



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

**PUBLIC HEARING:** August 14, 2012 - Planning and Land Development Regulation Commission (PLDRC)

**CASE NO:** V-12-019

**SUBJECT:** Variance to the side yard setback requirement for an addition to a single-family dwelling on Urban Single Family Residential (R-4) zoned property.

**LOCATION:** 1314 10<sup>th</sup> Street, Daytona Beach

**APPLICANT:** Imani Sankoffa, owner

**OWNER:** Imani Sankoffa

**STAFF:** Christian Nagle, AICP, Planner II

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## I. SUMMARY OF REQUEST

The applicant is requesting a variance to complete the review of a building permit application for an addition to a single-family dwelling located on the above referenced property. The 701 square foot one-story addition is located on the west side and partial rear of the dwelling.

This case is a result of code compliance staff filing a notice of violation against the current property owner for construction of the foregoing addition without building permits and/or approvals.

The requested variance is a variance for a west side yard setback from the required 8 feet to 3.5 feet for an addition to a single-family dwelling.

*Staff recommendation:* Approval subject to the staff recommended conditions.

## II. SITE INFORMATION

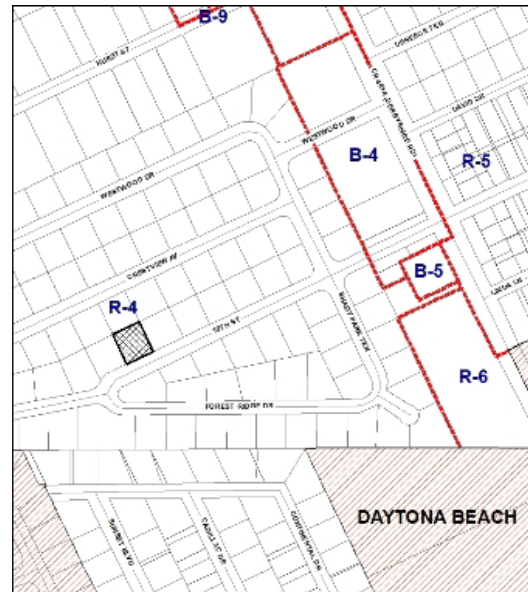
1. Location: The property is located on the north side of 10<sup>th</sup> Street, ± 100 feet east of its intersection with Forest Ridge Drive, Daytona Beach.
2. Parcel No(s): 5202-01-00-0660
3. Property Size: ± 9,017 square feet
4. Council District: 4
5. Zoning: R-4
6. Future Land Use: Urban Medium Intensity
7. ECO Overlay: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	R-4	UMI	Single-family dwellings
East:	R-4	UMI	Single-family dwellings
South:	R-4	UMI	Single-family dwellings
West:	R-4	UMI	Single-family dwellings

### 10. Location Maps:



2009 AERIAL MAP



LOCATION AND ZONING MAP

## III. BACKGROUND AND PREVIOUS ACTIONS

The property includes a single-family dwelling built in 1959 per Property Appraiser's records. In 1989, a previous owner built a screen room onto the dwelling per the Property Appraiser's records and the property survey. The current property owner converted the attached screen room with a solid roof into an enclosed one-story addition, which includes a solid roof, a workshop area and an office, per the submitted building permit plans. The

exterior dimensions and the 3.5-foot west side yard setback of the dwelling did not change after construction of the new addition, based on review of property surveys.

The current property owner bought the property in May 2010, per a copy of the property deed. County staff found no record of required building permits for the former screen room or enclosed addition to the single-family dwelling.

The property's R-4 zoning classification has a minimum side yard of 20-foot combined (8-foot minimum any one side). Both the former attached screen room and new addition encroach into the required 8-foot west side yard without required variance approval.

Section 72-206 (3) of the zoning code states in part: "*Nonconforming structure. In any classification, a lawful structure existing on the effective date of adoption or amendment of this article, that could not thereafter be built because of dimensional requirements, other than density, or other requirements may still be used provided . . .*". Chapter 22-2, Sections 105.1 and 109.3 of the Volusia County Code of Ordinances requires building permit(s) and inspection approval(s) for new construction and/or alterations to a structure or building located in unincorporated Volusia County, Florida.

The former screen room and current workshop/office additions are not nonconforming structures as defined by Section 72-206(3) of the zoning code, because both structures are not lawful structures, based on available county records. The property owners built both structures within the R-4 zoning classification, but with no record of required building permits and inspections.

Approval of the requested variance is required for the applicant/owner to obtain a building permit for the existing addition to the single-family dwelling and to help resolve a related code compliance notice of violation, filed by code compliance staff against the applicant/owner.

#### IV. REVIEW CRITERIA AND ANALYSIS

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

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

Staff finds there are special conditions and circumstances peculiar to the building involved, due to peculiar conditions and circumstances, which are:

- A previous property owner is responsible for the improper construction (circa 1989) of a former solid roofed, screen room addition to the single-family dwelling on the property. The previous property owner built the addition with no record of required

building permits or inspections and within the required west side yard of the property.

- The applicant converted the screen room into an enclosed workshop/office addition to the single-family dwelling. The applicant built the new enclosed addition substantially within the same “foot print” area of the former screen room, without required building permits or inspections. The new enclosed addition is located in a required west side yard, primarily because of the location and configuration of the former screen room.
- The applicant stated he was unaware that the former screen room was in a required yard and built without a required zoning variance and without required building permits or inspections, before submitting this variance application.
- The applicant stated he was unaware that the new enclosed addition is also located in a required yard and therefore, needs variance approval before submitting this variance application.

Staff finds the application meets this criterion.

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

The applicant is partially responsible for the above special conditions and circumstances. The applicant is responsible for improperly building a new addition to the single-family dwelling, without a required zoning variance and without required building permits and inspections. However, the applicant did not change the footprint of the dwelling but enclosed by solid material an existing screen room built by a previous owner.

Staff finds that with the recommended condition(s), this application can meet this criterion.

