not a result of actions of the applicant and is a result of vehicular access for this property as well as 2912 S. Peninsula Drive. The proposed lot split and property line location does create the side yard setback variance request.

iii. Literal interpretation or enforcement 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 this Ordinance.

There are three other properties in the RSF-1 district without any frontage onto the adjacent right of way along S. Peninsula Drive and Cardinal Boulevard on river front properties only. The literal interpretation of the lot width regulation does deprive the applicant of a lot split process consistent with other properties in the same zoning classification.

However, the side yard setback variance is a direct result of the proposed property line location and can be rerouted to provide a 10' setback around the existing single-family dwelling.

iv. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

The variance request for a 10' wide lot width represents the minimum variance that will afford relief for the proposed lot split however the side yard setback variance being requested is a result of the proposed property line location that is consistent with the historic lot configuration. As previously mentioned, the property line could jog around the existing dwelling to create a 10' side yard setback from the dwelling unit to the south property line of the northly lot.

v. The variance sought will not authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in question.

The variance will not authorize or extend a non-confirming use. The variance will authorize a non-conforming lot and Section 14-11.1. of the LDC allows non-conforming lots of record, where single family dwellings are permitted, to contain said single family dwellings and customary accessory structures, provided that the yard dimensions and requirements other than those applying to area or width, or both, are met.

vi. The granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification.

The granting of the variance, if authorized, would be in harmony with the general intent and purpose of the Ordinance (LDC), surrounding properties and historical configuration of the property and will not be injurious to the area or surrounding properties. The variance if authorized, will not authorize a use of the property that is not permitted in the respective zoning districts, single family dwellings and accessory structures are a permitted use.

The property previously existed prior to June of 2022 without any issues, harm or nuisances to surrounding properties. Staff does not believe that the proposed lot split will have any negative impacts.

vii. The variance sought will be consistent with the City's Comprehensive Plan, its enabling legislation and regulations adopted pursuant thereto.

The variance sought would be consistent with the City's Comprehensive Plan, its enabling legislation and regulations adopted pursuant thereto.

Based on staff's interpretation of the facts and evidence provided, **Table 1 and 2** below was derived to assist the Board's decision-making process:

Table 1: Lot Width Authorization Criteria Summary (per Section 14-63.8.a.)*

Criteria	i	ii	iii	iv	v	vi	vii	Total
Criteria Met	X	X	X	X	X	X	X	7
Criteria Not Met								
Criteria Partially Met								

NOTE: * Pursuant to prior and current legal counsel, a successful variance application can only be achieved if all evaluation criteria are met.

Table 1: Side Yard Setback Authorization Criteria Summary (per Section 14-63.8.a.)*

Criteria	i	ii	iii	iv	v	vi	vii	Total
Criteria Met					X	X	X	3
Criteria Not Met	X	X	X	X				4
Criteria Partially Met								

NOTE: * Pursuant to prior and current legal counsel, a successful variance application can only be achieved if all

Staff Recommendation:

1. Based on the analysis herein, staff is recommending approval of the lot width variance request of 10 feet in lieu of the required 85 feet.
2. Staff is recommending denial of the side yard setback variance of 5.5 feet in lieu of the 10 feet required and recommends the applicant adjust the position of the proposed lot line to allow for a 10-foot setback from the existing single-family dwelling.