



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-19-054

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

LOCATION: 2120 Depot Road, DeLand

APPLICANT(S): Martin and Beulah Chandler

OWNER(S): Same as above

I. SUMMARY OF REQUEST

The applicants request a variance to the minimum rear yard requirement of the zoning code to allow for an encroachment of fifteen feet into the rear yard for an accessory structure exceeding 500 square feet in size. The property is heavily wooded and contains a sharp, westerly downward slope. The applicants seek to install a detached garage in back of the residence. The proposed garage will be placed 25 feet from the rear (south) property line, which will be an encroachment of 15 feet. Therefore, the applicants request the following variance:

Variance: A variance to reduce the rear yard setback from 40 feet to 25 feet for an accessory structure.

Staff Recommendation:

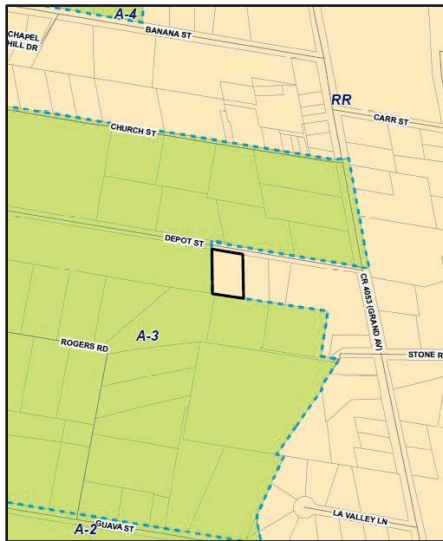
Deny the variance request, case number V-19-054, as the application fails to meet two of the five criteria for granting said variance.

II. SITE INFORMATION

1. Location: The south side of Depot Street, approximately 755 feet west of Grand Avenue, DeLand
2. Parcel Numbers: 6944-01-00-0679
3. Property Size: 1.23 acres
4. Council District: 1
5. Zoning: Rural Residential (RR)
6. Future Land Use: Rural
7. Overlays: Not applicable
8. Local Plan Area: Not applicable
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	EXISTING USE
North:	A-3	Rural	Vacant residential; Single-Family Residential
East:	RR	Rural	Single-Family Residential
South:	A-3	Rural	Vacant residential; Single-Family Residential
West:	A-3	Rural	Agricultural

10. Location Maps:



ZONING MAP



FUTURE LAND USE MAP

III. BACKGROUND AND OVERVIEW

The subject property is identified as Lot number 8 of the Carson Unrecorded Subdivision that was approved in 1979. The applicants acquired the property in March 2019. The parallelogram-shaped property, which is located in the Glenwood neighborhood, is oriented north-to-south and is heavily wooded. The property contains an east-to-west downward slope near the northwest corner of the property, with a drop of up to twenty feet. The property appears to have been originally classified as Urban Single Family Residential (R-4) upon the adoption of the Uniform Zoning Ordinance in June 1980. In May 1994, the property was reclassified Rural Residential (RR) under the administrative rezoning for west Volusia County. At 1.23 acres in size and 165 feet in width, the property meets the minimum RR development standards. The previous zoning classification required a 25-foot front yard, 20-foot rear yard and 20-foot combined side yards. The property is now subject to a 40-foot front and rear yard and 15-foot side yards. The property contains a two-story, 3,230-square-foot residence that was built in 1984. The residence is set back at least 151 feet from the front property line. Consequently, the residence is roughly 82 feet from the rear property line.



The applicants are proposing to install an approximate 900-square-foot (30 feet by 30 feet) garage to the rear of the residence. Per Section 72-277 (1)e, Zoning Code, accessory buildings of 500 square feet or less in size may be permitted no less than five feet from a rear or side property line. Since the proposed garage exceeds this threshold, it must adhere to the minimum yard setbacks of the principal structure, which is a 40-foot rear yard and a 15-foot side yard. The garage will extend 15 feet into the rear yard, resulting in a setback of 25 feet from the south property line. The proposed garage will be located near the southeast corner of the property, which appears to be one of the few areas of the property containing the least amount of tree coverage. The applicants chose this area in order to preserve both the widespread tree canopy and any existing azalea and viburnum landscaping. The applicants also wish to avoid excessive cuts and fills on the property for a new building pad in order to preserve existing drainage patterns. 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 contains substantial tree canopy and a large amount of understory growth. The house is located at a distance from the front property line that is roughly four times the size of a typical front yard for a Rural Residential property. This has resulted in a smaller development envelope in back of the residence. The harsh downward slope near the northwest corner of the property further limits opportunities for new building placement. The 1994 administrative rezoning from R-4 to RR also impacted the development envelope of the property; had the previous R-4 zoning remained in place, a variance would not have been necessary.

Staff finds that this criterion is met.

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

The property owners did not choose the current location of the residence. The property owners did not contribute to the extent of landscape or the terrain features found on the property. The 1994 administrative rezoning predates the current property ownership.

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 applicants have the right to place an accessory building that is 500 square feet or less in size within five feet of a rear or side property line. It is the applicants' personal preference for a larger accessory building that is driving the need for the variance. Neither the applicants, nor neighboring property owners 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 proposed garage. The proposed garage could be resized to fit within the required setbacks, or the garage could be simply relocated to another area of the property. However, such changes might not accommodate the needs of the applicants. Additionally, relocations to other areas of the property could impact the existing tree canopy and understory landscaping, while any cuts and fills necessary to achieve a proper building pad could negatively impact the area's natural drainage.

