



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
123 West Indiana Avenue, DeLand, Florida 32720
(386) 736-5959

PUBLIC HEARING: May 16, 2019 - Planning and Land Development Regulation Commission (PLDRC)

CASE NUMBER: V-19-050

SUBJECT: A variance to the minimum yard requirements on Rural Residential (RR) zoned property

LOCATION: 209 Riverbend Road, Ormond Beach

APPLICANT(S): Kenneth Lewis

OWNER(S): Same as above

I. SUMMARY OF REQUEST

The applicant is requesting a variance to the minimum front yard requirement of the zoning code to allow for an encroachment of four feet into the east front yard. The applicant acquired the property in April 2006. The irregularly shaped corner property is subject to front yard setbacks along its eastern and southern property lines due to roadway adjacency. The applicant seeks to add an attached garage to the residence. The proposed garage will be side-loaded and placed 35 feet from the east property line, at its closest point. Therefore, the applicant requests the following variance:

Variance: A variance to reduce the east front yard setback from 40 feet to 35 feet for an attached garage.

Staff Recommendation:

Deny the variance request, case number V-19-050, as the application fails to meet two of the five criteria for granting said variance.

II. SITE INFORMATION

1. Location: At the northwest corner of Riverbend Road and Treeline Lane, Ormond Beach
2. Parcel Numbers: 4136-01-03-0030
3. Property Size: 1.00 acres
4. Council District: 4
5. Zoning: Rural Residential (RR)
6. Future Land Use: Low Intensity Urban
7. Overlays: Natural Resource Management Area
8. Local Plan Area: Not applicable
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	EXISTING USE
North:	RR	Low Intensity Urban	Single-Family Residential
East:	RR	Low Intensity Urban	Single-Family Residential
South:	RR	Low Intensity Urban	Single-Family Residential
West:	RR	Low Intensity Urban	Single-Family Residential

10. Location Maps:



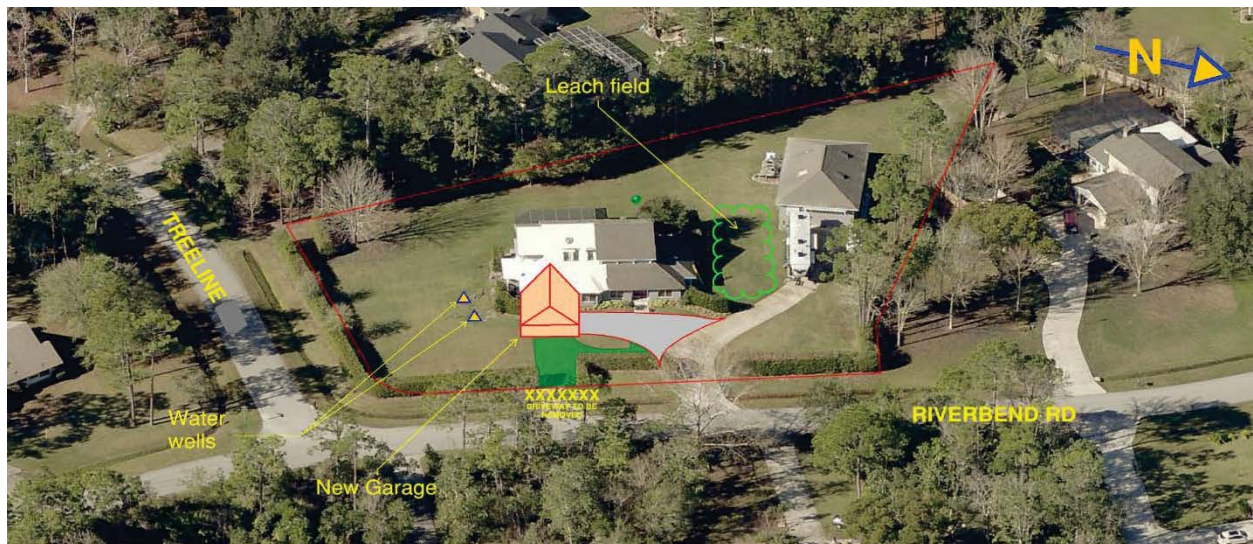
ZONING MAP



FUTURE LAND USE MAP

III. BACKGROUND AND OVERVIEW

The subject property is part of the Riverbend Acres Subdivision, Unit 1, as platted in March 1975. The pie-shaped irregular property is a corner lot with street frontages along its east and south property lines. The property has been zoned Rural Residential (RR) since the adoption of the Uniform Zoning Ordinance in 1980. The property is subject to 40-foot front yards along both street frontages, and 15-foot side yards along all other property lines. The property contains a two-story, 2,362-square-foot residence that was built in 1986 and a 1,632-square-foot detached RV garage that was built in 1997. Two driveways along Riverbend Road provide direct access to the property. Both the septic tank and leach field are positioned between the residence and the driveway leading to the RV garage. There are two wells situated between the residence's south wall and the south property line.



The applicant is proposing to add an approximate 798-square-foot, two-car garage to the residence. The garage will extend 4.33 feet (or 4 feet, 4 inches) into the Riverbend Road front yard, resulting in a setback of 35.67 feet (or 35 feet, 8 inches) from the east property line, or slightly under an eleven percent encroachment. The proposed entry to the garage will be side-loaded along the north wall, therefore the garage doors will not be directly visible from Riverbend Road. The south driveway access will be eliminated, and the remaining driveway will be reconfigured to access the new garage. The proposed garage will meet all other required setbacks.

IV. REVIEW CRITERIA AND ANALYSIS

Section 72-379(1)a.4, 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.

The subject property was platted as a corner lot with an irregular configuration. Of the 57 lots platted within the overall development, only four of them, including the subject property, are corner lots with a similar pie-shaped configuration. Rural lot designs such as this could pose development challenges because they bring about unique building envelopes that are not characteristic of typical rural lots. The current location of the house, septic facilities and water wells limit the number of potential locations for the new attached garage.

