



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

PUBLIC HEARING: July 18, 2019 - Planning and Land Development Regulation Commission (PLDRC)

CASE NUMBER: S-19-064

SUBJECT: Special Exception for a garage apartment on Rural Residential (RR) zoned property.

LOCATION: 1111 East Taylor Road, DeLand

APPLICANT(S): Jeanne M. Gunter

OWNER(S): Jeanne M. Buehler, Jessie K. Gunter and Jeanne M. Gunter

I. SUMMARY OF REQUEST

The applicant requests a special exception to convert an existing barn into a garage apartment on Rural Residential (RR) zoned property.

Staff Recommendation:

Forward the special exception, case number S-19-064, to county council for final action with a recommendation of approval, with staff recommended conditions.

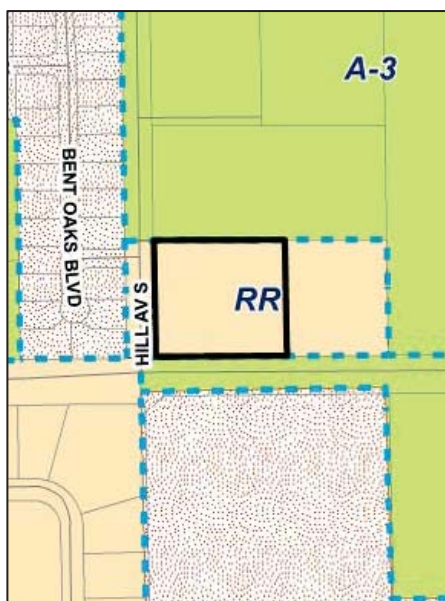
II. SITE INFORMATION

1. Location: Northeast corner of East Taylor Road and South Hill Avenue, in the DeLand area.
2. Parcel Numbers: 7022-00-00-0202
3. Property Size: \pm 2.52 acres
4. Council District: 1
5. Zoning: Rural Residential (RR)
6. Future Land Use: Urban Low Intensity
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	Urban Low Intensity	Single-family residential
East:	RR	Urban Low Intensity	Single-family residential
South:	City of DeLand - Saddlebrook PD	City of DeLand - New Community Development	Vacant woodland
West:	City of DeLand - Saddlebrook Reserve (The Enclave) PD	City of DeLand - Low Density Residential	Single-family residential

