



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:** June 10, 2014 - Planning and Land Development Regulation  
Commission (PLDRC)

**CASE NO:** V-14-050

**SUBJECT:** Variance to the minimum rear yard requirement for an addition to a  
single-family dwelling on Urban Single-Family Residential (R-5)  
zoned property.

**LOCATION:** 1413 Springleaf Drive, Ormond Beach

**APPLICANT** Wayne Gove

**OWNERS:** Linda Burton

**STAFF:** Susan Jackson, AICP, Planner III

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## I. SUMMARY OF REQUEST

The subject property is zoned Urban Single-Family Residential (R-5), which requires a rear yard setback of 20 feet. The house is setback 21.5 feet from the rear lot line, leaving only 1.5 feet to the setback line. A concrete patio slab, measuring 8.5 feet deep by 12 feet wide, is attached to the rear of the house. The patio slab by itself does not require a variance to extend into the setback. However, the owner desires to construct a covered screened in porch over the slab. The covered porch requires a variance to extend 6.5 feet into the rear yard.

The request variance is:

A variance to the minimum rear yard from the required 20 feet to 13.5 feet for a proposed addition to a single-family dwelling (screen porch) on Urban Single-Family Residential (R-5) zoned property.

*Staff recommendation:* Denial, as the requested variance does not meet the five criteria for the granting of the variance.

**II. SITE INFORMATION**

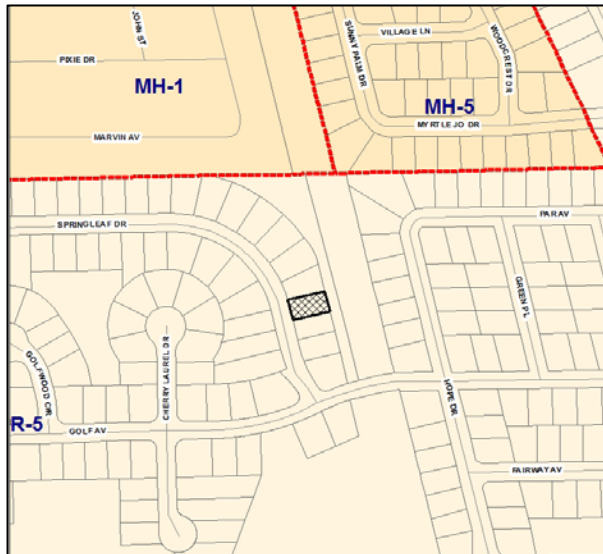
- 1. Location: The property is situated on the east side of Springleaf Drive, approximately 250 feet north of its intersection with Golf Avenue, Ormond Beach.
- 2. Parcel No(s): 4233-22-00-0040
- 3. Property Size: 5,500 sq. ft.
- 4. Council District: 4
- 5. Zoning: Urban Single-Family Residential (R-5)
- 6. Future Land Use: Urban Medium Intensity (UMI)
- 7. ECO Overlay: No
- 8. NRMA Overlay: No
- 9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	R-5	UMI	Single-Family Subdivision
East:	R-5	UMI	Single-Family Subdivision
South:	R-5	UMI	Single-Family Subdivision
West:	R-4	UMI	Single-Family Subdivision