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

Literal interpretation of zoning code provisions would not deprive the owner of a right commonly enjoyed by owners of R-4 zoned property, because there is no right to encroach into a required yard without variance approval, and required building permits and inspections.

However, the requested variance, if approved, would enable the applicant to obtain the required building permits and inspections, which is necessary to resolve a code violation pertaining to the addition to the home. The applicant would also be able to enjoy continued use of that part of the home, originally built as a screen room addition by someone else, before the applicant bought the property.

Staff finds this application would not deprive the applicant of rights commonly enjoyed; however, it would work an unnecessary and undue hardship on the applicant.

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

The property owner has requested the minimum variance to allow the building addition to remain as constructed. The request will satisfy a code compliance complaint regarding the building addition.

Staff finds that with the recommended condition(s), this application can meet this criterion.

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

Granting the requested variance does not create traffic congestion, fire hazards, or block adequate light or air and would have no foreseeable effect on essential governmental services. The requested variance with appropriate conditions should not be injurious to the immediate area. Staff found no specific comprehensive plan policies applicable to this case.

Staff finds that with the recommended condition(s), this application can meet this criterion.

## **V. STAFF RECOMMENDATION**

Staff finds that the application can meet all five of the required criteria to grant the requested variance with conditions. Therefore, staff recommends approval as follows:

A variance for a west side yard setback from the required 8 feet to 3.5 feet for an addition to a single-family dwelling on Urban Single Family Residential (R-4) zoned property subject to the following conditions:

1. The setback variance is limited to the existing one-story ± 701-square foot addition already built onto the single-family dwelling, consistent with the applicant's submitted building permit plans (building permit application 20120228017). Any future expansion or external alteration of the single-family dwelling along its west 3.5-foot side yard or further vertical or horizontal encroachment into the 3.5-foot west side yard setback as shown by the enclosed property survey by Long Surveying Inc. Survey No. 46435, field date 6/29/12, shall require a separate variance. Any other expansion of the single-family dwelling not in compliance with the zoning code shall also require a separate variance.
2. The property owner or authorized agent(s) shall obtain and complete all required building permits and inspections for the addition to the single-family dwelling.

## **VI. ATTACHMENTS**

- Variance site plan and building permit plan
- Written petition
- Survey
- Reviewers' comment(s)
- Maps and site photos

## **VII. AUTHORITY AND PROCEDURE**

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

# Amended Petition

## VOLUSIA COUNTY WRITTEN PETITION FOR A VARIANCE

Section 72-379(1)(a)(4) of the Zoning Ordinance of Volusia County, as amended, requires that each applicant for a Variance submit a written petition as part of the application. The written petition must clearly describe how the Variance request satisfies all of the specific conditions necessary for the granting of the Variance, as listed in the Ordinance.

The following items must be completed in sufficient detail to allow Current Planning to determine if the application complies with the Ordinance (use additional sheets if necessary):

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

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

If my variance isn't granted it would be a hardship because I have been cited by code enforcement and would not be able to obtain the needed permit for the room.

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

The variance is the minimum as was built by another owner before me. And as enclosed. I did not enlarge the screen room but enclosed it.

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

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

Yes - To promote public safety because it would enable me to get/obtain required Building permit;

and

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

Travis A. Santoffa  
Applicant's Signature

3/29/12  
Date

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**VOLUSIA COUNTY  
WRITTEN PETITION FOR A VARIANCE**

Section 1003.01 (4) of the Zoning Ordinance of Volusia County, Ordinance 80-8, as amended, requires that each applicant for a Variance submit a written petition as part of the application. The written petition must clearly describe how the Variance request satisfies all of the specific conditions necessary for the granting of the Variance, as listed in the Ordinance.

The following items must be completed in sufficient detail to allow the Building and Zoning Division to determine if the application complies with the Ordinance (use additional sheets if necessary):

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

A pre-existing structure was done before I purchased the property it is too close to the property line. I enclosed the screen porch with ~~soft~~ ~~board~~ Board WITH Harder Board.

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

I purchased the property I did not know that the previous owner did the work. I paid taxes on what was there not knowing that what the previous owner did was not done w/ a permit & I have been cited by Code enforcement.

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

I am using it as a storage work room for my grand children Motor Boat. Any more of the.

see  
attached  
sheet

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

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

yes -

Send  
letter  
page  
1/10

and

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

There is a fence existing between my property & my neighbors on the left/west side. I've enclosed it for privacy & security reasons.

Karon / Smith / JPS  
Applicant's Signature

3/29/12  
Date

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

# BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 66, WEST RIDGEWOOD RANCH ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 23, PAGE(S) 217, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

## VARIANCE SITE PLAN

CURRENT PLANNING  
ACTIVITY

JUL 13 2012

927 RECEIVED

Y6

LOT 74

LOT 75

LOT 76

LOT 66

LOT 67

LOT 65

ONE STORY  
C.B.S.  
#1314

ASPHALT  
DR.

10TH STREET

(50' R/W)

LONG  
SURVEYING, INC.

DRAWN BY:

MP

CHECKED BY:

BRETT

CERTIFIED TO:

IMANI SANKOFFA

COMMUNITY NO:

125122

PANEL:

0352

SUFFIX:

G

F.I.R.M. DATE:

04/15/02

FLOOD ZONE:

X

SURVEY NO.