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. The applicants have reached out to area property owners and have obtained their support for the proposal. The proposal appears to further the intent of Division 10 of Chapter 72 of the County's Code of Ordinances governing tree preservation by utilizing a portion of the property that does not contain substantial tree and understory growth. The preservation of existing landscaping, such as viburnum hedges, will also provide suitable buffers that will benefit neighboring properties.

Staff finds that this criterion is met.

V. STAFF RECOMMENDATION

Deny the variance request, case number V-19-054, 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 garage shall not encroach any further into the rear yard setback than what is indicated on the variance site plan.
2. The applicant shall obtain and complete all required building and development permits and inspections for the proposed garage.

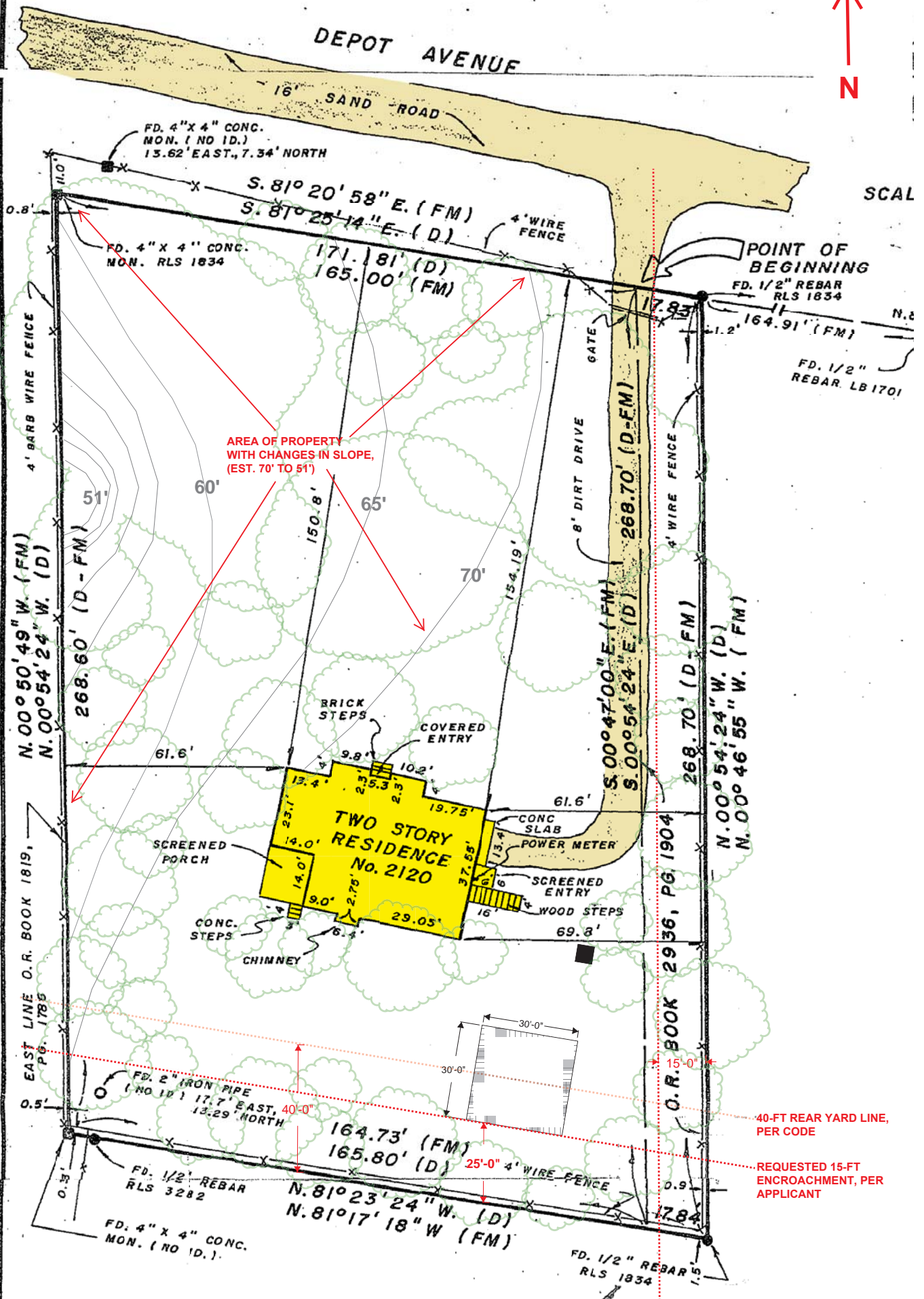
VI. ATTACHMENTS

- Variance Site Plan
- Written Petition
- Letters of Support
- 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.





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.

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?

The house was built in 1984, prior to our ownership of the property. Our property is heavily wooded. As a result, there are very, if any, clear areas on the property where we can place a new garage or any other secondary building. There is a very substantial drop in elevation between our house and the west property line. If we were to use this area for the new garage, we would need to bring in several tons of fill dirt and remove several large and beautiful trees that have been on the property for decades.

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?

The present location of our house, which is placed further back from the front property line than normal, as well as the sharp drop in elevation in front of our house and the large amount of trees and vegetation on the entire property, makes it difficult for us to place the shed in accordance with the minimum yard rules of the zoning ordinance.

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.

This variance will help us make better use of our land. We will be able to add much needed storage on our property. We will be able to do this in a way that will preserve our large oak trees and azaleas. The variance will also help keep us from disrupting the land and dramatically changing both the present look of the area and the natural drainage patterns of the area.

