



## INTER-OFFICE MEMORANDUM

**TO:** Development Review Committee **DATE:** April 30, 2018

**FROM:** John G. Thomson, AICP  
Land Development Manager

**SUBJECT:** DRC Meeting Date: May 2, 2018  
Land Development Appeal of Denial of a Subdivision Exemption Application  
2017-S-EXM-0229, RSN 889601  
Crosier Unrecorded #2  
Parcel Number 7226-03-00-0550

On November 7, 2017, the Volusia County Development Review Committee (DRC), considered the appeal of the Acting County Development Engineer's determination that this application is not exempt from the subdivision requirements of Section 72-537, of Article III, Land Development, Chapter 72, Code of Ordinances (LDC). The DRC continued review to a future meeting to allow the applicant to work with staff on an acceptable solution, with sufficient plans and details, to improve Scoggin Trail and Bexhill Road (See attached letter dated November 9, 2017).

The property is located on the north side of Bexhill Drive, approximately 330 feet to the east of its intersection with Scoggin Trail and approximately 2,450 feet to the west of SR 415, in the New Smyrna Beach area. Both Bexhill Drive and Scoggin Trail are both dirt roads dedicated as private roads within the Crestwood Manor subdivision, with maintenance the responsibility of the lot owners.

The applicant, Anna M. Stoppelbein, originally submitted a Subdivision Exemption application requesting a determination of whether Lot 55, Crestwood Manor Subdivision (Map Book 28, Page 157), is exempt from the subdivision regulations to be considered eligible for the issuance of building permits. The subdivision was determined partially exempt from Ordinance 72-2, as amended, on December 28, 1977, with the exempt status limited to Lots 1 through 40, which comprise the easterly portion of the subdivision fronting on SR 415. The remaining Lots 41 through 144, comprising the westerly portion of the subdivision, including Lot 55, were not considered as exempt.

The Acting County Development Engineer denied the Subdivision Exemption application because it did not comply with the exemption criteria of Section 72-537(a)(5), of the LDC. The effect of the denial is that the roads and other related improvements must meet the current construction standards, as required by the subdivision regulations, for the lot to be eligible for the issuance of building permits.

However, as indicated in the attached staff report from the November 7, 2017, DRC meeting for the appeal, the DRC granted an appeal in 2015, of a previous denial by the Acting County Development Engineer of the Stone Unrecorded #6 Subdivision Exemption application. This Subdivision Exemption application proposed a combination of nonexempt lots also within the Crestwood Manor subdivision, and the Acting County Development Engineer denied the application for the same reasons as the denial of the Crosier #2 Unrecorded Subdivision application. The DRC overturned the denial and granted the appeal based on two reasons as noted in the staff report. First, that the streets in the subdivision are private, with maintenance the responsibility of the owners as stated on the plat for Crestwood Manor. Second, the same dirt roads (Crestwood Manor Drive and Sand Knoll Trail) that provide access to other previously approved subdivision exemptions similarly provided access to the Stone # 6 Unrecorded Subdivision. Since that appeal in 2015, staff administratively approved three other Subdivision Exemption applications based on the same rationale of having access to open and passable roads, similar to the Stone #6 Unrecorded Subdivision.

In the staff report for the Crosier #2 appeal, staff noted that both Bexhill Drive and Scoggin Trail were open, which is one of the standards of the exemption criteria in the LDC. However, staff also reported that these roads are not in the same acceptable condition as Crestwood Manor Drive, with the width limited to one-way traffic and that stabilization is questionable for access by emergency vehicles, with no turn around available. The DRC continued the application to allow the applicant to work with staff on an acceptable solution to improve the roads based on the recommendation by staff.

Since that time, the applicant has worked with Public Works staff, which has involved surveying the 60-foot wide private platted rights-of-way for the roads and locating the existing dirt path (survey attached). In addition, Public Works staff has developed a "Typical Section – Stabilized Lane/Driveway" detail, which was sent to the applicant by Public Works staff to select one of three of what is termed "Accepted Optional Base Group Options", which are based on the current edition of the FDOT design standards. The applicant emailed the attached memorandum dated April 13, 2017, requesting that the DRC discuss the options and next steps in the process at its May 2, 2018 meeting. The memorandum also included the survey and a blank unsigned copy of the detail with no option chosen.

I forwarded the request to Public Works staff for review and commenting. The information was also forwarded to Environmental Permitting staff for their review as well, because of recent clearing that had occurred within the right-of-way and the Crosier property without an environmental review (See attached emails). As Land Development Manager, I have scheduled this item both at the request of the applicant and Public Works staff, with their review of the information provided by the applicant. There are a number of issues for the DRC to consider related to the circumstances that it may be appropriate to use of the detail developed by Public Works staff and its use as an acceptable solution for improving the roads to provide access to the Crosier property. These are:

1. Determination of Appropriate Circumstances for Use of the Typical Section – Stabilized Lane/Driveway detail: Public Works staff developed the detail so that applicants can attach this to their survey (See attached email for the Finney Use Permit Appeal dated April 23, 2018). The applicants are to sign, date, and fill in the base thickness on the attached detail before proceeding to the DRC. This was in response to the use of the detail for the Finney Use Permit

appeal that DRC also continued and with a motion similar with the continuance of the Crosier appeal, to work with staff on an acceptable solution for improving Indiana Avenue.

The DRC should consider under what circumstances that it would be appropriate for its use. It may be appropriate to use the detail on a case-by-case basis for appeals such as this one. For example, the DRC could consider its use appropriate in this situation, because the roads are private and maintenance the responsibility of the property owners in the subdivision. Further, under what circumstances is it acceptable for roads that are dedicated to the public? In the Finney Use Permit appeal, it could it be considered acceptable for re-opening up a road that was previously considered open. However, it may not be appropriate for use with other subdivisions with publicly dedicated roads that are not determined to be open and passable.

2. Location of Road within the 100-Year FEMA Floodplain: GIS-based mapping (See attached Floodplain Map) shows the existence of 100-Year FEMA Flood Zone A (Base Flood Elevation – BFE - Undetermined) within portions of Bexhill Drive and a small portion of Scoggin Trail. The detail indicates that the road elevation should be a minimum of one-foot above the 100-Year Floodplain. Public Works staff will need to determine whether the applicant should establish the BFE and elevate the road if the existing elevations are at or below the BFE to provide flood free access. This may also require the applicant to install some level of drainage for any elevated sections.
3. Provision for Drainage: The detail shows a slight elevation to create a crown for the improved portion of the road for the road base improvement and then slopes back to natural ground. The question then becomes when is it appropriate to have a swale so that stormwater does not drain off the right-of-way, onto adjacent private property. The platted right-of-way width is 60 feet, which means that there is 20 feet on each side of the 20-foot limits for the clearing and grubbing shown on the detail.
4. Appropriate stabilization, road width, and turnaround: Of concern, as stated in the previous staff report, is with the width and stabilization of the existing dirt road conditions for Bexhill Drive and Scoggin Trail. Public Works staff should indicate whether the base as proposed with the detail can accommodate the weight and width for an emergency vehicle. The detail shows a 15-foot width for the installation of the base, but the LDC requires a 24-foot width for two-way traffic and Fire Safety staff have indicated with review of other land development related applications that the Fire Prevention Code requires a 20-foot unobstructed width for emergency vehicles. The survey provided by the applicant shows a turnaround, but dimensions are not provided to determine whether it is adequate for a vehicle to make the maneuver.
5. Wetlands: As indicated above, the applicant has been cited for clearing without environmental review. The recommendation from Environmental Permitting staff in the attached email dated April 26, 2018, is that the applicant have a wetland delineation accomplished to address any impacts within the right-of-way, particularly the area adjacent to the Crosier property, or at least provide a revised plan with the turnaround not extending beyond the western half of the property. The revised plan would need to show that the turnaround can be located within the limits of the right-of-way, or additional easement provided.

