



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-19-052

SUBJECT: A variance to minimum yard requirements and landscape requirements for a rural event center on Prime Agriculture (A-1) zoned property.

LOCATION: 1430 County Line Road, Oak Hill

APPLICANT(S): Steven P. Sprague, Big Red Barn Event Venue LLC
Agent for the Owner

OWNER(S): 1430 County Line Road LLC

I. SUMMARY OF REQUEST

The applicant requests four variances to meet the special exception criteria for a rural event center. The requested variances are as follows:

- Variance 1: A variance from section 72-293(26)(d), Rural Event Centers, to reduce the required setback from 50 feet to 32.30 feet from the east property line for an existing event center.
- Variance 2: A variance from section 72-293(26)(c), Rural Event Centers, to reduce the required landscape buffer from 20 feet to zero feet along the east property line.
- Variance 3: A variance from section 72-293(26)(i), Rural Event Centers, to reduce the off-street parking setback from the required 20 feet to one foot for a "VIP" parking space.
- Variance 4: A variance to reduce the front yard in the Prime Agriculture (A-1) zoning classification from 100 feet to 32.30 feet for an existing event center.

A companion case for a special exception (case S-19-016) will be heard by the PLDRC concurrently with this application on May 16, 2019.

Staff Recommendation:

Variance 1: Approve the variance request, case number V-19-052, as the application successfully meets all five criteria for granting said variance.

Variance 2: Deny the variance request, case number V-19-052, as the variance fails to meet five of the five criteria for granting said variance.

Variance 3: Deny the variance request, case number V-19-052, as the variance fails to meet five of the five criteria for granting said variance.

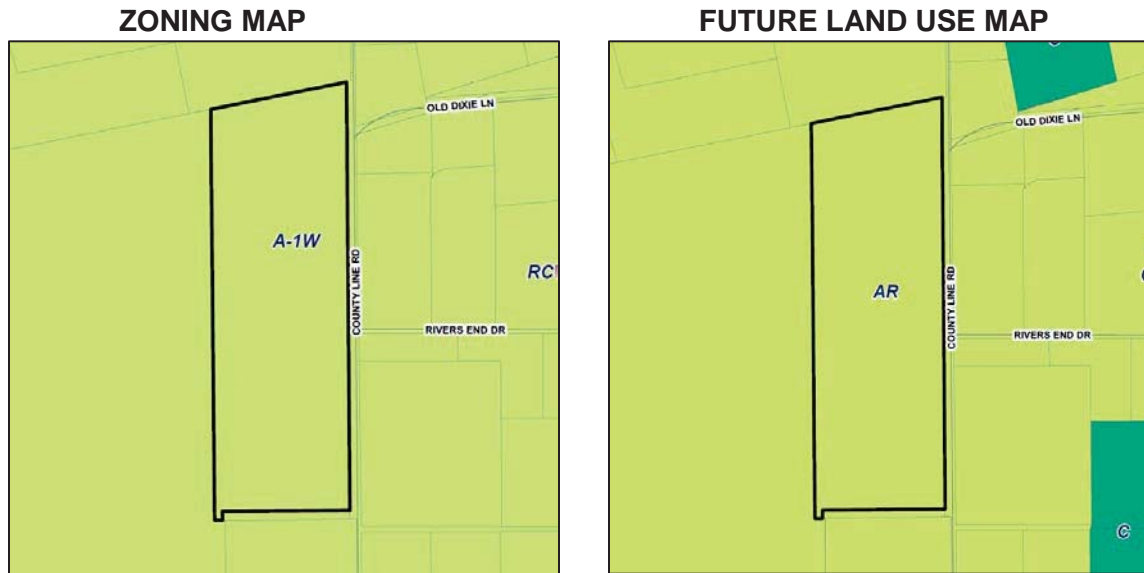
Variance 4: Approve the variance request, case number V-19-052, as the application successfully meets all five criteria for granting said variance.

II. SITE INFORMATION

1. Location: West Side of County Line Road, approximately 2,800 feet south of U.S. Highway 1 South, Oak Hill
2. Parcel Numbers: 9442-00-00-0024
3. Property Size: ±30.80 acres
4. Council District: 3
5. Zoning: Prime Agriculture (A-1)
6. Future Land Use: Agricultural Resource
7. Overlays: Environmental Core Overlay, Indian River Lagoon Surface Water Improvements and Management Overlay Zone, Natural Resource Management Area (NRMA)
8. Local Plan Area: Not Applicable
9. Adjacent Zoning and Land Use:

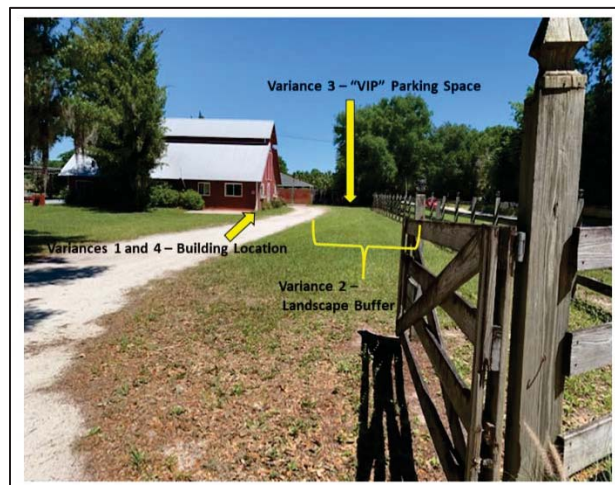
DIRECTION	ZONING	FUTURE LAND USE	EXISTING USE
North:	A-1	Agriculture Resource	Undeveloped
East:	A-1	Agriculture Resource	Single-family residential; undeveloped
South:	A-1	Agriculture Resource	Undeveloped
West:	A-1	Agriculture Resource	Agriculture

10. Location Maps:



III. BACKGROUND AND OVERVIEW

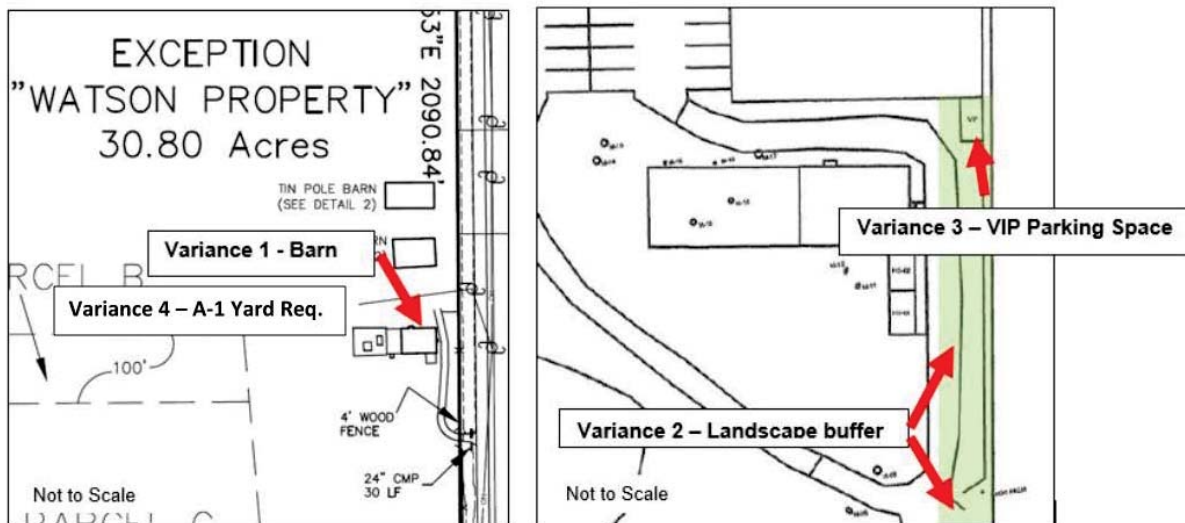
The applicant requests four variances so that he can meet the requirements for a special exception application for a rural event center. Companion case S-19-016 for the special exception is being heard concurrently with this variance application. The parcel has a zoning classification of Prime Agriculture (A-1). It is part of the Land of Milk and Honey unrecorded subdivision on the west side of County Line Road in Oak Hill. The ±30.80-acre subject parcel includes a large barn and some associated out-buildings that were once used as part of former 250-acre citrus operation.