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?

Granting the variance will not pose a safety hazard to the general public. The appearance and aesthetic character of the property and the area will be preserved. The property contains large oak trees, azaleas and viburnum that we would like to keep. Granting the variance will help us further one of the most important goals of Volusia County, the goal of preserving trees and ground vegetation.

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

Approval of the variance will not harm the surrounding area. We have enclosed letters of support from our neighbors. The variance will allow us to utilize one of the few clear areas on our property without having to disrupt the land any more than we need to. This will help us to preserve our trees and avoid creating harmful drainage impacts on the area.

Ruth Behrens
2100 Depot Street
DeLand, Florida 32720

April 25, 2019

Volusia County Planning and Development
123 West Indiana Avenue
DeLand, FL. 342720

Volusia County Planning and Development Board;

This letter is to verify that 2120 Depot Street in Glenwood, Florida, owned by Martin E Chandler and Beulah S. Chandler joins my property on the west side, the side setback on their property is now 15 feet and the back (south) setback is 40 feet. They are requesting that the south side be changed to 25 feet. I have no objection this change. When they build the garage, this change will save a lot of very large azaleas and 3 oak trees, I have many azaleas across the fence and these add a lot of beauty when they bloom

Thanking you for your consideration, we remain

Sincerely,

A handwritten signature in cursive script that reads "Ruth Behrens".

Ruth Behrens

Larry and Linda Landrum
2090 Stone Road
Post Office Box 229265
Glenwood, FL. 32722-9265

April 25, 2019

Volusia County Planning and Development
123 West Indiana Avenue
DeLand, FL. 342720

Volusia County Planning and Development Board;

Our property is located directly behind 2120 Depot Street in Glenwood, Florida, owned by Martin E Chandler and Beulah S. Chandler. The back (south) setback on their property is now 40 feet, they are requesting to have that setback changed to 25 feet. We have no objection this change. By changing the setback it will save 3 oak trees and several large azaleas when they build their garage.

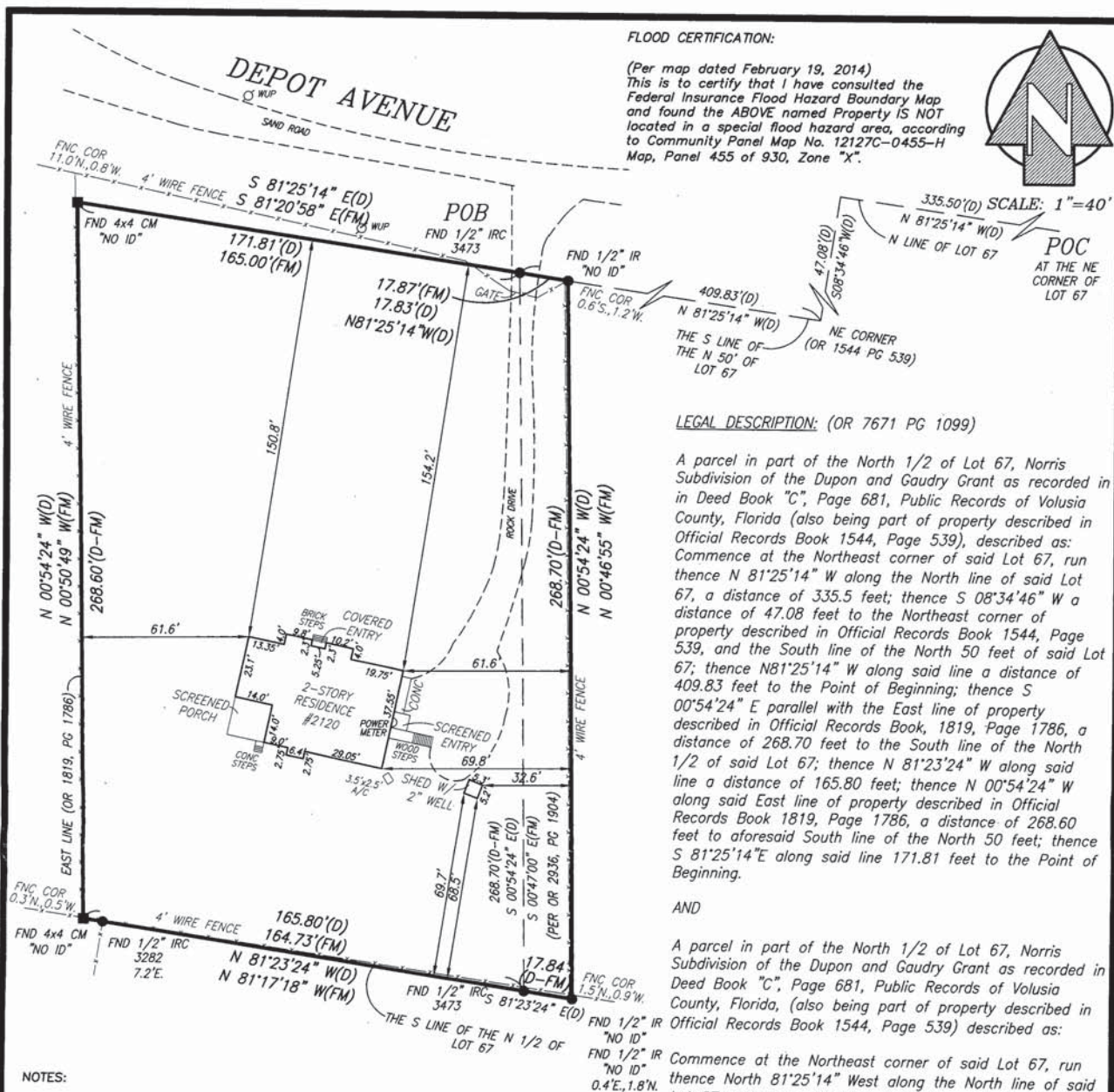
Thanking you for your consideration, we remain

Sincerely,


Linda Landrum


Larry Laandrum

(Per map dated February 19, 2014)
This is to certify that I have consulted the
Federal Insurance Flood Hazard Boundary Map
and found the ABOVE named Property IS NOT
located in a special flood hazard area, according
to Community Panel Map No. 12127C-0455-H
Map, Panel 455 of 930, Zone "X".



