



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-19-048

SUBJECT: A variance to the minimum yard requirements for a single-family residence on Urban Single-Family Residential (R-3) zoned property

LOCATION: Ridge Boulevard, DeLand

APPLICANT(S): Nikki Holland

OWNER(S): Russell T. Meyer, Joshua R. Meyer and Jesse J. Meyer

I. SUMMARY OF REQUEST

The applicant proposes to construct a single-family home on a corner lot located at the intersection of Ridge Boulevard and DeLeon Drive. Due to the width of the lot, the applicant requests a 10-foot variance to the minimum yard requirement. The variance request is as follows:

Variance: A variance to reduce the minimum required front yard from 30 feet to 20 feet.

Staff Recommendation:

Deny the variance request, case number V-19-048, as the variance fails to meet two of the five criteria for granting said variance.

II. SITE INFORMATION

1. Location: The northeast corner of the intersection of Ridge Boulevard and Deleon Drive, near the City of DeLand.
2. Parcel Numbers: 7012-02-04-0100
3. Property Size: 0.25 acres
4. Council District: 1
5. Zoning: Urban Single-family Residential (R-3)
6. Future Land Use: Urban Low Intensity
7. Overlays: N/A
8. Local Plan Area: N/A
9. Adjacent Zoning and Land Use:

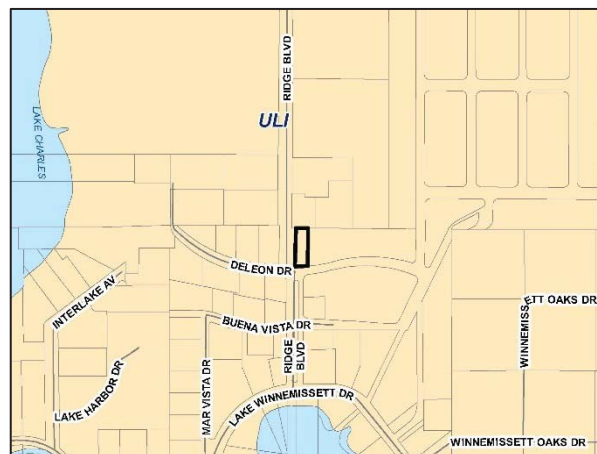
DIRECTION	ZONING	FUTURE LAND USE	EXISTING USE
North:	R-3	Urban Low Intensity	Single-family residence
East:	R-3	Urban Low Intensity	Vacant/wooded
South:	R-3	Urban Low Intensity	Vacant/wooded
West:	R-3	Urban Low Intensity	Single-family residence

10. Location Maps:

ZONING MAP



FUTURE LAND USE MAP

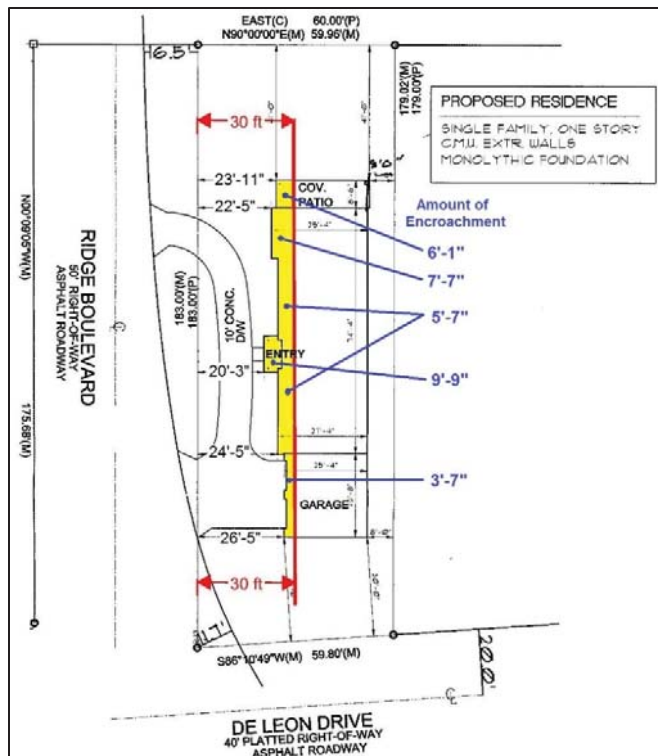


III. BACKGROUND AND OVERVIEW

The subject property is 0.25 acres, zoned Urban Single-family Residential (R-3). The R-3 zoning classification requires a minimum of 10,000 square-foot lot size with an 85-foot lot width. The lot conforms to these standards. It is 10,890 square feet in size, and measures approximately 183 feet along Ridge Boulevard, which is the west property line, by 59 feet along Deleon Drive, which is the south property line. The lot is a corner lot, which requires two front yards adjacent to the roads on the west and south sides, and two side yards on the east and north sides. The required front yards are 30 feet, and the side yards are 20 feet combined, with a minimum 8 feet in one side yard.

