



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT**  
**PLANNING AND DEVELOPMENT SERVICES DIVISION**  
**CURRENT PLANNING ACTIVITY**  
 123 W. Indiana Avenue, DeLand, FL 32720  
 (386) 736-5959

**PUBLIC HEARING:** August 11, 2015 – Planning and Land Development Regulation Commission (PLDRC)

**CASE NO:** V-15-054

**SUBJECT:** Variances to the minimum lot size requirements on Prime Agriculture (A-1) zoned property.

**LOCATION:** 4645 Holly Road, New Smyrna Beach

**APPLICANT:** Deanie Lowe, agent for owner

**OWNER:** Rodger Lowe

**STAFF:** Carol McFarlane, AICP, Planner II

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## I. SUMMARY OF REQUEST

The applicant is requesting variances to allow for construction of a mobile home dwelling. The parcel is a nonconforming lot and has received an invalid nonconforming lot letter because the previous owner also owned the parcel to the north as recently as 2014. Approval of this variance application will allow the current owner to be determined a vested lot, regardless of the status of the parcel to the north.

Specifically, the applicant is requesting the following variances:

Variance 1: A variance to the minimum lot area from the required 10 acres to 1.25 acres; and,

Variance 2: A variance to the minimum lot width from the required 150 feet to 140 feet on Prime Agriculture (A-1) zoned property.

*Staff recommendation:* Approval, subject to staff recommended condition.

**II. SITE INFORMATION**

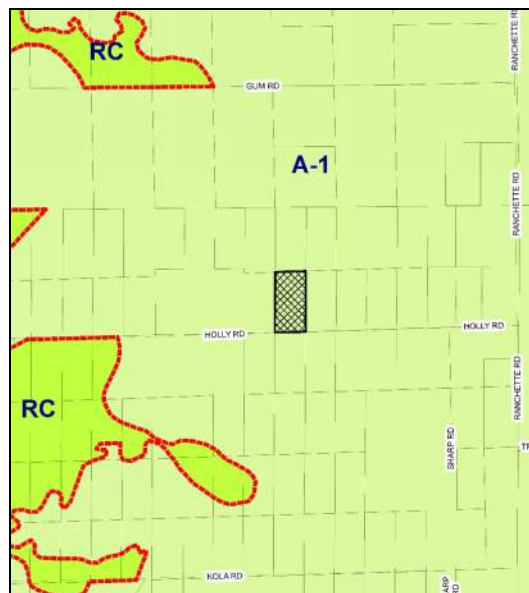
- 1. Location: The property is located on the north side of Holly Road, approximately 1,150 feet west of its intersection with Ranchette Road, in the New Smyrna Beach area.
- 2. Parcel No(s): 7231-00-00-1390
- 3. Property Size: ± 1.25 acres
- 4. Council District: 3
- 5. Zoning: A-1
- 6. Future Land Use: Agricultural Resource
- 7. ECO Overlay: No
- 8. NRMA Overlay: Yes
- 9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	A-1	AR	Vacant
East:	A-1	AR	Vacant
South:	A-1	AR	Mobile Home
West:	A-1	AR	Vacant

10. Location Maps:



**AERIAL MAP**



**ZONING MAP**

### III. BACKGROUND AND PREVIOUS ACTIONS

The subject 1.25-acre parcel is Lot 25 of the Florida Ranchettes Unrecorded Subdivision, which was subdivided by survey in 1960. This section of Florida Ranchettes consists of 128 1.25-acre parcels with 50-foot private access easements between the parcels. Roads and other infrastructure were not developed at the time of the subdivision, but some private roads have been developed.

In 1980, the county administratively applied an A-2 zoning to the area, and in 1992, the county administratively applied an A-1 zoning on the area. Since the A-1 zoning requires 10 acre parcels, at 1.25 acres, the subject parcel is nonconforming with the zoning code. In 2002, the County Development Engineer made a determination that the subdivision was not exempt from the county's subdivision ordinance, meaning that each individual lot in the Florida Ranchettes subdivision would have to apply for a vested rights determination separately before being issued any building permits. The current owner has applied for a determination of vested rights, which will be approved subject to approval of the variance request (see letter from John Thomson, Land Development Manager, dated July 9, 2015).

This parcel has been maintained in common ownership with the parcel to the north, parcel number 7231-00-00-1410, since the 1970s. In 2014, tax certificates were issued for both parcels. While the subject parcel was purchased by Rodger Lowe through a tax deed sale, the property to the north is still under the ownership of the original owner, Forever Together, LLC. Therefore, the current owners were not able to receive a valid nonconforming lot letter on the property. If the two parcels had sold together at tax deed sale, then this parcel would have been able to receive a valid nonconforming lot letter and the parcel would be eligible for a building permit.

#### Variance Site Plan

The variance site plan submitted is the survey of the property. The survey shows a property that is approximately 140 feet wide and 307 feet deep, and does not include the easements on the property in the area calculations.

### IV. REVIEW CRITERIA AND ANALYSIS

Section 72-379 (1) a. 4 *Variances* of the zoning code contains five applicable criteria by which the PLDRC may grant a variance. Staff bases its evaluation 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.***

This parcel does have special conditions in that the parcel would have received a valid nonconforming lot letter if both the subject parcel and the adjoining parcel to the north were sold together at tax deed sale.

Staff finds that variances 1 and 2 meet this criterion.

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

The special conditions outlined in the criteria above are not the result of actions of the applicant. The applicant purchased the property in 2014 in its current configuration.

Staff finds that variances 1 and 2 meet this criterion.

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

Literal interpretation of the zoning code would require that either this parcel not be developed with a dwelling, or that the owner also purchase additional lands so that the expressed lot size requirements of the A-1 zoning classification would be met.

Staff finds that variances 1 and 2 meet this criterion.

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

The variance requested is the minimum variance necessary to make the property eligible to permit construction on the property.

Staff finds that variances 1 and 2 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.***

Approval of this request will result in the addition of one dwelling unit to the immediate area.

Staff finds that variances 1 and 2 meet this criterion.

## **V. STAFF RECOMMENDATION**

Staff finds that the request for variances 1 and 2 meet the criteria for the approval of a variance. Therefore, staff recommends approval of a variance to the minimum lot area from the required 10 acres to 1.25 acres (variance 1); and approval of a variance to the minimum lot width from the required 150 feet to 140 feet (variance 2) on Prime Agriculture (A-1) zoned property, subject to the following condition:

1. Approval of this variance application is only applicable to the subject parcel (parcel number 7231-00-00-1390) as depicted on the variance site plan by Myer Land Surveying, Inc., dated August 20, 2014, and shall not be construed as an approval or determination of vested rights for the parcel to the north (parcel 7231-00-00-1410).