46435

FIELD DATE:

6/29/12

RIGHT-OF-WAY LINE	CENTERLINE	BARB WIRE FENCE	WOOD FENCE	CHAIN LINK FENCE	PLASTIC FENCE
A/C - AIR CONDITIONER Δ - CENTRAL ANGLE BLK - BLOCK C.B. - CHORD BEARING C.B.S. - CONCRETE BLOCK STRUCTURE C.M. - CONCRETE MONUMENT CONC. - CONCRETE D - DEED D.E. - DRAINAGE EASEMENT E - EAST F.F.E. - FINISHED FLOOR ELEVATION FND - FOUND ID. - IDENTIFICATION I.P. - IRON PIPE		I.R. - IRON ROD I.R.C. - IRON ROD & CAP L - ARC LENGTH L.B. - LAND SURVEYING BUSINESS L.S. - LAND SURVEYOR M - MEASURED N - NORTH N&D - NAIL AND DISK P - PLAT P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.C.P. - PERMANENT CONTROL POINT P.L. - PROPERTY LINE P.O.B. - POINT OF BEGINNING		P.O.C. - POINT OF COMMENCEMENT P.O.L. - POINT ON LINE P.R.C. - POINT OF REVERSE CURVE P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENT R - RADIUS R/W - RIGHT OF WAY S/W - SIDEWALK S - SOUTH U.E. - UTILITY EASEMENT W - WEST W.F.S. - WOOD FRAME STRUCTURE O - SET 1/2" I.R.C. PSM LB#7371	

BEARINGS SHOWN HEREON ARE BASED UPON  
THE CENTERLINE OF 10TH STREET BEING  
S65°23'52"W ASSUMED

Long Surveying, Inc.

"Specializing in Residential Surveying"

LB No. 7371

143 Villa Di Este Terrace #113

Lake Mary, FL 32746

Office 407-330-9717 or 407-330-9716

Fax 407-330-9775

WWW.LONGSURVEYING.COM

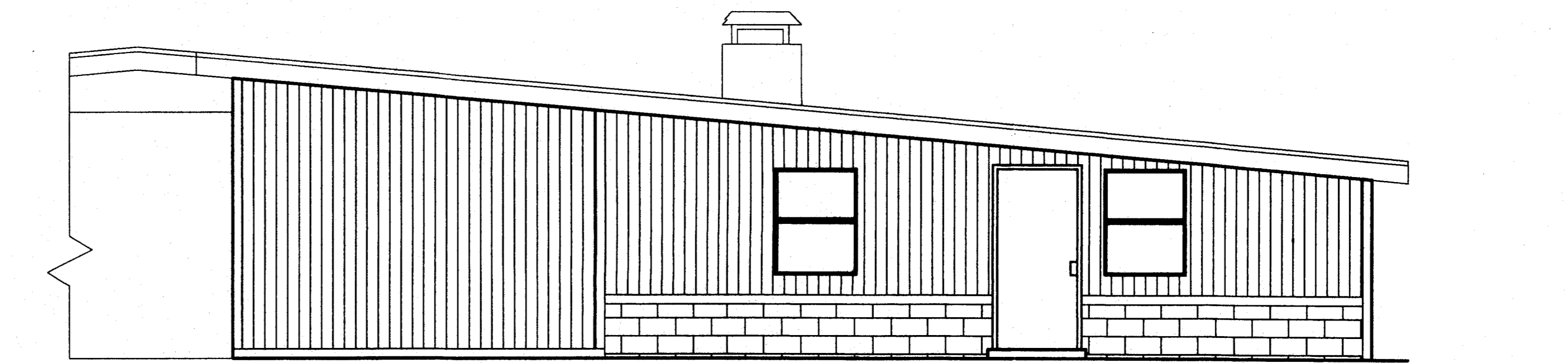
### NOTES:

- 1) This survey is based on the legal description as provided by the Client
- 2) This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land
- 3) Do not reconstruct property lines from building ties
- 4) No footing or overhangs have been located except as shown
- 5) No improvements or utilities have been located except as shown
- 6) This survey is not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper

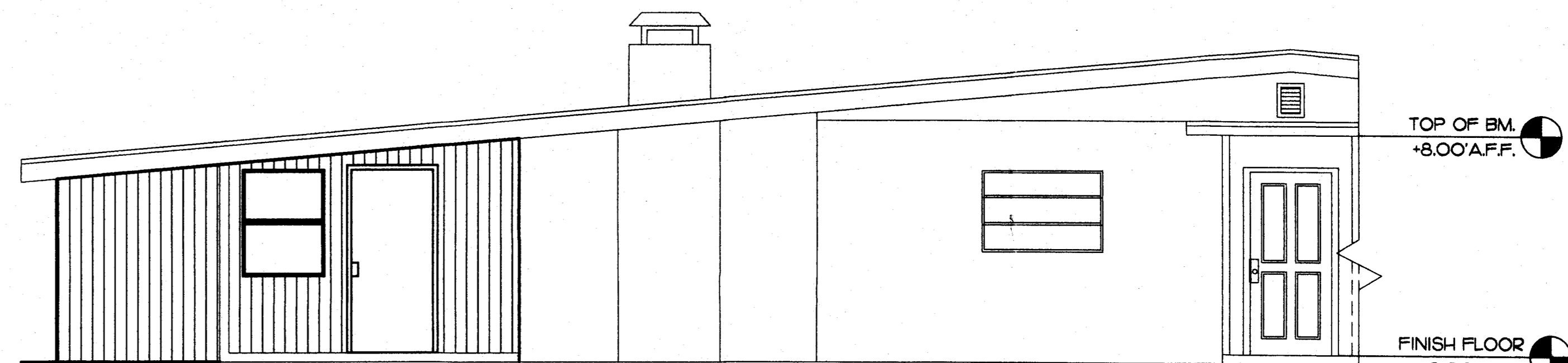
Certification: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jan M. Shoemaker P.S.M. No. 5144