**Recommendation:**

Staff recommends that the DRC consider the circumstances for using the “Typical Section – Stabilized Lane/Driveway” detail, including with this appeal, with input by Public Works staff, along with the other comments as discussed above. Based on the discussion on the use of the detail with this circumstance, determine if the detail as proposed is acceptable or if further discussion is necessary at a future meeting. If the DRC determines that the detail is acceptable for use in this circumstance, consider continuing the appeal to allow the applicant additional time to revise the plans to address the above comments, as applicable, or granting the appeal conditioned on addressing these comments.

Please be prepared to discuss and take action on this request at the May 2, 2018, DRC meeting. Feel free to call me if you have any questions. Thank you.



November 9, 2017

Ms. Sherri Lynn Crosier  
1645 Dunlawton Boulevard, Apt 1012  
Port Orange, Florida 32127

Re: Land Development Appeal Application  
2017-S-EXM-0229, RSN 889601  
Crosier Unrecorded #2

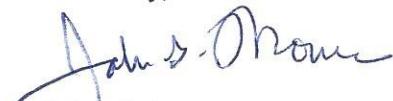
Dear Ms. Crosier:

On November 7, 2017, the Volusia County Development Review Committee (DRC), considered the above-referenced application. The DRC continued review to a future meeting to allow you to work with staff on an acceptable solution, with sufficient plans and details, to improve Scoggin Trail and Bexhill Road.

Kindly notify this office in writing if you would like to reschedule for a future DRC meeting, after you have had an opportunity to work with staff on an acceptable solution.

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

Sincerely,



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

JGT/sl

c: Ms. Anna Stoppelbein, 4018 Bexhill Dr., New Smyrna Beach, FL 32168 (via e-mail)



## Inter-Office Memorandum

**TO:** Development Review Committee **DATE:** November 2, 2017

**FROM:** John G. Thomson, AICP  
Land Development Manager

**SUBJECT:** DRC Meeting Date: November 7, 2017  
Land Development Appeal of Denial of a Subdivision Exemption Application  
2017-S-EXM-0229, RSN 889601  
Crosier Unrecorded #2  
Parcel Number 7226-03-00-0550

Anna M. Stoppelbein, the applicant for the above-referenced Subdivision Exemption application, is appealing the Acting County Development Engineer's determination that this application is not exempt from the subdivision requirements of Section 72-537, of Article III, Land Development, Chapter 72, Code of Ordinances (LDC). Copies of the Acting County Development Engineer's Memo, dated July 25, 2017, and the letter of appeal by the applicant, dated September 15, 2017, are attached.

The property is located on the north side of Bexhill Drive, approximately 330 feet to the east of its intersection with Scoggin Trail and approximately 2,450 feet to the west of SR 415, in the New Smyrna Beach area.

The applicant requested a determination of whether Lot 55, Crestwood Manor Subdivision (Map Book 28, Page 157), is exempt from the subdivision regulations to be considered eligible for the issuance of building permits. The exemption criteria is determined under Section 72-537(a)(5), of the LDC, as follows:

*(5) Divisions of land for purposes of conveyances, where such divisions were lawful under regulations in effect at the time such divisions were made, and where vested rights have been acquired by the subdivider (developer) in reliance upon previous regulations where the following criteria have been met:*

- a. A platted subdivision or unrecorded map or survey illustrating the division of the lands, which plat, unrecorded map or survey was in existence prior to October 29, 1976; and*
  - 1. Substantial physical on site development prior to October 29, 1976; or*

2. *Streets legally opened as of October 29, 1976, which are capable of being traversed by an ordinary passenger vehicle, and at least 25 percent of the lots have been sold by bona fide contracts to different owners in parcels of not more than four lots each.*

The Crestwood Manor subdivision was platted in 1967, with private streets and a note that states that the streets are dedicated for private use and the county is not responsible for maintenance (See Exhibit 1 - Plat Dedication and Note). The improved streets in the subdivision are dirt roads and privately maintained.

The subdivision was determined partially exempt from Ordinance 72-2, as amended, on December 28, 1977 (See Exhibit 2 - Sessions letter). This determination was based on a field visit conducted by county staff to determine the adequacy of the open roads to recommend which of the lots to be considered exempt or nonexempt (See Exhibit 3 - Pearson Memorandum). According to the determination, the easterly approximate one-third of the subdivision (Lots A-R and 1-40) was considered exempt, and the westerly approximate two-thirds of the subdivision (Lots 41-144), was considered nonexempt (See Exhibit 4 – Crestwood Manor Plat). This was the case, even though it appears that from a 1976 aerial, that a number of the lots determined as nonexempt, including the lot in question, were adjacent to what appears to be open roads (See Exhibit 5 – 1976 Aerial). Since that time, the portion of this subdivision containing Lots 81-144, was vacated and incorporated into the larger Saddle Club Estates unrecorded subdivision.

Since 1977, after the subdivision was determined partially exempt, several subdivision exemptions were approved in the westerly nonexempt remaining area of the plat (See Exhibit 6 – Exemption History). Three of the subdivision exemption applications (Gaudreau, Froelich, and Graham Unrecorded Subdivisions) were approved under the 2.5-acre exemption criteria prior to removal of this provision of the LDC by the county council, in 2008. Access to these three Exempt Unrecorded subdivisions is from privately maintained, dirt roads, and houses were constructed on each of the parcels.

The subject property was also the subject of a subdivision exemption application in 2005, requesting approval of exempt status, under the same exemption criteria of the subdivision regulations, as the current application. The applicant was not able to utilize the 2.5-acre exemption option because the parcel is only 0.96 acres in size. The County Development Engineer denied the application, and the applicant appealed the determination to the DRC. Staff at the time recommended denial, but the DRC continued the appeal at the request of the applicant to seek legal representation. The owner did not pursue the appeal after the continuation, and the DRC took no further action.

Subsequently, in 2015, the DRC granted the appeal of the denial, by the Acting County Development Engineer, of the exempt status for the Stone Unrecorded #6 subdivision (See Exhibit 6 – Exemption History). The DRC granted the appeal for two reasons. First, that the streets in the subdivision are private, and not publicly dedicated, with maintenance the responsibility of the lot owners, as stipulated by the plat. Secondly, that the same dirt roads (Crestwood Manor Drive and Sand Knoll Trail), that provide access to the previously approved exemptions, also provided access for the Stone Unrecorded #6 subdivision. Staff at the time conducted a site inspection of these dirt roads and found that they were passable.

Since the granting of this appeal, staff has administratively approved three other subdivision exemption applications (Robinson #10, Matter, and Norman #2 Unrecorded Subdivisions). Staff approved these unrecorded subdivision based on the same rationale for granting the Stone

Unrecorded #6 exemption appeal by the DRC of having access to open and passable roads (See Exhibit 6 – Exemption History). These roads included Crestwood Manor Drive and Sand Knoll Trail, as approved by the DRC for the Stone Unrecorded #6 subdivision, and the addition of Scoggin Trail, south of Crestwood Manor Drive and Dewey Drive, as determined by Public Works staff.