The lot is part of the Lago Visa Subdivision, which was platted in 1926. As originally platted, the lot was not a corner lot as the adjacent segment of Ridge Boulevard did not exist. The adjacent lot to the west was subsequently vacated and Ridge Boulevard was extended northward from its original terminus at Deleon Drive. The intersection is slightly off-set, clipping the southwest corner of the subject property. Deleon Drive, although platted, was never constructed east of the intersection.

By today's R-3 standards, the lot would not have met the lot width requirements as it was not a corner lot and only had 60 feet of frontage on Deleon Drive. However, at the time the lot was platted, there were no zoning standards. Historic zoning records indicate the first zoning classification applied to the lot was R-1A. At the time, the R-1A zoning regulations allowed 25-foot front yard setback, and corner lots were allowed a 10-foot street side setback. The current R-3 standards were not applied to the lot until 1994, creating the requirement for two front yards at 30 feet in depth.



The applicant proposes to build a single-story home that will be oriented westerly toward Ridge Boulevard. Due to both a narrow lot depth and multiple front yards, the buildable area of the lot will be only 21 feet wide. As a result, the applicant proposes a variable-width, slender home that measures 29.33 feet at its widest point, near the home's primary entrance. This will cause a front yard encroachment of up to ten feet, thereby triggering the need for a variance. Due to the varying widths of the house, the encroachments into the west front yard vary accordingly. The actual encroachment ranges from three feet-seven inches by the garage on the south end, to five feet-seven inches in the middle of the house, to six feet-one-inch on the north end of the house. The proposed site plan depicts the house

meeting all other setbacks from the south, east and north property lines.

Due to peculiarities with the subdivision and the creation of Ridge Boulevard, the lot has recently been proven vested for development and documented to be a buildable lot.

III. 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.

There are notable circumstances that may be considered unique to this property. The property was platted in 1926, which is significantly prior to the adoption of county zoning. The property was originally platted as an interior lot and was subsequently changed through governmental action into a corner lot. Prior to 1980, the property was zoned R-1A under the West Volusia Zoning Ordinance, which allowed for less stringent front yards and street-side setbacks for corner lots. The adoption of the current zoning ordinance in July 1980 imposed more stringent front yard requirements for corner lots.

Staff finds that this criterion is met.

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

The applicant is not responsible for the platting of the lot, the change in zoning applied to the lot, or the extension of Ridge Boulevard that caused the lot to become a corner lot.

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.

Technically, literal interpretation of the zoning code would not deprive the applicant of the ability to build a house on the property; however, it would restrict the buildable area of the lot to 21 feet wide by 121 feet long. Although a house could be designed to fit within this foot print, it would be uncharacteristically narrow for a site-built single-family dwelling. The opposing corner lots that have been developed appear to be of a more conventional width; however, they have been built over two lots rather than a single lot.

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.

Although the variance request is for 10 feet for the entire length of the house, the proposed house actually has variable widths, and therefore, the encroachments into the west front yard vary accordingly, as discussed in the background information above. Only the entryway feature in the center of the house requires the 10-foot variance, and this is a relatively small area of the entire foot print of the house. Nevertheless, technically, the entryway could be removed to reduce the variance request, or a different floor plan could be proposed that would lessen the variance request and still make reasonable use of the land.

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.

The property lies north of the established Lake Winnemissett neighborhood. This area is characterized by eclectic and unique house designs. Lot sizes vary throughout the area, as do the house designs. Most properties within the same subdivision are comprised of two platted lots combined for a single building lot. For a narrow single lot, the applicant has proposed a house design that appears reasonably sensitive to the setback requirements for a corner lot, while providing for an attractive design that will complement the neighborhood.

Staff finds that this criterion is met.

IV. STAFF RECOMMENDATION

Deny the variance request, case number V-19-048, as the variance fails to meet two of the five criteria for granting said variance.

However, staff recommends the following conditions should these variance requests be considered for approval:

1. The variance is limited to the proposed encroachments of the single-family dwelling, as depicted on the variance site plan. The variance shall not apply to any future accessory structures.
2. The property owner or authorized agent(s) shall obtain and complete all required building permits and inspections for the proposed single-family dwelling.