ENCLOSE EXISTING COVERED PATIO



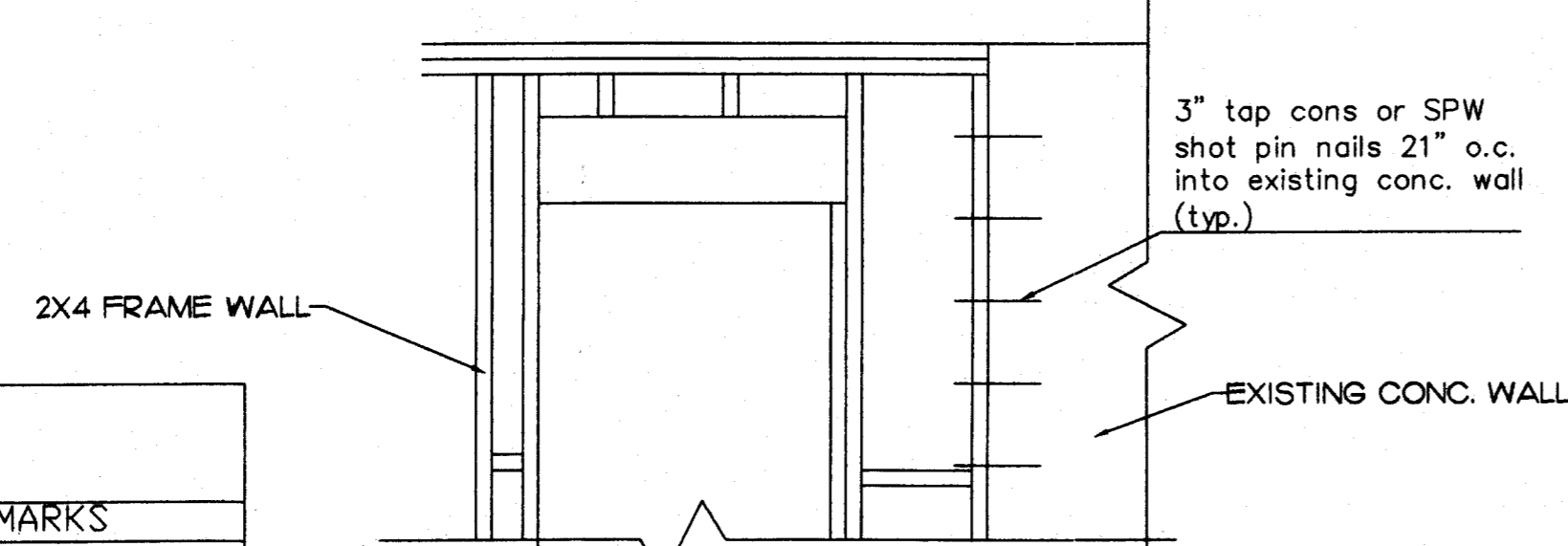
REAR ELEVATION 1/4"=1'-0"



FRONT ELEVATION 1/4"=1'-0"

WALL DESIGNATIONS	
EXIST.	=====
NEW	////

REMODEL FLOOR PLAN 1/4"=1'-0"

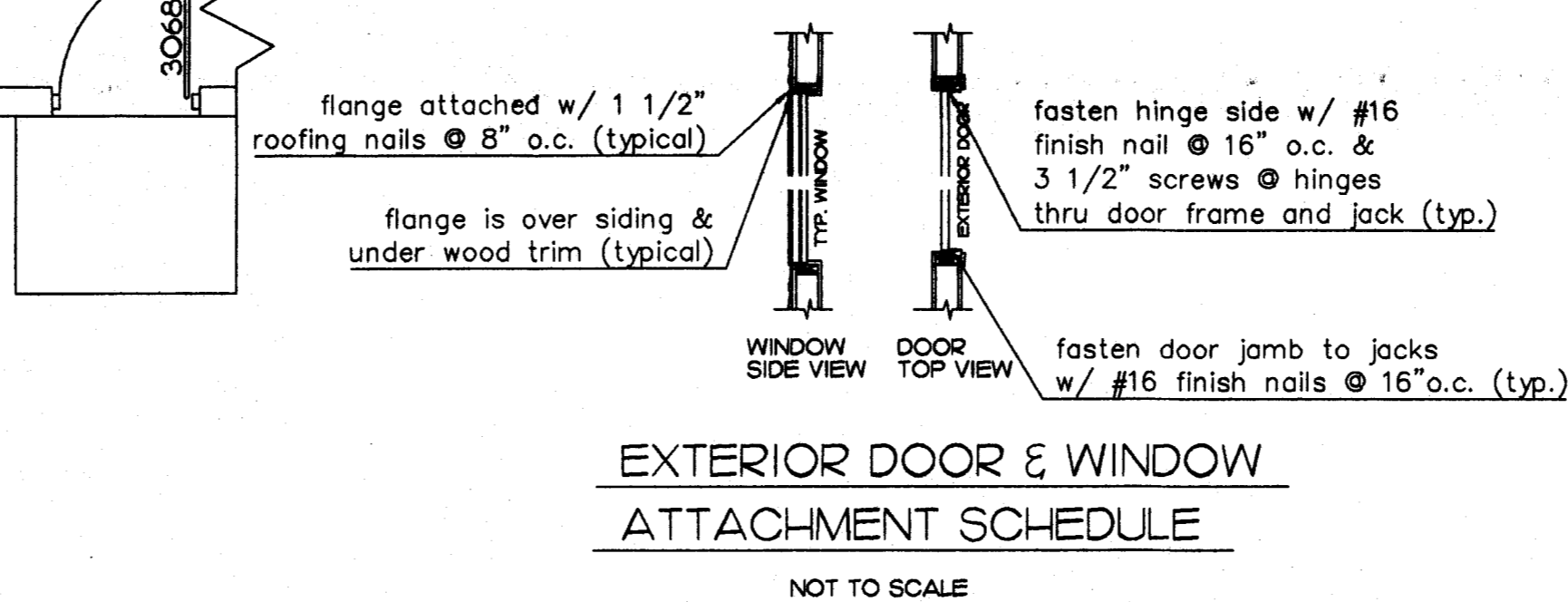


EXTERIOR BEARING WALL  
ATTACHMENT DETAIL 1/2"=1'-0"