## **VI. ATTACHMENTS**

- Written Petition
- Nonconforming Lot Letter
- Survey/Variance Site Plan
- Reviewer Comments
- Notice of Intent 2015-S-EXM-0142
- Site Photographs
- Maps Exhibits

## **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.

CURRENT PLANNING  
ACTIVITY  
JUN 26 2015  
RECEIVED

**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, structure, buildings, or signs in the same zoning classification? Were these special condition(s) and circumstance(s) the result of actions by you?**

The special circumstances that exist (a parcel that does not meet the minimum size requirements) were not the result of any action by the current owner, Rodger Lowe. The variance being requested is for officially recognizing a subdivision of parcels that actually took place when the County sold off one of two adjoining parcels owned by a previous owner who failed to pay taxes on this one parcel while continuing to pay on the other parcel he owned. After looking at the property and seeing surrounding uses, Rodger Lowe purchased the property in March of 2014, via a tax deed sale, to give it to his brother Steve Lowe, for Steve to use for a mobile home he had acquired. Rodger was not aware of the circumstances explained above.

- 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?**

Literal interpretation of the Zoning Ordinance would prevent any use of this land, even though there is an identical-sized property directly across the street, where a mobile home was permitted in 1997; and, throughout the neighborhood, there are similar instances. When Steve came to the County in April of 2014, to get a permit for placing his mobile home on the lot, he was told he could not do that because the lot did not meet the minimum size requirement. Because it is zoned A-1 and there is an existing well on the property, Steve decided he could at least grow vegetables, to have some benefit from the land. He had Cates Electric apply for a permit to run power to the lot, so that he could hook up a pump to the well, for watering his crop. The request was denied because, "There is no dwelling currently on the property; there can never be a dwelling, because the lot doesn't meet the

minimum size requirement; and you cannot farm it because it's too small to qualify for agricultural exemption." (No ag exempt had been requested.)

**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:**

If the DRC and PLDRC give approval, Steve will finally be able to benefit from the use of the property. Plans have been submitted to the DRC which show that the mobile home will meet all setback requirements, and the Health Department already has approved an application to install a septic tank.

**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?**


This Variance request is consistent with the intent and purpose of the Zoning Ordinance, because its approval will solve the unnecessary and undue hardship of a person being denied all use of his land, through no fault of his own, and will allow a use that is in keeping with those currently in existence in the area.


and


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

Approval of this request will not be injurious to the surrounding area, because it will merely allow this property to be used in a residential manner that is consistent with neighboring properties.

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

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Date



**NONCONFORMING LOT LETTER**

Date: June 1, 2015

Customer: Equity Closing and Title Corporation

Customer File No.: P-4811

Property: The West ½ of the SW ¼ of the NW ¼ of the NE ¼ of the NE ¼, less the South 25 feet and the West 25 feet thereof, of Section 31, Township 17 South, Range 32 East, Volusia County, Florida. A/K/A Tract 25 (Parcel ID: 723100001390)

This letter is to certify that we have examined the Public Records of Volusia County, Florida and find that the present owner of the above-described property is:

Rodger Lowe by Tax Deed filed March 4, 2014 in Official Records Book 6964, page 1128

Further, we certify that since December 17, 1998 an owner of the above property has owned property adjacent or contiguous to the subject property [including parcels located across a public or private road]. Property described below:

The West ½ of the NW ¼ of the NW ¼ of the NE ¼ of the NE ¼, less the North 35 feet and the West 25 feet thereof, of Section 31, Township 17 South, Range 32 East, Volusia County, Florida. A/K/A Tract 9 (Parcel ID: 723100001410) Deeds are attached

Public Records shall be defined herein as those records currently established under the Florida Statutes for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.

This Report shows only matters disclosed in the aforesaid Public Records, and it does not purport to insure or guarantee the validity or sufficiency of any documents noted herein; nor have the contents of any such documents been examined for references to other liens or encumbrances. This Report is not to be construed as an opinion, warranty, or guarantee of title, or as a title insurance policy; and its effective date shall be the date above specified through which the Public Records were searched. This Report is being provided for the use and benefit of the above addressee only, and it may not be used or relied upon by any other party. This report may not be used for the purpose of issuing a title insurance commitment or policy. In accordance with Florida Statutes Section 627.7843 the liability the Company may sustain for providing incorrect information in this Report shall be the actual loss or damage of the addressee named above up to a maximum amount of \$1,000.00.

Authorized Signatory

THIS INSTRUMENT PREPARED BY AND  
RETURN TO:  
PINNACLE TITLE SERVICES, INC.  
STEPHEN F. GOLDENBERG, President  
2780 East Oakland Park Blvd.  
Fort Lauderdale, FL 33306



TAX FOLIO/CONTROL NO.: 31-17-32-00-00-1390  
31-17-32-00-00-1410

SPACE ABOVE LINE FOR RECORDING DATA

**WARRANTY DEED**

THIS INDENTURE, Made this 15<sup>th</sup> day of December, 2006, BETWEEN  
CONSTANCE B. HEIDT, 3412 S.W. Bobalink Way , Palm City, FL, 34990, Grantor, and  
GENEVA ROTH PROPERTIES LLC, a Nevada Limited Liability Company, c/o Pinnacle  
Title Services, Inc., 2780 East Oakland Park Blvd., Fort Lauderdale, FL 33306, Grantee.

WITNESSETH, That said Grantor, for and in consideration of the sum of Ten (\$10.00) and  
No/100 Dollars, and other good and valuable consideration to said Grantor in hand paid by said  
Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said  
Grantee, and Grantee's heirs, successors and assigns forever, the following described land, situate,  
lying and being in Volusia County, Florida, to-wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

**THIS IS VACANT LAND AND NOT THE HOMESTEAD OF THE GRANTOR.**

SUBJECT TO THE FOLLOWING:

1. Taxes for the year 2006 and subsequent years, which are not yet due and payable.
2. Zoning and/or restrictions and prohibitions imposed by governmental authority.
3. Restrictions, easements and other matters appearing on the plat and/or common to the subdivision.