10. Location Maps:



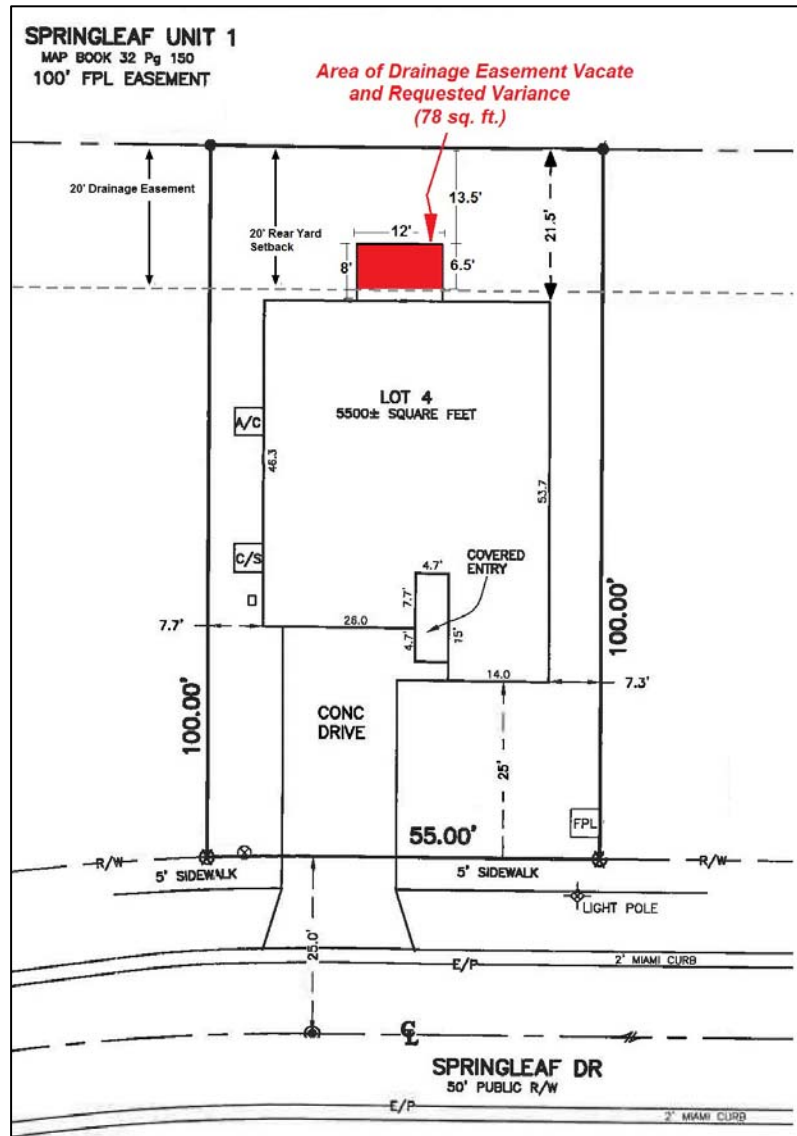
Aerial Map



Zoning Map

### III. BACKGROUND AND PREVIOUS ACTIONS

The owner, Linda Burton, purchased her house in August 2013 from St. Augustine Ventures, LLC, the developer, of the Springleaf subdivision whom originally permitted it as a model home. She was told by a member of the St. Augustine Ventures staff that she could have a screened porch attached to the rear of her house and an 8-foot by 12-foot concrete slab was poured for said porch. Though not part of the original building permit plans, the developer constructed the patio slab when the single-family dwelling was built. Since there is no vertical improvement to the patio, the slab is permitted to extend into the rear yard area under the zoning code. When inquiring about getting a building permit for the porch, it was discovered that there was a 20-foot wide drainage easement in the back yard and a 20-foot rear yard setback. The home is situated 1.5 feet from the rear setback line/drainage easement, and the slab encroaches into these by 6.5 feet. In order to obtain a building permit for the porch, the drainage easement must be vacated and a variance must be granted to the rear yard setback.



On April 17, 2014, the Volusia County Council approved a vacation of the drainage easement for the encroachment area only of the existing slab. The resolution is contingent upon Ms. Burton applying for and obtaining a variance for the vacation area within nine months of the date of approval. Failure to meet this condition shall serve to automatically repeal the vacation of the drainage easement. The vacation resolution is attached for your review.

Subject to receiving the easement vacation, a screened enclosed patio would be permitted without need of a variance. It is the desire to have a covered porch that requires the variance. The porch constitutes a home addition and it must meet the same yard setbacks

as the principal structure. In either case, the screen enclosed porch cannot exceed the area of the existing slab as this is the only portion of the drainage easement that was vacated. This area is approximately 78 square feet. It is visually screened from view to the neighboring Carrollwood subdivision to the east by the thick trees along the banks of a drainage ditch, and a 100-foot FPL easement.

Ms. Burton desires to have the screened in porch in order for her and her small dogs to enjoy her back yard. According to the applicant, the screen porch will provide shade and protection from the elements and pests.

## 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.***

At 5,500 square feet in area, the property exceeds the R-5 zoning classification minimum lot width of 50 feet and 5,000 square feet of lot area. The required rear yard setback is 20 feet. The property includes a single-family dwelling, and an existing patio slab located in the rear yard only 13.5 feet from the rear lot line. The size, shape, and placement of the home physically constrain and limit where additions and a screened porch, may be built on the property. However, these circumstances are not unusual for the applicants' subdivision. The existing single-family dwelling meets the applicable minimum yard requirements of the R-5 classification.

The issue that triggers the need for a variance is the desire to have a porch addition. Any roofed-in structure attached to the principle structure is required to meet the same setbacks as the principle structure.

The variance does not meet this criterion.

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

The above special conditions and circumstances are not the result of the property owner's actions. Based building permit records they are not responsible for the design or placement of the single-family dwelling or existing concrete patio on the lot. The single-family dwelling was completed when the property owner purchased the property. The applicant is also not responsible for the creation of the lot. However, the applicant is responsible for the design of the proposed 8-foot by 12-foot screen porch. The requested variance would not be needed, if the proposed patio cover was a screen enclosure.

The applicant has partially met this criterion for granting a variance because the design of the single-family dwelling and existing patio were not a result of the applicant actions.

**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 provisions of the zoning code would not deprive the property owner rights commonly enjoyed by other properties in the same zoning classification, under the terms of the Zoning Code. However, the requested variance is needed to assist with construction of a screened porch into the owner's rear yard area. Screened porches are a customary accessory structure within the same zoning classification and similar single-family residential zoning classifications.

In staff's opinion, the owner has not met this criterion for approving a variance, because the property owner can continue to use and enjoy the property, without granting the requested variance.

However, the 20-foot wide drainage easement prevents any accessory use of the rear property area. Properties in the same zoning classification without such an easement would be permitted to have screen enclosures or accessory buildings to within 5 feet of the rear property line. This property is unable to do that because of the drainage easement overlaps the rear 20 feet of the property, not due to the setback issue. In lieu of being able to have any accessory use in the rear yard, the applicant is requesting a small covered porch over the existing concrete slab. This covered porch would be 13.5 feet from the rear property line, over 100 feet from the opposing rear yards, and visually screened by the trees along the drainage ditch. It is further shielded from view by a 6-foot high fence in the rear yard. The impact of the small covered porch is arguably a great deal less than if the applicant were able to construct a pool and screen enclosure to within 5 feet of the rear property line, with other back yards directly abutting it.

This variance does not meet this criterion. However the impact of the request is less than if the drainage easement did not prevent the ability to construct an accessory structure to within 5 feet of the rear property line.

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

Without the variance the applicant can still construct a screen enclosure. The variance is needed because the owner desires to have a covered roof. The porch is restricted to the 8-foot x 12-foot existing concrete slab, which encroaches 6.5 feet into the rear yard. The requested variance is the minimum variance required to cover the existing patio with an attached solid roof screen enclosure. Reasonable use of the land and building can be made without the covered porch. However it is a minimal impact in lieu of the ability to install any accessory structure in the rear yard.

This variance does not meet this criterion. However the impact of the request is less than if the drainage easement did not prevent the ability to construct any accessory structure in the rear yard. The applicant could meet this criterion with imposition of appropriate conditions, by limiting the variance to use of the requested screen room only.