In the appeal, Ms. Stoppelbein states that Bexhill Road is a dirt road that is passable by an ordinary passenger vehicle. Bexhill Road provides access to the lot, running approximately 330 feet to the west to Scoggin Trail, and then another 330 feet to the south on Scoggin Trail, to the westerly terminus of Crestwood Manor Drive. Staff conducted a site inspection on October 4, 2017, and Exhibit 7 includes the pictures taken during the inspection of these roads. Although both Bexhill Road and Scoggin Trail are passable by an ordinary passenger vehicle, as visible in the pictures, these two dirt roads are not in the same acceptable condition as Crestwood Manor Drive, for both the width and stabilization. There is only enough width for one-way traffic, with no provision for a turn around, and it is unclear whether these two dirt roads can support the weight of an emergency vehicle.

The effect of the recent determination by the Acting County Development Engineer that the lot is not exempt is that the roads and other related improvements must meet current construction standards as required by the subdivision regulations for the issuance of any building permits. However, given the action on previous subdivision exemption applications as referenced above, staff is open to working with the applicant on an acceptable option for improving the both Scoggin Trail and Bexhill Road to an acceptable standard, as a modification to the street construction standards of the LDC.

**Recommendation:**

Staff recommends that the DRC continue consideration of the appeal to allow the applicant, if she is willing to do so, to work with staff on an acceptable solution, with sufficient plans and details, to improve Scoggin Trail and Bexhill Road. However, if the applicant is not willing to work with staff on an acceptable option, staff recommends that the DRC DENY the appeal and UPHOLD the Acting County Development Engineer's determination that this application is not exempt from the subdivision requirements of Section 72-537, of the LDC.

Please be prepared to discuss and take action on this request at the November 7, 2017, Development Review Committee meeting. Feel free to call me if you have any questions. Thank you.

**From:** Kristopher Brown  
**To:** Scott Martin  
**CC:** John Thomson; Keith Abrahamson  
**Date:** 4/26/2018 8:30 AM  
**Subject:** Fwd: Re: Transmittal and documents - Crosier Subdivision Exemption appeal

That's correct, but the plan I looked at seems to show the road extending to the end of their property (the road widening they already did extends to the eastern portion of their parcel). Given the drawing and their history of activities it would be in their best interest to get a wetland delineation now, since they will need one at some point. Otherwise, they need to provide an updated plan showing the road will not extend beyond the western half of the parcel.

Thanks

Kris

>>> Scott Martin 4/25/2018 11:09 AM >>>

Kris, Thanks. I believe the wetlands delineation and statistical tree survey should be part of a future building permit. Correct?

Please advise,

Thanks, Scott

>>> Kristopher Brown 4/25/2018 8:51 AM >>>

There are a series of wetlands along the east side of the property including a naturalized ditch, therefore we will need a wetland delineation of the area including their parcel performed by a professional environmental consultant. This delineation should be provided to us showing the wetland line and the 25' upland buffer. The attached drawings show road improvements that correlate with the road widening activities observed on site, which extend beyond the east side of the parcel. There will likely be buffer impacts associated with the road activities, requiring a county wetland alteration permit.

Additionally, we will need a statistical tree survey of their parcel that was cleared without any permits.

Let me know if there are any questions.

Thanks

Kris

Kristopher Brown  
Environmental Specialist II  
Volusia County Environmental Management Division  
123 W. Indiana Avenue  
DeLand, FL 32720  
(386) 736-5927 Ext. 12078  
(386) 740-5193 Fax

>>> Keith Abrahamson 4/23/2018 3:25 PM >>>

Please review and respond.

Keith Abrahamson  
Environmental Specialist III  
Environmental Management

County of Volusia FL  
(386) 736-5927 ext 12079

>>> Scott Martin 4/23/2018 11:00 AM >>>

John, Responsively:

1) On the lane/driveway detail the applicant/co-applicant (Ms. Stoppelbein/Sherri Crosier) has to sign, date, and fill in the base type and thickness. Can one sign or do both have to?

2) A large majority of Sherri Crosier's property is out of the 100 year flood plain according to the 2016 FEMA maps. It looks like the LIDAR took shots along the existing dirt trail and extended the flood plain mostly 11 ft. wide up Bexhill Dr., following the el. 41 contour? Thus, they have to build their Lane out of the flood plain, to El. 42. It's odd because FEMA/LIDAR rounds to the nearest ft.

3) Kieth, Please take a look at the survey. I'm not a wetlands expert. From my field review I believe they can do this without impacting wetlands. We're only allowing the applicant to improve Bexhill Dr. to the Westerly end of their property.

Thanks, Scott

>>> John Thomson 4/17/2018 3:23 PM >>>

Scott, I reviewed the information Ms. Stoppelbein submitted, and have the following comments:

1. Ms Stoppelbein did not include your drawing with her selection for the type of road improvement that they are proposing, which I am assuming is a list of the type of improvements that we would consider acceptable to recommend to the DRC? She said she included it, but I do not see it. The continuance by the DRC was to allow Ms. Stoppelbein to work with staff to come up with an acceptable solution for improving Scoggin and Bexhill, but at this time, we just have a survey of the existing dirt road and pictures showing the existing dirt road and clearing that she, or others did. Will you be letting her know that she needs to use the drawing to make her selection?

2. Your diagram indicates that the road elevation should be one-foot above the 100-year floodplain. The survey only shows the 100-year floodplain on her property, but not within the right-of-ways to the extent shown with our GIS-based mapping. My GIS mapping shows 100-year floodplain within Bexhill and portion of Scoggin as an A zone, so the elevation has not been established. So, will she be required to show the floodplain with the elevation and confirm that the road is one-foot above the established 100-year floodplain elevation? And if not, elevate the road one-foot above the BFE, which I would assume would require some level of drainage.

3. I would also suggest having environmental take a look at the survey as there have been issues with wetlands to the east side of the extent of Bexhill shown.

We need to get back w/ Ms. Stoppelbein soon for any additional information you need as she is requesting to be rescheduled for the meeting of May 2nd, and I need to have your recommendation to draft the DRC memo, which I would suggest should be done by next Wednesday, at the latest to allow time for review.

John G. Thomson, AICP  
Land Development Manager  
Growth & Resource Management  
Volusia County  
123 West Indiana Avenue  
DeLand, FL 32720  
386-736-5942, ext. 15520  
Fax 386-740-5148  
[jthomson@volusia.org](mailto:jthomson@volusia.org)

>>> Mark McClain 4/16/2018 2:46 PM >>>

Scott,

According to Mr. Cambell's survey, the cleared roadways fall within the platted R/W's.

Mark

Mark E. McClain

Eng. Asst., Level II

Volusia County Engineering & Construction

123 W. Indiana Ave.

Room 402

DeLand, Fl. 32720-4262

(386)736-5967 ext 12413

Fax (386) 822-5736

"Serving with the county's survey division for over 28 years"

>>> Scott Martin 4/16/2018 2:39 PM >>>

Tadd, Survey attached. They're requesting the May 2, 2018 DRC meeting.

Mark, Please review the survey. The purpose of this survey is to make sure their driveway/lane is in the platted ROW.

Thanks, Scott

>>> Anna Stoppelbein <[amstopp@gmail.com](mailto:amstopp@gmail.com)> 4/15/2018 2:59 PM >>>

**This is attached as a document file too.**

**To:** Development Review Committee

**From:** Sherri Crosier

**Subject:** Re: DRC Meeting Review November 7 2017

2017-S-EXM-0229, RSN 889601

Crosier Unrecorded # 2

Parcel Number 7226-03-00-0550

Having completed the further steps in having the road surveyed we are now submitting the survey and the diagram that Scott Martin sent to add which is different from the first submittal on February 13, 2018.

At this time, I would like the DRC to review and meet to discuss the options and the next steps in the process. I know Mr. Thomson stated, we were pushed back from the March 7<sup>th</sup> meeting and we have missed the April meetings so DRC staff could review and figure out what other information was needed. I am looking at the scheduling for the May 2<sup>nd</sup> meeting.