Said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. Where used herein the terms Grantors and Grantees shall be construed as singular or plural as the context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

Lauren Kerker  
Lauren Kerker

Constance B. Heidt  
CONSTANCE B. HEIDT

Typed/Printed Name of Witness

KBor

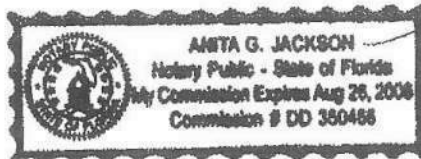
Kim Berner

Typed/Printed Name of Witness

STATE OF Florida  
COUNTY OF Marion

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of December, 2006 by **CONSTANCE B. HEIDT**.

Personally Known \_\_\_\_\_  
or Produced Identification X  
Type of Identification Produced FL. Driver's License  
Identification No. H300-112-37-942-0



Anita G. Jackson  
Signature of Notary Public

Anita G Jackson  
Typed/Printed Name of Notary Public  
Notary Public, State of FLORIDA  
My Commission Expires: 8/26/2008

## EXHIBIT A

The West 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4, less the North 35 feet and the West 25 feet thereof, of Section 31, Township 17 South, Range 32 East, Volusia County, Florida. A/K/A Tract 9

AND

The West 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4, less the South 25 feet and the West 25 feet thereof, of Section 31, Township 17 South, Range 32 East, Volusia County, Florida. A/K/A Tract 25

Together with a perpetual right-of way easement for ingress and egress or roadway purposes over a 35 foot strip on the North, East, South and West sides of the Section above described; also, over and across 50 foot strips running North and South the entire length of the above section at the one-sixteenths, oneeights, three-sixteenths, one fourth, five-sixteenths, three-eights, seven eights and fifteen-sixteenths, section lines respectively; also, over and across 50 foot strips running East and West the entire length of said section on the one-eight, one fourth, three-eights, one-half, five-eights, three fourths and seveneights, section lines respectively; also over and across the West 35 feet of Sections 17 and 20, and the East 35 feet of Sections 19, 30 and 31, Township 17 South, Range 32 East, lying South of State Highway 44, (also referred to as State Highway 40).

07/19/2007 02:38 PM  
Doc stamps .70  
(Transfer Amt \$ 10)  
Instrument# 2007-165156 # 1  
Book : 6097  
Page : 1076

This instrument was prepared by:

Geneva Roth Properties

Please return to:



Cynthia Georgiadis

427 E 17<sup>th</sup> St #244

Costa Mesa, CA 92627

Tax folio no: 31-17-32-00-00-1390 & 31-17-32-00-00-1410

SPACE ABOVE LINE FOR RECORDING DATA

THIS QUITCLAIM DEED, Executed this 15th day of March, 2007, by Geneva Roth Properties, LLC a Nevada LLC whose post office address is 6100 Neil Rd Reno NV 89511 to Cynthia Georgiadis a married woman & Francesca Grosso a single woman to be held jointly without the right of survivorship whose post office address is 427 E 17<sup>th</sup> St #244 Costa Mesa CA 92627

WITNESSETH, That the said first party, for good consideration and for the sum of \$10.00 paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Volusia, State of Florida, to wit:

The West ½ of the Northwest ¼ of the Northwest ¼ of the Northeast ¼ of the Northeast ¼, less the North 35 feet and the West 25 feet thereof, of Section 31, Township 17 South, Range 32 East, Volusia County, Florida. A/K/A Tract 9

AND

The West ½ of the Southwest ¼ of the Northwest ¼ of the Northeast ¼ of the Northeast ¼, less the South 25 feet and the West 25 feet thereof, of Section 31, Township 17 South, Range 32 East, Volusia County, Florida A/K/A Tract 25

Together with a perpetual right-of-way easement for ingress and egress or roadway purposes over a 35 foot strip on the North, East, South and West sides of the Section above described; also, over and across 50 foot strips running North and South the entire length of the above section at the 1/16's, 1/8's, 3/16's, 1/4's, 5/16's, 3/8's, 7/8's, section lines respectively; also over and across the West 35 feet of Sections 17 and 20, and the East 35 feet of Sections 19, 30, and 31, Township 17 South, Range 32 East, lying South of State Highway 44, (also referred to as State Highway 40).

Instrument# 2007-165156 # 2  
Book : 6097  
Page : 1077  
Diane M. Matousek  
Volusia County, Clerk of Court

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

Geneva Roth Properties, LLC

*Michael Vitolo*

By it's Managing Member , Michael Vitolo

*Edwin Skiff*  
Witness #1 Signature

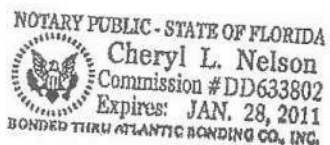
*Gas Joseph*  
Witness #2 Signature

STATE OF FLORIDA  
COUNTY OF PALM BEACH

On March 15 2007 before me, Cheryl Nelson, personally appeared Michael Vitolo proved to me on the basis of satisfactory evidenceto be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

*Cheryl L. Nelson*  
Signature



Affiant: \_\_\_ Known \_\_\_ Unknown X

ID Produced: Las Vegas Drivers License

[Seal]

05/15/2008 03:36 PM  
Doc stamps .70  
(Transfer Amt \$ 10)  
Instrument# 2008-099672 # 1  
Book : 6231  
Page : 4038

Prepared by and return to

Forever Together, LLC

427 E. 17<sup>th</sup> Street #244

Costa Mesa CA 92627

Parcel Id #'s: 7225-01-01-0610 & 7231-00-00-1390 & 7231-00-00-1410

(SPACE ABOVE LINE FOR COUNTY RECORDING)

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 13th day of May, 2008, by grantors Cynthia Georgiadis & Francesca Grosso whose post office address is 427 E. 17<sup>th</sup> street Costa Mesa CA 92627 to grantee Forever Together, LLC a Florida Limited Liability Company whose post office address is 427 E. 17<sup>th</sup> Street #244 Costa Mesa CA 92627.