V. ATTACHMENTS

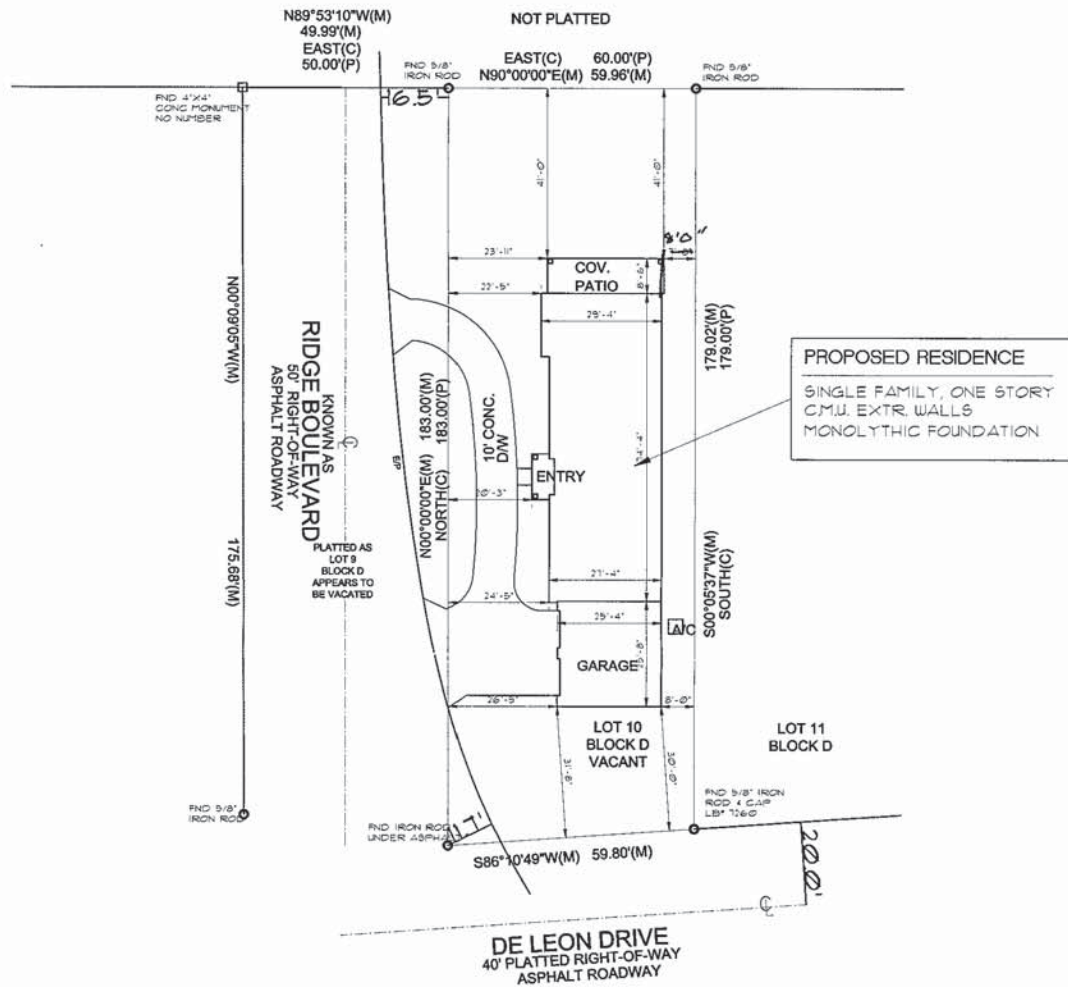
- Variance Site Plan
- Elevation Plans
- Written Petition
- Survey
- Site Photos
- Map Exhibits

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.

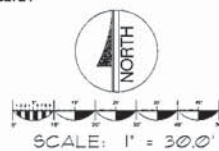
Any new information to be presented at the planning and land development regulation commission meeting for any application will be grounds to continue an application to the next planning and land development regulation commission meeting. Applicants shall inform and provide staff with the new information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

Variance Site Plan



LEGAL DESCRIPTION: (AS FURNISHED)
LOT 10, BLOCK D, PLAT 1, LAGO VISTA, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN MAP BOOK 10, PAGE(S) 203 AAND 204, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

