

NONCONFORMING LOT LETTER FORM GUIDE

A nonconforming lot is a parcel of land, which does not meet the minimum area and/or width requirements under its zoning classification. The Volusia County Zoning Ordinance allows the property owner to apply to develop a nonconforming parcel if the current owner (or contract purchaser) or any prior owners have not owned contiguous properties or adjacent parcels of land divided by or across rights-of-way.

In order to certify nonconformity or provide the Zoning Activity with enough information to make a determination, a "nonconforming lot letter" must be submitted.

The letter must come from a Florida title company or a Florida attorney. The wording should follow the following format:

Subject Property: _____ (legal description)

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 (name of property owner and contract purchaser, if applicable).

Further, we certify that (choose either 1 or 2 for letter format and utilize the date checked by Zoning Activity personnel).

____ 1. **At no time since (the date checked below) has the present owner nor any prior owner of the above-described property owned any adjacent or contiguous property [including parcels located across a public or private road]. (or)**

____ 2. **Since (the date checked below) an owner of the subject property has owned property adjacent or contiguous to the subject property [including parcels located across a public or private road]. Those lots are described as follows: (legal description, size of adjacent property and date owned).**

A. July 28, 1980 - Adoption of the County Uniform Zoning Ordinance 80-8.

B. March 19, 1984 for A-1 zoning if less than ten acres, but more than five acres.

C. April 3, 1990 - Adoption of the Comprehensive Plan Ordinance 90-10.
(nonconforming FR and RC zoned properties)

D. September 27, 1990 for:
1) B-4 zoning if less than 15,000 sq. ft. but more than 7,500 sq. ft.
2) B-3 zoning if less than ten acres but more than five acres
3) MH-3 zoning if less than five acres, but more than four acres

E. June 4, 1992 - Adoption of New Zoning Maps for East Volusia County for nonconforming properties other than those zoned FR or RC.

F. May 5, 1994 - Adoption of New Zoning Maps for West Volusia County for nonconforming properties other than those zoned FR or RC.

G. December 17, 1998 for RC, FR, A-1 and A-2 zoning classifications if less than 150 feet wide.

H. December 16, 2004 for:
1) B-4 & B-5 zoning if less than 1 acre, but more than 15,000 sq. ft.
2) B-1, B-2, B-6, B-7, I-1, I-2, I-3 & I-4 zoning if less than 1 acre, but more than 20,000 sq. ft.
3) B-8 zoning if less than 20,000 sq. ft., but more than 7,500 sq. ft.; or lot width is less than 100 ft., but at least 95 ft.
4) B-1, B-2, B-5, B-6, B-7, I-1, I-2, I-3 & I-4 if lot width is less than 150 ft., but at least 100 ft.
5) B-4 if lot width is less than 150 feet but at least 75 ft.

I. Other: Date determined by research: _____

If you have any questions, please contact the Planning & Development Services office.

Daytona: (386) 248-8115

DeLand: (386) 943-7059

New Smyrna: (386) 424-6815

NOTE: If a building application or Planning & Land Development Regulation Commission application is to be applied for in name of a Contract Purchaser, his/her name should also be listed. This letter must be dated **no more than 30 days prior to the date of application submittal.**