Staff finds that this criterion is met.

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

The property owner did not lay out the configuration of the property. The residence and the location of the wells and septic facilities predate the current ownership. These circumstances cannot be attributed to the current owner.

Staff finds that this criterion is 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.

Under the current zoning code, the applicant has the right to add to the existing residence. Neither the applicant, nor neighboring property owners, however, have the right to add building area that encroaches into required yard areas any more than that allowed under Section 72-277, subsections (6) and (7).

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.

Granting the variance is not the minimum necessary to allow the addition of the garage. The proposed garage could be resized or reconfigured to fit within the required setbacks. However, such changes might not accommodate two cars, as was originally intended.

Staff finds that this criterion is not 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.

Granting this variance will not be injurious to area property owners, nor will it compromise public health, safety and welfare. Pilasters, chimneys, balconies and overhangs are allowed under the code to extend into a required yard no more than 3.5 feet, which in this case would constitute an encroachment of under nine percent. In perspective, the requested encroachment is roughly under eleven percent, which is a nominal increase. Even though the new addition will result in a garage-prominent residential design, it is more favorable because the garage will be side-loaded, and the garage doors will not be directly visible from Riverbend Road. The proposed layout will reduce the number of driveway entries onto a roadway, thereby reducing the potential for accidents due to emerging traffic from neighboring properties.

Staff finds that this criterion is met.

V. STAFF RECOMMENDATION

Deny the variance request, case number V-19-050, as the application fails to meet two of the five criteria for granting said variance.

However, staff recommends the following conditions should this variance request be considered for approval:

1. The proposed building addition shall be located in the area as indicated on the site plan submitted to county staff on March 27, 2019.
2. The applicant shall obtain and complete all required building and development permits and inspections for the proposed building addition.

VI. ATTACHMENTS

- Variance Site Plan
- Written Petition
- Survey
- Building Elevations
- Site Photos
- Map Exhibits

VII. AUTHORITY AND PROCEDURE

The commission may, except as otherwise provided in Section 72-379 of the zoning code, authorize, after due public notice upon application on a form prescribed by the zoning enforcement official, such variance or variances from the terms of this ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provision of this ordinance would result in unnecessary and undue hardship. Said variance application shall be heard only if it is presented by the person owning 51 percent or more of the specific area of land involved or upon an administrative application by the county council.

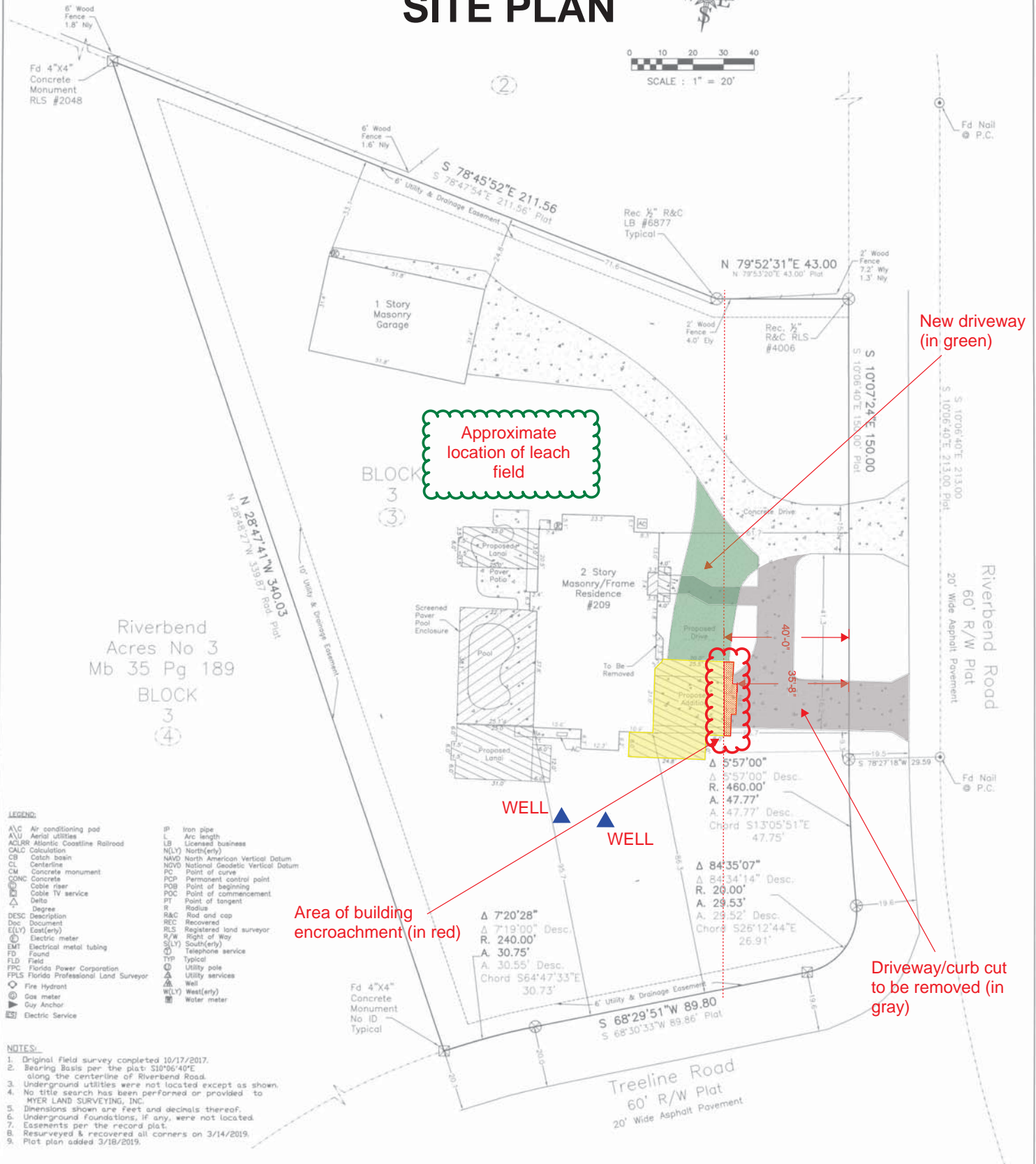
Any new information to be presented at the planning and land development regulation commission meeting for any application will be grounds to continue an application to the next planning and land development regulation commission meeting. Applicants shall inform and provide staff with the new information prior to the planning and land development regulation commission meeting.