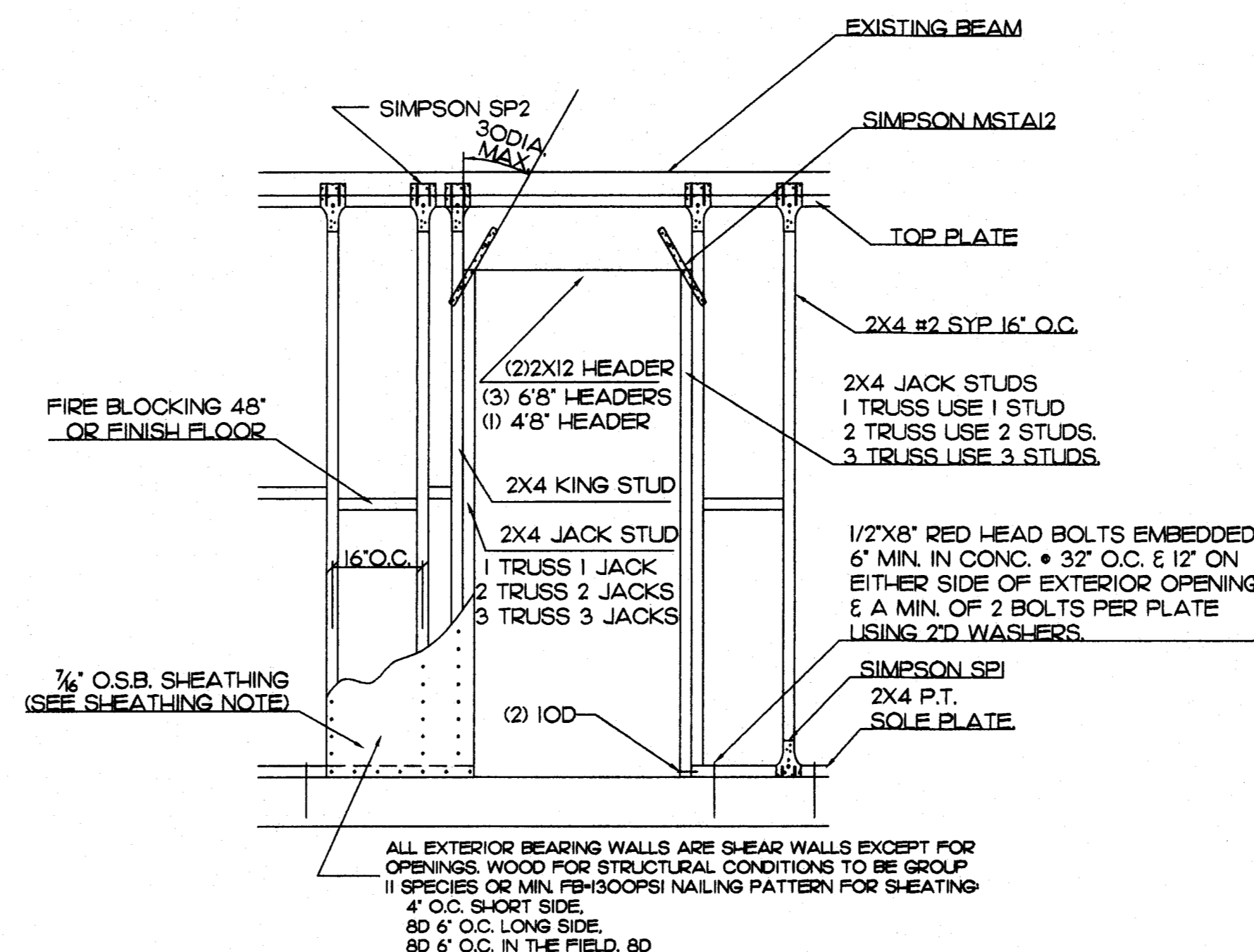
DOOR SCHEDULE				
MARK	SIZE	TYPE	FINISH	REMARKS
1	3'-0"x6'8"	SWING	S.C.	EXTERIOR
2				

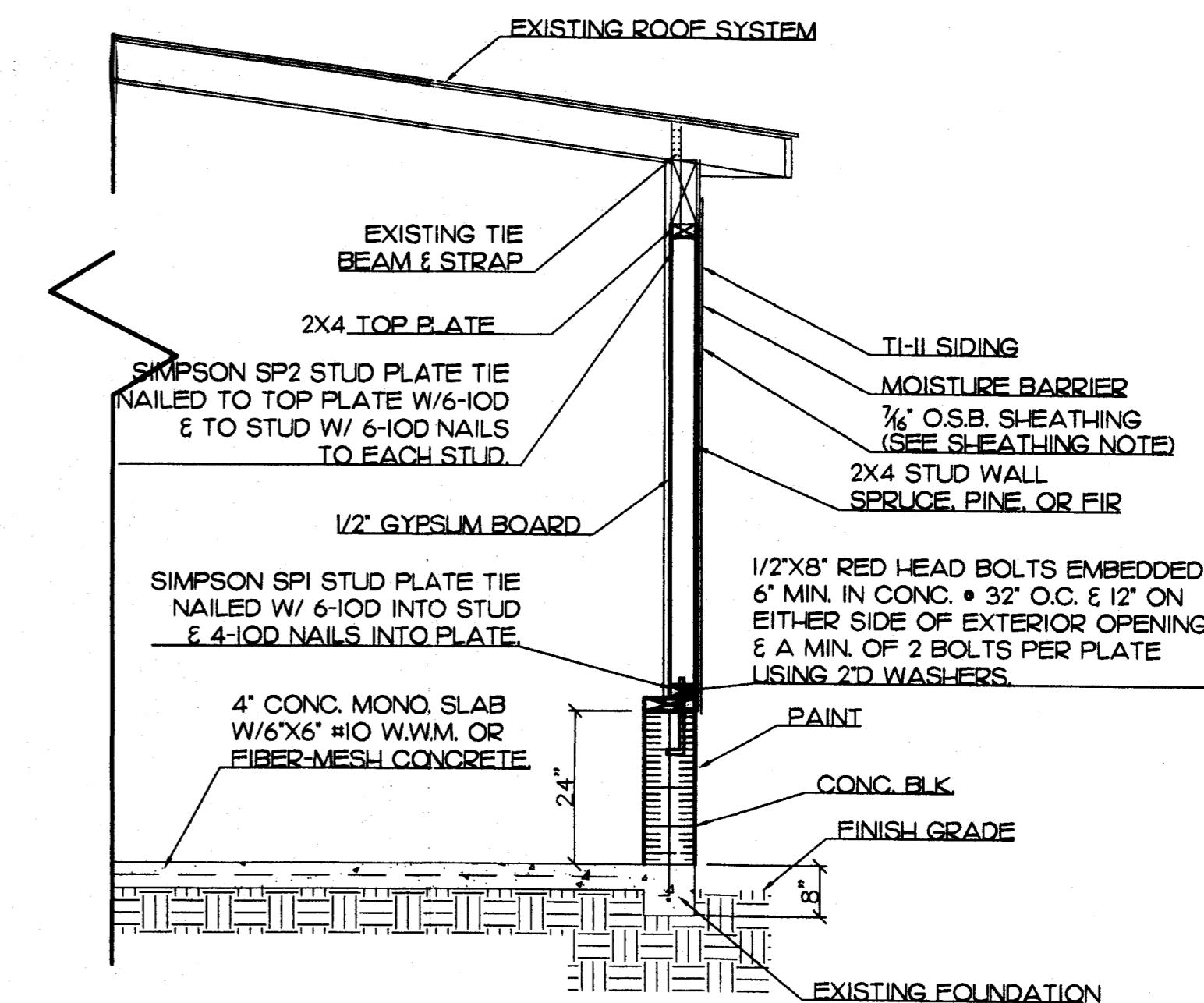
WINDOW SCHEDULE				
MARK	SIZE	TYPE	FBC ACCEPT#	MFR
A	(2) F-24	740 SINGLE HUNG VENT	FL84FF-R1	MI
B				