These roads being used for private use and the only persons using this road would be Brian Sikes and myself Sherri Crosier. These roads will be privately maintained as the other roads in our development and materials added as needed.

Sherri Crosier

Anna Stoppelbein

**From:** Scott Martin  
**To:** Thomson, John  
**CC:** Bowers, Jesse; Panton, Palmer; Kasbeer, Tadd  
**Date:** 4/23/2018 9:49 AM  
**Subject:** Re: Finney Indiana Avenue Improvement  
**Attachments:** Unpaved lane or driveway 2.pdf

John, We ( Tadd & I ) designed the attached Stabilized Lane/Driveway detail. The applicants can attach this to their survey.

We want the applicants to sign, date, and fill in the base thickness on the attached detail before we proceed to the DRC.

DRC should approve this detail too.

note: Pidacks, Crosier, & Finney. there could be more of these. We want a detail instead of a custom made drawing to sketch & review each time.

Thanks, Scott

>>> John Thomson 4/19/2018 11:20 AM >>>

Ms. Finney dropped of the attached letter which included the form for the Typical Section - Stabilized Lane/Driveway. She circled her choices and did not fill in the blanks or sign the form. I also attached the scanned survey which shows the proposed improvement within Indiana Avenue.

Please review and let me know if you are ok with her choice of the two base group material options. I assume you will want her to sign, print, and date the form.

The easement Ms. Finney submitted is the for the option of constructing the son's house over on the west side within the uplands to the north of Ms. Finney's home in the event they do not pursue improving Indiana Avenue to provide access for construction of a home on the east side within the uplands adjacent to Indiana Avenue. This will require a lot line adjustment and has been an option of consideration in the past.

However, in the bigger scheme of things, this is the second time I have seen this Typical Section detail/form used (including Crosier EXM appeal for Bexhill and Scoggins Trail). Is this Public Works recommended alternatives for to address the direction from DRC in the motions to continue these two items which was to work with staff to address the acceptable design for improving the roads serving these properties?

John G. Thomson, AICP  
Land Development Manager  
Growth & Resource Management  
Volusia County  
123 West Indiana Avenue  
DeLand, FL 32720  
386-736-5942, ext. 15520  
Fax 386-740-5148  
jthomson@volusia.org

**Date:** April 13, 2018



**To:** Development Review Committee

**From:** Sherri Crosier

**Subject:** Re: DRC Meeting Review November 7· 2017

2017-S-EXM-0229, RSN 889601

Crosier Unrecorded # 2

Parcel Number 7226-03-00-0550

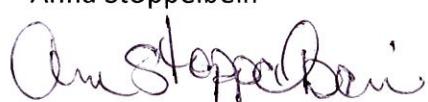
Having completed the further steps in having the road surveyed we are now submitting the survey and the diagram that Scott Martin sent to add which is different from the first submittal on February 13, 2018.

At this time, I would like the DRC to review and meet to discuss the options and the next steps in the process. I know Mr. Thomson stated, we were pushed back from the March 7<sup>th</sup> meeting and we have missed the April meetings so DRC staff could review and figure out what other information was needed. I am looking at the scheduling for the May 2<sup>nd</sup> meeting.

These roads are being used for private use and the only persons using this road would be Brian Sikes and myself Sherri Crosier. These roads will be privately maintained as the other roads in our development and materials added as needed.

Respectfully,

  
Sherri Crosier  
Anna Stoppelbein







LAND DEVELOPMENT  
ACTIVITY

APR 20 2018

RECEIVED

C/L ROW

20' LIMITS OF CLEARING AND GRUBBING

2.5'

15'

2.5'

R/W LINE

R/W LINE

0.06 FT/FT      0.02 FT/FT

0.06 FT/FT      0.02 FT/FT

NATURAL  
GROUND

\* MIN.  
FDOT OPTIONAL  
BASE GROUP 4  
(TYPES ACCEPTED  
NOTED BELOW) OR  
AS APPROVED BY  
COUNTY ENGINEER.

NOTES:

1. THE ROAD ELEVATION SHALL BE A MINIMUM OF 1 FOOT ABOVE THE 100-YEAR FLOODPLAIN.
2. PER THE CURRENT EDITION OF FDOT DESIGN STANDARDS, THE ACCEPTED OPTIONAL BASE GROUP OPTIONS ARE:
  - 1) - RECYCLED ASPHALT MILLINGS.
  - 2) - GRADED AGGREGATE INCLUDING GRAVEL, ROCK OR RECYCLED CONCRETE.
  - 3) - SHELL/CLAY MIX

THE SELECTED BASE GROUP MATERIAL  
IS \_\_\_\_\_ AT THE REQUIRED  
THICKNESS OF \_\_\_\_\_.

SIGN

PRINT NAME

DATE





INTER-OFFICE MEMORANDUM

LAND DEVELOPMENT  
ACTIVITY

AUG 15 2017

RECEIVED

To: John G. Thomson, AICP  
Land Development Manager

From: Gerald N. Brinton, P.E.  
County Engineer  
Acting County Development Engineer

Subject: Crosier Unrecorded #2  
2017-S-EXM-0229 RSN 884925

Date: July 25, 2017

DE-17-050

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 described as Lot 55 Crestwood Manor MB 28 PG 157, to produce one (1) building site.
2. Crestwood Manor was determined partially exempt from Ordinance 72-2, as amended, on December 28, 1977. That determination found that Lot 55 was non-exempt because the platted roadway providing access to Lot 55 was not open and passable by an ordinary passenger vehicle as of October 29, 1976.
3. Lot 55 was examined again for Vested Rights as Crosier Unrecorded, 2006-S-EXM-0208. Lot 55 was determined non-exempt from Ordinance 88-3, as amended, on January 13, 2006.

This office must deny the subject proposal on the basis that it does not comply with the vested rights criteria of Section 72-537(a)(5) of the Land Development Code.

GNB/isl

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



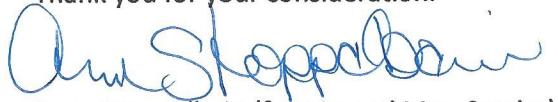
September 15, 2017

Mr. John Thomson  
Land Development Manager  
County of Volusia  
123 W. Indiana Avenue  
DeLand, FL 32720

Mr. Thomson:

This letter is serving as an appeal to the Development Review Committee the denial of my project, Crosier Unrecorded #2, 2017-S-EXM-0229, RSN 884925, for the following reasons: The roads are private, we have photos of access to be considered, and not publicly dedicated with maintenance. The responsibility of the lot owners is to maintain private roads. Bexhill Drive is a dirt road that is passable by an ordinary passenger vehicle.

Thank you for your consideration.



Anna Stoppelbein (for Mr. and Mrs. Crosier)



August 29, 2017

Mr. and Mrs. Jason Crosier  
1645 Dunlawton Boulevard, Apartment 1012  
Port Orange, Florida 32127

Re: Subdivision Exemption Application  
2017-S-EXM-0229, RSN 884925  
Crosier Unrecorded #2

Dear Mr. and Mrs. Crosier:

In accordance with your request, your application was examined by the Development Engineering Office for exemption from Section 72-537, Volusia County Code of Ordinances (Code). Your property was determined not exempt from the provisions of said Section. A copy of the County Development Engineer's memorandum is attached for your information.

The effect of this determination is that you will not be able to obtain building permits for buildings on the proposed lots.

I apologize for not sending the original denial letter to your current address. We have updated our records to reflect your new address for any future correspondence

You may appeal this decision to the Volusia County Development Review Committee by filing a written notice with the Land Development Office within thirty (30) days from the date of this letter, rather than the letter sent to the wrong address. That notice must be specific and should be based only upon the evidence presented in the original application.