BOUNDARY SURVEY

VARIANCE SITE PLAN



0 10 20 30 40
SCALE: 1" = 20'

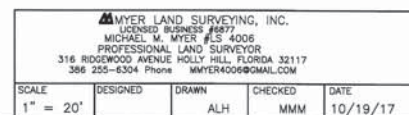


Written Petition for a Variance

1. The special conditions that concern our request for a 3' variance are mainly about safety, not only for our children, but of the traffic conditions for our entire Riverbend Acres Association. We have limited options to improve the traffic conditions because the property is on a corner and is considered to have two front yards. The structure is unable to be built on the south side of the property due to the existing wells (see page #3). Also the structure being placed on the south side of the property would require the driveway to enter and exit on the side street of Treeline Lane (see page #1 Item 1) which would only make it more unsafe. The septic tank and draining fields prohibit the structure being built on the northside (see page #1 Item 3). The current location of the two driveways are unsafe for flow of traffic going south to north on Riverbend Road, which is the only outlet for the entire association. The owner has received the approval of the Riverbend POA for this variance on March 20, 2019 (see page # 10). Maintaining the position of the garage facing Riverbend Road has proven to be too close to the blind turn from Treeline Lane (see page #1 Item 1) and does not solve the safety concerns of exiting the drive way so close to Treeline. Rotating the structure so that the garage opens parallel to Riverbend requires only a 3' variance as appose to the 7' variance that would be required for the structure to open directly toward Riverbend and once again not solving our safety concerns.
2. If the garage was installed within the literal interpretation of the zoning ordinance the structure could not be a 2-car garage. It would impede on the proper function of the garage. Due to the pre-existing conversion of the garage there is not enough depth to build the garage facing Riverbend Road without also requesting a variance and not addressing the safety concerns of its proximity to the blind turn from Treeline (see page #2).
3. We are only requesting the minimum variance of 3' to rotate a two garage to open parallel with Riverbend Road while keeping the garage as close to the house as possible. These few extra feet will allow the garage to properly function, allowing vehicles to properly enter and exit. Moving the point of entry improves the safety not only of our children riding bikes, but for the flow of traffic entering the neighborhood (see page #3 noting this survey does not include the plotted structure). This still provides the county with ample front yard space and a safer crossing of on coming traffic by making a minor exception to the zoning ordinance.
4. This request, we believe, is going to greatly improve public safety while preserving the appearance and aesthetic qualities of Volusia County. We have extensively reviewed the safety concerns of when currently backing out of the existing driveway into oncoming traffic other drivers will panic thinking we have a blind spot and they swerve into on coming traffic lanes to simply avoid us waiting to back out. The small variance will benefit the community as a whole in terms of traffic and safety. We propose removing the existing driveways (as seen in page #3). During this past summer the county attempted to clear the swells and in doing so the sand below the current driveways has begun to wash away causing additional cracks and damage to the driveways above the

drain pipes (see pages #7-9). The county has repaired a portion of this drive way and as we suspect may have to repair more of the apron but the owner is will to put in a new driveway at the owners expense. As seen on the proposed “new” elevation plans (see page # 4) the addition will match the entire residence. The existing plans can be seen on page #5 to compare the changes being proposed. The owner is choosing to update the exterior appearance of the entire residence so that the new structure transitions seamlessly to the existing home. We are adding to the revitalization of our neighbor and taking pride in where we live.

5. Our requested for a 3’variance will not cause any foreseeable injury to the surrounding areas. This variance does not affect any utilities to the house or to the neighborhood. It will not impede future plans that the association or county might have if plans ever arise for sidewalks, sewer systems, city water and or fire hydrants. We truly believe that we are contributing to the safety of all who drive by our property, while adding to the beauty of our home.



#4



CUSTOM LUXURY ESTATES
ARCHITECTURAL DESIGN & SPEC.
BUILDER'S MODEL & SPEC.
PLANNERS & CONSULTANT

S. Jannini inc.

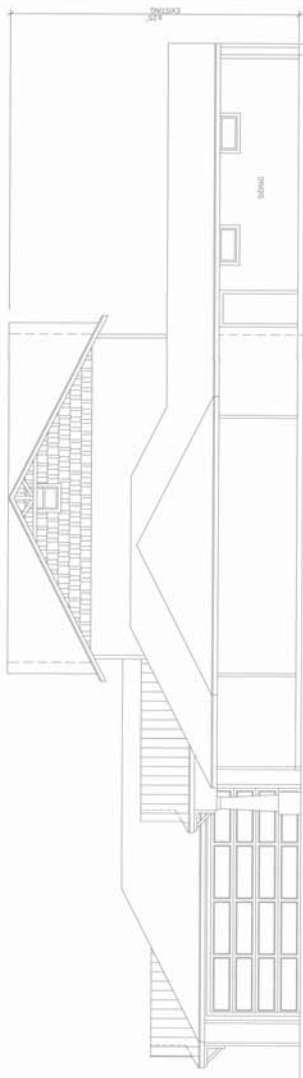
PROPOSED CUSTOM RESIDENCE
FOR: MR. & MRS.
LEWIS

