I. SUMMARY OF REQUEST

The applicant is seeking a variance for an existing 70-square-foot covered porch constructed over the main entrance to his house. The requested variance is as follows:

Variance: A variance to reduce the north front yard from the required 25 feet to 20.76 feet for an existing covered porch.

Staff Recommendation:

Deny variance, case number V-20-082, as the variance fails to meet three of the five criteria for granting said variance.
II. SITE INFORMATION

1. Location: Southeast corner of the intersection of Frances Street and Williams Avenue, in the Orange City area
2. Parcel Number(s): 8009-02-16-0010
3. Property Size: ±21,545 square feet
4. Council District: 1
5. Zoning: Urban Single-Family Residential (R-4)
6. Future Land Use: Urban Low Intensity (ULI)
7. Overlays: Not Applicable
8. Local Plan Area: Not Applicable
9. Adjacent Zoning and Land Use:

<table>
<thead>
<tr>
<th>DIRECTION</th>
<th>ZONING</th>
<th>FUTURE LAND USE</th>
<th>EXISTING USE</th>
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<tbody>
<tr>
<td>North:</td>
<td>R-4</td>
<td>Urban Low Intensity</td>
<td>Single-Family Residence</td>
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<tr>
<td>East:</td>
<td>R-4</td>
<td>Urban Low Intensity</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td>South:</td>
<td>R-4</td>
<td>Urban Low Intensity</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td>West:</td>
<td>R-4</td>
<td>Urban Low Intensity</td>
<td>Vacant Residential</td>
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10. Maps:

<table>
<thead>
<tr>
<th>ZONING MAP</th>
<th>FUTURE LAND USE MAP</th>
</tr>
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<tbody>
<tr>
<td><img src="image1" alt="Zoning Map" /></td>
<td><img src="image2" alt="Future Land Use Map" /></td>
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</table>
III. BACKGROUND AND OVERVIEW

The subject property is located on the Southeast corner of the intersection of Frances Street and Williams Avenue in the Orange City area. The parcel is developed with a 1,286-square-foot single-family home constructed in 1990. The parcel is zoned Urban Single-Family Residential (R-4). The R-4 zoning classification requires a minimum lot size of 7,500 square feet and minimum lot width of 75 feet. The lot conforms to these requirements at approximately 21,545 square feet and 139 feet wide. The minimum yard requirements for the R-4 zoning classification are as follows: front – 25 feet, side – 20 feet combined with a minimum of 8 feet on each side, and rear – 20 feet.

The residence was constructed in a rectangular shape at the 25-foot setback line along Frances Street with a small, approximately three-foot by eight-foot, roof overhang. This can be seen in the aerial photo to the right. A roof overhang may project up to 3.5 feet into a required yard. However such an overhang must be self-supported with no columns or posts encroaching into the required yard.

A permit was issued for a roof on the house in October 2019, which the applicant believed would allow for the extension of the roof overhang and support columns for a five-foot by 14-foot porch. However, the permit application did not show the porch. The applicant explained that he discovered the porch addition would need to be permitted separately during a roof inspection. He stated that he has stopped any further work on the porch and began working towards the required permit as soon as he was aware of the issue.

A building permit application was submitted for the porch in March 2020. The porch is approximately six feet wider and extends into the front yard two feet further than the previous roof overhang and contains support columns. The permit has not been issued as the porch lies 20.76 feet from the front property line, encroaching into the required front yard by 4.24 feet. As such, the applicant requests a variance to the front yard setback from 25 feet to 20.76 feet to allow this porch to remain. The applicant believes the new porch
will increase the property’s curb appeal and contribute positively to the neighborhood. The graphic below shows the front porch, outlined in red, in relation to the required front yard, highlighted in yellow.

IV. REVIEW CRITERIA AND ANALYSIS

Section 72-379(1)a.4 of the Zoning Ordinance 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.

The applicant explains that the residence was built to the 25-foot setback in 1990 in a rectangular shape, leaving no room for a front porch. The applicant states that the design left the house with no distinguishing features and believes the addition of a front porch could increase the curb appeal of the property. However, there are other similarly shaped houses in the area with similar setbacks. Additionally, there are no special conditions associated with the lot. It is a corner lot, over twice the size required by the zoning classification.

Staff finds that this criterion is not met.
ii. The special conditions and circumstances do not result from the actions of the applicant.

The initial placement of the residence at the 25-foot setback, which restricts the ability to build a front porch without a variance, is not a result of the actions of the applicant, nor is the rectangular design of the residence. However, the placement of the porch in front of the residence is a result of the applicant’s actions.

Staff finds that this criterion is not met.

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.

The applicant contends that a literal interpretation of the setback requirement would deprive him of the right to have a front porch. While a front porch may be commonly enjoyed by other properties in the same zoning classification, it is not necessarily a right, nor is the encroachment into the front setback. Additionally, if the roof overhang had remained self-supported, it would be allowed to encroach up to 3.5 feet into the front yard, which is approximately 0.74 feet less than the currently constructed porch. A literal interpretation of this ordinance would also require the applicant to remove the front porch and restore the roof to its original configuration, or other configuration, which meets the requirements of the zoning ordinance. While this may be a financial hardship, it is not considered a hardship for the purposes of a variance request.

Staff finds that this criterion is not met.

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 that will make possible the ability to maintain the existing porch as constructed, and enable the owner to obtain the required building permits.

Staff finds that this criterion is met.

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.