ADDRESS
RIDGE BOULEVARD
DELAND, FLORIDA 32724



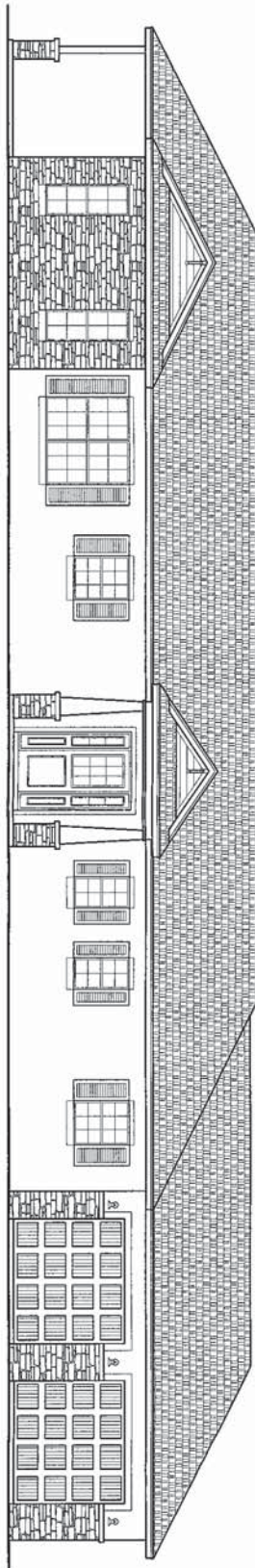
SITE PLAN
NIKKI HOLLAND
DELAND FLORIDA

PROJECT NO.:
DATE:
DRAWN BY:

SP-1

REAR ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

PROJECT INFO

14201 LAND 142

125 PINEHURST 1209

DAVEN PT

FLORIDA

DATE: 01/14/2010

SHEET NO: 1

A-2

ELEVATIONS

A CUSTOM HOME FOR:

Holland Residence

EDGE BLVD, DELAND, FL

VERSION - 1

CUSTOM

HOLLAND RES.

white heart designs

ARCHITECTURE & DESIGN

RESIDENTIAL, COMMERCIAL

7900 Collins Blvd., Suite 100

Deland, Florida 32725

386.221.0000

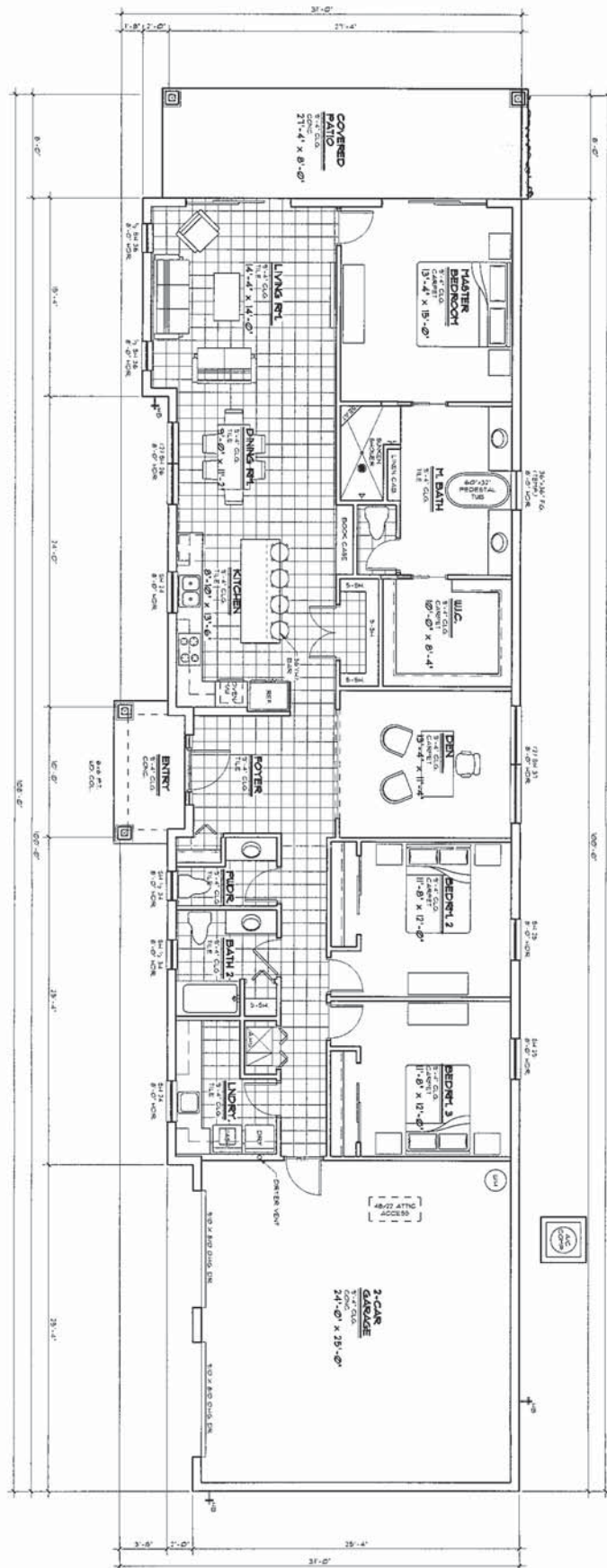
REVISIONS

NO.	DESCRIPTION

TOTAL 2350

FLOOR PLAN

SCALE: 1/4" = 1'-0"



- FLOOR PLAN NOTES**
1. SEE ALL NOTES ON SHEET 13.
 2. SEE ALL NOTES ON SHEET 14.
 3. SEE ALL NOTES ON SHEET 15.
 4. SEE ALL NOTES ON SHEET 16.
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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?