The barn and the other outbuildings are situated centrally on the property near the eastern property line. Based on the plans provided by the applicant, access to the property is via a 12-foot wide shell road that leads from County Line Road and traverses the site in a northwesterly direction, curving around the rear of the existing barn to a designated

parking area northwest of the barn. A secondary, existing access road traverses the site in a northerly direction in front of the barn and takes a westerly jog north of the barn, leading towards the designated parking area. One “VIP” parking space is proposed to be located one foot from the eastern property boundary immediately south of an existing fenced-in service compound and east of the existing access road. Two ADA parking spaces are proposed to be located near the southwest corner of the barn.

Four variances have been requested by the applicant. First, for a rural event center special exception, all permanent and temporary structures such as tents, stages, and dance floors shall be located a minimum of 50 feet from the property line. Variance 1 is for the existing barn that cannot meet the 50-foot front yard requirement because of its location 32.30 feet from the property line. Additionally, the Prime Agriculture (A-1) zoning classification requires a 100-foot minimum front yard, so a variance will also be required to address this provision. Next, a rural event center is required to have a 20-foot wide landscaped buffer between the facility, or any area used for an event, including but not limited to parking areas, and adjacent properties. Landscaping must meet the county’s landscaping requirements outlined in section 72-284 of the zoning code. This variance will allow the applicant to waive the landscape requirement on the eastern property boundary. The final variance will allow the applicant to place a “VIP” parking space within the required 20-foot-wide front yard landscape buffer.



To utilize the existing barn, variances 1 and 4 must be approved by the PLDRC in order for the special exception to be approved. Without variance #1, the application fails to meet the special exception requirements for a rural event center and the A-1 zoning classification. Without variance 2 and 3, the applicant could still meet the special exception requirements if he includes the 20-foot-wide landscape buffer and moves the “VIP” parking space to another location on the property.

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.

Variances 1 and 4: The barn was reportedly constructed in the 1960s. The requirement of the special exception is that all permanent structures must be located 50 feet from the property line. The A-1 zoning classification requires a 100-foot front yard. According to the applicant's submittal, the barn is located only 32.30 feet from the property line, which represents a 17.70-foot encroachment. The rural event center ordinance was not adopted by the Volusia County Council until 2018. It would be expensive to move the old barn to meet the new ordinance requirements.

Staff finds that this criterion is met.

Variance 2: The applicant has indicated that he would like to keep the "existing curb appeal" and would like relief from having to install a 20-foot-wide landscape buffer in the front yard. Since the buffer is a specific requirement of the special exception application, a variance is required to allow this exclusion. The distance between the barn and the eastern property line is 32.30 feet. The required buffer area is currently sodded, but there is no additional vegetation. A split rail fence demarcates the eastern property line. A county-maintained drainage swale is located off site in the right-of-way. There is sufficient room to place a 20-foot landscape buffer between the barn and the property line. Based on a site visit, there appears to be a sufficient native vegetative buffer along the eastern property line from the maintenance area to the northern project boundary and from the entrance drive to the southern project boundary. Staff recommends that a buffer be planted between the maintenance area fence and the entrance driveway, a distance of approximately 175 linear feet. The county's landscape buffer table shows that a 175-foot long landscape buffer would need to include six plants from group B (medium trees, 10-50 feet in height) and 18 plants from group C or D (small and large shrubs ranging from 2-30 feet in height) per 100 linear feet, or fraction thereof.

Staff finds this criterion is not met.

Variance 3: The property is over 30 acres in size and rectangular in shape. There is sufficient room on the property to meet the county's parking requirements. There are no special conditions or circumstances that exist that will prevent the applicant from parking outside of the required landscape buffer.

Staff finds that this criterion is not met.

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

Variances 1 and 4: The barn was in place when the applicant purchased the property in 2017. The applicant did not build the barn in its current location, so the circumstance is not the direct result of the applicant's actions.

Staff finds that this criterion is met.

Variance 2: A 20-foot landscape buffer is a requirement of the special exception for a rural event center. The applicant does not want to install the buffer so that he can maintain existing curb appeal. This circumstance results directly from the applicant's request.

Staff finds that this criterion is not met.

Variance 3: The applicant is requesting to place a "VIP" parking space near the barn and in the required landscape buffer. This circumstance is directly due to the actions of the applicant.

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.

Variances 1 and 4: Rural event centers are allowed by special exception in the A-1 zoning classification. The barn has been in place for many years, and moving it or reducing the size would cause an undue hardship on the applicant.

Staff finds that this criterion is met.

Variance 2: All applications for rural event centers are required to meet the 20-foot landscape buffer requirement. "Curb appeal" is an aesthetic value that does not create a hardship to justify a variance. Additional landscaping may help to enhance the existing curb appeal and may provide a sound and visual buffer to the adjacent homes. Literal interpretation of the provisions of this ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification who wish to obtain a special exception for a rural event center.

Staff finds that this criterion is not met.

Variance 3: Vehicles should be limited to parking areas that meet the requirements of the land development and zoning codes. Section 72-284(2)(a) of the zoning code states that no public or private right of way, building, or impervious surface shall be located in the landscape buffer area. A "VIP" parking space is not a requirement of the special exception. If the applicant wishes to have a "VIP" parking area close to the barn, there is a total of 32.30 feet between the barn and the eastern property line. With a 20-foot

designated landscape buffer, there is an additional 12.30 feet remaining between the barn and the property line where a “VIP” space could potentially be located. Alternatively, the “VIP” parking space could be situated on the north or south sides of the barn.

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.

Variance 1 and 4: The applicant could potentially reduce the footprint of the barn to fit within the required setbacks, or he could have the barn moved to meet the requirement. Either of these options appear to be less practical than granting a variance for the barn’s current location. Staff believes that keeping the barn in its current location is the minimum variance that will make it possible for the reasonable use of the structure.

Staff finds that this criterion is met.

Variance 2: There is a total of 32.30 feet between the barn and the eastern property boundary. There is sufficient room to install a 20-foot landscape buffer. Elimination of the buffer is not the minimum variance that will make it possible for the reasonable use of the land.

Staff finds that this criterion is not met.

Variance 3: The property is over 30 acres in size, and there is sufficient space on site for off-street parking. “VIP” parking can be addressed in a variety of ways. The facility could provide a designated parking space near the barn, a valet could park the VIP’s vehicle in the designated parking area, or a concierge or attendant could be available to shuttle the VIP’s back and forth to their vehicle. Because there are other parking options, placing a “VIP” parking space in the required landscape buffer is not the minimum variance that will allow the reasonable use of the land and the building.

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.