WITNESSETH, That the said first party, for good consideration and for the sum of \$10 paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Volusia, State of Florida, to wit:

Legal Descriptions: 25 17 32 W 1/2 OF SW 1/4 OF TRACT 8 BLK 1 PER OR 1525 PG 58 EXC 100 PC  
SUBSURFACE RIGHTS PER OR 5779 PG 3226 PER OR 5973

&

✓ The West 1/2 of the NW 1/4 of the NW 1/4 of the NE 1/4 of the NE 1/4 less the North 35 Feet and the West 25 feet thereof, of section 31, Township 17 South, Range 32 East, Volusia County, Florida A/K/A Tract 9

&

✓ The West 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of the NE 1/4, less the South 25 feet and the West 25 feet thereof, of Section 31, Township 17 South, Range 32 East, Volusia County, Florida. A/K/A Tract 25

Together with a perpetual right of way easement for ingress and egress of roadway purposes over a 35 foot strip on the North, East, South, and West Sides of the section above described; also, over and across 50 foot strips running North and South the entire length of the above section at the one-sixteenths, one eights three-sixteenths, one fourth, five sixteenths, three-eights seven-eights and fifteen sixteenths, section lines respectively; also, over and across 50 foot strips running East and West the entire length of said section on the one-eighth, one fourth, three-eights, one-half, five-eights, three-fourths, and seven-eights, section lines respectively; also over and across the west 35 feet of sections 17 and 20, the East 35 feet of sections 19, 30, and 31 Township 17 South, Range 32 East, lying South of State Highway 44, (also referred to as State Highway 40).

Instrument# 2008-099672 # 2  
Book: 6231  
Page: 4039  
Diane M. Matousek  
Volusia County, Clerk of Court

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

Fred Mack  
Witness #1

Tony Reiss Taylor  
Witness #2

Cynthia Georgiadis  
Cynthia Georgiadis/ Grantor

Francesca Grosso  
Francesca Grosso/ Grantor

STATE OF } Florida  
COUNTY OF } Palm Beach

On May 13, 2008 before me, Cheryl Nelson, personally appeared Cynthia Georgiadis and Francesca Grosso, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Cheryl Nelson  
Signature

Affiant: Known Unknown

ID Produced: A/A

[Seal] NOTARY PUBLIC - STATE OF FLORIDA  
Cheryl L. Nelson  
Commission #DD633802  
Expires: JAN. 28, 2011  
BONDED THRU ATLANTIC BONDING CO., INC.



BOUNDARY SURVEY  
Sheet 1 of 2

CURRENT PLANNING  
ACTIVITY

JUN 26 2015

RECEIVED

**VARIANCE  
SITE PLAN**



0 25 50 75 100



SCALE : 1" = 50'

North line of Section 31,  
Township 17 South,  
Range 32 East

FD 4"x4"  
Reference CM  
RT Priest  
N00°54'41"W  
25.08'

N 88°42'40"E 1135.19 calc tie  
to NE corner Section 31-17-32

NE CORNER  
31-17-32  
Falls in ditch

RANCHETTE ROAD

PARCEL NUMBER  
723100001410

N 02°13'15"W  
332.63

N 88°40'26"E 138.33'

42253 SQUARE FEET±  
0.97± ACRES  
VACANT & WOODED  
PARCEL NUMBER  
723100001390

N 01°55'58"W 307.69'

S 02°13'19"E 307.62'

25.0'  
DESC

25.0'  
DESC

Rec 1/2" Iron  
Rod & Cap  
LB#6877  
typ

S 88°38'07"W 137.57'

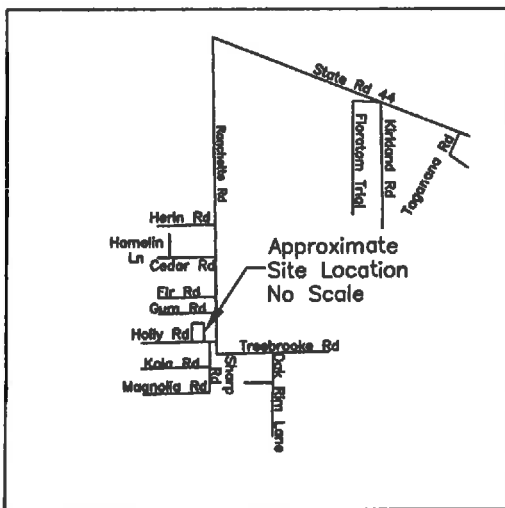
S 88°38'07"W  
50.00'

S 88°38'07"W 139.90'

Set 3/4"  
EMT & Cap  
LB#6877 typ

12'± Ditch  
24" CMP  
17'± Dirt roadway

HOLLY ROAD (50' EASEMENT RECORD)



Approximate  
Site Location  
No Scale

**MYER LAND SURVEYING, INC.**  
LICENSED BUSINESS #6877  
MICHAEL M. MYER #LS 4006  
PROFESSIONAL LAND SURVEYOR  
316 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117  
386 255-6304 Phone 386 255-6306 Fax

(Not valid unless accompanied by sheet 2, Survey Report)

Job Number 14175-Holly FB 304 @ 15-16

SCALE	DESIGNED	DRAWN	CHECKED	DATE
1" = 50'		ALH	MMM	8/20/14

# VARIANCE SITE PLAN

## SURVEY REPORT Sheet 2 of 2

### LEGAL DESCRIPTION:

The West ½ of the Northwest ¼ of the Northeast ¼ of the Northeast ¼, less the North 35 feet and the West 25 feet thereof, in Section 31, Township 17 South, Range 32 East, Volusia County, Florida.

### GENERAL NOTES:

1. Field survey completed 6/11/14.
2. Bearing basis assumed: N88°42'40"E along the northerly line of Section 31, Township 17 South, Range 32 East, Volusia County, Florida..
3. Underground utilities were not located.
4. No title search has been performed by or provided to MYER LAND SURVEYING.
5. Dimensions shown are feet and decimals thereof.

### GENERAL LEGEND:

A	Arc length	NGVD	National Geodetic Vertical Datum
A/C	Air conditioning pad	P	Pool pump
AU	Aerial utilities	PC	Point of curve
C	Cable TV service	PCC	Point of compound curve
CALC	Calculation	PCP	Permanent control point
CB	Catch basin	POB	Point of beginning
CL	Centerline	POC	Point of commencement
CLF	Chain link fence	PP	Pinched pipe
CM	Concrete monument	PRC	Point of reverse curve
CMP	Corrugated metal pipe	PT	Point of tangent
CONC	Concrete	PVC	Polyvinyl chloride
D	Delta	R	Radius
DESC	Description	R&C	Rod and cap
ⓔ	Electric meter	RCP	Reinforced Concrete Pipe
E(LY)	East(erly)	REC	Recovered
EMT	Electrical metal tubing	RLS	Registered land surveyor
FD	Found	R\W	Right of Way
FLD	Field	Ⓢ	Utility services
G	Gas meter	S(LY)	South(erly)
FPL	Florida Power and Light	T	Telephone service
FPLS	Florida Professional Land Surveyor	TYP	Typical
IP	Iron pipe	U	Utility pole
L	Light pole	Ⓜ	Water meter
LB	Licensed business	W(LY)	Westerly
N(LY)	North(erly)	WF	Wooden fence
N&D	Nail and disc		

(This Survey Report is not valid unless signed, embossed with signatory's seal and accompanied by sheet 1,  
Map of Survey Job No. 14175\_Holly  
MICHAEL M. MYER, PSM 164006 (Copyright reserved.)