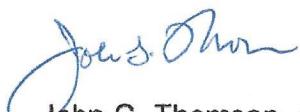
If you have any new evidence which may cause the County Development Engineer to change his determination, please re-apply within thirty (30) days including the new evidence with your re-submittal. There will be no fee for this review.

Application said  
10 days -

Mr. and Mrs. Crosier  
2017-S-EXM-0229, RSN 884925  
Crosier Unrecorded #2  
August 29, 2017  
Page 2 of 2

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,



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

JGT/sjw

c: Gerald N. Brinton, P.E., Acting County Development Engineer

**Certified Mail/Return Receipt Requested: 7016 2140 0000 1401 1819**



INTER-OFFICE MEMORANDUM

To: John G. Thomson, AICP  
Land Development Manager

From: Gerald N. Brinton, P.E.  
County Engineer  
Acting County Development Engineer

Subject: Crosier Unrecorded #2  
2017-S-EXM-0229 RSN 884925

Date: July 25, 2017

DE-17-050

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 described as Lot 55 Crestwood Manor MB 28 PG 157, to produce one (1) building site.
2. Crestwood Manor was determined partially exempt from Ordinance 72-2, as amended, on December 28, 1977. That determination found that Lot 55 was non-exempt because the platted roadway providing access to Lot 55 was not open and passable by an ordinary passenger vehicle as of October 29, 1976.
3. Lot 55 was examined again for Vested Rights as Crosier Unrecorded, 2006-S-EXM-0208. Lot 55 was determined non-exempt from Ordinance 88-3, as amended, on January 13, 2006.

This office must deny the subject proposal on the basis that it does not comply with the vested rights criteria of Section 72-537(a)(5) of the Land Development Code.

GNB/lsl

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

## Crestwood Manor Subdivision Excerpts

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the Corporation named below, being the owner in fee simple of the lands described in the foregoing caption to this plat, hereby dedicates said lands and plat for the uses and purposes therein expressed and **dedicates the Streets, alleys, thoroughfares, parks, canals and drainage easements shown hereon to the perpetual use of the owners of Parcels within the subdivision.**

IN WITNESS WHEREOF, has caused these presents to be signed and attested to by the officers named below and its corporate seal to be affixed hereto on 24 FEBRUARY, 1967.

By John W. Tanges

CRESTWOOD ENTERPRISES INC., President

Attest: Edel Y. Tanges, Sec'y



**NOTE: ALL STREETS, THOROUGHFARES, ETC. SHOWN ON THIS PLAT ARE DEDICATED TO PRIVATE USE. THE COUNTY WILL NOT BE RESPONSIBLE FOR MAINTENANCE OF THESE STREETS UNLESS and UNTIL THEY ARE CONSTRUCTED ACCORDING TO COUNTY SPECIFICATIONS and CERTIFIED AS SUCH BY THE COUNTY ENGINEER.**

December 28, 1977

Louis Phillips, Esq.  
Suite 1050, Seybold Building  
Miami, FL 33132

Re: Crestwood Manor Subdivision (Nack Development Corporation)  
Map Book 28, Page 157, Public Records, Volusia County

Dear Mr. Phillips:

On additional information furnished us and our further field observations, I have determined that the portion of the subject subdivision containing Lots "A" and "R" and Lots 1 - 40 is exempt from the Subdivision Regulations. However, scattered pieces of roads will have to be constructed to serve some of the lots.

That portion of the subject subdivision containing Lots 41 - 144 is determined non-exempt. The effect of this determination of non-exemption is that road and other improvements must be installed to County specifications before lots are sold or building permits issued.

You may submit additional information relevant to your eligibility for exemption of Lots 41-144 under the Subdivision Regulations if you feel there is something we failed to consider, or there is an exemption which may be applicable. If you choose not to do so, you may appeal this determination relating to Lots 41-144 to the Volusia County Council within thirty (30) days from the date of this letter.

Please advise if I can be of further assistance.

Sincerely yours,

Albert J. Sessions, Jr.  
Assistant County Attorney

AJSjr/lg

cc: Hugh Gordon  
Vohnnie Pearson

Allen Co. La.

DANIEL R. VAUGHEN  
ASSISTANT COUNTY ATTORNEY

AUGUST 3, 1977

VOHNNIE L. PEARSON, JR.  
COUNTY ENGINEER

PW-EG-77-543

CRESTWOOD MANOR (MB 28, PG 157)

PW-EG-77-443

As per your request, my office entered onto the subject property to inspect the streets on August 2, 1977.

The findings were that streets are opened adequate to serve Lots "A" through "R" and Lots 1 through 40 with the specific exclusion of Lots 9, 10, 11, 17, 22, 23, 32, 33 and 34. All remaining lots are not served by an opened road.

It is my recommendation, based on this field review, that that portion of the subject subdivision containing Lots "A" through "R" and 1 through 40 be found exempt even though scattered pieces of roads will need to be constructed to serve some of the lots. In addition, it is my recommendation that Lots 41 through 144, that is, the remainder of the subdivision, be found to be nonexempt from Ordinance 72-2 as amended.

It should be noted that the dedication on the plat is not to the public but is to the "Perpetual use of the owners of parcels within the sub." I assume that we do not issue Use Permits in this case; thus, the pieces of streets in the section recommended for exemption could be opened to any standard; however, the streets in the nonexempt portion plus an access street from SR 415 would have to be constructed under the subdivision regulations.

Attached are our files for your use.