EXTERIOR DOOR & WINDOW  
ATTACHMENT SCHEDULE



### FRAME WALL DETAIL



TYPICAL SECTION 1/2"=1'-0"

THESE PLANS MEET THE REQUIREMENTS OF  
SECT. R301.2.1.1 OF THE 2007 FLORIDA  
RESIDENTIAL BUILDING CODE WITH 2009 SUPPLEMENTS  
FOR A BASE WIND SPEED OF 120 M.P.H.,  
IMPORTANCE FACTOR I.O, EXPOSURE C, ENCLOSED  
BUILDING, INTERNAL PRESSURE COEFFICIENT 0.18.

INTERIOR ROOF ZONE  
4' ROOF EDGE ZONE & RIDGES.  
4' X 4' CORNER ROOF ZONE.  
INTERIOR WALL ZONE.  
4' END WALL ZONE.

$\frac{N/A}{\frac{N/A}{\frac{N/A}{+ 22.0 - 24.2}}}$   
 $+ 24.7 - 32.4$

FOR WIND LOAD CERTIFICATION ONLY  
DAVID C. LEETE, ARO007131

2-9-14  
2/27/14

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT THE SITE BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE DRAWINGS.

ENGINEERING DEPT.:

SANKOFFA, IMANI

314 10TH ST

DAYTONA BCH., FLA 32117

# HANDY HELPER RESIDENTIAL DESIGNS

3500 PARKWAY SIRELL • DALLAS TEXAS 75214 • 368-2460-978

## REVISIONS

RAWN ADT.

HECKED

DATE \_\_\_\_\_

SCALE AS SHOWN

B. NO.

SHEET

A-1

OF \_\_\_\_\_

# BOUNDARY SURVEY

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ACTIVITY

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927 RECEIVED

LOT 74

LOT 75

LOT 76

LOT 66

LOT 67

LOT 65

ONE STORY  
C.B.S.  
#1314

ASPHALT  
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(50' R/W)

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CERTIFIED TO:

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COMMUNITY NO:

125122

PANEL:

0352

SUFFIX:

G

F.I.R.M. DATE:

04/15/02

FLOOD ZONE:

X

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## NOTES:

- 1) This survey is based on the legal description as provided by the Client
- 2) This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land
- 3) Do not reconstruct property lines from building ties
- 4) No footing or overhangs have been located except as shown
- 5) No improvements or utilities have been located except as shown
- 6) This survey is not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper

Certification: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jan M. Shoemaker P.S.M. No. 5144

**RECEIVED BY E-MAIL**

**Current Planning**

**Date** 07/19/12 CN

DATE: July 12, 2012

TO: Christian Nagle, Planner III  
Building and Zoning

FROM: Laura Kramer, Environmental Specialist II  
Volusia County Health Department

RE: Parcel #: 5202 01 00 0660  
Case #: V-12-19

In reference to the above mentioned variance request, the Environmental Health Office of the Volusia County Health Department offers the following comments:

This variance request is for a 3.5' setback in lieu of the required 8' setback to property lines.