Report and Map of Survey exclusively prepared for the benefit of:  
Rodger and Sharon Lowe  
3308 Needle Palm Drive  
Edgewater, FL 32141

14175\_Holly CRD 96259 FB 304 pp 15-17

**STAFF REVIEW COMMENTS**

**PLDRC Hearing Date: August 11, 2015  
Lowe/Lowe  
V-15-054**

**Environmental**

**Danielle Dangleman, Environmental Specialist III**

**Comments:**

Site visit on 7/8/2015. Site is cleared already with fill pad, which appears to be enviro soil. Area is pine flatwoods. Wetlands are to the west of this parcel. Clearing is outside of the 50 foot buffer.

\* \* \* \* \*



July 9, 2015

Ms. Deanie Lowe  
1065 Halifax Drive  
Ormond Beach, Florida 32176

Re: Subdivision Exemption Application  
2015-S-EXM-0142, RSN 818015  
Lowe Unrecorded #3  
Tax Parcel Number: 7231-00-00-1390

Dear Ms. Lowe:

This letter is a notice of intent to issue a finding that the property depicted in the above referenced application is exempt from the requirements of Section 72-537 of the Land Development Code of Volusia County, Florida, upon resolution of the following condition:

In accordance with the attached memorandum from Gerald N. Brinton, P.E., this proposal is eligible to be approved contingent upon approval of variance case V-15-054 to separate lots. Upon approval of the subject variance application, our office will issue a letter approving the subdivision exemption application.

Please feel free to contact the Land Development Office if you have any questions. The project name and number should be referenced on all inquiries.

Sincerely,

A handwritten signature in blue ink that reads "John G. Thomson".

John G. Thomson, AICP  
Land Development Manager  
[JThomson@volusia.org](mailto:JThomson@volusia.org)

JGT/jbb

c: Gerald N. Brinton, P.E., Acting County Development Engineer  
Mr. Rodger Lowe, 3308 Needle Palm Drive, Edgewater, FL 32141



## INTER-OFFICE MEMORANDUM

LAND DEVELOPMENT  
ACTIVITY

JUL 07 2015

RECEIVED

To: John G. Thomson, AICP  
Land Development Manager Date: July 6, 2015

From: Gerald N Brinton, P.E.  
Acting County Development Engineer File No: DE-15-0033

Subject: Lowe Unrecorded #3  
2015-S-EXM-0142 RSN 818015

At the request of the applicant, this office has concluded our review of the subject proposal for compliance with the exemption criteria provided by Section 72-537, Volusia County Code of Ordinances. The following are our findings:

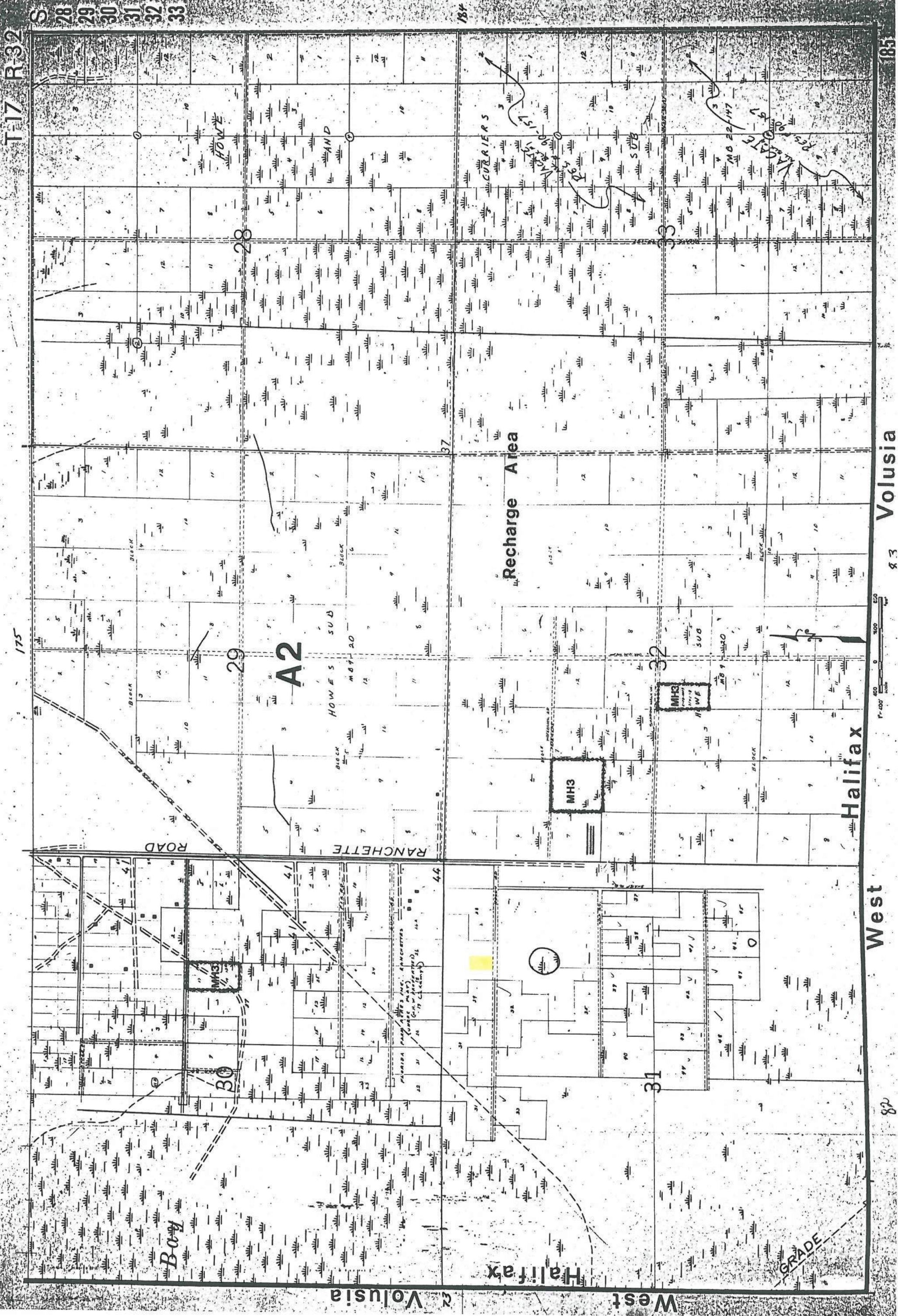
1. The applicant seeks vested rights on one (1) lot (Parcel ID 7231-00-00-1390) described as the W ½ of the SW ¼ of the NW ¼ of the NE ¼ of the NE ¼, less the S 25 ft. and the W 25 ft. thereof, of Section 31, Township 17 South, Range 32 East, to produce one (1) building site.
2. The subject parcel lies in Florida Ranchettes Unrecorded Subdivision, which was found to be not exempt from Subdivision Regulations on August 14, 2002, superseding the 1979 partial exemption.
3. The Land Development Manager has submitted research supporting finding of exemption, to wit:
  - a. The subject parcel was created prior to 1972 per the 1972 tax rolls.
  - b. The subject parcel has access via Holly Avenue, an easement which provides access to properties to the east and west of the subject parcel
  - c. A history of appeals with favorable outcomes for other parcels in Florida Ranchettes, based on substantial improvements and open roads.
4. The subject property is zoned A-1, requiring a minimum lot of 10 acres. The subject parcel is approximately 1.25 acres in area and did not qualify for a non-conforming lot letter. The applicants have filed for a Variance to the zoning requirement (Case V-15-054)