Variance 1 and 4: The general intent of the rural event center ordinance is to allow public gatherings in a rural setting that are compatible with the surrounding property owners’ needs, and that will ensure the health, safety, and welfare of the general public visiting the rural event center. The intent of the A-1 zoning classification is to preserve valuable agricultural land for intensive agricultural uses, and to protect land best suited for agricultural uses from the encroachment of incompatible uses. If the requirements of the special exception and the final development approval are met by the applicant, these variances should not be injurious to the area involved. The applicant has submitted comments from the neighbors that provide support for the barn in its current location (attached).

Staff finds that this criterion is met.

Variance 2: The rural event center activities take place on the east, central portion of the property. There are large, wooded areas to the west, north, and south that should provide buffers to mitigate noise. There are several single-family residences to the east and southeast who would most likely be impacted by noise from the venue. A vegetative buffer along the eastern property boundary could provide screening and help to buffer event venue noise.

Staff finds that this criterion is not met.

Variance 3: The general intent of the rural event center ordinance is to allow venues to operate in rural areas while minimizing off site impacts. The fifty-foot minimum yard requirement and the 20-foot landscape buffer are components of the ordinance that help to support its intent. The applicant is requesting to put a parking space less than one foot from the property line. This does not appear to be consistent with the purpose of the ordinance.

Staff finds that this criterion is not met.

V. STAFF RECOMMENDATION

Approve variances 1 and 4, case number V-19-052, as the variances successfully meet all five criteria for granting said variances, subject to the following conditions:

1. All structures used for the rural event center shall be renovated and maintained in accordance with the Florida Building Code and the Florida Fire Prevention Code.
2. The applicant is required to apply for an after-the-fact building permit for the converted barn upon approval of the special exception by the county council.
3. The project shall comply with the Final Site Plan Approval Procedures as set forth by Article III, Division 3, of the land development code, as amended. The first step in the process is submission of a Conceptual Site Plan application, pursuant to Section 72-577(c)(1), of the land development code.
4. The applicant shall cease rural event center activities until all life/safety issues identified by the fire department have been met, the applicant applies for an after-the-fact building permit for the barn, the special exception is approved by the Volusia County Council, the final site plan is approved, and a Development Order is issued.

Deny variances 2 and 3, case number V-19-052, as the variances fail to meet five of the five criteria for granting said variance.

VI. ATTACHMENTS

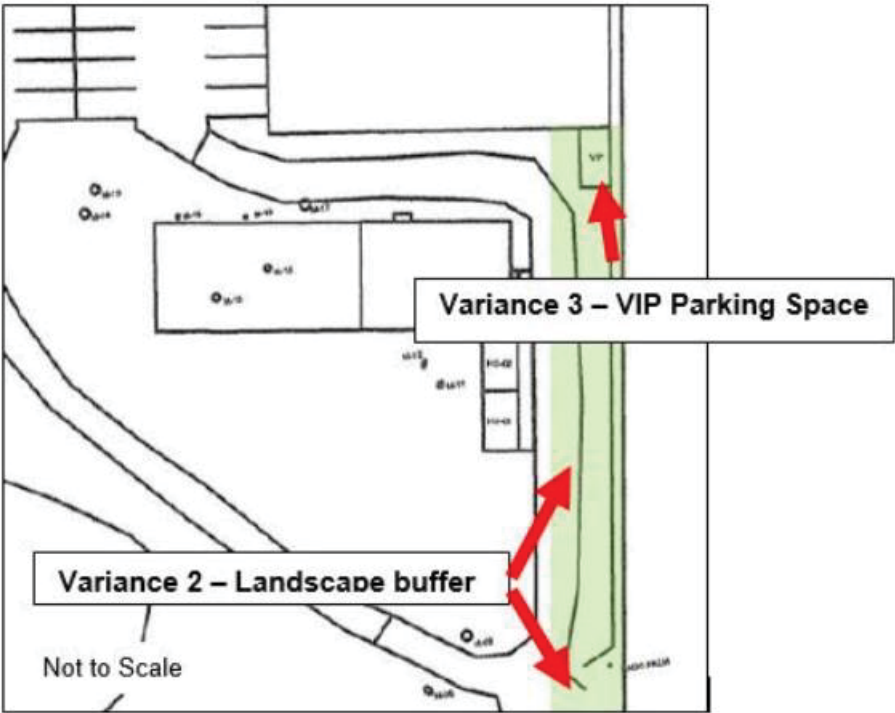
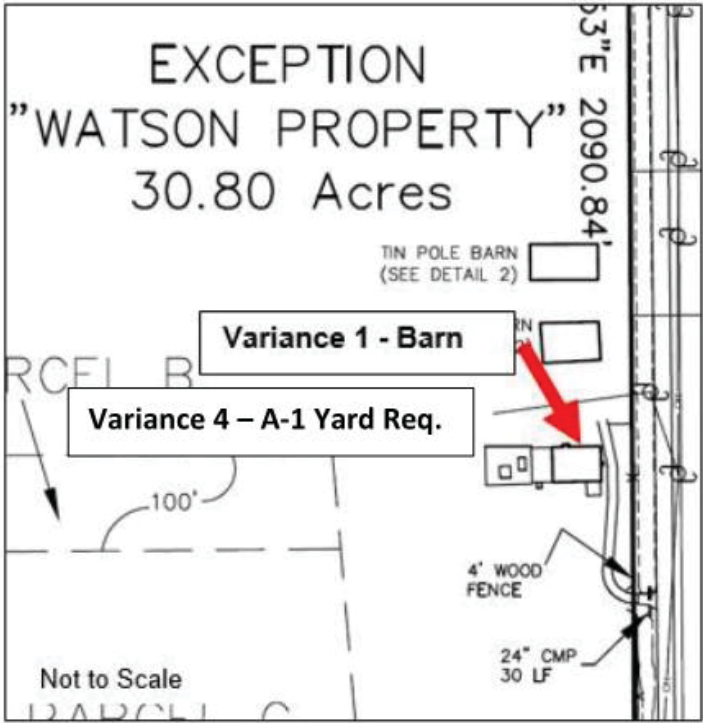
- Variance Site Plan
- Written Petition
- Survey
- Applicant Drawings
- Photographs
- Map Exhibits

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.

V-19-052
VARIANCE SITE PLAN





Existing Barn

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?

This existing barn was constructed in the mid-to-late 1960's. The barn is shown on Volusia County Property Appraisers records with a date of 1968 when VCPAO first became aware of the barn's existence. It is unreasonable to contemplate moving the barn, "it is where it is." The location of the barn was not caused by current owner's actions.

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?

A literal interpretation of the setback requirements would cause us to either move or to demolish the barn. Other properties have not been investigated for any similar condition. It is not realistic to try to move the barn. We do not wish to demo the barn. Either of those would create a hardship on us.

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.

"The barn is where it is." The minimum variance requested is the only variance that solves the setback issue.

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?

Getting married (or not) is an important moral act; happy event participants promote the general welfare, as do our various Agritourism events, home school co-op learning tours, sponsorship of County Line 4-H Club, etc. The barn and property are completely consistent with the rural nature and aesthetic characteristics of the area.

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

No one in the surrounding area will care if the barn stays in the location where it has always been. Conversely, taking the barn down would be injurious to our neighbors, who love the barn and see it as a local landmark.

Thank you!

Steven P. Sprague
Big Red Barn



Landscaping

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?

We want to retain our current curb appeal. We like for our clients and prospective clients to be able to see clearly into our facility. Brides and grooms use the adjacent country road as a backdrop for their wedding photo opportunities. Our facility is rustic and simple. Our County Line Road frontage is similarly rustic and simple. We would like to not change the way it currently looks.

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?