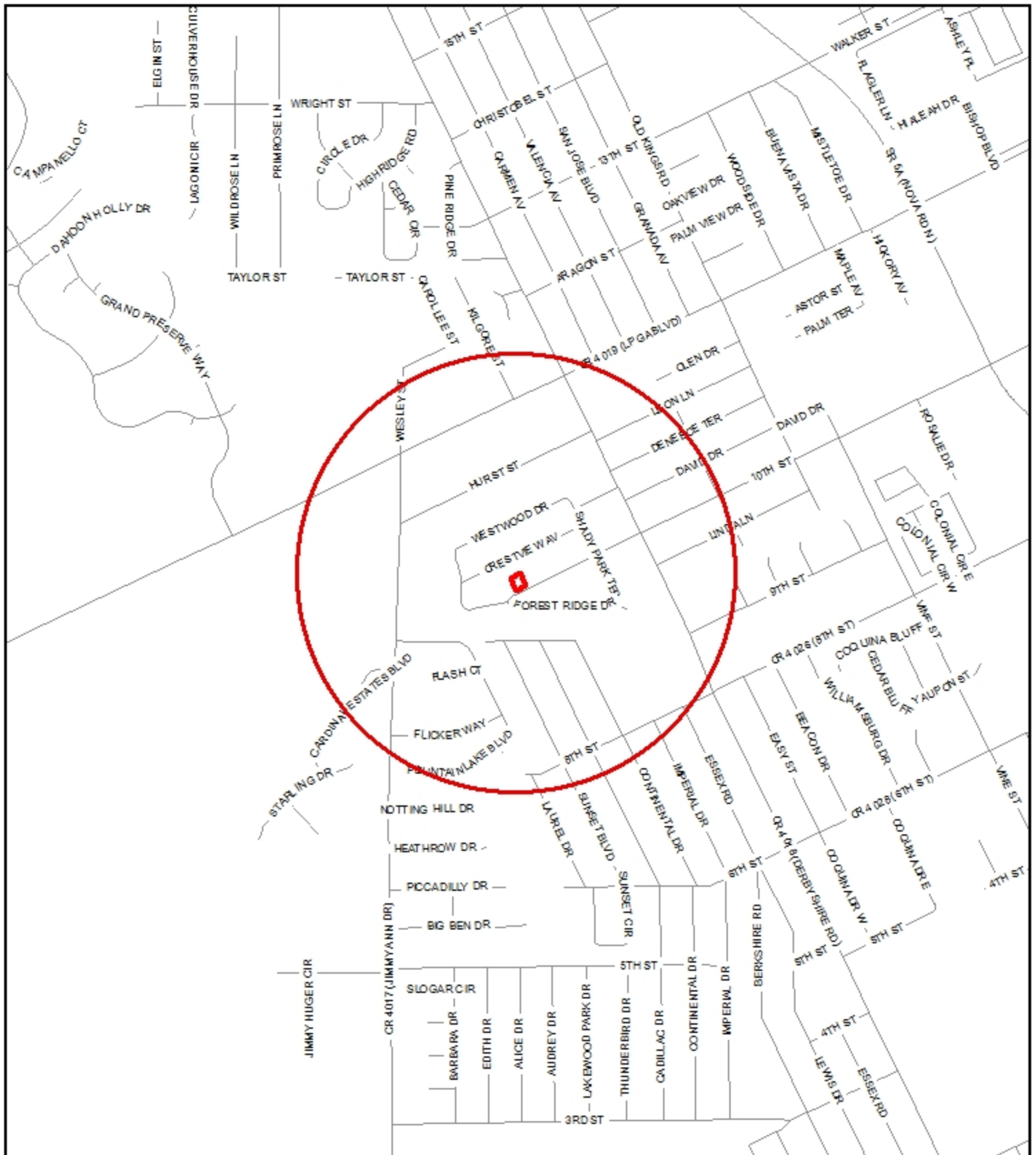
Potable water shall be supplied by municipal city water.

Domestic waste treatment and disposal is to be provided by an onsite sewage treatment and disposal system. An application must be submitted to this department for an existing system approval for an onsite sewage treatment and disposal system. Until an application is submitted to this Department, it cannot be determined if the onsite sewage treatment and disposal system will be approved. Contact this Department for the application and permitting requirements.

Based on the submitted information this Department **poses no objection** to the above referenced variance. Please feel free to contact this office regarding any of the above comments at (386) 274-0694, Monday through Friday from 8:00 a.m. to 5:00 p.m.

Lfk/LFK

cc: Charles Schelble, Environmental Supervisor II



**ECO/NRMA**

1"=1000'