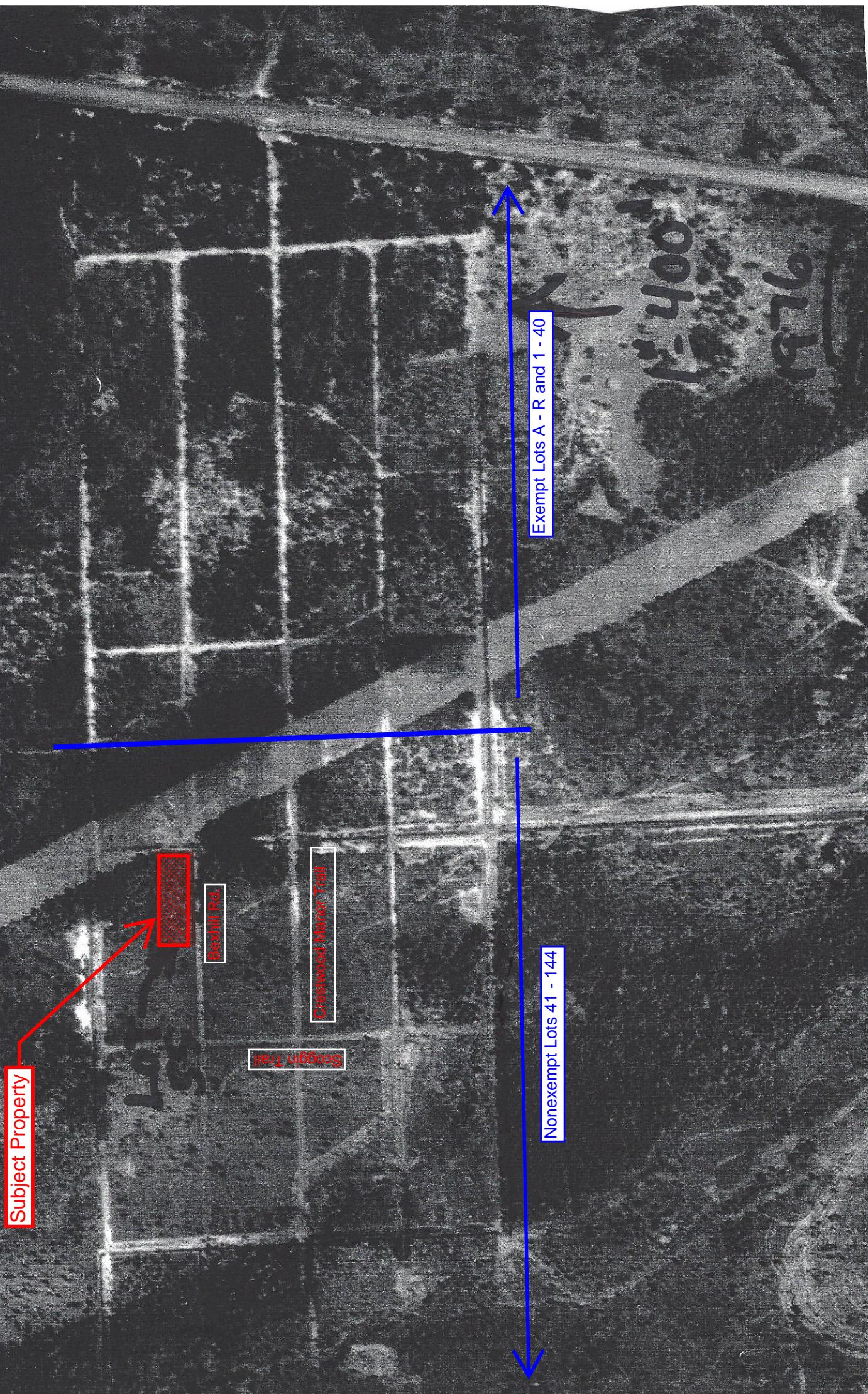
VLP:ram W-1

cc: Hugh Gordon, Zoning

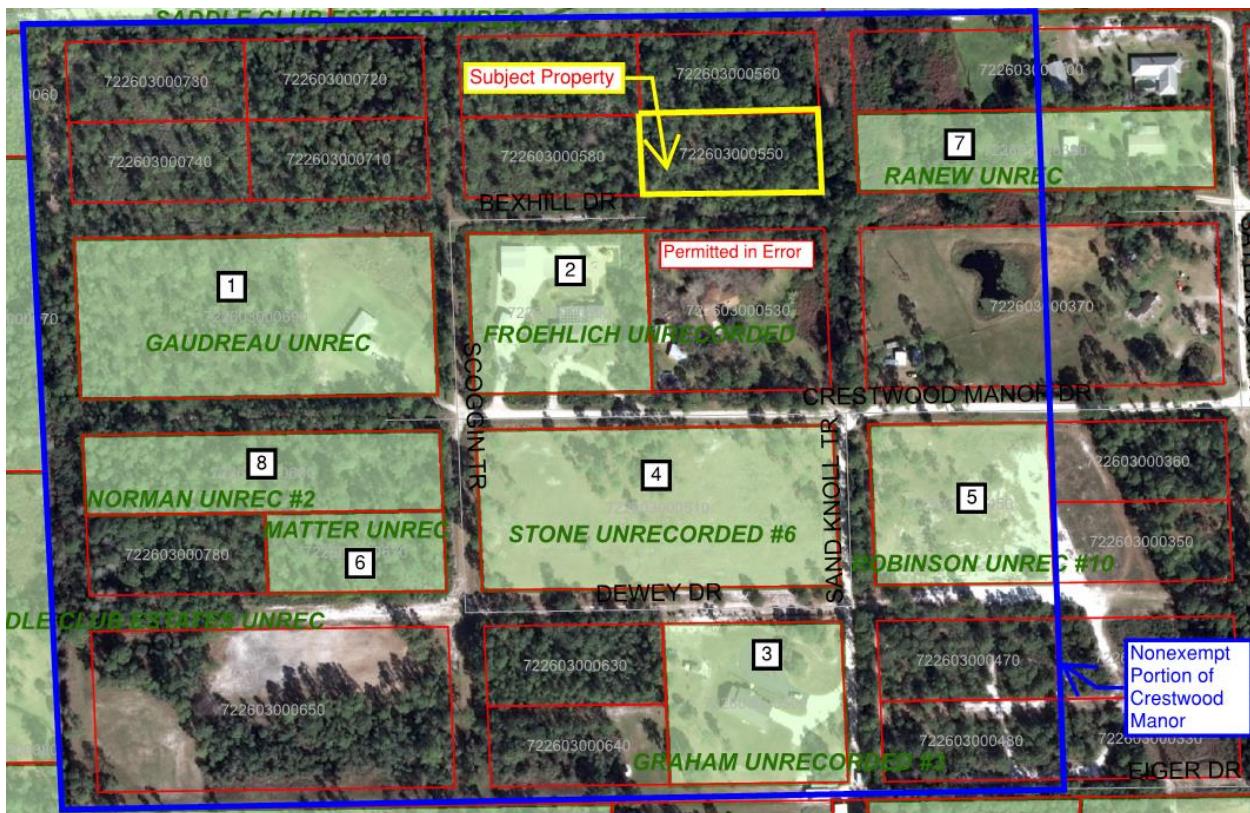
Attachments



Exhibit 5  
Pearson Memorandum



**Exhibit 6**  
**Exemption History**



1. Gaudreau Unrecorded (2004-S-EXM-0081) – Approved under the previous 2.5 acre subdivision exemption provision eliminated by the county council in 2008.
2. Froelich Unrecorded (2005-S-EXM-0533) – Same as above.
3. Graham Unrecorded #3 (2006-S-EXM-0308) - Same as above.
4. Stone Unrecorded #6 (2015-S-EXM-0018) – DRC grants the appeal of the denial of an exemption application based on Crestwood Manor Drive considered as open and passable similar to section of this roadway within the exempt portion of the subdivision.
5. Robinson Unrecorded #10 (2016-S-EXM-0075) – Approved by staff based on having access to the open and passable Crestwood Manor Drive as approved for the Stone Unrecorded appeal.
6. Matter Unrecorded (2016-S-EXM-0221) – Approved by staff based on having access to the open and passable Crestwood Manor Drive, as approved for the Stone Unrecorded appeal, as well as Scoggin Trail and Dewey Drive considered open and passable.
7. Ranew Unrecorded (2017-S-EXM-0147) – Nonexempt lot 42 combined with exempt lot 39 as allowed under the subdivision exemption provisions.
8. Norman Unrecorded #2 (2017-S-EXM-0066) – Approved by staff for the same reasons as Robinson Unrecorded and Matter Unrecorded.