I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND THAT IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE (MINIMUM TECHNICAL STANDARDS) AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE, SECTION 472.027, FLORIDA STATUTES.

Commence at the Northeast corner of said Lot 67, run thence North 81°25'14" West along the North line of said Lot 67 a distance of 335.5 feet; thence South 08°34'46" West a distance of 47.08 feet to the Northeast corner of property described in Official Records Book 1544, Page 539 and the South line of the North 50 feet of said Lot 67; thence North 81°25'14" West along said line a distance of 409.83 feet to the Point of Beginning; thence South 00°54'24" East parallel with the East line of property described in Official Records 1819, Page 1786, a distance of 268.70 feet to the South line of the North 1/2 of said Lot 67; thence South 81°23'24" East along said line a distance of 17.84 feet; thence North 00°54'24" West a distance of 268.70 feet to aforesaid South line of the North 50 feet; thence North 81°25'14" West along said line 17.83 feet to the Point of Beginning.

A	Arc Length	LS	Land Surveying Business
AM	AutoCAD Landmark	MAB	Map Book
BM	Benchmark	MON	Monument
C	Center Line	NV	North & Cap
CAY	Cable Lay Service	NO ID	No Identity
CLF	Chokmahin Fence	OR	Official Record Book
CHBB	Chord Bearing	(P)	Pi
CHD	Chord Distance	PC	Point of Curve
CMC	Concrete	PCP	Point of Compound Curve
C/P	Concrete Utility Pole	PP	Permanent Control Point
C/S	Center of Station	PR	Point of Reverse Curve
D	Dead Coal	PRM	Permanent Survey Measurement
DAWM	Diagram of Way	PSI	Point of Street Intersection
E	Elevation	PSM	Professional Surveyor & Mapper
FND	Find	PVC	Poly-Vinyl-Chloride Pipe
FV	Fire Hydrant	R	Radius of Curve or Road Line
FL	Finish Road Elevation	R.P.	Radius Point
(FM)	Field Measurement	RLS	Registered Land Surveyor (Ancient)
INV.	Instrument	TM	Temporary Benchmark
IR	Iron Rod	WPF	Wood Privacy Fence
JRC	Iron Rod & Cap	WUP	Wood Utility Pole
L	Length of Arc		

995 W. VOLUSIA AVE. • DELAND, FL. • PH: (386)-734-8050
WWW.BLACKWELLSURVEYING.COM

This Survey / Sketch has been prepared without benefit of abstract or title search unless otherwise noted hereon.

There may be additional restrictions and/or other matters of record not shown on this Survey / Sketch that may be found in the Public Records of the county or contained within the Title Commitment.

MARTIN CHANDLER

BLACKWELL & ASSOCIATES, LAND SURVEYORS, INC. (B.B. 5675)
BY: *Robert R. Levers*
REGISTERED LAND SURVEYOR
STATE OF
ROBERT R. LEVERS
FLORIDA CERTIFICATE NO. 5675

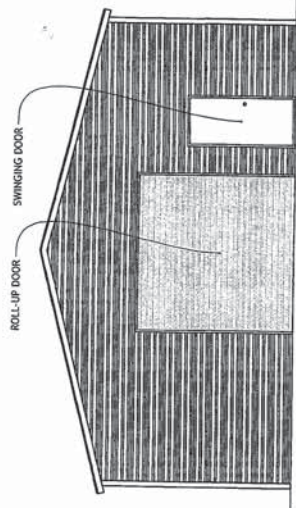
DATE :	4/26/19
W.O. No.	7-757-00
DRAWN BY :	RC
FIELD BOOK :	729 PG 6
CADD FILE :	7-757-00

FLORIDA BUILDING CODE APPROVED PRODUCTS LIST

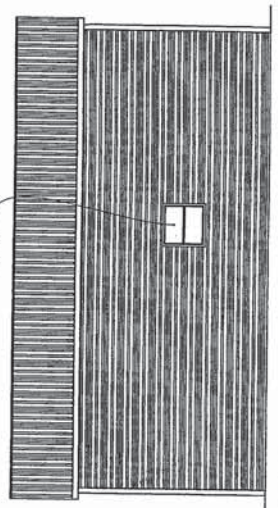
PRODUCT CATEGORY	SUB CATEGORY	MANUFACTURER	APPROVAL No. & DATE
STRUCTURAL COMPONENTS	ROOF DECK	UNION CORRUGATING COMPANY 26 Gauge MasterRib Panel	FL9555-2-R4 12/12/17
STRUCTURAL COMPONENTS	STRUCTURAL WALL	UNION CORRUGATING COMPANY 26 Gauge MasterRib Panel	FL9555-2-R4 12/12/17
EXTERIOR DOORS	ROLL-UP	OVERHEAD DOOR CORPORATION 790 SERIES	FL12111-2-R7 09/20/17
EXTERIOR DOORS	SWINGING	ELIXER INDUSTRIES GA. Series 202-205	FL17996-1-R1 02/04/18
WINDOWS	SINGLE HUNG	MI WINDOWS AND DOORS Model 185 SH	FL17499-1-R2 12/29/17