***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.***

If the variance is granted, the enclosed porch will be of minimal impact to the surrounding properties and would therefore be considered in harmony with the general intent and purpose of this ordinance and the Volusia County Comprehensive Plan.

This variance meets this criterion.

#### **IV. STAFF RECOMMENDATION**

Staff finds that the applicant has not met all five of the criteria to grant a variance, therefore recommends denial of variance for a rear yard setback from the required 20 feet to 13.5 feet for a screen porch addition on Urban Single-Family Residential (R-5) zoned property.

However, if the PLDRC finds that the requested variance application does meet all five of the criteria to grant a variance, staff has provided the following conditions for consideration:

1. The subject screen enclosed porch addition shall be constructed on the property consistent with the applicant's plot plan submitted with this application prepared by East Coast Surveying dated 8/23/13 and updated 2/12/14. The rear yard variance is for the proposed screen room proposed in the attached plot plan only. Any future expansion of the proposed 8-foot by 12-foot screen porch beyond the current depicted footprint and not in compliance with the R-4 zoning classification yard requirement(s) shall require a separate variance.
2. The property owner or authorized agents shall obtain and complete all required building permits and inspections for the proposed screen porch addition.

#### **V. ATTACHMENTS**

- Written Petition
- Variance Site Plan
- Survey
- Resolution for Vacate of Drainage Easement
- Site Photos
- Maps

## **VI. 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.

**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?

*see Exhibit A*

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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?

*see Exhibit A*

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- 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:

*see Exhibit A*

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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?

See Exhibit A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and

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

See Exhibits A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

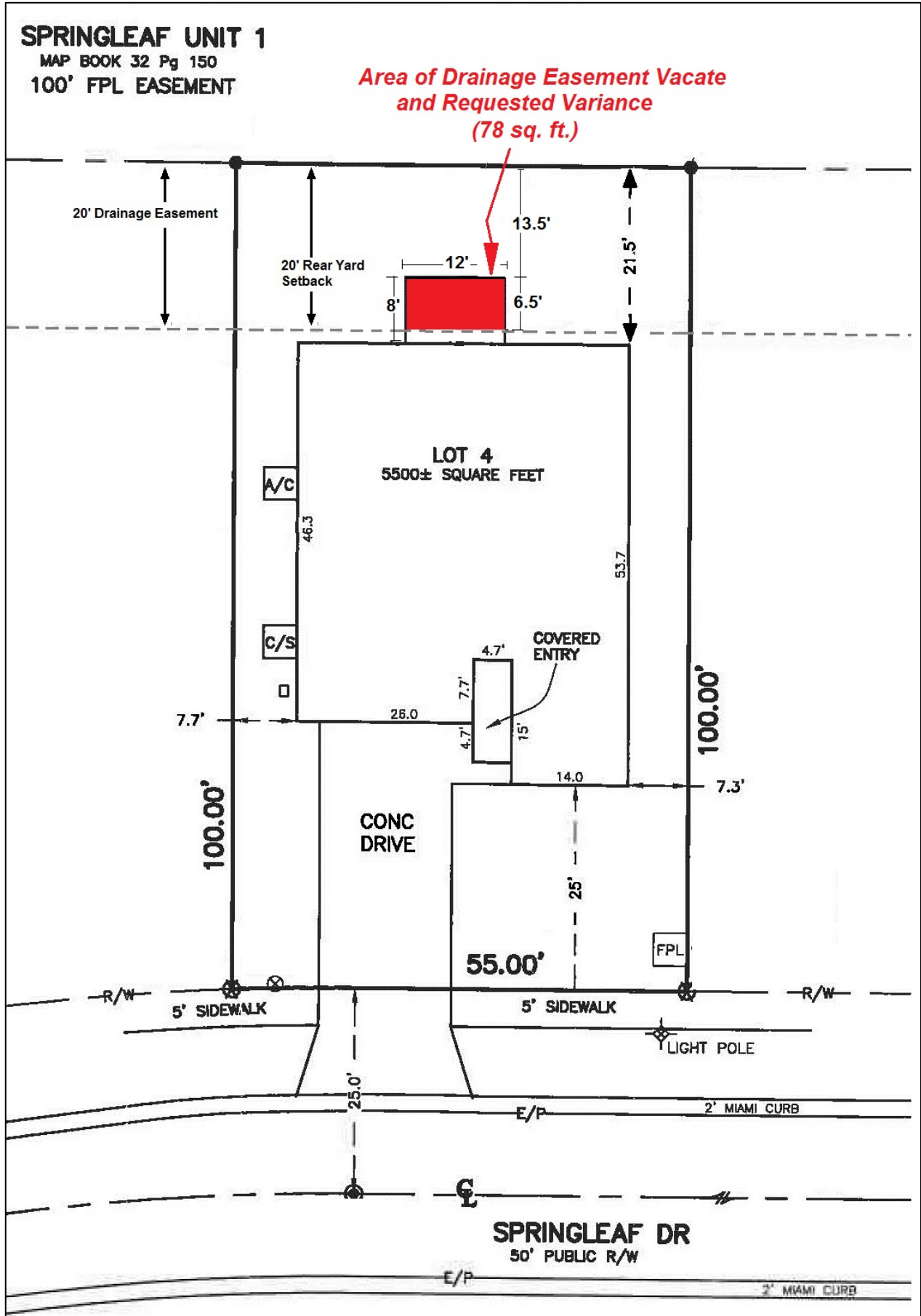
Wayne Grove for St. Augustine Ventures LLC 4/23/14  
Applicant's Signature Date  
WAYNE GROVE