Exhibit 7  
Site Visit Pictures  
Page 1 of 3



Crestwood Drive Looking West at Entrance from SR 415



Crestwood Drive Looking East from Scoggin Trail  
(Stone Unrecorded Subdivision #6 on the Right)

Exhibit 7  
Site Visit Pictures  
Page 2 of 3



Scoggin Trail Looking North from Crestwood Manor Drive



Scoggin Trail Looking South from Bexhill Road

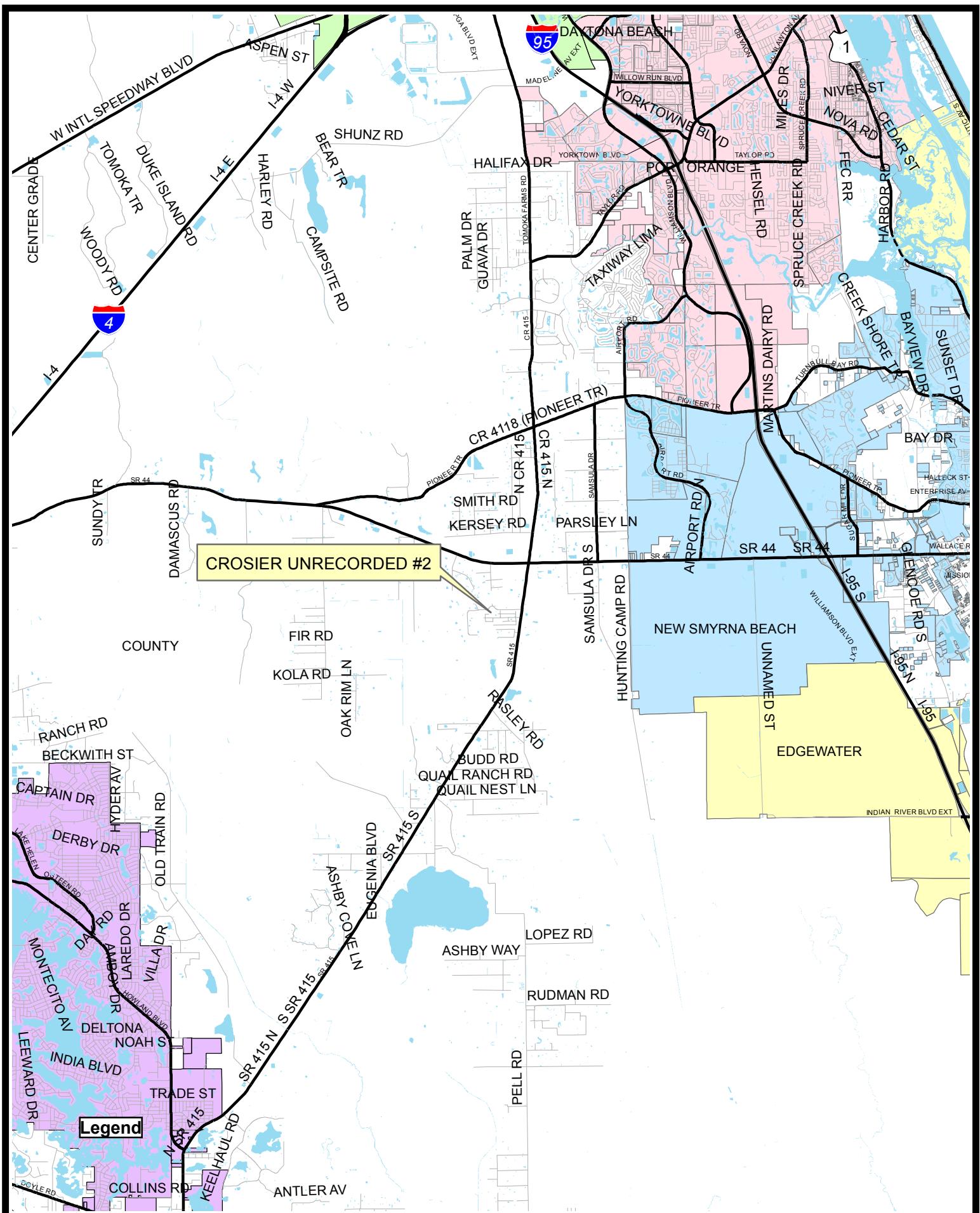
Exhibit 7  
Site Visit Pictures  
Page 3 of 3



Bexhill Drive Looking East from Scoggin Trail



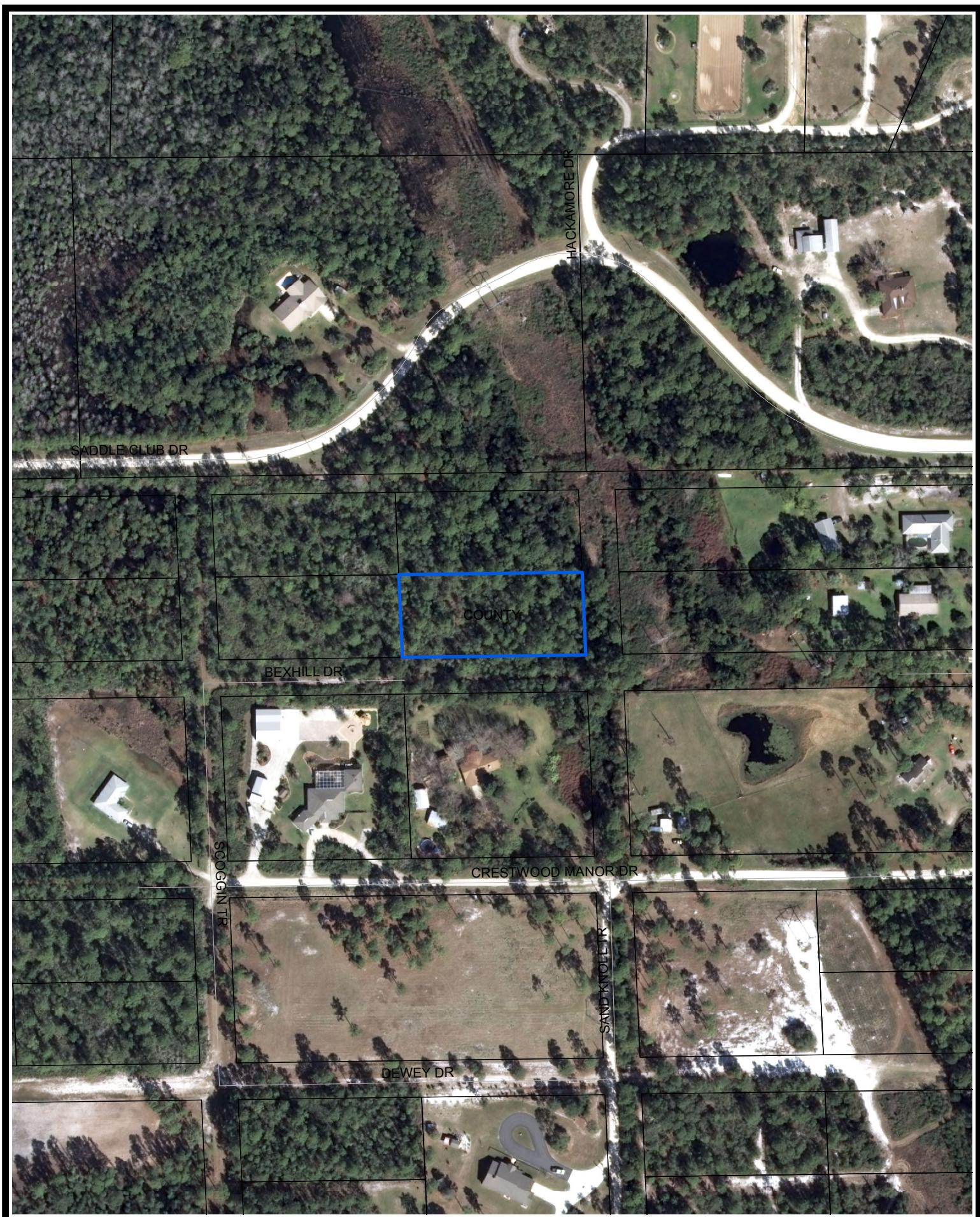
Bexhill Trail Looking East from Subject Property to Deadend at the Wetlands