GENERAL NOTE:

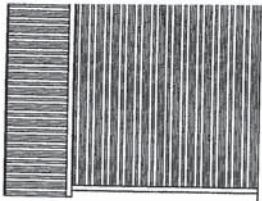
- THESE PLANS PERTAIN TO THE DESIGN OF THE BUILDING. LOCAL ZONING REQUIREMENTS SHALL BE OBTAINED FROM THE LOCAL ZONING DEPARTMENT.
- THESE STRUCTURES ARE TO BE CONSIDERED AS NON-HABITABLE UTILITY/STORAGE BUILDINGS. RISK CATEGORY (I) CAPABLE OF SUPPORTING DEAD LOAD OF THE STRUCTURE AND IMPROVEMENTS NOT SPECIFICALLY ADDRESSED HEREIN, INCLUDING DOORS, WINDOWS, OR OTHER COMPONENTS NOT LISTED IN THE EBC (ET), AND NOT PROVIDED AND INSTALLED BY WHITTAKER BUILDINGS, WHICH EXERT ADDITIONAL LOADS ON THE STRUCTURE SHALL BE AT THE USER'S RISK. BECHTOL ENGINEERING & TESTING, INC., SHALL NOT BE RESPONSIBLE FOR STRUCTURAL DAMAGE OR FAILURE DUE TO THE APPLICATION OF ADDITIONAL LOADS.
- ALL STEEL TUBING SHALL BE GALVANIZED OR STAINLESS STEEL.
- ALL COMPONENTS (DOORS, WINDOWS, ETC.) SHALL BE INSTALLED ACCORDING TO MANUFACTURER'S INSTALLATION INSTRUCTIONS.
- FASTENERS SHALL BE 1/4" x 1" SELF-DRILLING SCREWS WITH CONTROL SEAL WASHER @ MAXIMUM 9" O.C.
- ALL FIELD FRAMING CONE SHALL BE 1/4" x 1" SELF-DRILLING SCREWS WITHOUT CONTROL SEAL WASHER. ALL SHOP FRAMING CONNECTIONS SHALL BE WELDED.
- CONCRETE SHALL HAVE A MINIMUM STRENGTH OF 2500 PSI AT 28 DAYS. THE REINFORCING STEEL SHALL BE MINIMUM GRADE 40. CONCRETE SLAB SHALL BE 6" THICK. ALL WELDED WIRE FABRIC SHALL BE 18" x 18" WITH SYNTHETIC FIBER REINFORCEMENT COMPLYING WITH ASTM C1116.
- CONCRETE EXPANSION JOINTS SHALL BE WEL-IT ANHR-TITE MODEL AT1252, OR SLEEVE ANCHOR MODEL HSA 1240, OR EQUIVALENT.
- DOORS AND WINDOWS SHALL BE INSTALLED ACCORDING TO MANUFACTURER'S INSTALLATION INSTRUCTIONS.
- 14 GA FRAMING IS 2" x 3"



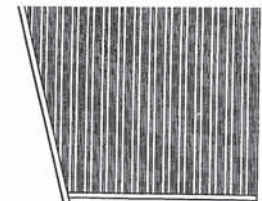
FRONT ELEVATION
SCALE: 1/8" = 1'



LEFT SIDE ELEVATION
SCALE: 1/8" = 1'



RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'

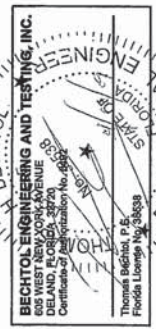


REAR ELEVATION
SCALE: 1/8" = 1'

SUPPLIED BY
WHITTAKER BUILDINGS
385 DAWSON BROWN ROAD
DELEON SPRINGS, FL 32130

THESE ENGINEERING DRAWINGS ARE THE PROPERTY OF
BECHTOL ENGINEERING & TESTING, INC. AND WHITTAKER
BUILDINGS. THESE DRAWING MAY NOT BE REPRODUCED
WITHOUT THE WRITTEN CONSENT OF BECHTOL
ENGINEERING & TESTING, INC., AND WHITTAKER BUILDINGS.

THIS IS TO CERTIFY THAT THE CALCULATIONS AND
SPECIFICATIONS HAVE BEEN PREPARED BY
THE UNDERSIGNED PROFESSIONAL ENGINEER AND
ARE IN ACCORDANCE WITH THE REQUIREMENTS OF
SECTION 1609 OF THE FLORIDA BUILDING CODE,
SIXTH EDITION (2017). THE PLANS ARE VALID
UNTIL THE NEXT REVISION OF THE FLORIDA
BUILDING CODE.



PROPOSED UTILITY STRUCTURE
4682 STATE ROAD 11
DELAND, FLORIDA



DATE	4/10/19
DESIGNED BY	RR
NOTED BY	RR
REVISION	13
PROJECT NO.	G17028
SHEET	1 OF 3

PLEASE NOTE: THIS IS AN ILLUSTRATION OF THE PROPOSED GARAGE TO BE
INSTALLED BY THE APPLICANTS AND NOT THE ACTUAL BUILDING

Site Photos: V-19-054, Chandler

Driveway approach to back yard/new building site



Looking south, toward back yard/new building site



Back yard/new building site, looking north



Back yard, near SE corner of property



Back yard, looking west



West side yard, looking northward



West side yard, looking northward



Front yard, looking northward to Depot St.