The applicant argues that the front porch will add character and curb appeal to the lot, increasing property values in the neighborhood. It does not appear that the request will conflict with the general intent and purpose of the Volusia County Zoning Ordinance and Comprehensive Plan, which are to promote public health, safety, morals, and the general welfare; and to preserve the character, appearance and aesthetic qualities of Volusia County.

Staff finds that this criterion is met.
V. STAFF RECOMMENDATION

Deny variance, case number V-20-082, as these variance fails to meet three of the five criteria for granting said variance.

Should the PLDRC find that the applicant has provided competent substantial evidence to support approval of the variance, the following conditions are provided for consideration:

1. The variance is limited to the size and location of the porch as shown on the variance site plan attached to this report.

2. If the existing 70-square-foot front porch is removed or damaged in excess of 75% of its assessed value, as accessed by the Property Appraiser, any reconstruction of this structure shall thereafter comply with the applicable requirements of the zoning ordinance, or obtain approval for a new variance.

3. The property owner or authorized agent(s) shall obtain and complete all required building permits and inspections for the existing 70-square-foot front porch within 90 days of rendition of the variance determination.

VI. ATTACHMENTS

- Variance Site Plan
- Survey
- Written Petition
- Photographs
- Map Series
VII. AUTHORITY AND PROCEDURE

The commission may, except as otherwise provided in Section 72-379 of the zoning ordinance, 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.

Pursuant to Section 72-412, no variance shall be granted, in whole or in part, unless four members concur. A tie vote shall be grounds for continuance to the next scheduled meeting.

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.
VARIANCE SITE PLAN

A variance to reduce the north front yard from the required 25 feet to 20.76 feet for an existing covered porch.
"BOUNDARY SURVEY"
"REAL PROPERTY DESCRIPTION"

LOTS 1 TO 6, BLOCK P, SECOND ADDITION TO ORANGE CITY TERRACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 23, PAGES 93 THROUGH 94, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Survey

CERTIFIED TO:
JOSHUA RYAN DAILY

CLIENT: DAILY
JOB NUMBER: 20-24
CADD DWG. FILE: 20-24

COMMENTS | FIELD DATE | OFFICE DATE
---------|-----------|-----------

SCOTT'S SURVEYING SERVICES, INC.
LB # 7442
8 S. HWY. 17-92, SUITE B-A
DEBARY, FLORIDA
PH: (386) 668-7332 FAX: 668-7337

SURVEYOR'S NOTES:
1. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THE "REAL PROPERTY DESCRIPTION" SHOWN HEREIN IS IN ACCORDANCE WITH THE DESCRIPTION PROVIDED BY THE CLIENT.
3. NO UNDERGROUND IMPROVEMENTS OR VISIBLE INSTALLATIONS HAVE BEEN LOCATED OTHER THAN SHOWN.
4. BOUNDARIES ARE BASED ON THE CENTERLINE OF WILLIAMS AVENUE ASSUMED AS BEING N. 00'00" E. PER PLAT.
5. HAVING CONSULTED THE NATIONAL FLOOD INSURANCE PROGRAM FIRM, I HAVE DETERMINED THAT THE SUBJECT PROPERTY LIES IN ZONE "X" NOT A SPECIAL FLOOD AREA PER FIRM PANEL # 031270005, DATED 2-19-2014, VOLUSIA COUNTY, FLORIDA.

SURVEYOR'S CERTIFICATE:
This is to certify that this survey meets the standards of practice as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 55-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472:027, FLORIDA STATUTES.

FLORIDA REGISTRATION NUMBER 21557
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.

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.)

1. What special conditions and circumstances exist which are peculiar to your land, structure, building or sign that are not applicable to other lands, structures, buildings or signs in the same zoning classification. Are these special conditions and circumstances the result of actions by you?

When my house was constructed in 1990 it was built right at the 25ft setback. I would like add a no-enclosed from porch to my house to increase the curb appeal of the home as it is currently shaped like a rectangle with no distinguishing features. Also would allow my family to be shaded from the sun or rain when enter or leaving the home.

2. How would literal interpretation of the zoning ordinance deprive you of rights commonly enjoyed by other properties in the same zoning classification? How would this interpretation be an unnecessary and undue hardship on you?

Due to the 25ft minimum setback requirement to build on my property, I am unable to build a front porch to provide both shade from the sun and protection from the rain when entering the home or leaving.

3. Explain how the variance you are requesting is the minimum variance that will make possible the reasonable use of your land, building, structure, or sign.

My house is built right on the property's setback not allowing for any type of porch to be built on the front of the house. Allowing the variance would both allow shelter from the elements as well as increase curb appeal adding to the view of the neighborhood and house itself.

4. How is your request consistent with the general intent and purpose of the Volusia County Zoning Ordinance and Comprehensive Plan, which are to promote public health, safety, morals, and the general welfare; and to preserve the character, appearance and aesthetic qualities of Volusia County?

Reducing the setback from 25ft to 20ft would increase the visual appeal of the neighborhood, give the house a more visually appealing look, instead of the current rectangular shape. It would no look at of scale in the neighborhood but add to the value of the neighborhood showing a more complete home which character rather than the shape of a rectangle.

5. Explain how your request for a variance will not be injurious to the surrounding area.

There is no harm in adding the porch to the house for the neighborhood. It will increase the visual appeal of the house, and therefore the visual appeal of the neighborhood. The porch will not be out scale to the house or the neighborhood giving it a natural look that flows with the surrounding houses giving the neighborhood a more complete look. The porch would add value to the house, in turn adding value to the neighborhood.
View of front of house showing unfinished porch addition

View of side of house showing unfinished porch addition