See Attached

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?

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.

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?

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

- 1.) The special conditions and circumstances for the land of interest on Ridge Boulevard are that the DeLeon Drive roadway was never built out. The subdivision was originally designed in the 1920's but never developed. The special conditions and circumstances are not a result of actions by me but as a result of the county designating the adjacent lot as a roadway and utilizing a portion of the lot in interest as part of the roadway as well.
- 2.) The literal interpretation of the zoning ordinance would decrease the buildability of the lot and diminish the building envelope to only permit a house with a width of 22 feet. This interpretation would deem this property virtually unbuildable under the current stipulations.
- 3.) The variance I am requesting currently has a prescriptive right of way which effects the land and tapers off a corner of the property. Therefore, causing the property to have a 30' setback on two sides of the lot. Therefore, the purpose of this minimal variance is to maximize the help I need to produce a viable building envelope.
- 4.) My request is thoroughly consistent with the general intent of increasing taxable property value and the aesthetic appearance of the neighborhood as a whole. It will not compromise health and welfare. It is going to improve and increase property values and tax revenue for Volusia County. Aesthetically speaking, entry from Ridge Boulevard will provide more character to this single family home.
- 5.) The request for a variance is simply to build a single family home on the lot in a neighborhood surrounded by other single family homes. This plan was the original intent that the property was to be used for.