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

**Exhibit A****Volusia County Written Petition for a Variance questions answered A-D**

- A. When the building permit was issued, before the Plat was finalized, the easement at the rear, East side, of the property was only to be 15' not the 20' the County later wanted for the Plat. The house was built and given a final inspection with the rear patio in question in place 8 months prior to the Plat being recorded. The back of the property and or easement is basically a very shallow swale allowing rain water to migrate to the pond several lots away. The back of the property has no abutters other than a large County drainage ditch thus there is no impact from allowing the Variance.
- B. Do the the large County drainage ditch which holds water, there have been multiple instances of water moccasins' encroaching into the back yard jeopardizing the owner and her two small puppies. Just during the the week of April 14<sup>th</sup> 2014 we had to kill two of these snakes. The screen porch which is common in an adjacent neighborhood would offer needed protection.
- C. The requested Variance only asks for 78sf of total impact on 1200sf of easement and allows the homeowner a snake and bug free environment, due to the drainage ditch, in her back yard.
- D. The general intent of Plan Ordinance No 90-10 is consistent with the Variance request as it improves the protection and provides added safety for the family. Furthermore, the screen porch would have no impact on any adjacent property and the Springleaf HOA, which has control of the easement, has approved the screen room.

# VARIANCE SITE PLAN



1413 SPRINGLEAF DR

**SPRINGLEAF UNIT 1**

MAP BOOK 32 Pg 150

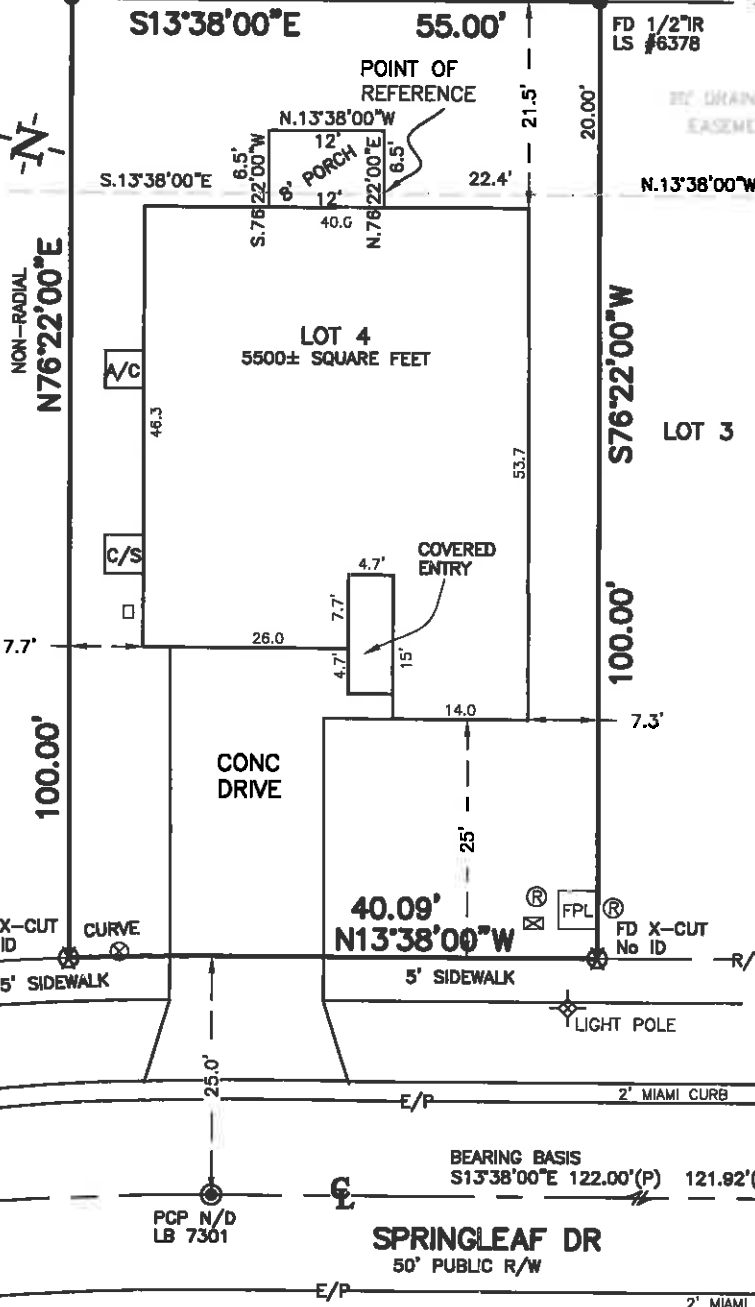
100' FPL EASEMENT

POINT OF REFERENCE

FD 1/2"IR  
LS #6378

FD 1/2"IR  
LS #6378

SCALE: 1"=20'



CURVE DATA  
 $\Delta=002^{\circ}37'47''$   
 $R=325.00'$   
 $L=14.92'$   
 $CB=S14^{\circ}56'53''E$   
 $Ch=14.91'$

- NOTES:**
1. Description furnished by client. No title work provided.
  2. Underground improvements and utilities are not located.
  3. Bearings are assumed and are based on plat datum.
  4. Dimension category is shown in parenthesis ( ), when they differ from record dimensions. Monuments that fall within the suburban closure of 1:5000 [as per 5J-17.051(3)15bii] are not differentiated.
  5. Overhead electric not located unless shown.