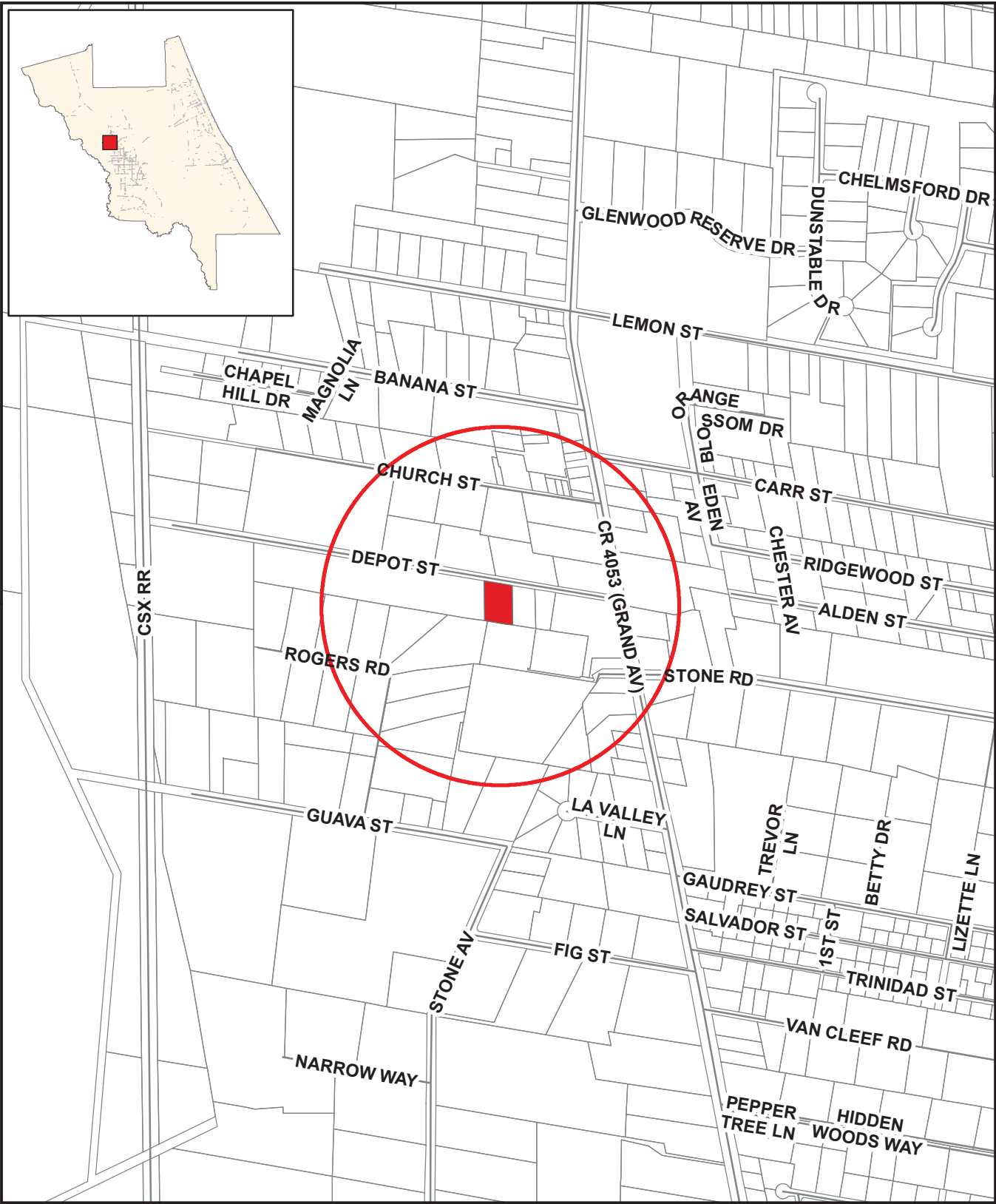
Front yard, looking southward to residence



Property entrance along Depot St.