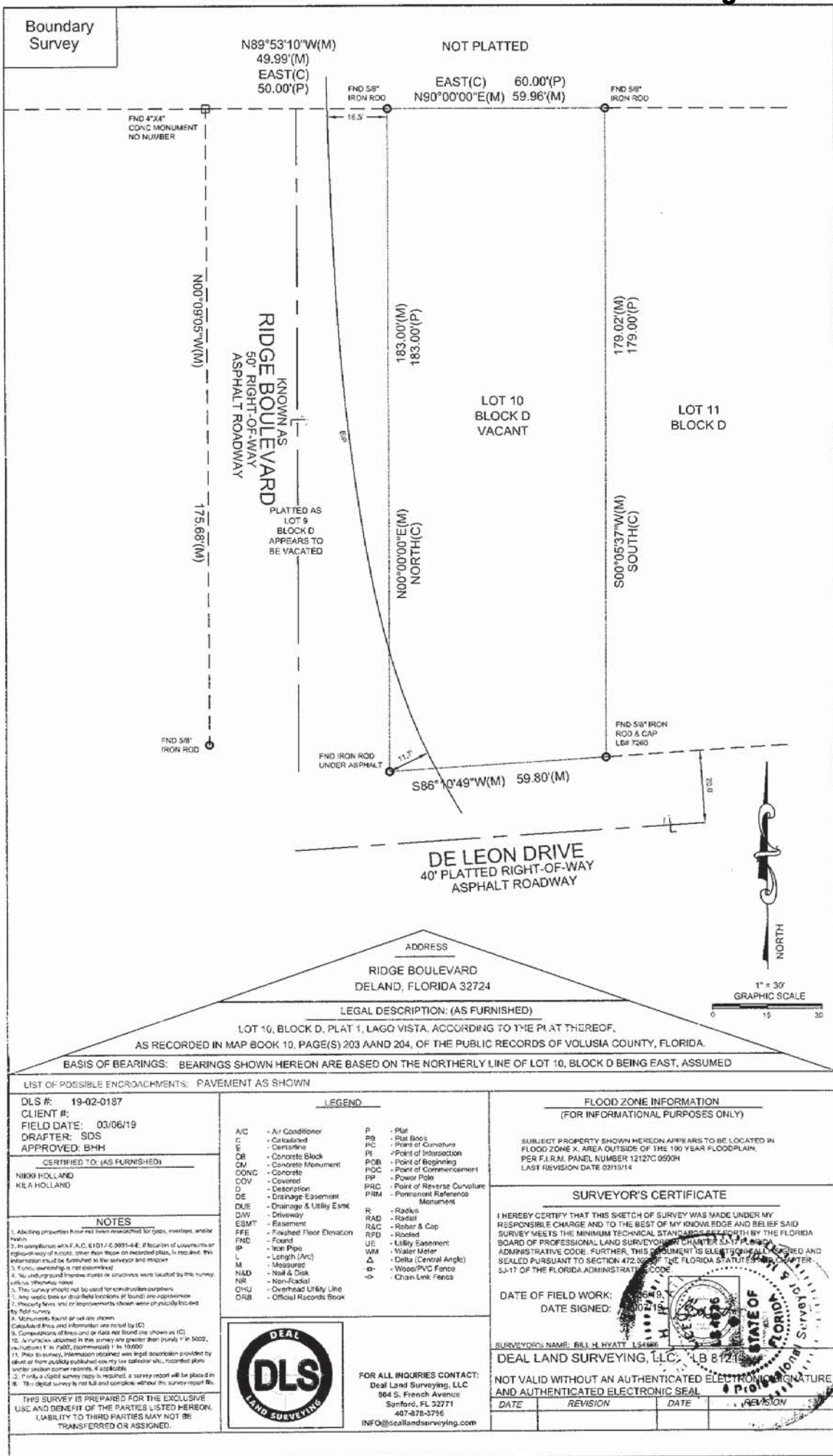


Photo of the subject property, facing east from the intersection of Deleon Drive and Ridge Boulevard.



View of the north side of subject property, from Ridge Boulevard.



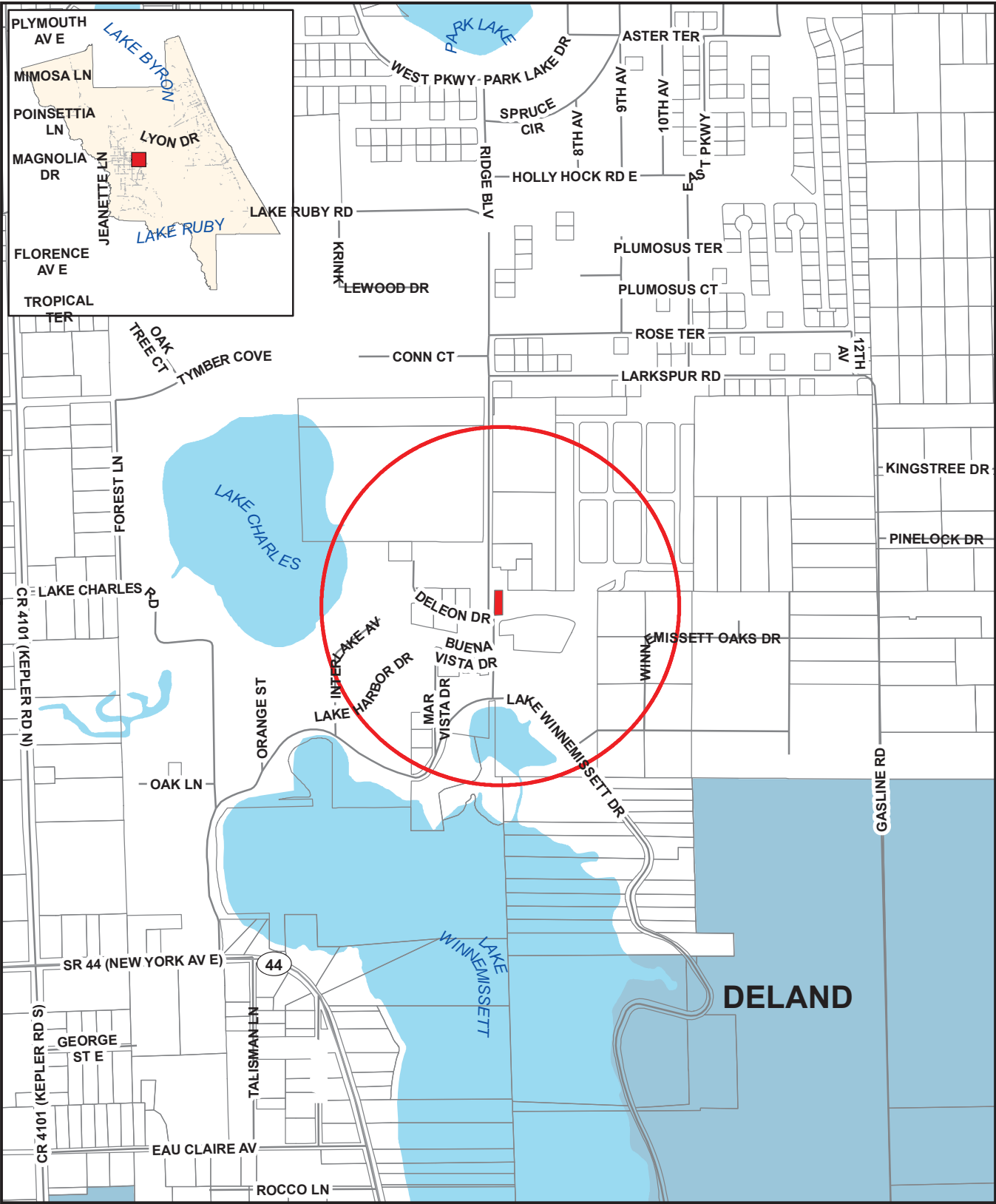
View looking south along Ridge Boulevard from center of lot.