No other proximate properties have any type of landscape buffer. Natural buffers abound on our property (north, south and west) and other also on other properties. It will be a financial hardship to buffer 500' to 600' of frontage. Buffering will actually take away from the natural beauty of our historic Live Oak hammock!

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.

Curb appeal, lines of sight (both in to the property and out from the property), this is the minimum variance that makes the most sense for our property.

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?

(Same response as with existing barn setback variance.) Current frontage look and feel matches or exceeds that of all of our neighbors.

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

If we are allowed to keep our current curb appeal look and feel, our neighbors will have the same vista that has existed since 1968. Fifty-one years, no one has ever expressed any concern about a buffer (or not.) Please, let's don't change it. Thank you.

Thank you.

Steven P. Sprague
Big Red Barn



Parking Spaces

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?

We would like our two new handicapped spaces to be close to the barn entry. Since the barn "is where it is" we would like these spaces in the locations depicted on our site plan dated 04/02/19. We would also like one "VIP" space close to the barn's front door (essentially, zero lot line, park adjacent to wood rail fence.)

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?

Moving handicapped spaces and the VIP space a greater distance would be a detriment and for the H-Cap spaces, would increase the lineal footage of an accessible route. We do not believe any properties in the area have a situation that is analagous.

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.

As with the existing barn setback variance request, "the barn is where it is." The minimum variance requested is the best solution.

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?

(Same response as with existing barn setback variance.)

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

Vehicles have always parked on this property dating at least back to 1968. Where we park on property we own does not injure anyone.

Thank you.

Steven P. Sprague
Big Red Barn

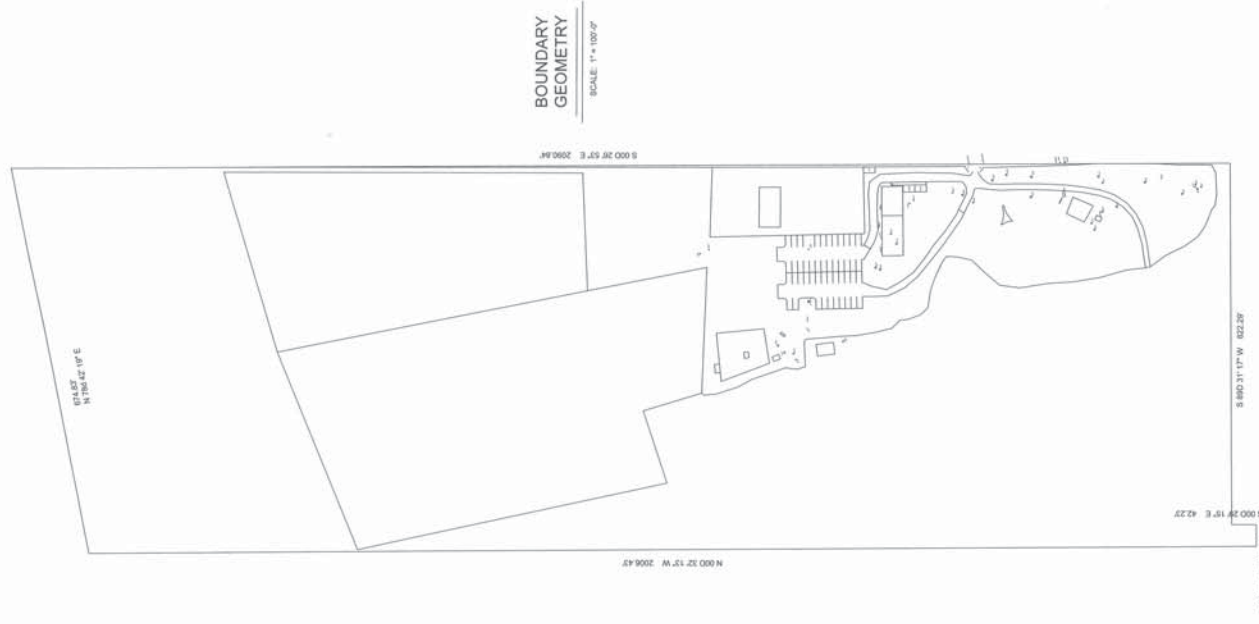
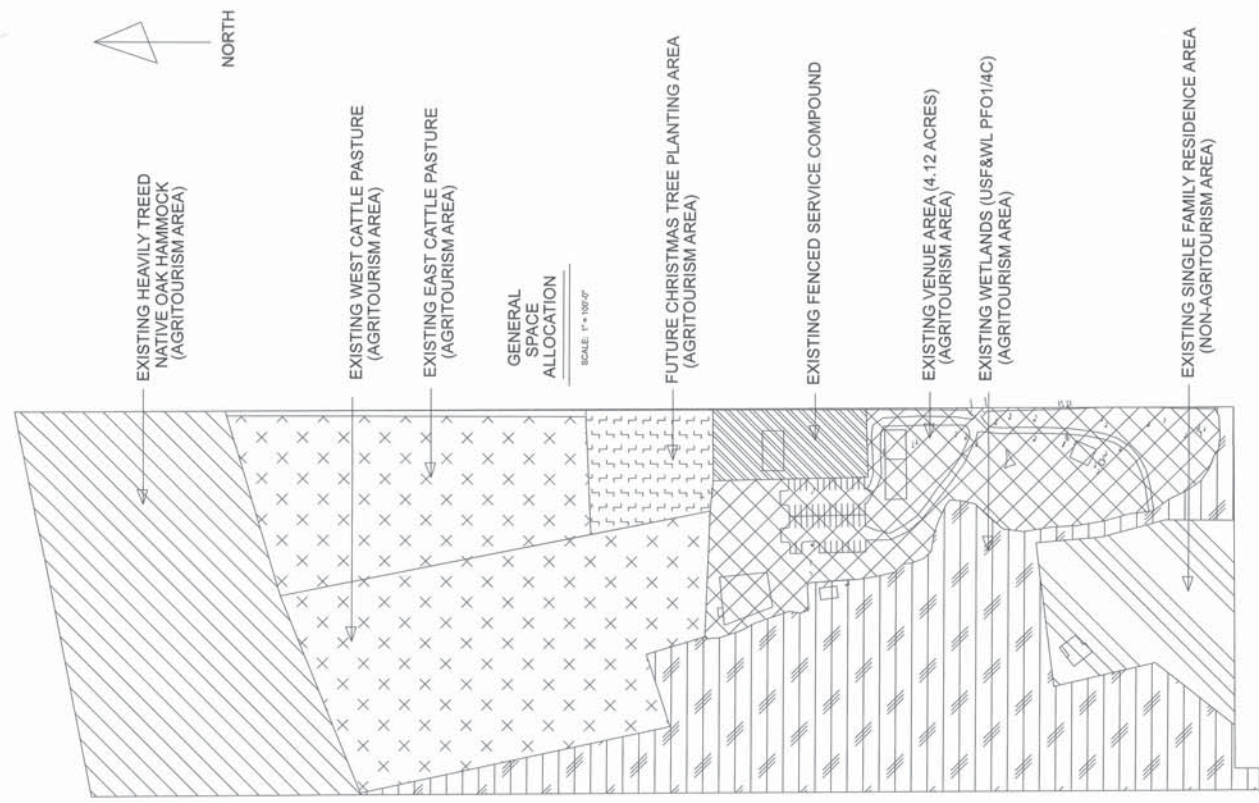
SHEET 1 OF 4

REVISIONS:

RED BARN EVENT VENUE LLC
SPECIAL EXCEPTION
HALLA EVENT CENTER

DRAWN BY: STEVE SPRADUE, MANAGER
RED BARN EVENT VENUE LLC
1430 COUNTY LINE ROAD
OAK HILL, FL 32759
PHONE: 321-305-8334
E-MAIL: steve@redbarneventing.com