## CROSIER UNRECORDED #2

2017-S-EXM-0229

W  E  
S

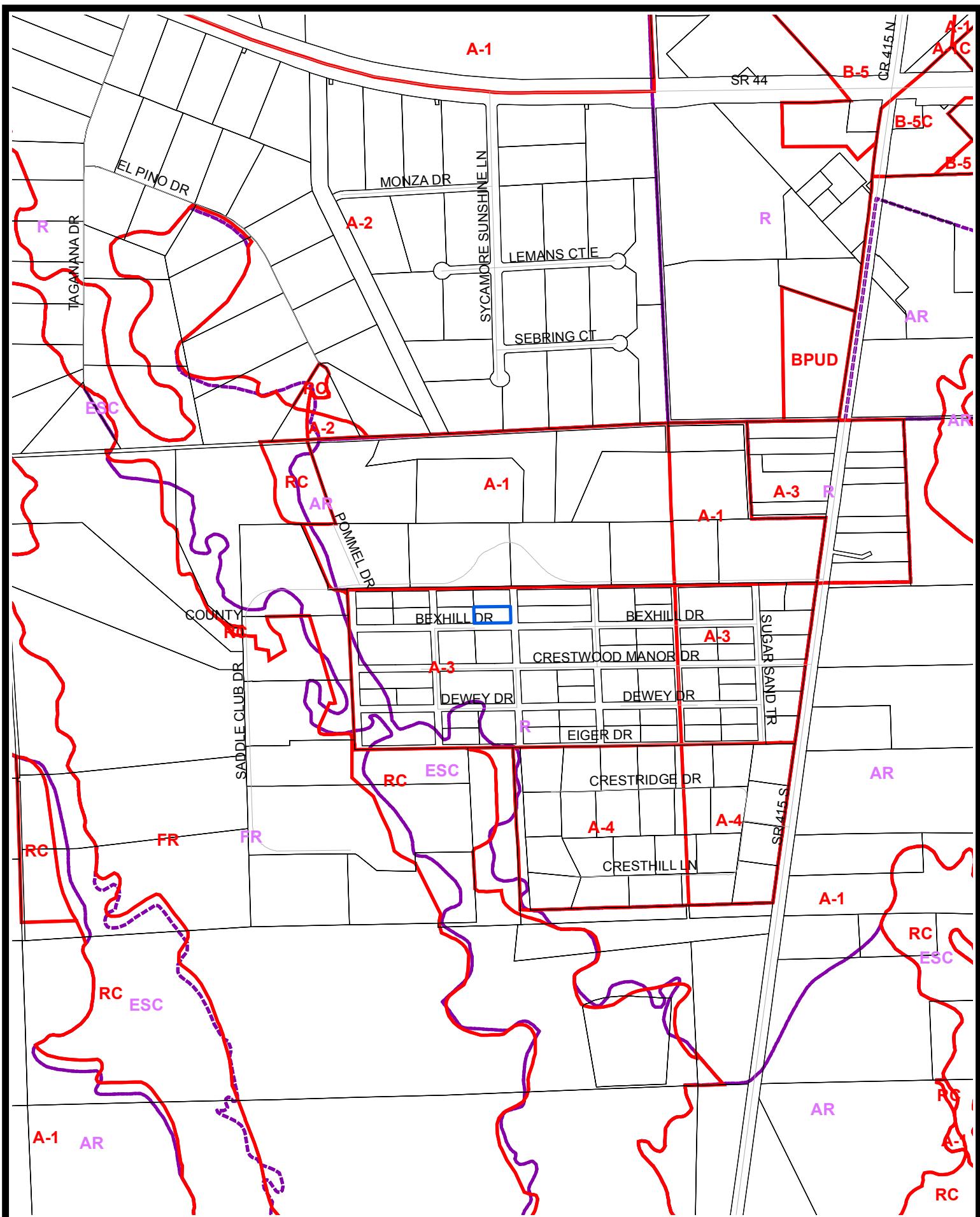


CROSIER UNRECORDED #2

2017-S-EXM-0229



1 inch = 200 feet

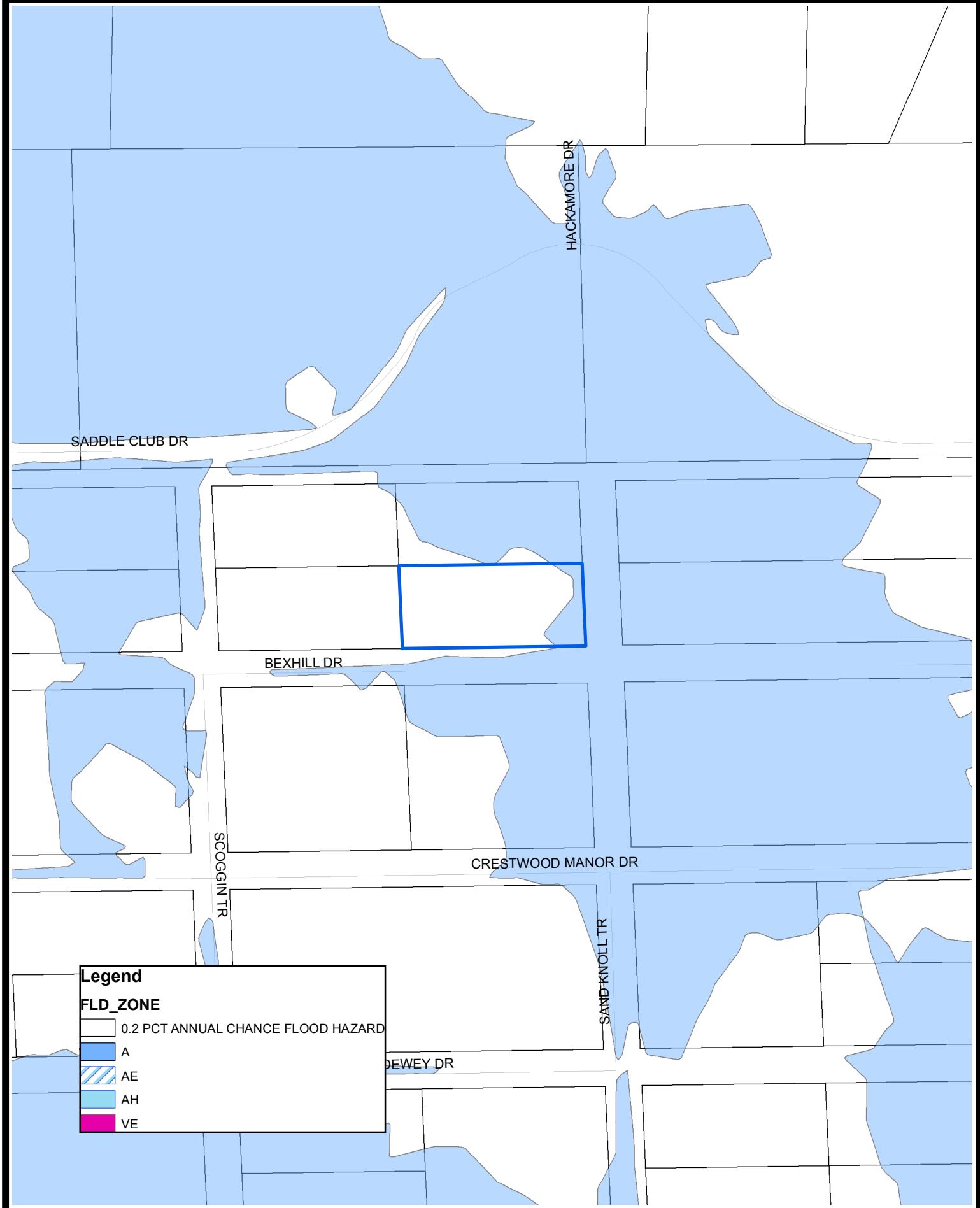


CROSIER UNRECORDED #2

2017-S-EXM-0229

N  
W E  
S

1 inch = 1,000 feet



CROSIER UNRECORDED #2  
2017-S-EXM-0229



1 inch = 200 feet