View looking south on Ridge Avenue from the intersection of Deleon Drive.



PROPERTY LOCATION
V-19-048



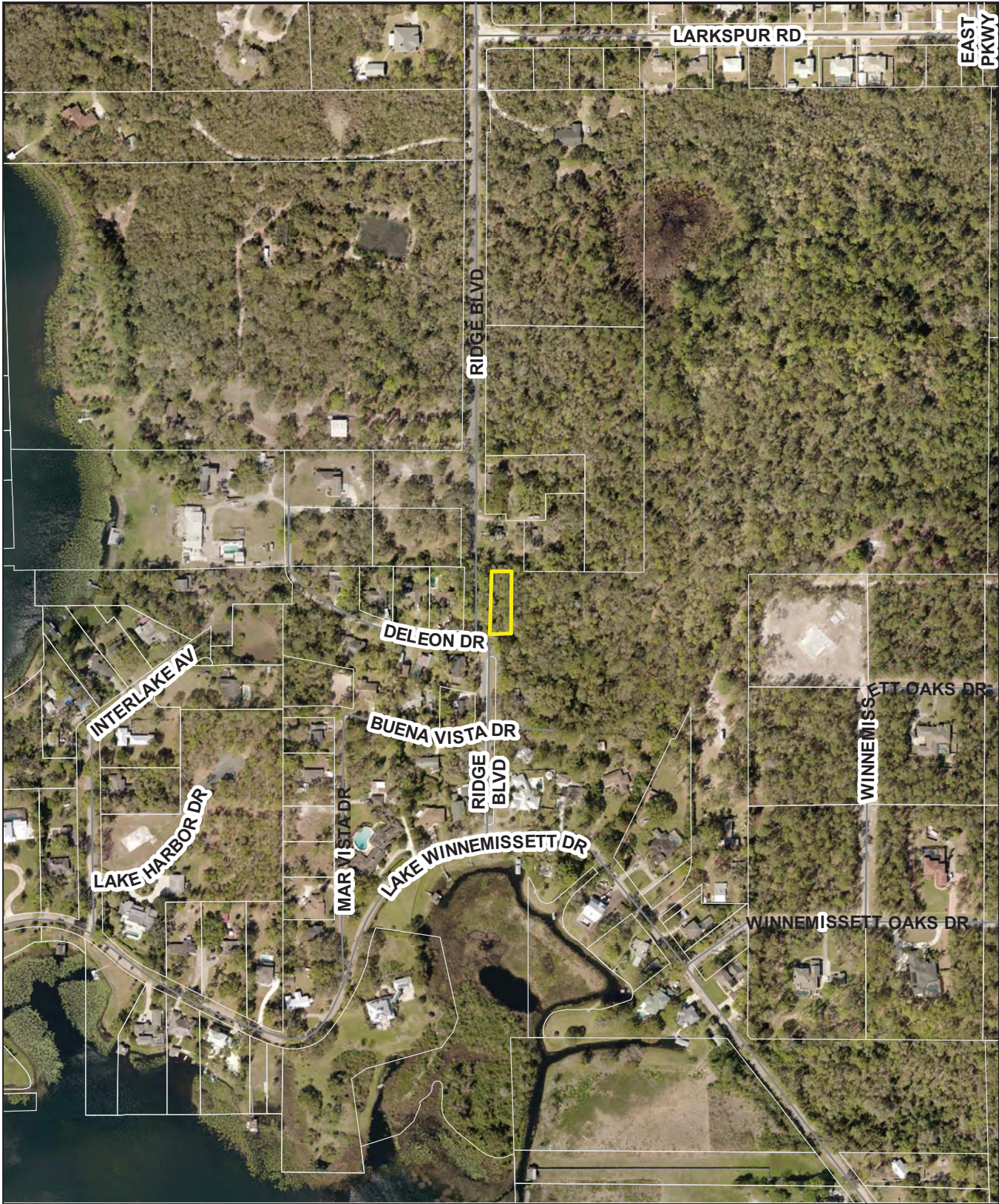
 SUBJECT PROPERTY



1" = 1,000'