SCALE: AS NOTED
DRAWING DATE: 04/02/19

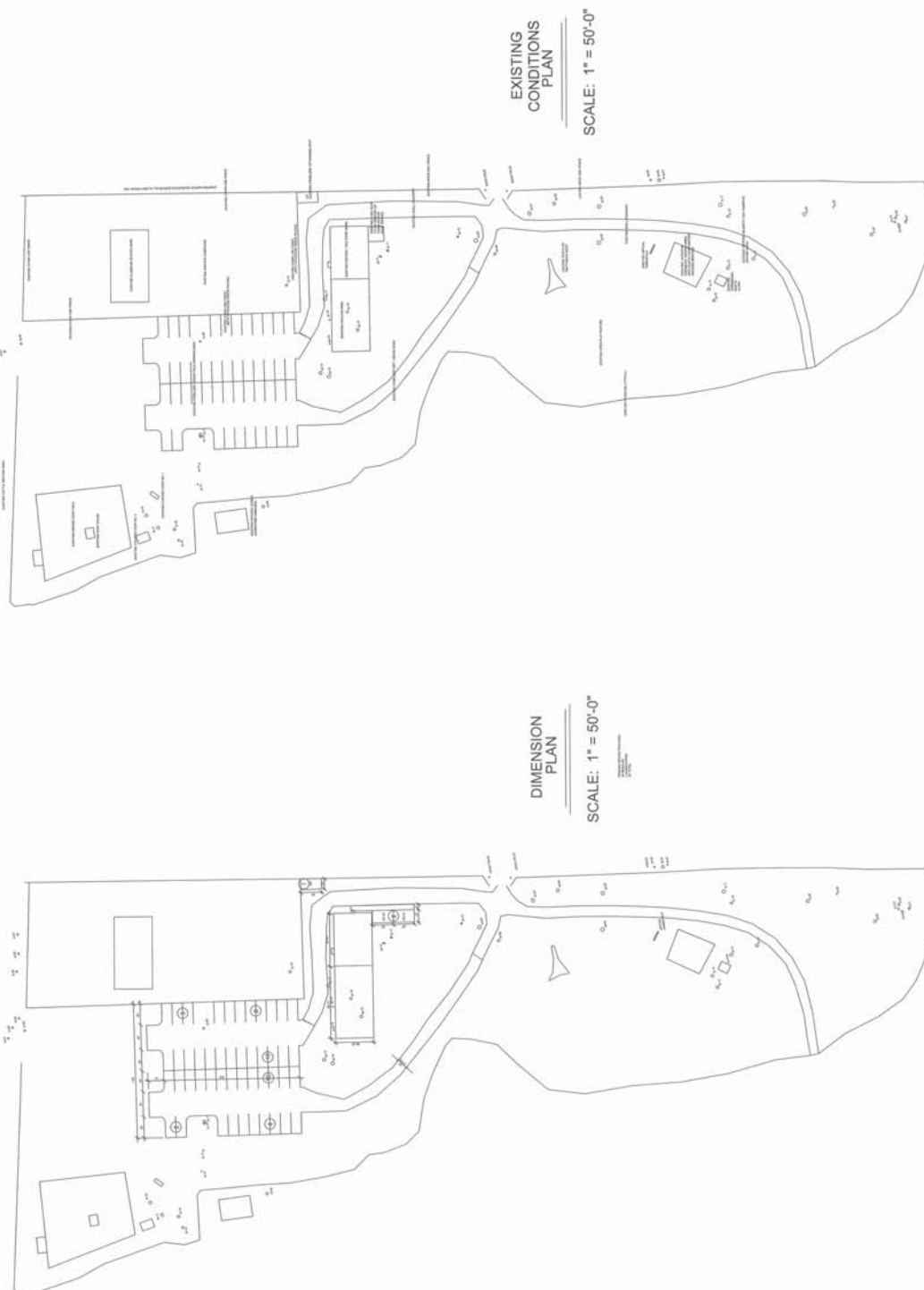


SNOWLAW

BIG RED BARN EVENT VENUE LLC
SPECIAL EXCEPTION
RURAL EVENT CENTER

DRAWN BY: STEVE SPRAGUE, MANAGER
BIG RED BARN EVENT VENUE LLC
1430 COUNTY LINE ROAD
OAK HILL, FL 32758
PHONE: 321-305-8334
E-MAIL: steve@bigredbarncontracting.com

SCALE: AS NOTED
DRAWING DATE: 04/02/19



NORTH

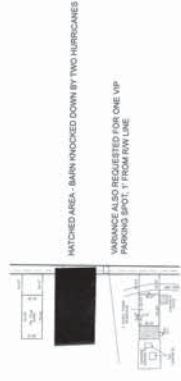


REVISIONS:

BIG RED BARN EVENT VENUE LLC
SPECIAL EXCEPTION
RURAL EVENT CENTER

DRAWN BY: STEVE SPRADLING
1430 COUNTY LINE ROAD
OAK HILL, FL 32759
PHONE: 321-395-8334
E-MAIL: steve@spradling.com

SCALE: AS NOTED
DRAWING DATE: 04/02/19



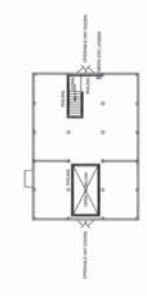
EXISTING BUILDING SETBACK DIMENSIONS, FOR VARIANCE

SCALE: N.T.S.



EXISTING HISTORIC BARN FIRST FLOOR

SCALE: 1" = 20'-0"



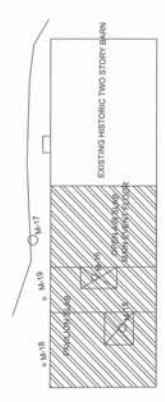
EXISTING HISTORIC BARN SECOND FLOOR

SCALE: 1" = 20'-0"



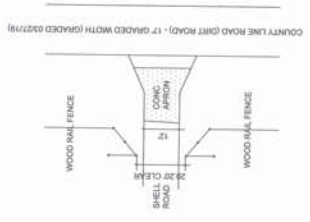
SLAB CUTOUPS AROUND TREES

SCALE: 1" = 20'-0"