In concurrence with the above-referenced supporting research, this office will be in a position to approve the subject proposal for vested rights under Section 72-537 of the Land Development Code, if the Variance noted in Item 4 is granted.

The legal description and the deed for the subject parcel shows exceptions for the S 25 ft. and W 25 ft. These are ingress-egress easements and Volusia County does not issue permits for structures over or upon easements.

GNB/lsl

c: Scott H. Martin, P.E., Engineering Section Manager



T-17 R-32 S

28 29 30 31 32 33

175

185

A2

Recharge Area

Halifax

West

Volusia

83

82

RANCHETTE ROAD

Bay

Halifax

GRADE

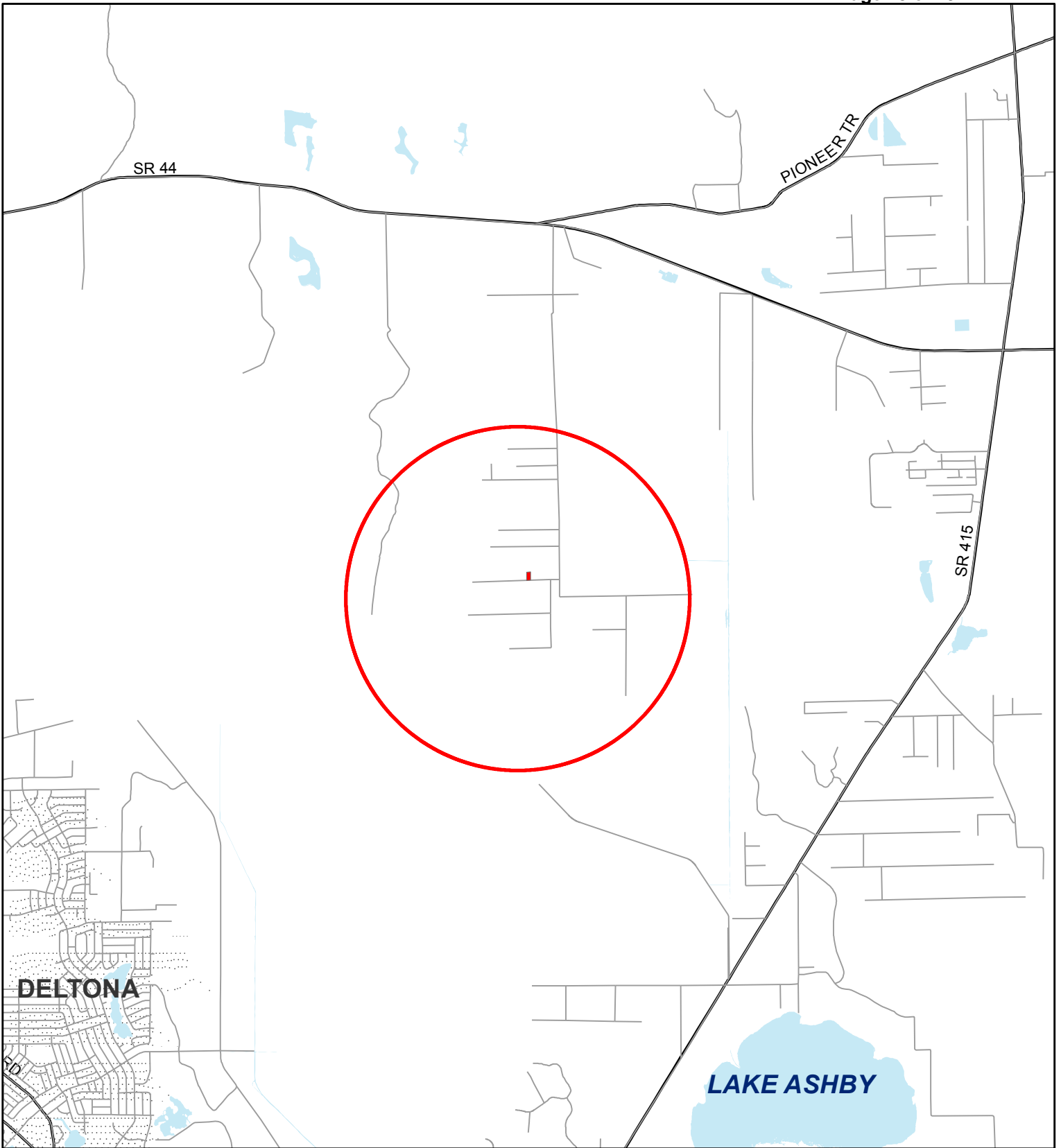
0 200 400 600 Feet

West Volusia

West







**REQUEST AREA LOCATION**

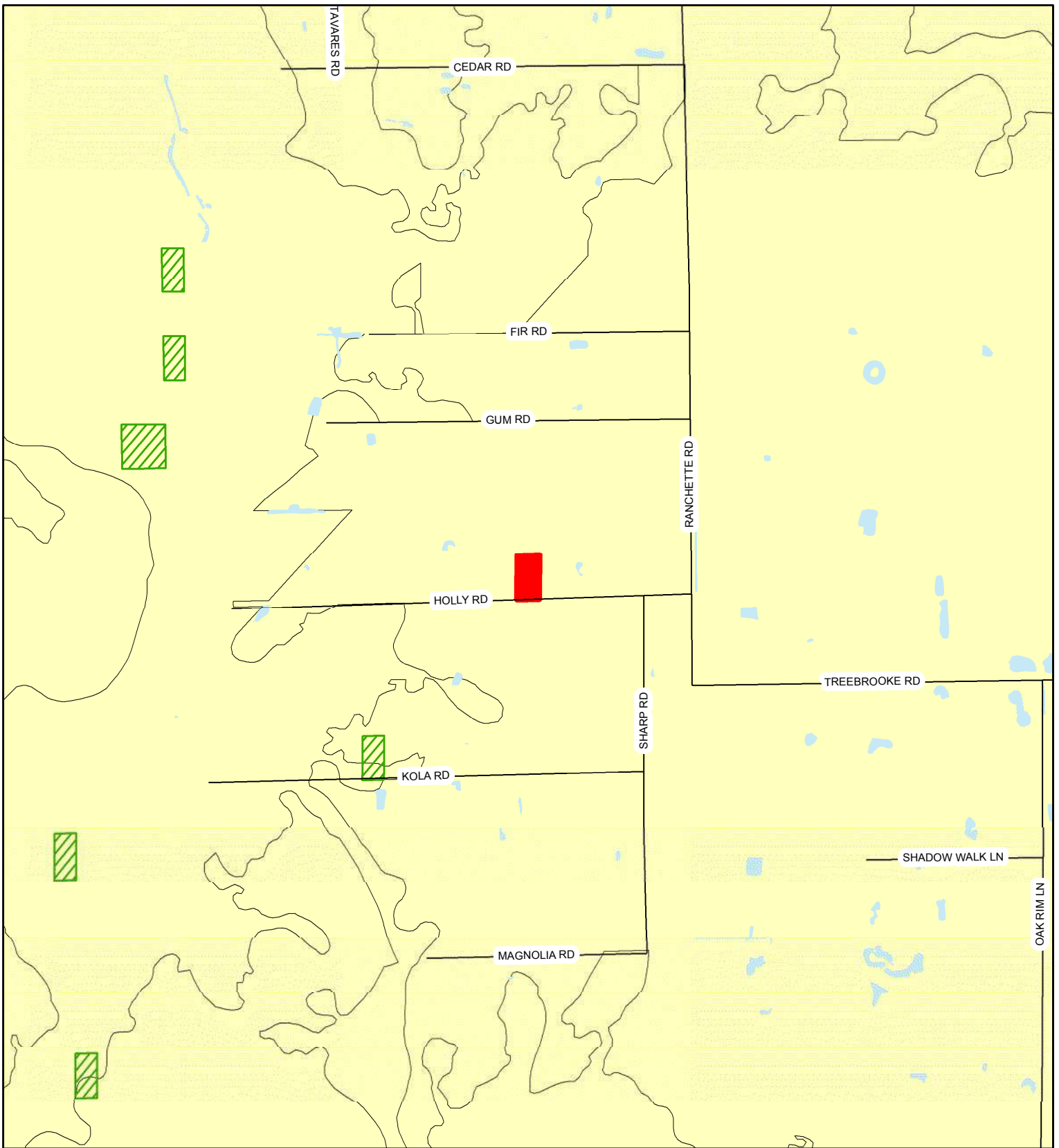
1" = 1 MILE



**VARIANCE  
CASE NUMBER**

 REQUEST AREA

**V-15-054**



**ECO/NRMA**

 REQUEST AREA  ECO  NRMA

1 inch = 1,000 feet




**VARIANCE  
CASE NUMBER  
V-15-054**