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REVISION	DATE
1	01/18/2018
2	02/15/2018
3	03/15/2018
4	04/15/2018
5	05/15/2018
6	06/15/2018



NEW FRONT ELEVATION



NEW RIGHT SIDE ELEVATION



NEW REAR ELEVATION



NEW LEFT ELEVATION

C#



S. Jannini inc.

-CUSTOM LUXURY HOMES
 -RESIDENTIAL DESIGNER
 -ARCHITECTURAL & INTERIOR
 -FINISHES & CONSTRUCTION

PROPOSED CUSTOM RESIDENCE
 FOR MR. & MRS.
 LEWIS

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DATE	10/15/18
PROJECT NO.	2018-017
PROJECT NAME	PROPOSED CUSTOM RESIDENCE
DATE	10/15/18
SECTION NO.	12
SHEET NO.	12 OF 12





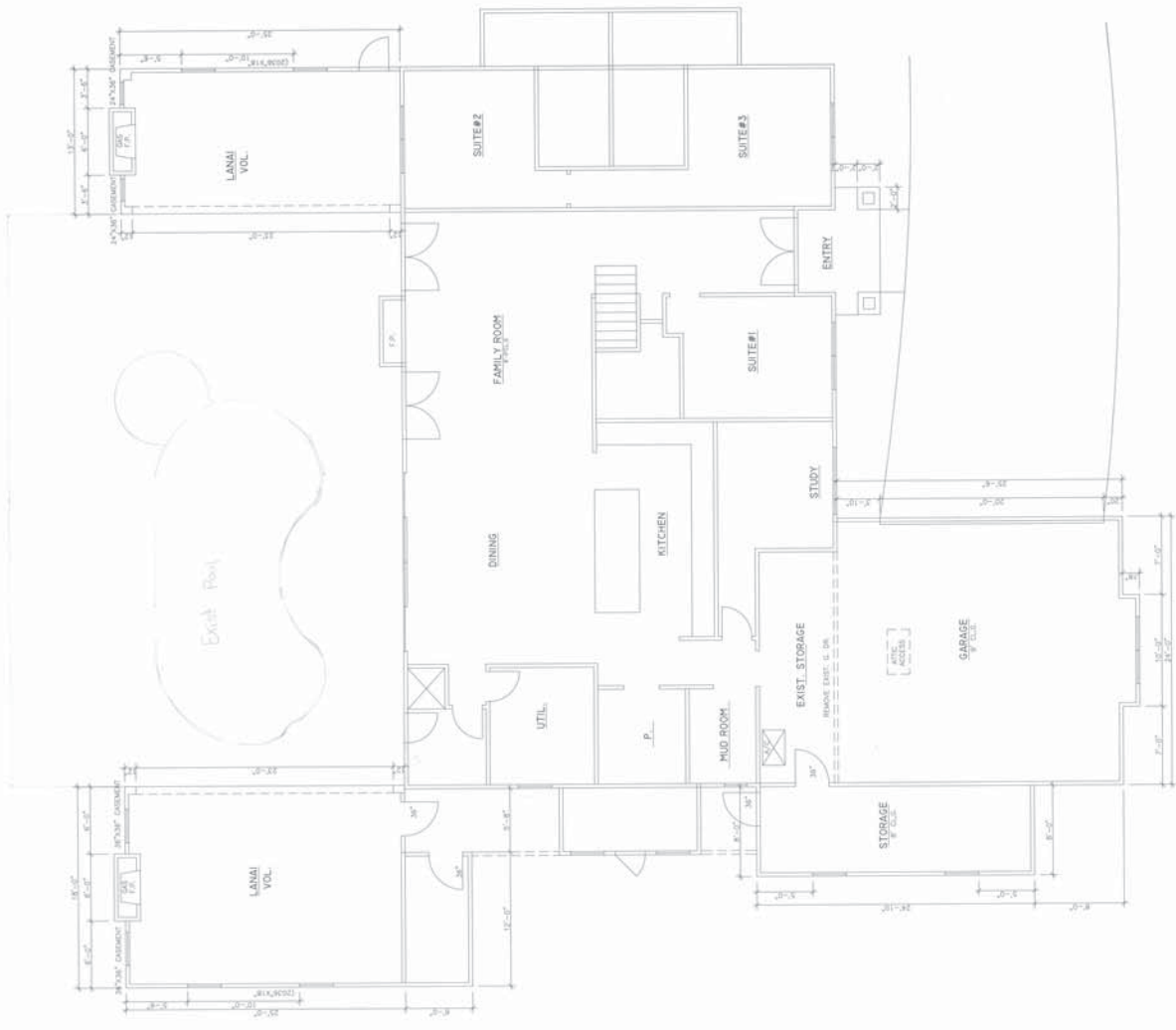
CUSTOM LUXURY ESTATES
RESIDENTIAL ARCHITECTURE
DESIGN, CONSTRUCTION & INTERIOR
PLANNING & CONSULTANT

S. Jannini inc.

PROPOSED CUSTOM RESIDENCE
FOR MR. & MRS.
LEWIS

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THE WRITTEN PERMISSION OF S. JANNINI INC.