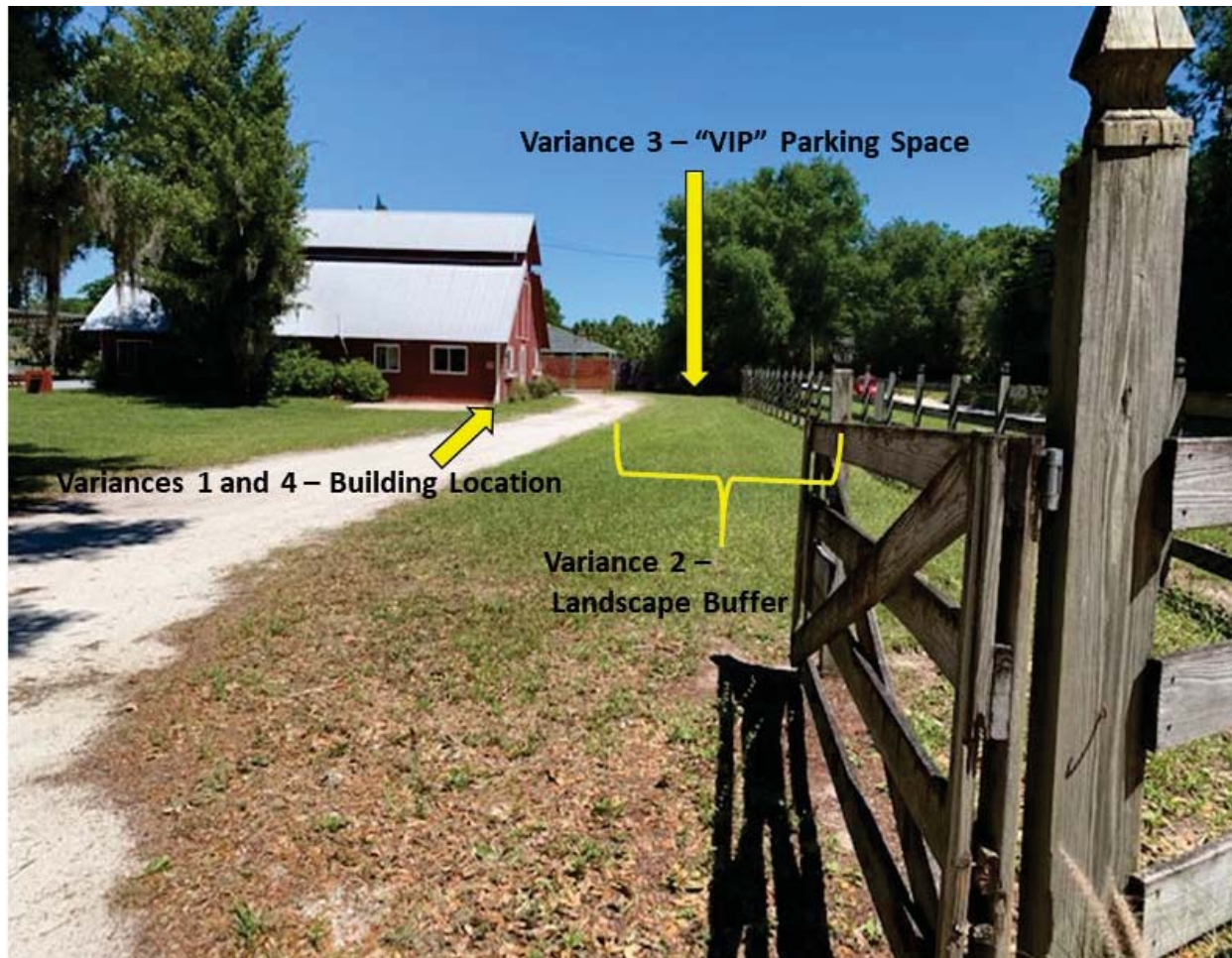
ASSEMBLY AREA

SCALE: 1" = 20'-0"



EXISTING ENTRANCE DRIVE

SCALE: 1" = 20'-0"