**AERIAL 2012**

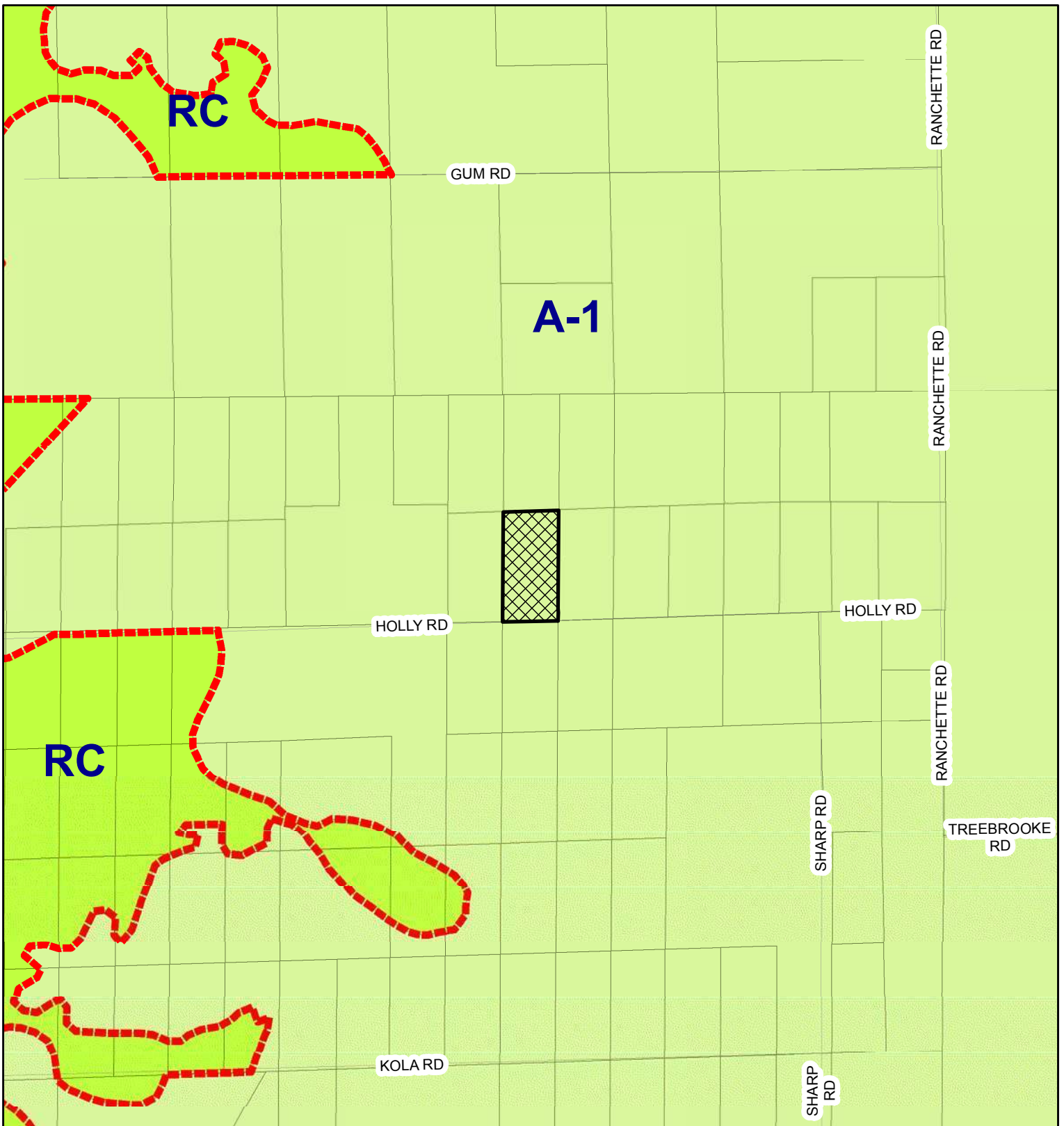
1 inch = 400 feet

 REQUEST AREA



**VARIANCE  
CASE NUMBER**




**V-15-054**



**ZONING CLASSIFICATION**

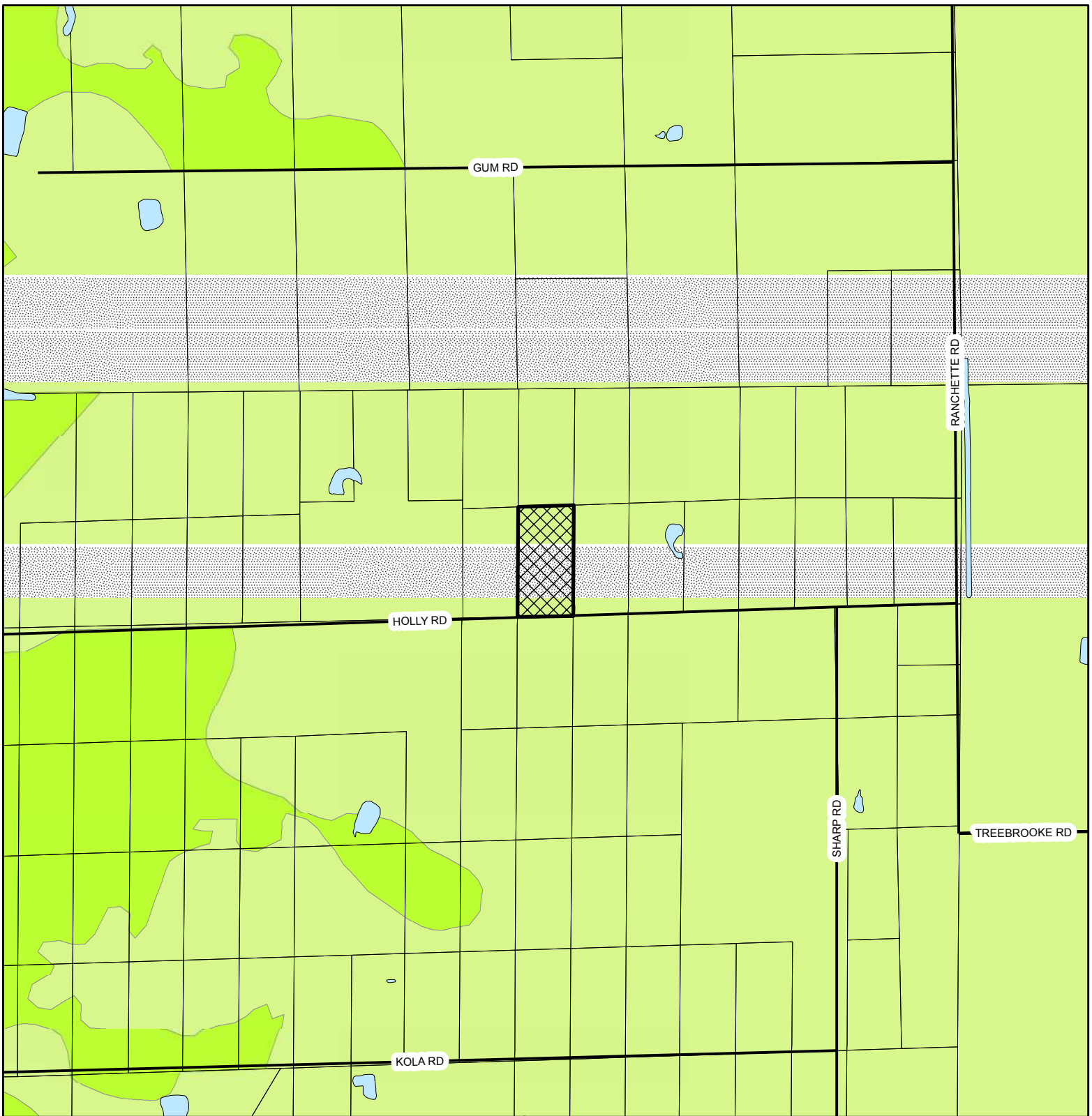
1 inch = 400 feet



-  RESOURCE CORRIDOR
-  AGRICULTURAL
-  REQUEST AREA

**VARIANCE  
CASE NUMBER**

**V-15-054**



**FUTURE LAND USE DESIGNATION**

1 inch = 400 feet

-  AGRICULTURE RESOURCE
-  ENVIRONMENTAL SYSTEMS CORRIDOR
-  REQUEST AREA

**VARIANCE CASE NUMBER**



**V-15-054**