**VARIANCE DESCRIPTION**

A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF LOT 4, SPRINGLEAF UNIT III, ACCORDING TO THE MAP THEREOF AS RECORDED IN PLAT BOOK 56, PAGE 31, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE S.76°22'00"W ALONG THE SOUTH LOT LINE 20.00' TO ITS INTERSECTION WITH WEST LINE OF A 20' DRAINAGE EASEMENT PER SAID PLAT; THENCE N.13°38'00"W ALONG THE WEST LINE OF SAID 20' EASEMENT 22.4' TO ITS INTERSECTION WITH AN EXISTING PORCH AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE AROUND SAID PORCH THE FOLLOWING CALLS, N.76°22'00"E 6.5'; THENCE N.13°38'00"W 12'; THENCE S.76°22'00"W 6.5' TO THE WEST LINE OF FORESAID 20' EASEMENT; THENCE S.13°38'00"E ALONG SAID EASEMENT 12' TO THE POINT OF BEGINNING.

**DESCRIPTION:**

LOT 4, SPRINGLEAF UNIT III, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 56, PAGE 31, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA

**LEGEND:**

- CL Center Line
- FD Found Clean Out
- ⊗ IR Nail and Disk
- IR Iron Rod
- (P) Plat Bearing & Distance
- (M) Measured Bearing & Distance
- C/S Concrete Slab
- R/W Right of Way
- E/P Edge of Pavement
- LB. Licensed Business
- LS. Licensed Surveyor
- PSM Professional Surveyor & Mapper
- CONC Concrete
- P.C.P. Permanent Control Point
- ⊗ W/M Water Meter
- ⊗ Utility Riser
- A/C Air Conditioner
- Δ Delta
- R. Radius
- L Length
- CB. Chord Bearing
- Ch. Chord

PREPARED FOR:  
 -- LINDA J. BURTON

**EAST COAST LAND SURVEYING**

11 Coolidge Ave. Suite J, Ormond Beach FL 32174  
 PHONE (386) 672-3633 or (386) 672-3635 FAX (386) 672-3635





THE FOREGOING PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, AS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

TYPE SURVEY:	DATE OF FIELD-WORK ORDER:	ORDER #	ACS
Boundary	08/22/13	08/23/13	1308061
Variance Description	02/12/14	1402028	ACS

**ANTHONY SANZONE, PSM# 6309** **LB #7382**  
 Not valid without the signature and the official raised seal of a Florida Licensed surveyor and mapper.

File Number: 1762

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<b>Date:</b> 04/17/2014		<b>AGENDA ITEM</b>		<b>Item:</b> 10
<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Budget Resolution	<input type="checkbox"/> Other	
<b>Department:</b> Public Works <b>Division:</b> Engineering				
<b>Subject:</b> Abandonment/vacation of drainage easement, Springleaf Unit III (Ormond Beach area)				
John Angiulli Director Public Works 		Legal  Jamie E. Seaman County Attorney 	County Manager's Office  Charlene Weaver, CPA, CFO Deputy County Manager 	
Gerald Brinton Director Engineering 		Approved as to Form and Legality		
<b>Council Action:</b> Approved As Recommended				
<b>Modification:</b> Res 2014-54				
<b>Account Number(s):</b> NA <b>Total Item Budget:</b> NA				
<b>Staff Contact(s):</b> Gerald N. Brinton, P.E.		<b>Phone:</b> 386 736 5967	<b>Ext.</b> 12294	
<b>Summary/Highlights:</b> TIME CERTAIN: April 17, 2014 at 11:30 a.m.				
Linda Burton petitions the county to vacate a portion of a drainage easement lying within Springleaf Unit III subdivision, map book 56, page 31 near Ormond Beach. The portion to be vacated is approximately 65 square feet. The area is zoned R-5.				
The petitioner purchased her newly constructed home in August 2013 from St. Augustine Ventures, LLC, the developer of her subdivision. She was told by a member of the St. Augustine Ventures staff that she could have a screened-in porch attached to the rear of her home and a concrete slab was poured for the porch.				
The builder discovered later that there is a 20 foot wide drainage easement in the back yard and a 20 foot setback. Ms. Burton's home is approximately 1.5 feet from the drainage easement/setback line. The slab for the screened porch encroaches into the easement 6.5 feet and does not meet setback requirements.				
The builder has taken the responsibility to assist Ms. Burton with the vacation process and variance process. The proposed vacation is for the encroachment area only of the existing porch slab and is the first step in obtaining a variance.				

File Number: 1762

Page 2 of 2

The drainage easement is dedicated to both the county and the home owners' association with the HOA having maintenance responsibility. According to the Florida Department of State Division of Corporations the officers of the HOA and the officers of St. Augustine Ventures LLC are one and the same. The HOA has agreed to release its interest in the vacation area.

Springleaf Unit III is a very new subdivision and it was suggested by staff that Ms. Burton sign a hold harmless agreement should any flooding issues arise due to the encroachment of her porch slab. Ms. Burton has complied with this and has signed the hold harmless agreement. A condition has been added to the vacation resolution to ensure Ms. Burton applies for and receives her variance within 9 months of the date of the resolution.

Surrounding property owners have been notified of the petitioner's intentions and no objections have been received.

Staff recommends approval subject to the conditions in the resolution.

**Recommended Motion: Approval**

RESOLUTION 2014 - 54 \_\_\_\_\_

RESOLUTION VACATING AND ABANDONING CERTAIN RIGHT  
OF WAY, EASEMENT OR LAND IN VOLUSIA COUNTY, FLORIDA  
AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the County of Volusia, Florida, upon the request of Linda J. Burton, did set a time and place for a public hearing pursuant to Resolution No. 93-110 and Resolution No. 93-111 to disclaim, discontinue, release, close, vacate, abandon and renounce any right of said County and Public in and to the right of way, easement or land, more particularly described as follows:

A point of reference being the Southeast corner of Lot 4, Springleaf Unit III, according to the map thereof as recorded in Plat Book 56, Page 31, Public Records of Volusia County, Florida, Thence S 76°22'00" W along the south lot line 20.00 feet to its intersection with the West line of a 20 foot Drainage Easement per said plat; Thence N 13°38'00" W along the West line of said 20 foot easement 22.4 feet to its intersection with an existing porch and the POINT OF BEGINNING of this description; Thence around said porch the following calls, N 76°22'00" E 6.5 feet; Thence N 13°38'00" W 10 feet; Thence S 76°22'00" W 5.5 feet to the West line of foresaid 20 foot easement; Thence S 13°38'00" E along said easement 10 feet to the POINT OF BEGINNING.