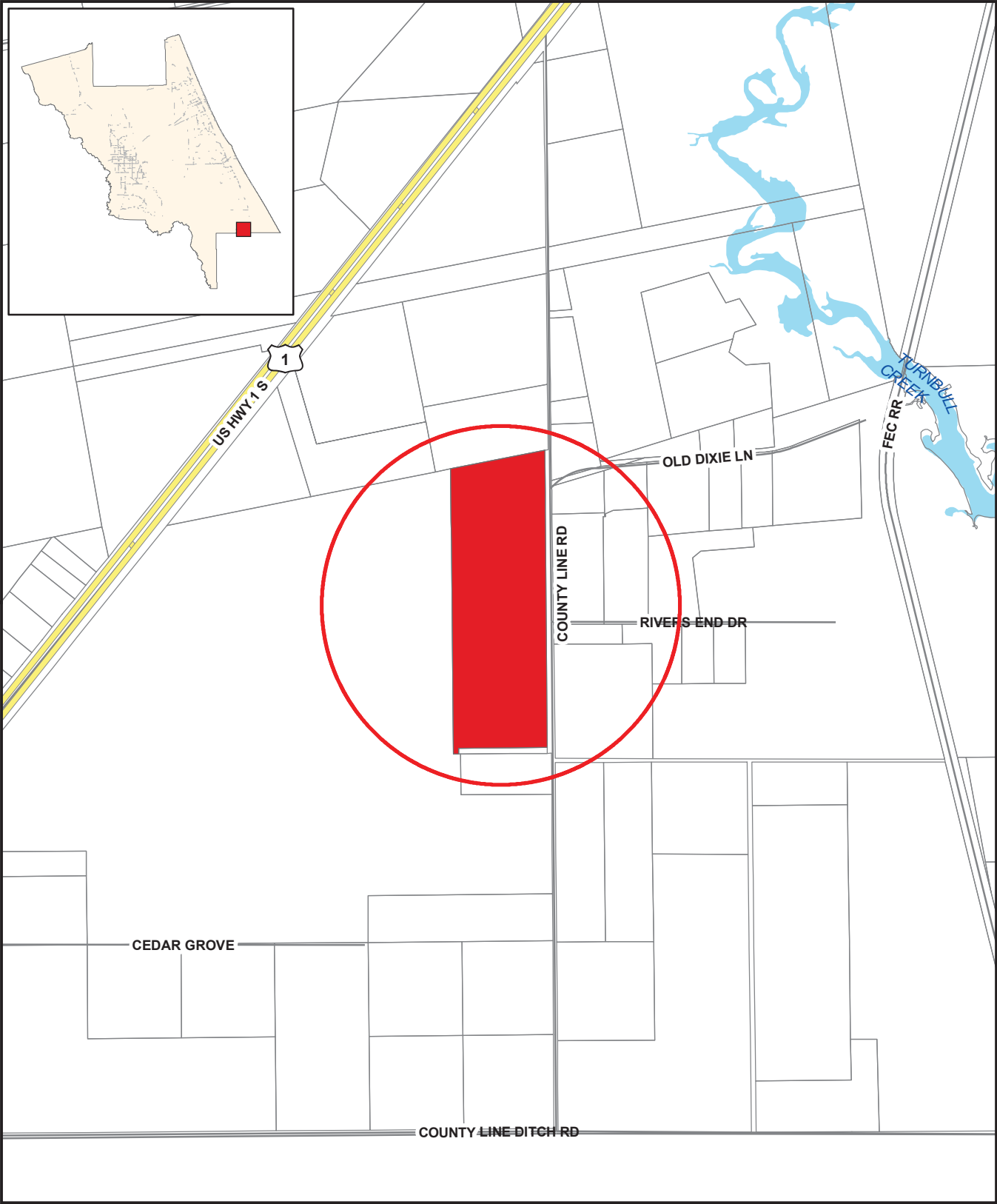








PROPERTY LOCATION
V-19-052

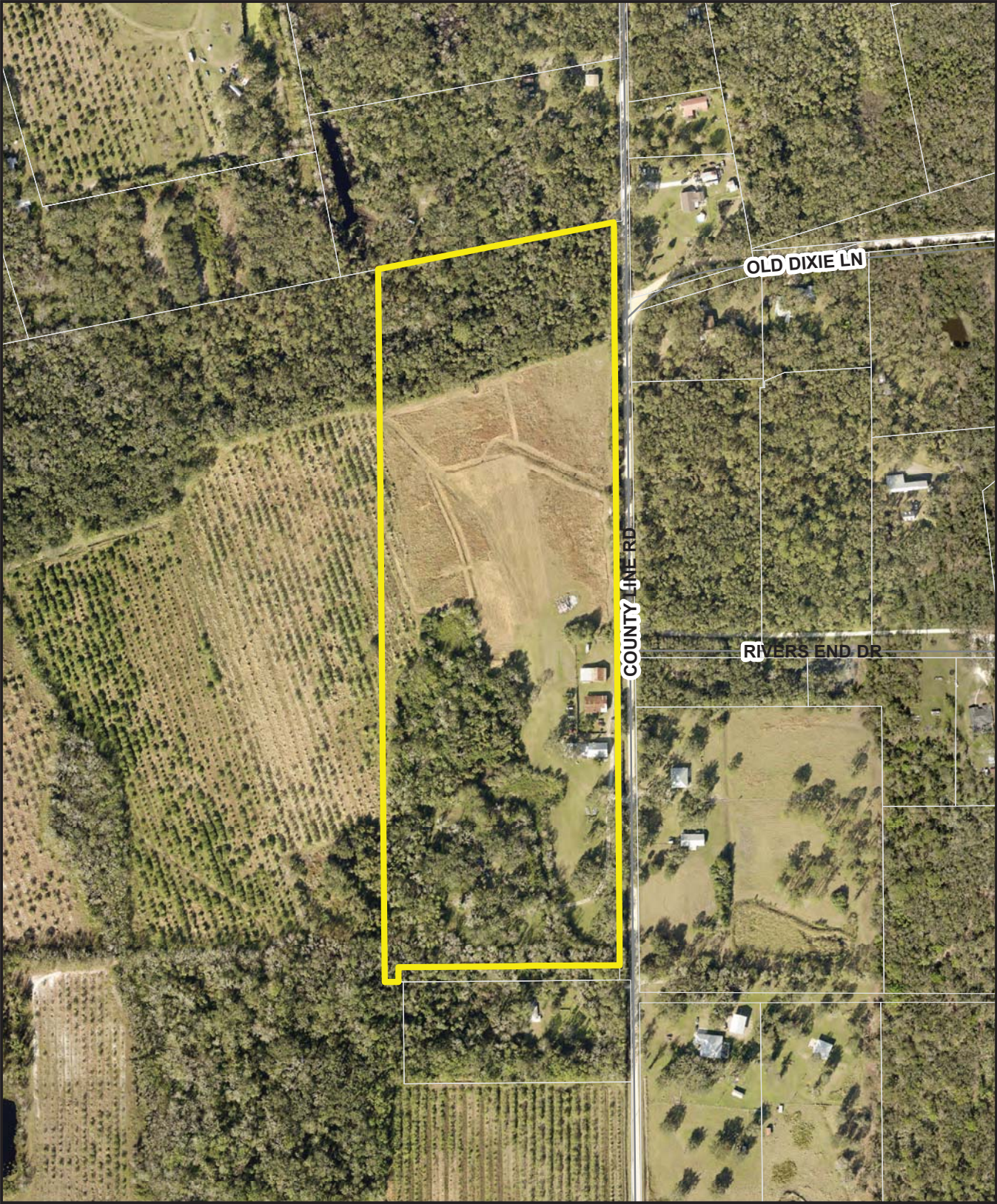


 SUBJECT PROPERTY



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

AERIAL
V-19-052



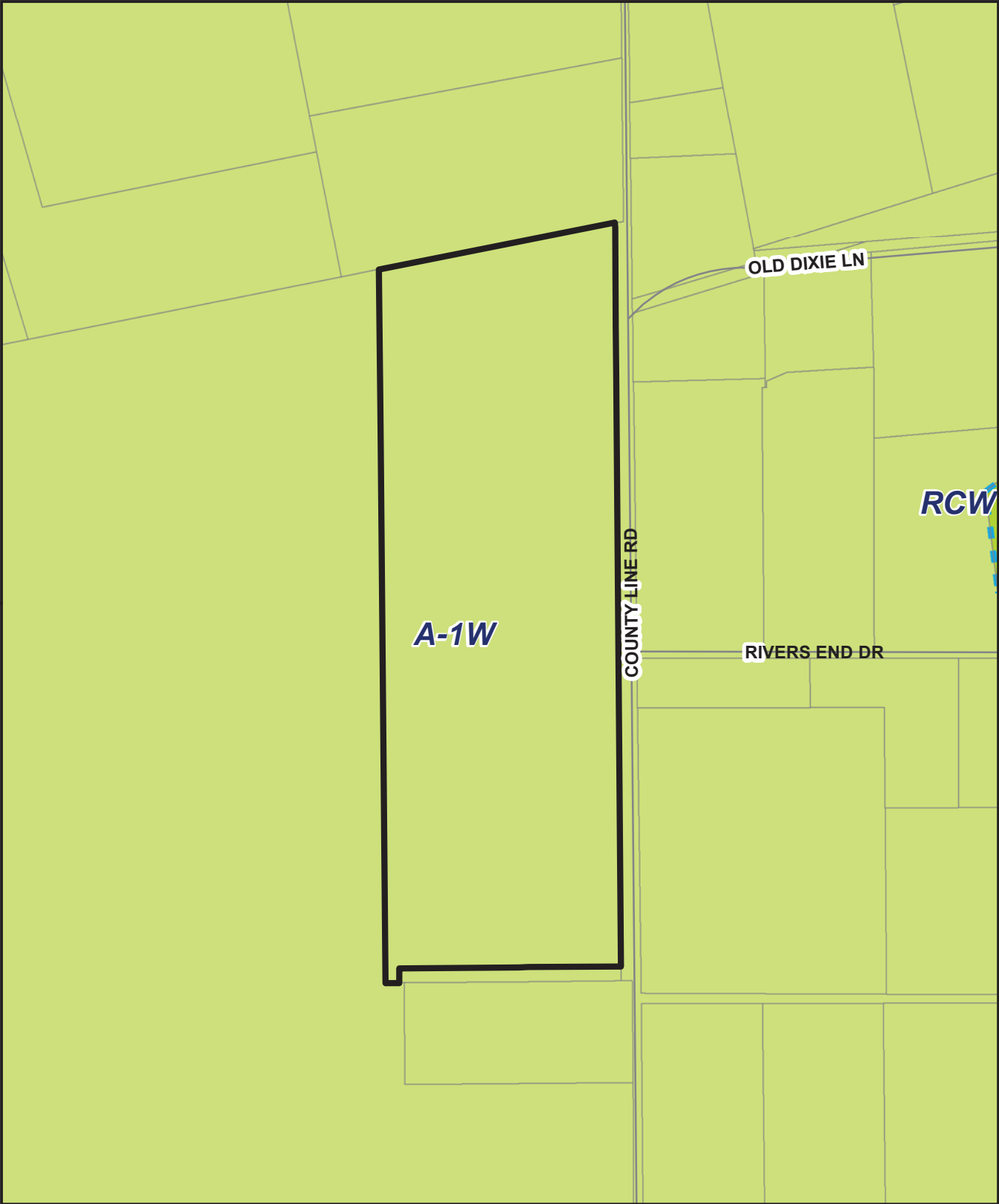
 SUBJECT PROPERTY

IMAGE DATE 2018




1" = 400'
4/4/2019

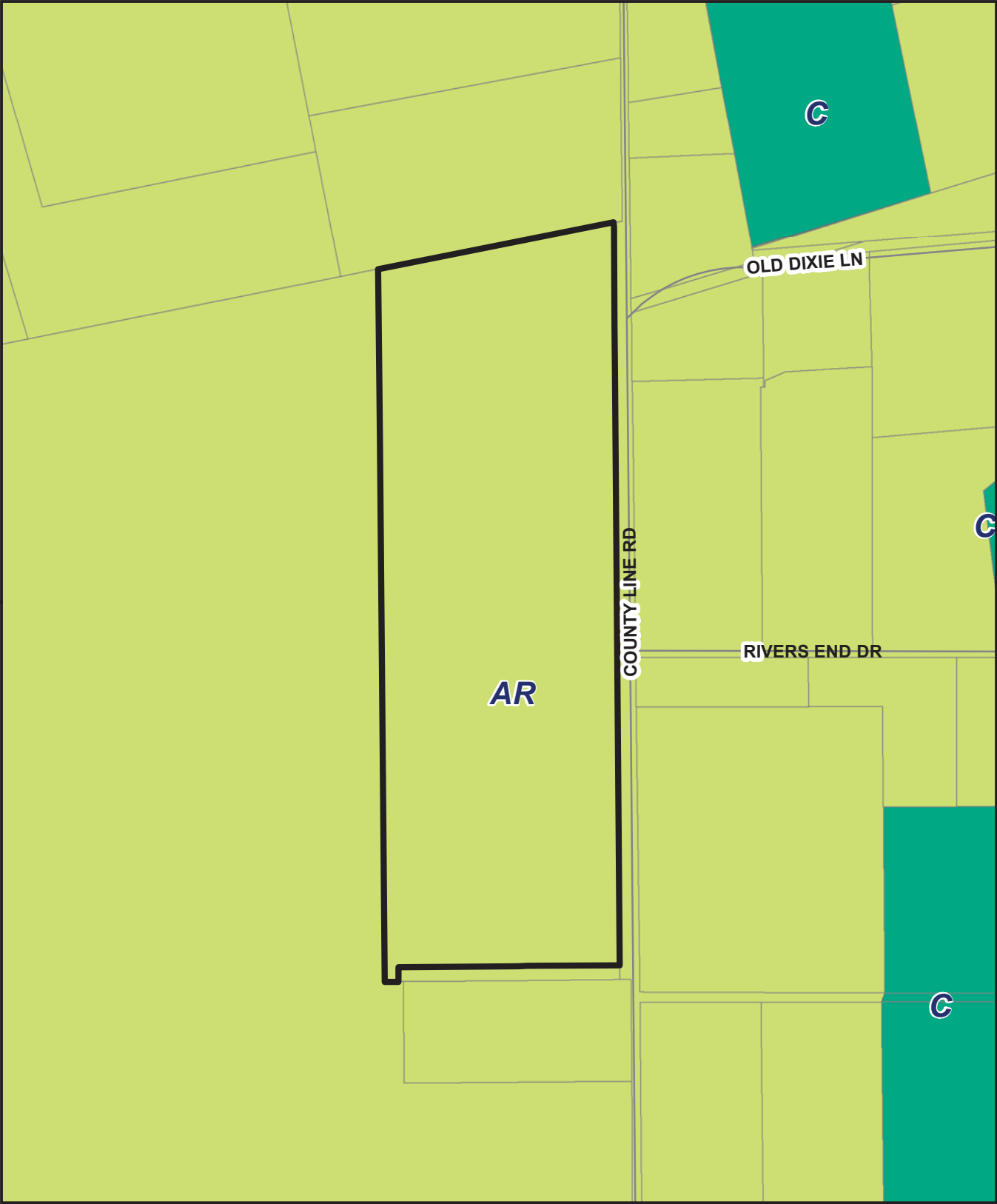
ZONING CLASSIFICATION