DATE	10/10/18
PROJECT NO.	2018-01
PROJECT NAME	LEWIS
DATE REVISED	10/10/18
REVISION NO.	1
REVISION	1
3 OF 6	



NEW FLOOR PLAN

SCALE: 1/8" = 1'-0"

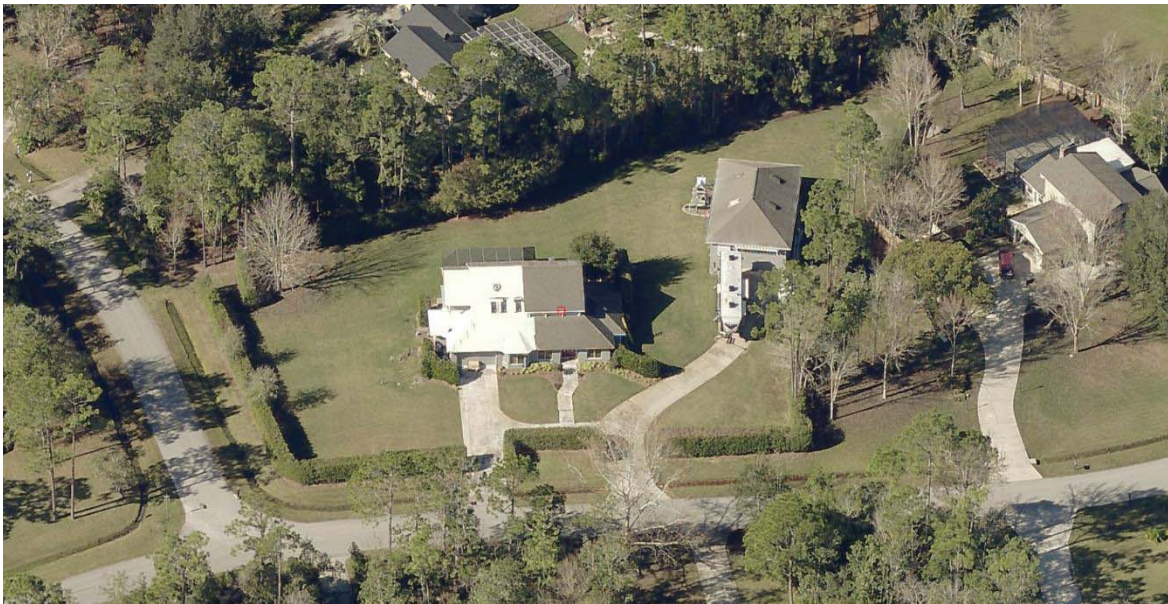
#-6

Site Photos: V-19-050, Lewis

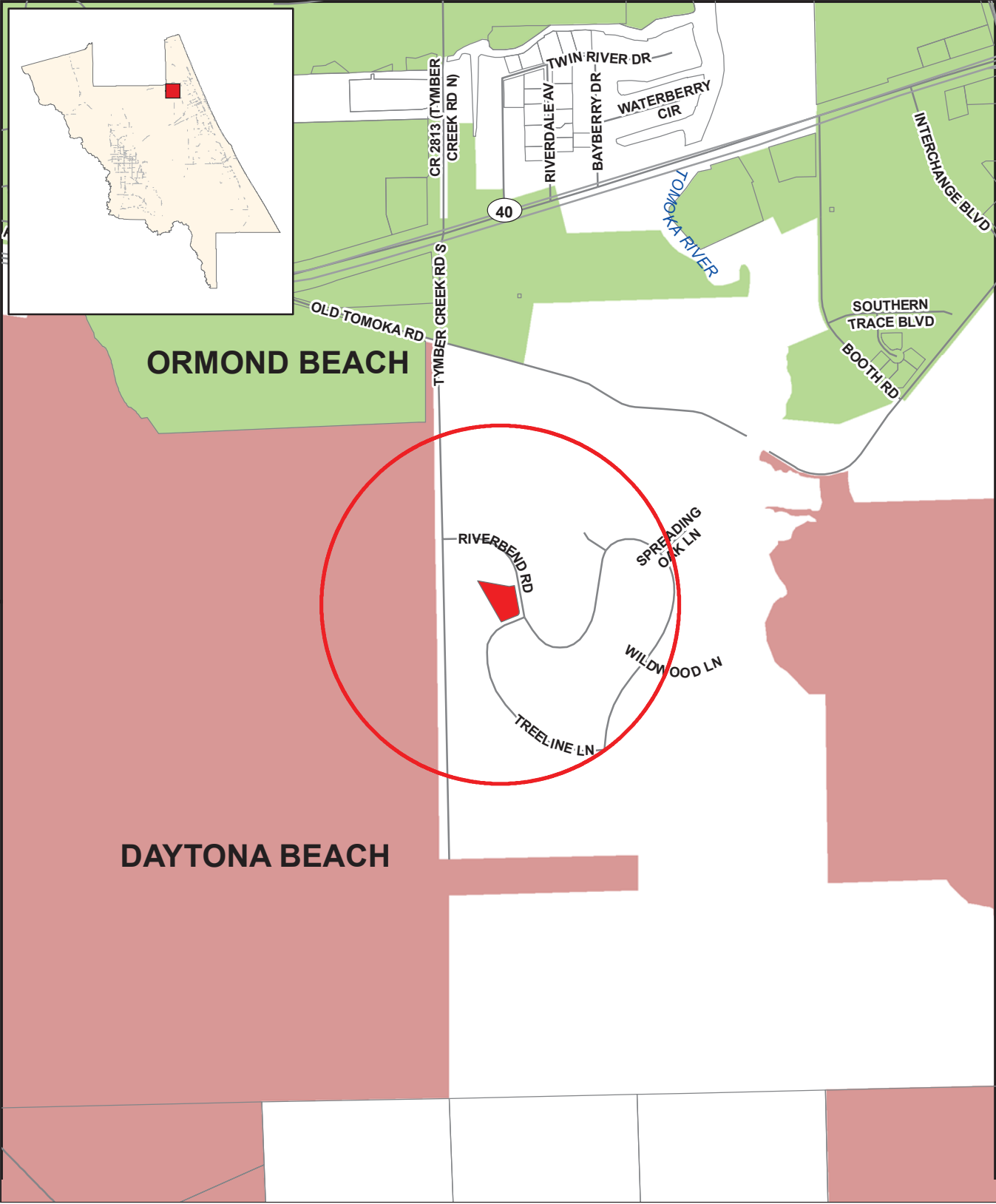
Bird's Eye Aerial, Subject property looking north