WHEREAS, Notice of said Public Hearing was published as required by the laws of the State of Florida, and

WHEREAS, a Public Hearing regarding the disclaiming, discontinuing, releasing, closing, vacating and abandoning of a certain right of way, easement or land, or portion thereof, was held on the 17th day of April, 2014, to determine whether or not said County Council would disclaim, discontinue, release, close, vacate or abandon the aforesaid right of way, easement or land, or any portion thereof, in Volusia County, Florida.

WHEREAS, the County Council of Volusia County, Florida, pursuant to said hearing is now of the opinion and so find and determine that a portion of said right of way, easement or land hereinafter mentioned, referred to and designated should be disclaimed, discontinued, released,

closed, vacated and abandoned and any right, title and interest of said County and Public in and to same is hereby renounced and disclaimed, NOW THEREFORE

BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED AT THE THOMAS C. KELLY ADMINISTRATION CENTER, COUNTY COUNCIL MEETING ROOM, IN THE CITY OF DELAND, FLORIDA, THIS 17TH DAY OF APRIL, A.D. 2014, AS FOLLOWS:

SECTION I: That the following right of way, easement or land, or portion thereof, mentioned and referred to hereinafter and further described as follows, to-wit:

A point of reference being the Southeast corner of Lot 4, Springleaf Unit III, according to the map thereof as recorded in Plat Book 56, Page 31, Public Records of Volusia County, Florida, Thence S 76°22'00" W along the south lot line 20.00 feet to its intersection with the West line of a 20 foot Drainage Easement per said plat; Thence N 13°38'00" W along the West line of said 20 foot easement 22.4 feet to its intersection with an existing porch and the POINT OF BEGINNING of this description; Thence around said porch the following calls, N 76°22'00" E 6.5 feet; Thence N 13°38'00" W 10 feet; Thence S 76°22'00" W 6.5 feet to the West line of foresaid 20 foot easement; Thence S 13°38'00" E along said easement 10 feet to the POINT OF BEGINNING.

is hereby disclaimed, discontinued, released, closed, vacated and abandoned and any right, title or interest of the County and Public in and to said lands, as above described by deed or delineated on any recorded map or plat, is and are hereby renounced and disclaimed.

SECTION II: The effect of this resolution shall be, and is to disclaim, discontinue, release, close, vacate and abandon the above described portion of said right of way, easement or land, to renounce or disclaim any right, title or interest of the County and Public in and to said land delineated on any public map or plat or as described by deed as such right of way, easement or land and to abrogate, relinquish, release any or all easements heretofore owned, held, claimed or used by or on behalf of the Public therein or thereto; and, the owner of fee simple title to said land


affected by these proceedings shall be authorized to exercise complete dominion over said lands.

NOTICE of the adoption of this resolution shall be published one time within 30 days of the date of the adoption of this resolution in a newspaper in Volusia County, Florida, qualified to publish legal notices.

SECTION III: This Resolution is contingent upon the petitioner obtaining a variance for the vacation area within nine (9) months of the date of this resolution. Failure to meet this condition and to obtain recordation of the Zoning Enforcement Official's affidavit of compliance shall serve to automatically repeal this resolution and the vacation in Sections I and II above shall be null and void ab initio.

SECTION IV: This Resolution shall become effective immediately upon its adoption.

SAID RESOLUTION adopted this 17th day of April, A.D. 2014.



James T. Dineen, County Manager

COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

BY   
(for) JASON P. DAVIS  
County Chair



1413 Springleaf Drive. View of house and 6-foot high privacy fence.



View of 6-foot high privacy fence in rear yard and existing concrete slab.



View of 6-foot high privacy fence in rear yard and existing concrete slab.



View of rear yard slope to the drainage ditch from outside of fenced rear yard.



View of drainage ditch from rear yard, outside of fence.



View of adjacent drainage ditch. Trees border the ditch on the rear of the lots.