PROPERTY LOCATION
V-19-054

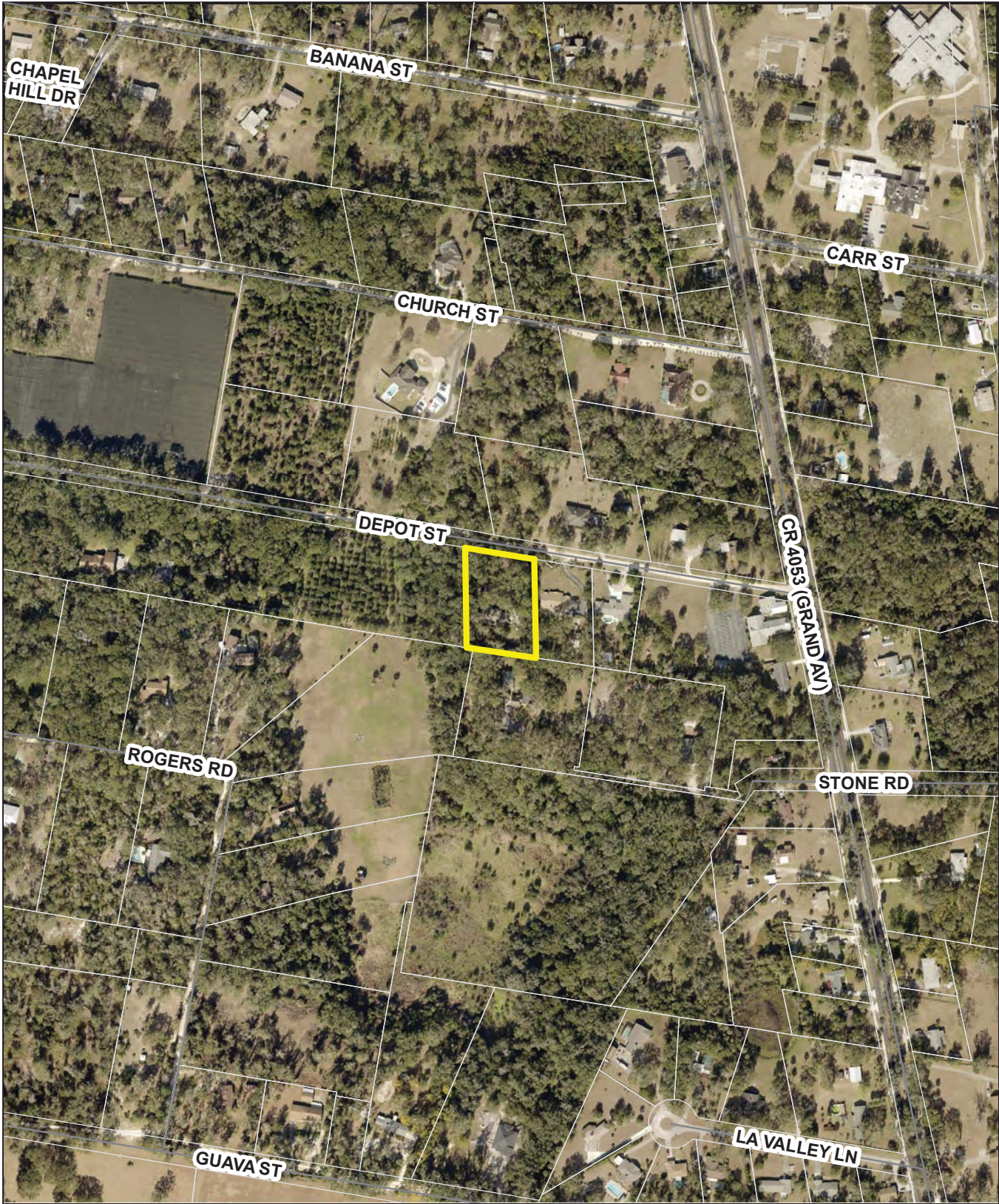


 SUBJECT PROPERTY



1" = 1,000'
4/26/2019

AERIAL
V-19-054



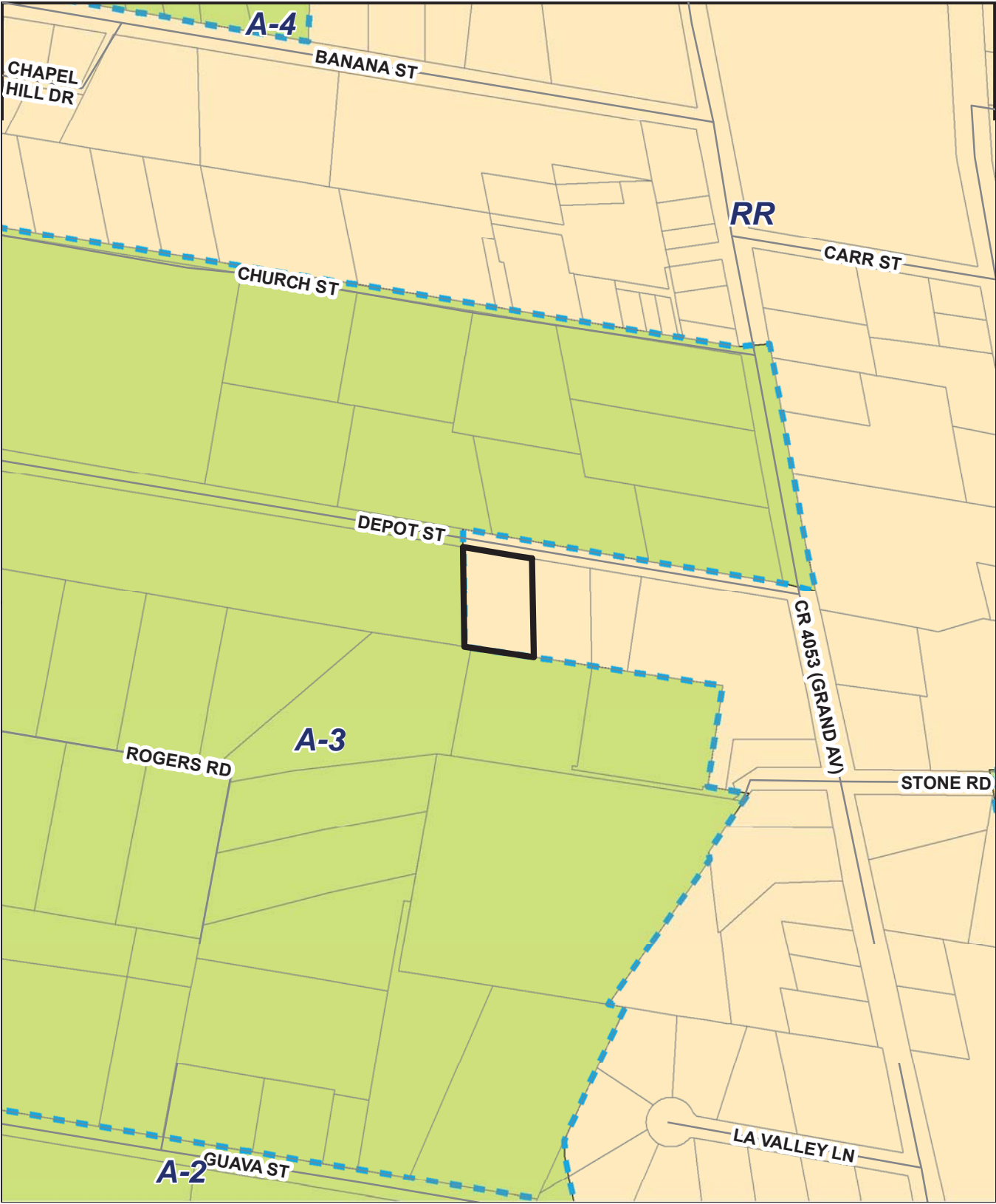
 SUBJECT PROPERTY

IMAGE DATE 2018



1 " = 400 '
4/26/2019

ZONING CLASSIFICATION
V-19-054

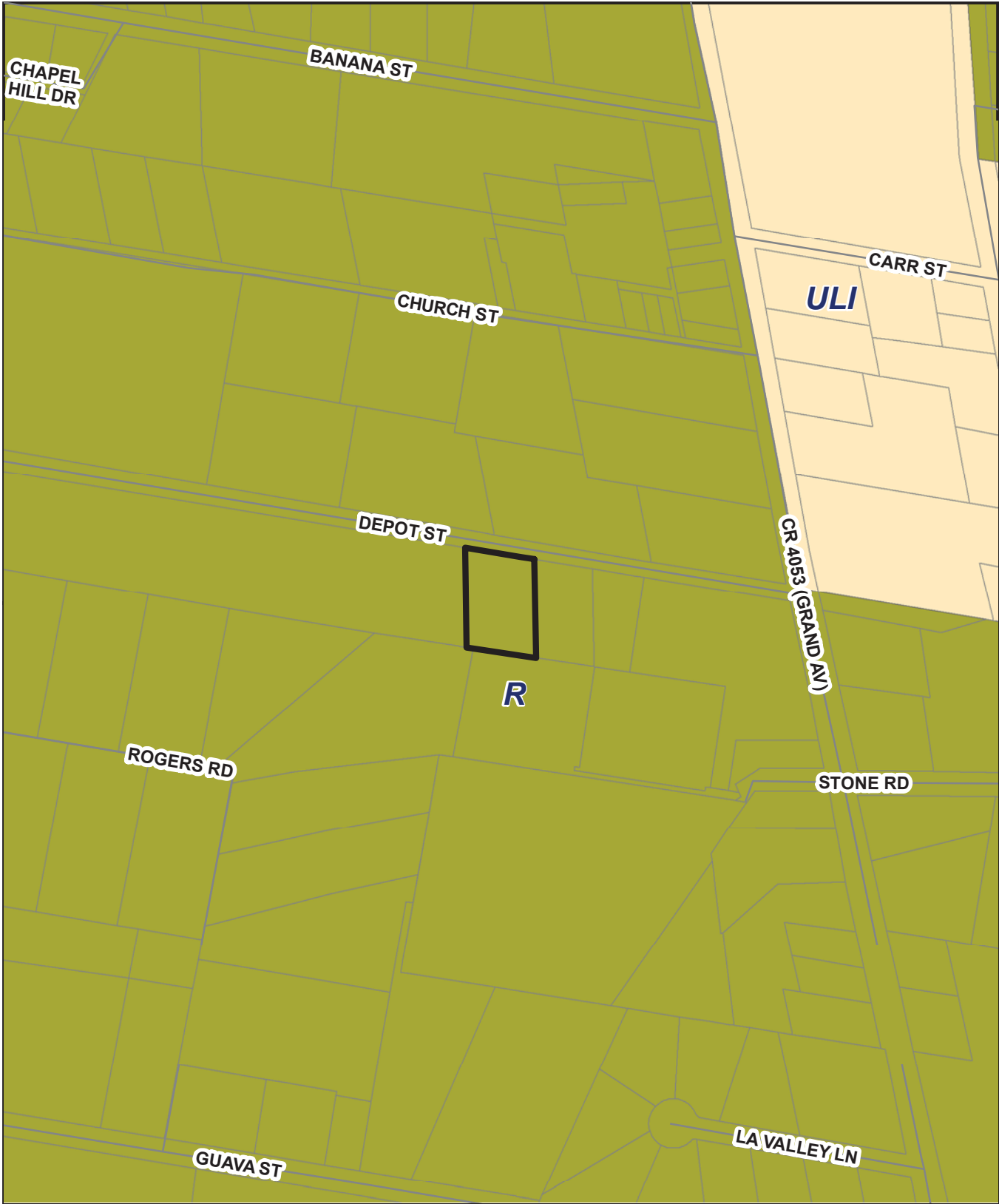





- SUBJECT PROPERTY
- RESIDENTIAL
- AGRICULTURAL
- ZONING BNDY



1 " = 400 '
4/26/2019

FUTURE LAND USE
V-19-054






-  SUBJECT PROPERTY
-  RURAL
-  URBAN LOW INTENSITY



1 " = 400 '
4/26/2019

ECO/NRMA OVERLAY
V-19-054



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1 " = 400 '
4/26/2019