Subject property looking east



PROPERTY LOCATION
V-19-050

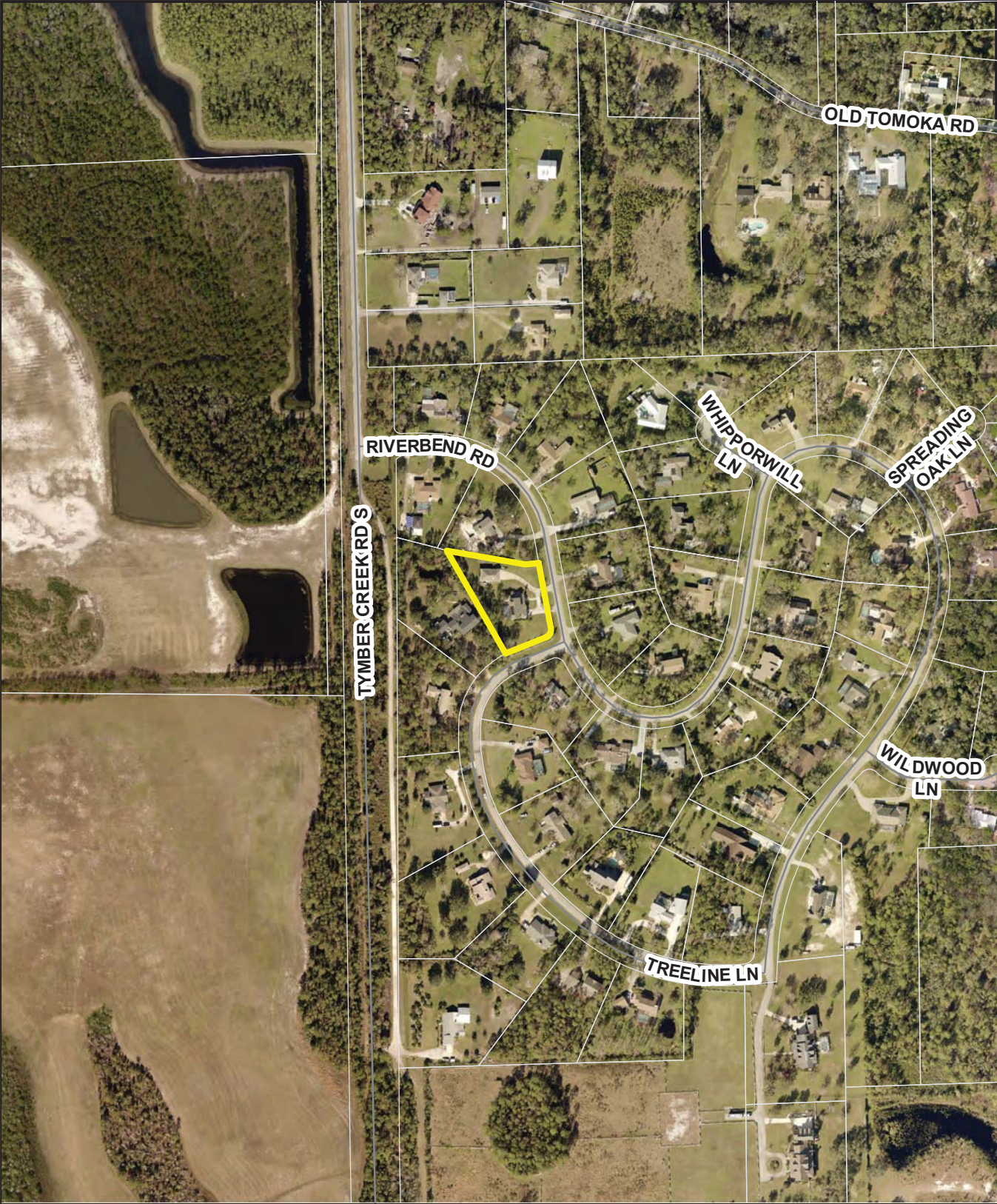


 SUBJECT PROPERTY



1" = 1,000'
3/29/2019

AERIAL
V-19-050