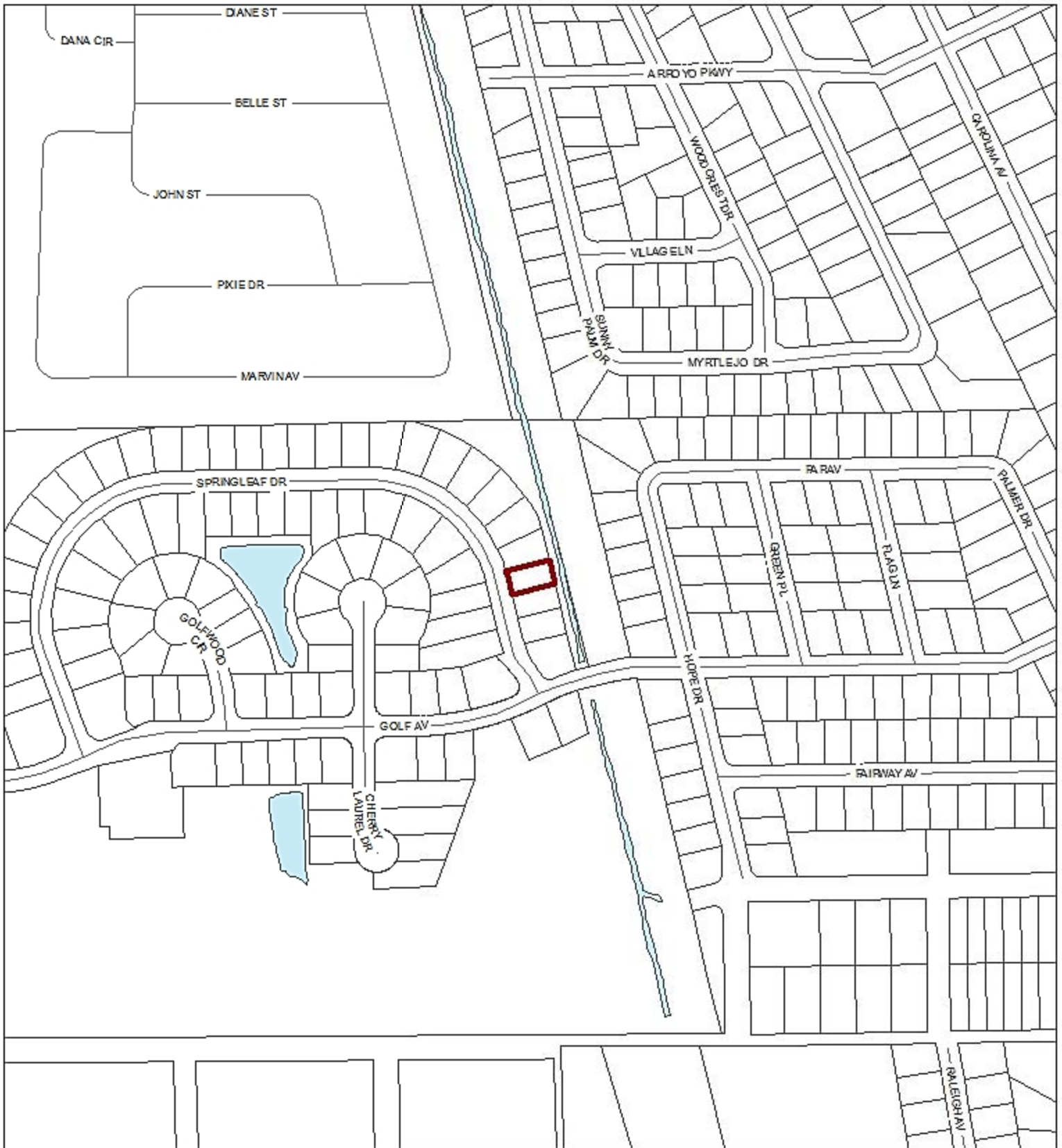
View of trees bordering drainage ditch and 100-foot FPL easement between subdivisions.






View of trees bordering drainage ditch and 100-foot FPL easement between subdivisions.



View of rear of house from FPL easement.



**ECO/NRMA**

 ECO  NRMA  REQUEST AREA

1 inch = 300 feet





**VARIANCE  
CASE NUMBER**

**V-14-050**



**ZONING CLASSIFICATION**

1 inch = 200 feet

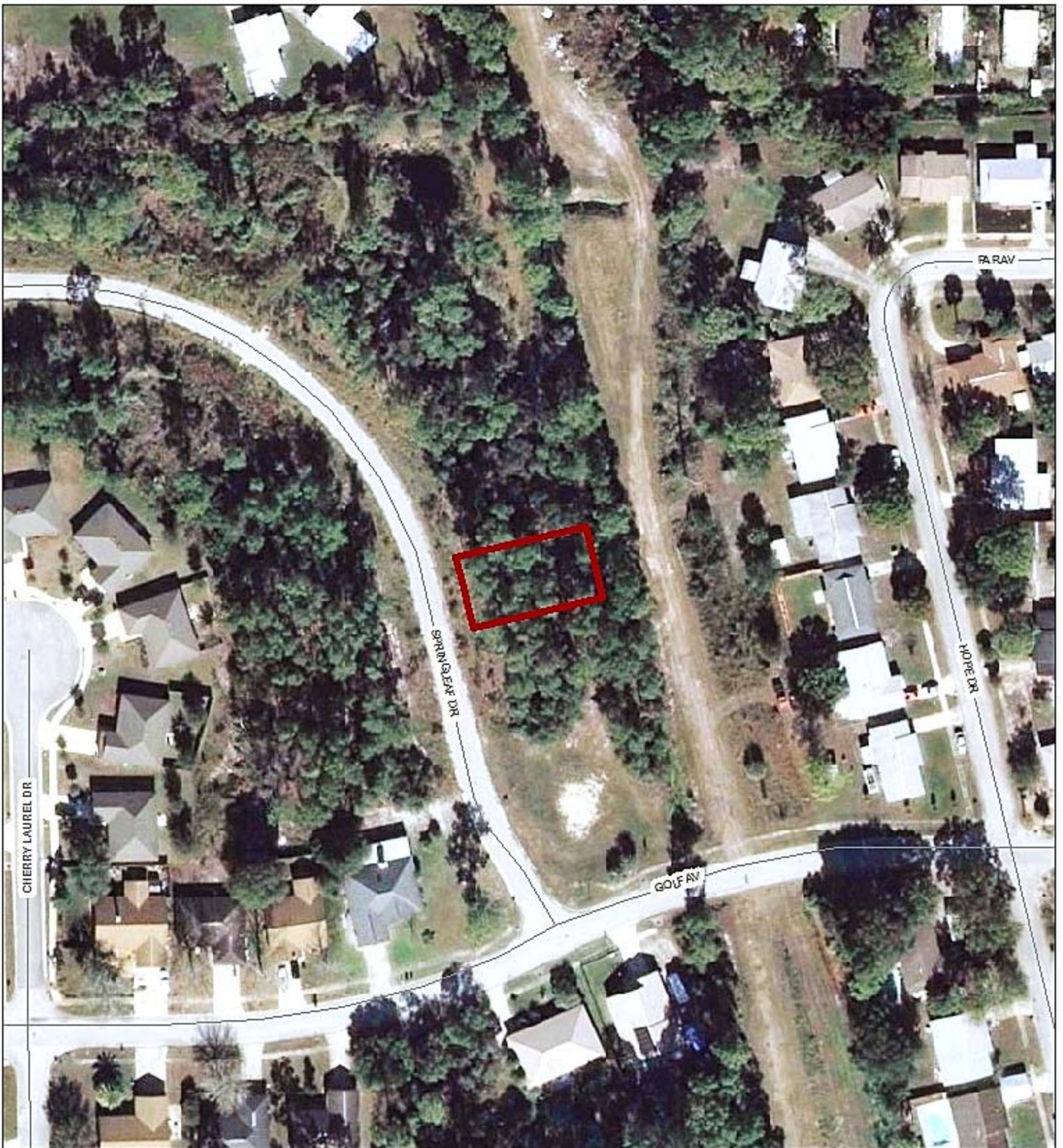
-  RESIDENTIAL ( R-1; R-2; R-3; R-4; R-5; R-6; R-7; R-7; R-8)
-  MOBILE HOME (MH-1; MH-2; MH-3; MH-4; MH-5; MH-6; MH-7; MH-8)