ECO



NRMA

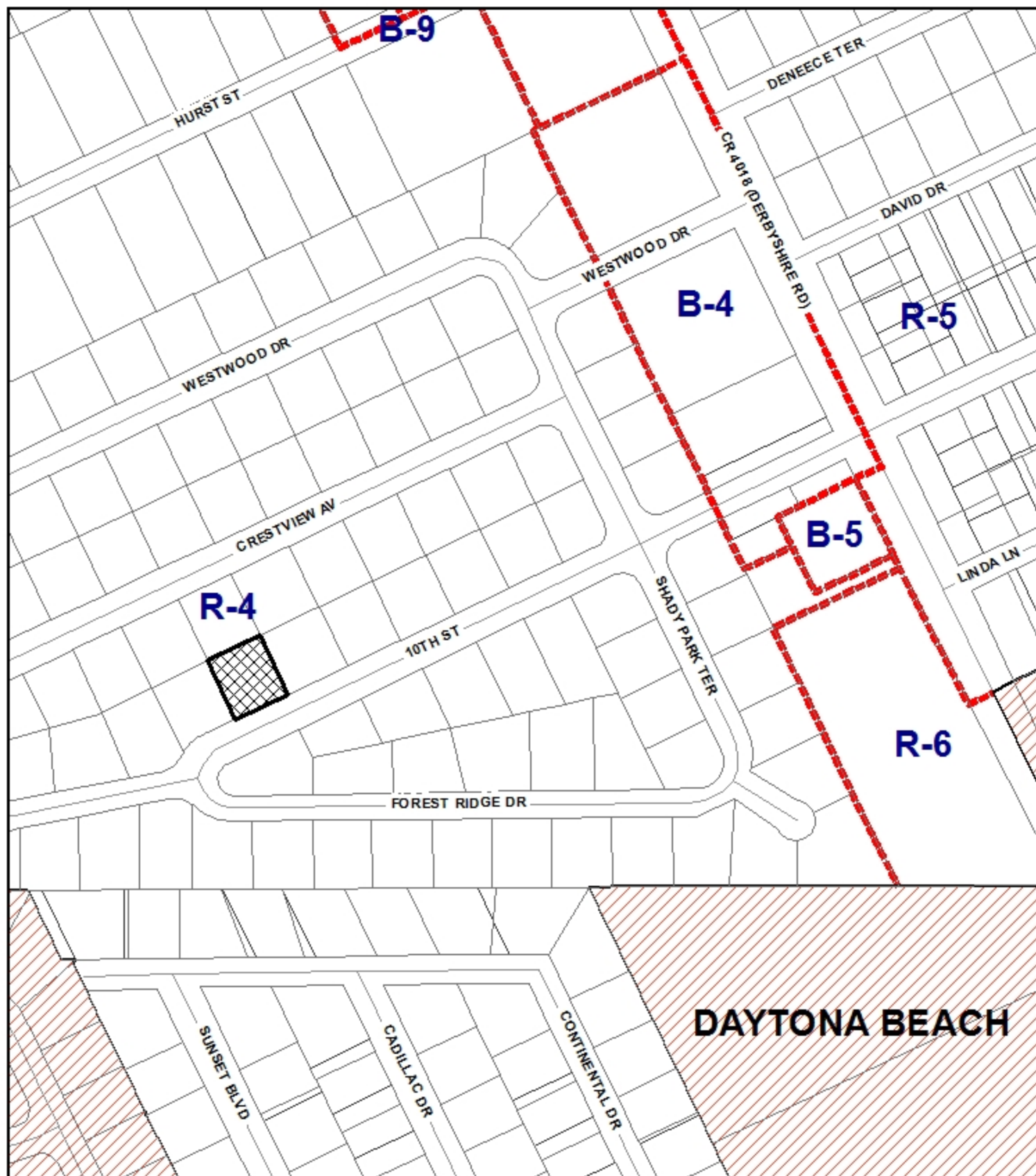


REQUEST AREA



**VARIANCE  
CASE NUMBER**


**V-12-019**



**ZONING CLASSIFICATION**

**VARIANCE  
CASE NUMBER**

1"= 200'

 REQUEST AREA



V-12-019



**AERIAL**

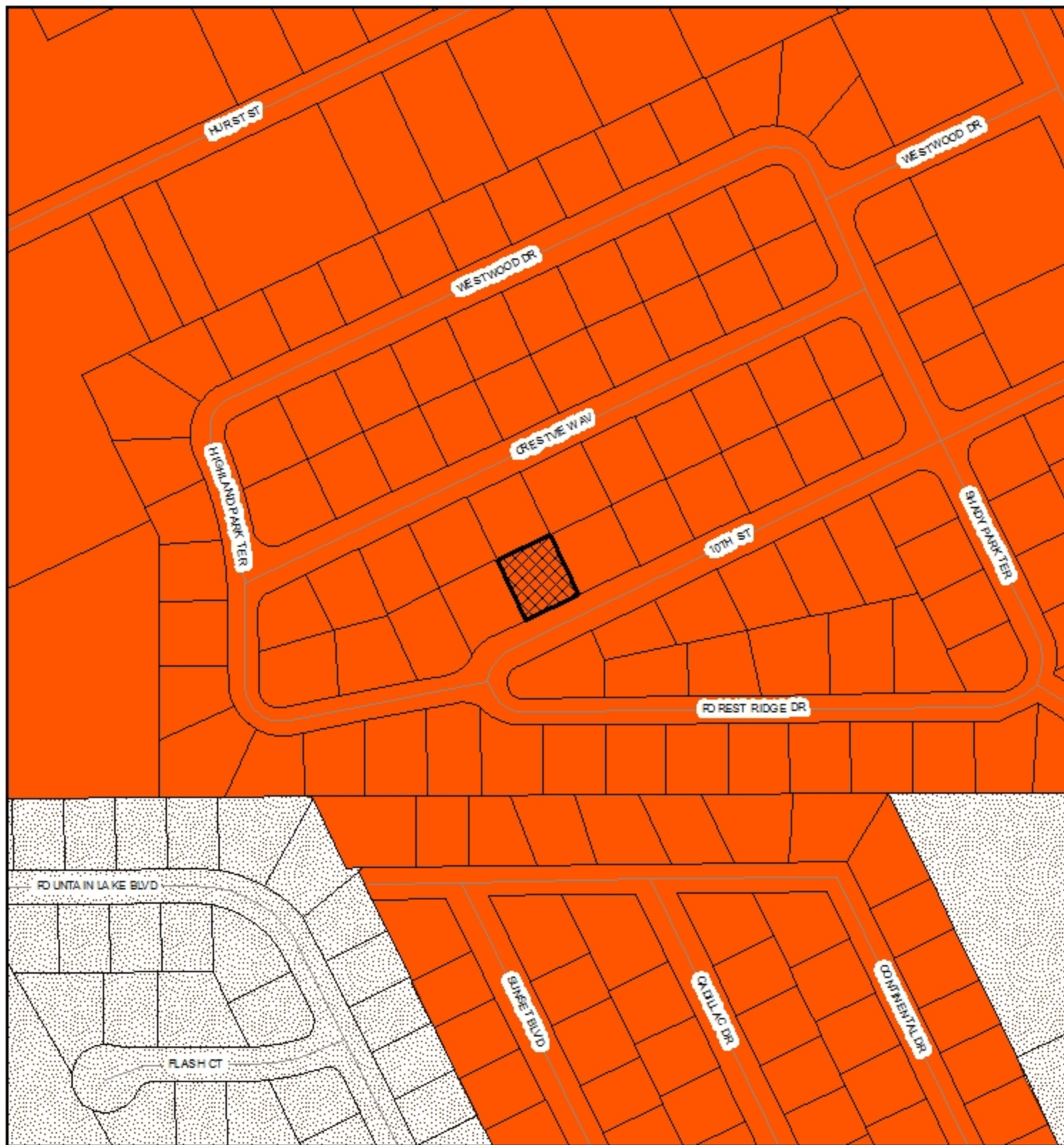
IMAGE YEAR: 2009

1"= 50'



**VARIANCE  
CASE NUMBER**


**V-12-019**



## ***FUTURE LAND USE DESIGNATION***

 INCORPORATED  URBAN MEDIUM INTENSITY

1" = 200'

 REQUEST AREA

## ***VARIANCE CASE NUMBER***

**V-12-019**



100\_3721 Front of house from street 7-3-12 combo



100\_3717 Addition close up from street 7-3-12 cn



100\_3723 Addition and carport viewed from street 7-3-12 cn