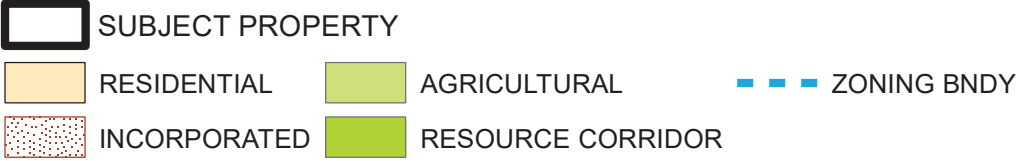
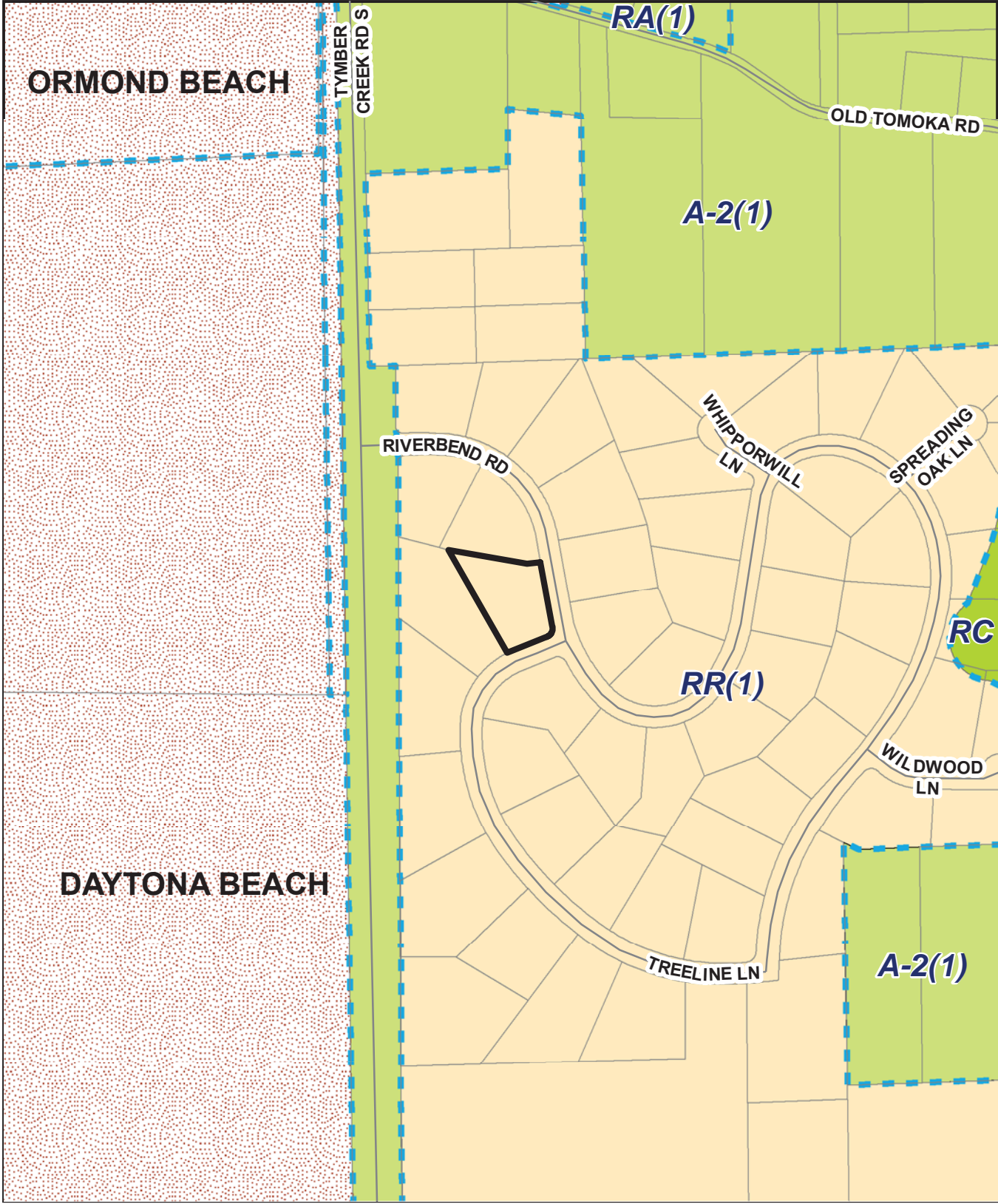
 SUBJECT PROPERTY

IMAGE DATE 2018

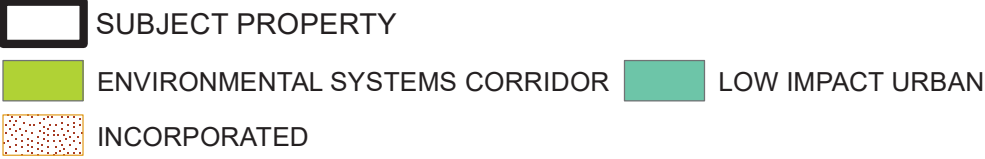
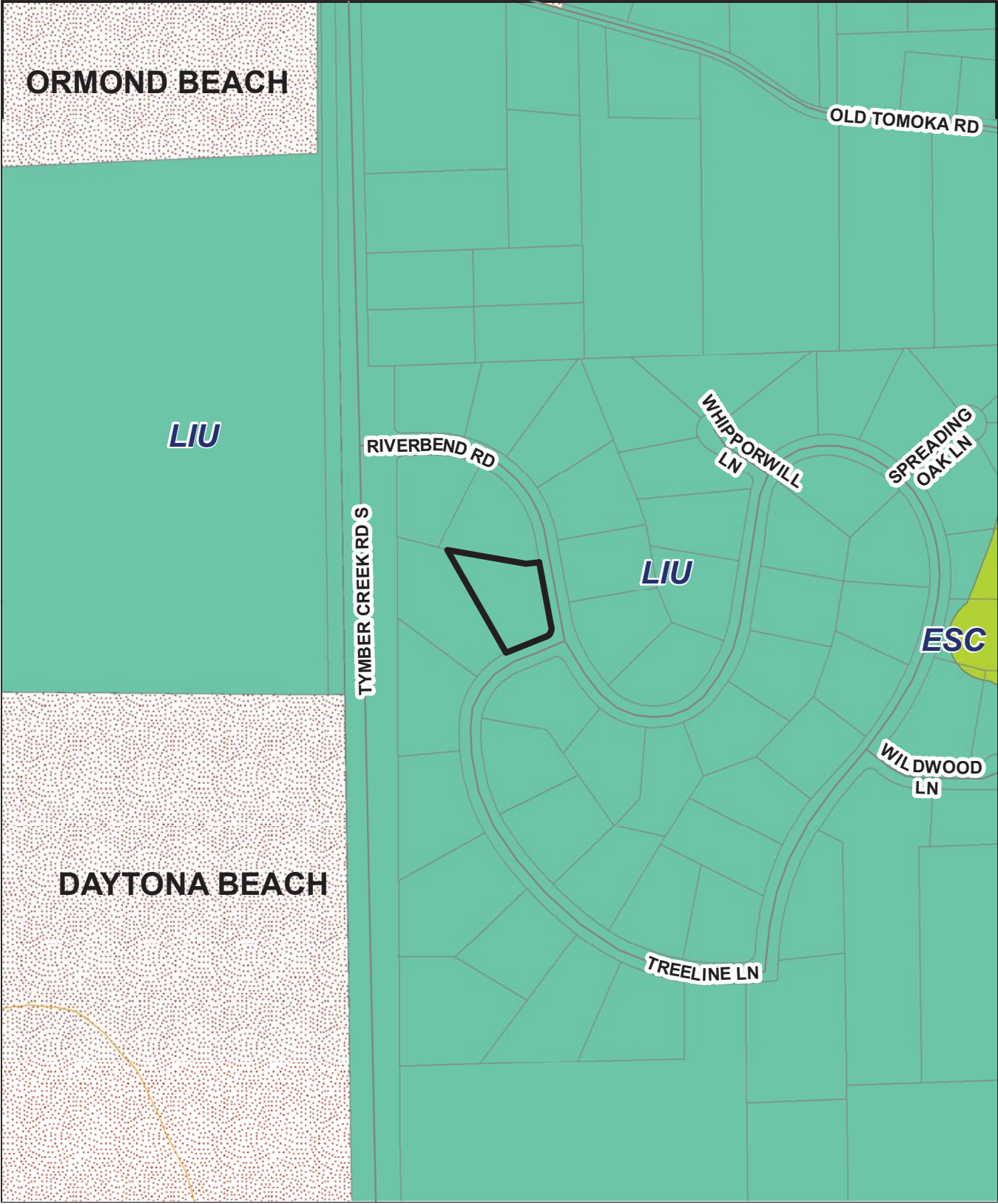