 REQUEST AREA



**VARIANCE  
CASE NUMBER**


**V-14-050**



**AERIAL**

IMAGE YEAR: 2012

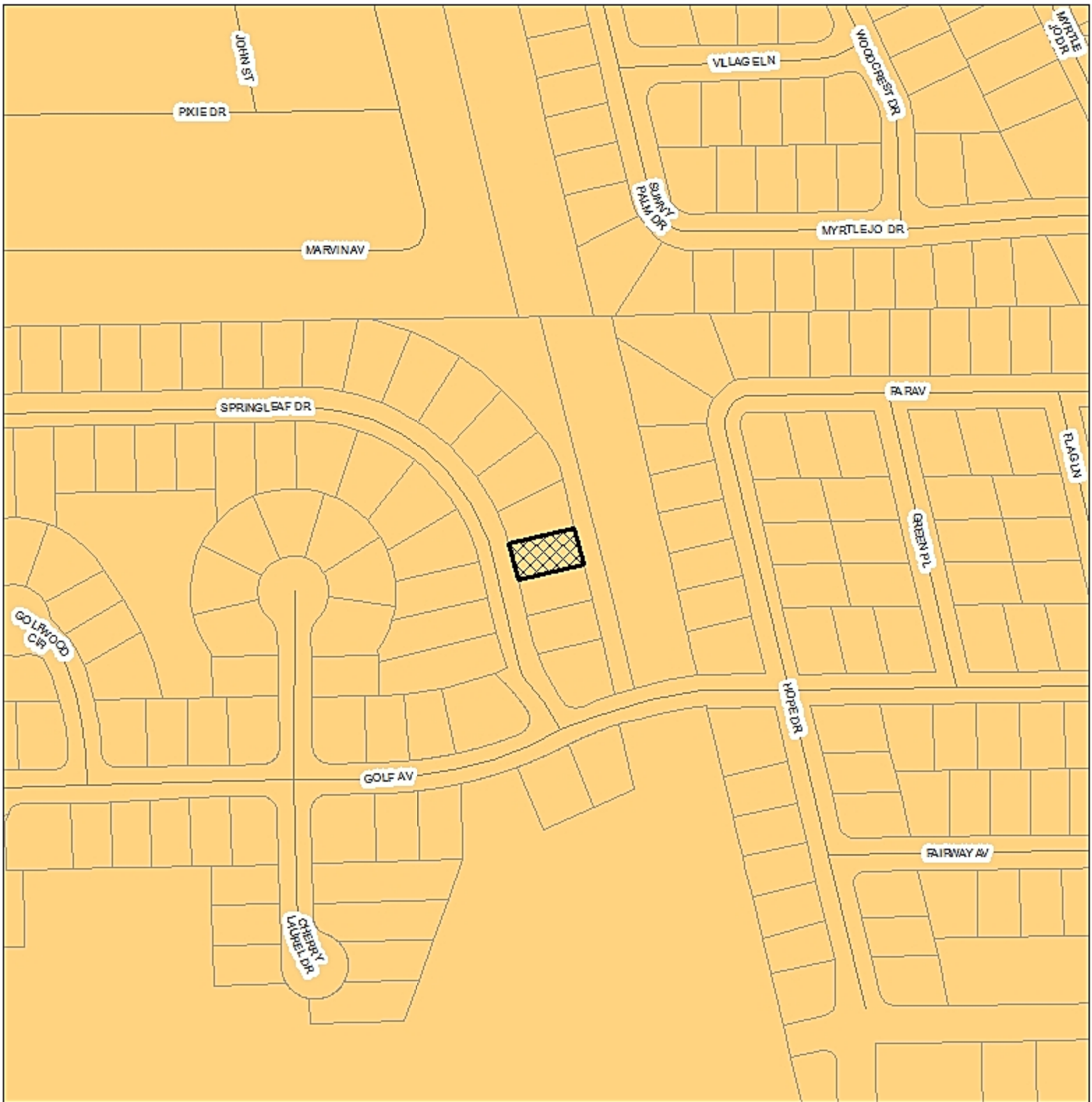
1 inch = 100 feet

 REQUEST AREA





**VARIANCE  
CASE NUMBER**

**V-14-050**



**FUTURE LAND USE DESIGNATION**

 URBAN MEDIUM INTENSITY (1)

 REQUEST AREA

1 inch = 200 feet



**VARIANCE  
CASE NUMBER**

**V-14-050**