V-19-052






-  SUBJECT PROPERTY
-  AGRICULTURAL
-  ZONING BNDY
-  RESOURCE CORRIDOR

 1 " = 400 '
4/4/2019

FUTURE LAND USE
V-19-052

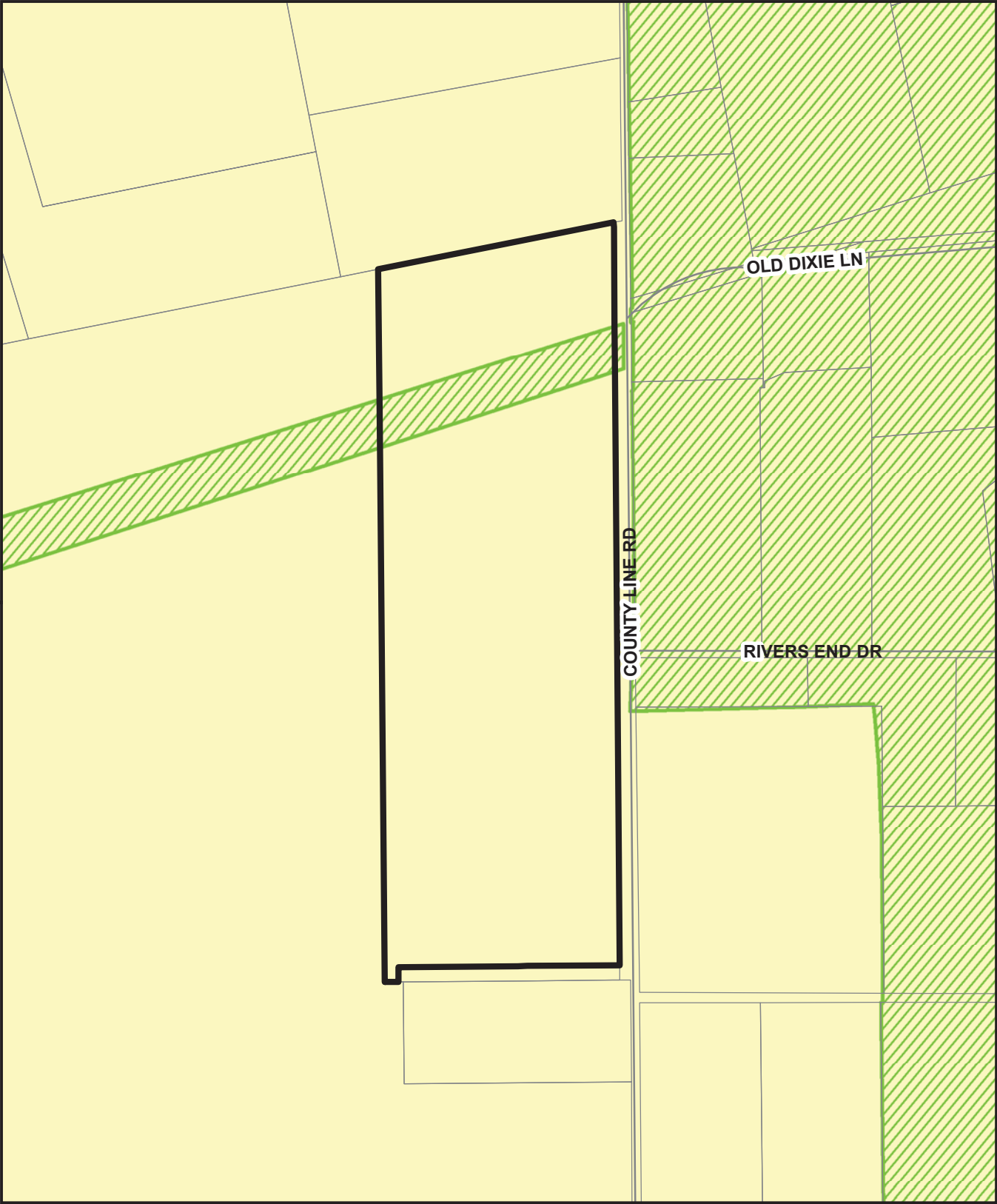





-  SUBJECT PROPERTY
-  AGRICULTURE RESOURCE
-  CONSERVATION



1 " = 400 '
4/4/2019

ECO/NRMA OVERLAY
V-19-052



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1" = 400'
4/4/2019