3/29/2019

AERIAL
V-19-048



 SUBJECT PROPERTY

IMAGE DATE 2018



1 " = 400 '
3/29/2019

ZONING CLASSIFICATION V-19-048







-  SUBJECT PROPERTY
-  RESIDENTIAL
-  ZONING BNDY
-  INCORPORATED



1" = 400'
3/29/2019

FUTURE LAND USE
V-19-048

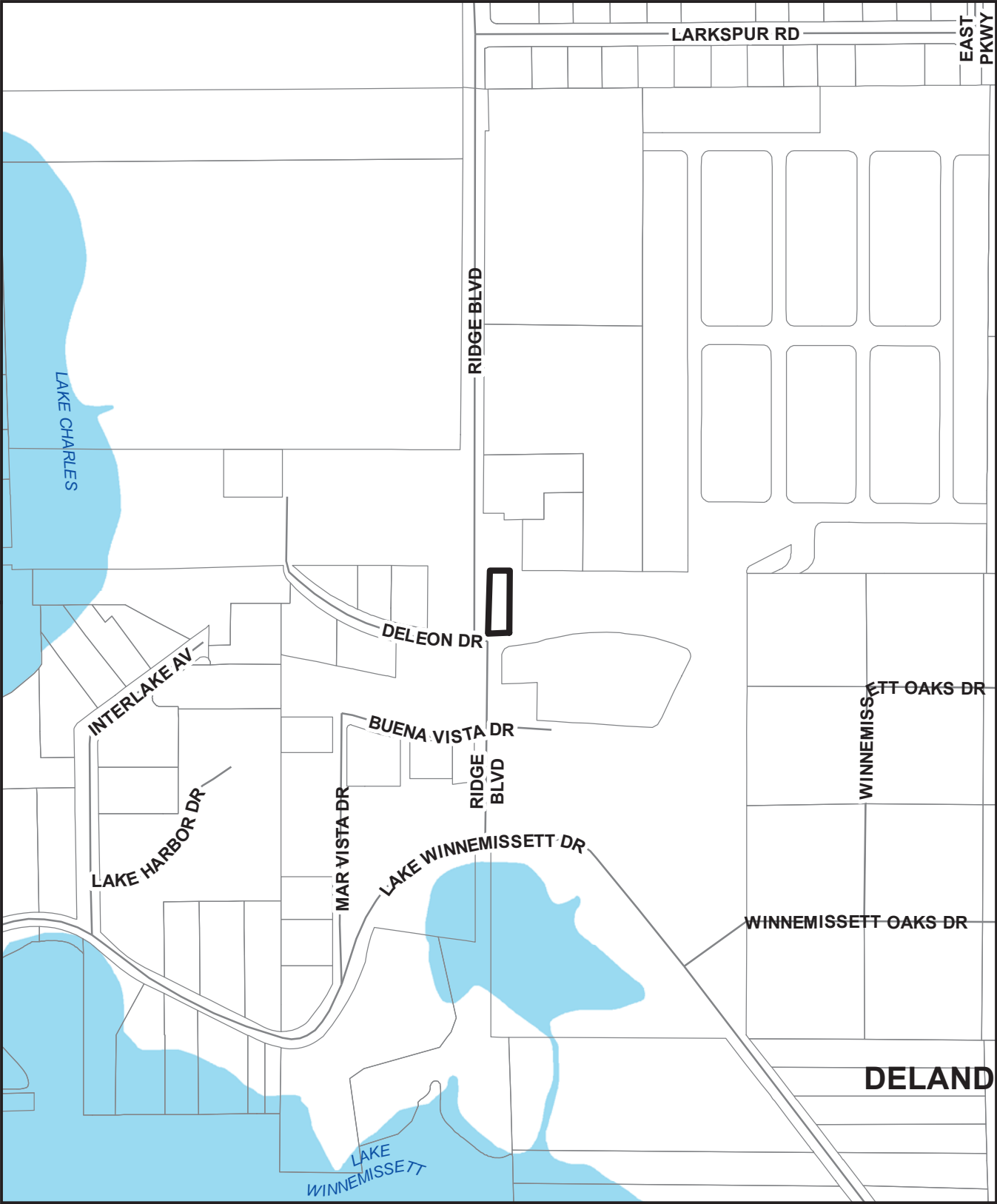





-  SUBJECT PROPERTY
-  INCORPORATED
-  URBAN LOW INTENSITY
-  WATER



1 " = 400 '
3/29/2019

ECO/NRMA OVERLAY
V-19-048



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1" = 400'
3/29/2019