1 " = 400 '
3/29/2019

ZONING CLASSIFICATION
V-19-050

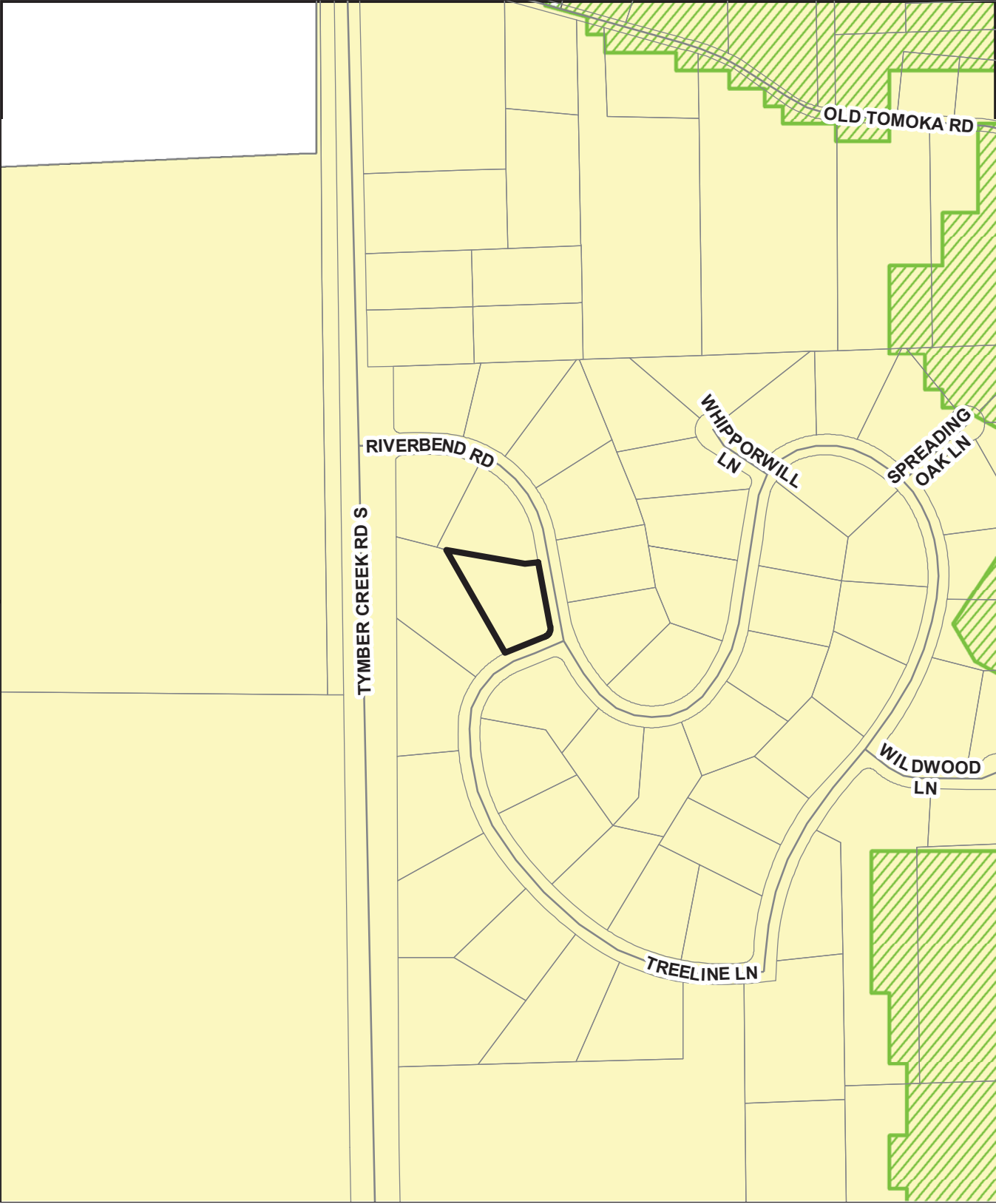





FUTURE LAND USE
V-19-050



 1" = 400'
3/29/2019

ECO/NRMA OVERLAY
V-19-050



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1 " = 400 '
3/29/2019