10. Location Maps:

ZONING MAP

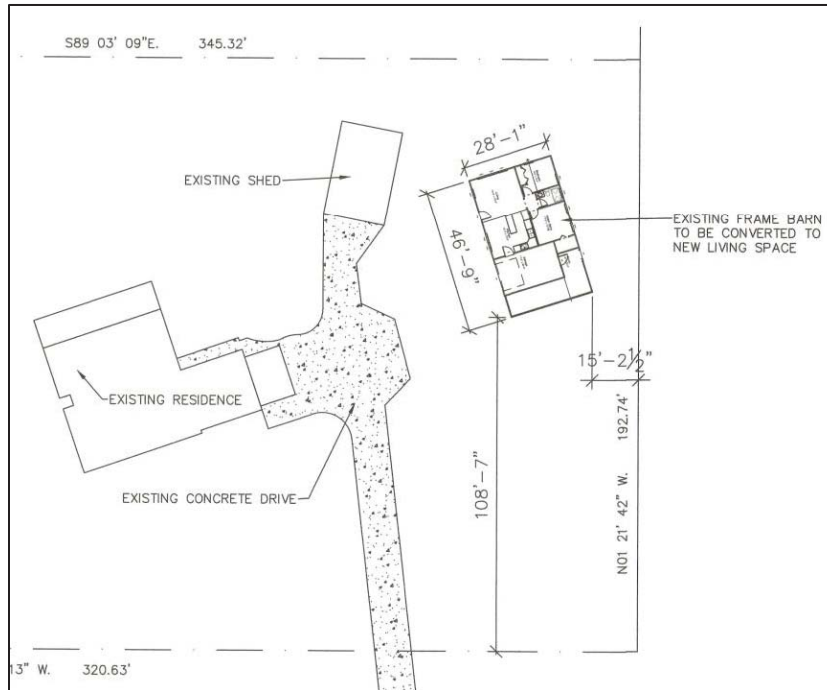


FUTURE LAND USE MAP



III. BACKGROUND AND OVERVIEW

The property is located on the northeast corner of the intersection of East Taylor Road and South Hill Avenue, in the DeLand area. This conforming, 2.52-acre parcel is an approved lot in Iverson Unrecorded subdivision. The applicant is proposing to convert an existing barn in to a garage apartment for a family member.



A garage apartment is a special exception use in the RR zoning classification, and as such, requires county council approval. Section 72-2, of the Zoning Code, defines a garage apartment as "an accessory building containing a storage area for one or more motor vehicles and one single-family dwelling occupying not more than 800 square feet of living area." A garage apartment is also an accessory structure which must meet Section 72-277(1)e of the Zoning

Code. Therefore, the maximum height of an accessory structure shall not exceed 15 feet.

As proposed on the submitted plans, the garage apartment complies with the maximum 800 square feet living area allowed by the Zoning Code, contains a storage area for a motor vehicle, is less than the maximum height requirement for an accessory structure, and meets all yard requirements of the RR zoning classification.

IV. REVIEW CRITERIA AND ANALYSIS

Special Exception Criteria - Under subsection 72-415(8) *Reasons for denial*, the commission may recommend denial of any application for a special exception, and the county council may deny the application for one or more of the following reasons:

(a) *It is inconsistent with the purpose or intent of this article.*

A garage apartment is defined as an accessory structure containing a storage area for one or more motor vehicles and one single-family dwelling occupying not more than 800 square feet of living area. This is a permitted special exception use in the RR zoning classification, subject to required yard, maximum living area, and maximum height requirements specified by the Zoning Code. The proposed garage apartment meets the

living area, motor vehicle storage and height requirements of the zoning code. Granting a special exception for a garage apartment on the parcel is consistent with the Zoning Code.

(b) It is inconsistent with any element of the comprehensive plan.

The comprehensive plan supports activities that provide for sustainable and affordable housing opportunities. Housing Element Policy 5.1.1.14 states that the county shall continue to allow, as a special exception, the construction of accessory dwellings in residential zoning categories that allow 6,000-square-foot lot sizes or larger. The subject property is 2.52 acres.

The garage apartment is an ancillary dwelling unit that, if counted solely toward the density allowance on the lot, would not cause it to exceed the maximum density. From a broader perspective, the property is developed below the allowable density. The addition of a garage apartment on this lot is consistent with the intent of the future land use designation and the comprehensive plan.

(c) It will adversely affect the public interest.

The barn has existed since 1988. Granting a special exception, to allow its conversion to a garage apartment is not likely to adversely affect the public interest.

(d) It does not meet the expressed requirements of the applicable special exception.

A garage apartment is limited to 800 square feet of living space and cannot be located in any required yard area. The proposed garage apartment contains 800 square feet of living space, based on the submitted floor plan. The structure also contains an area for a motor vehicle, as indicated on the applicant's submitted floor plan, and is not located in any required yard area.

(e) The applicant will not be able to meet all requirements imposed by federal, state or local governments, or by the county council.

The application meets the requirements of the special exception, and the applicant can meet all permitting requirements by any federal, state, or local agencies.

(f) Notwithstanding the provisions of division 14 of the land development code [article III], it will generate undue traffic congestion.

A single-family home generates approximately 10 trips per day on the local road network. The garage apartment will not substantially increase this rate and will not generate undue traffic congestion on the thoroughfare road network.

(g) It will create a hazard or a public nuisance, nor be dangerous to individuals or to the public.

The structure has existed for over 30 years as a barn and caused no harm. Converting the structure to a garage apartment will not create a hazard or public nuisance, nor be dangerous to individuals or the public.

(h) It will materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings.

The applicant is not adding additional buildings to the subject property, as they are using a barn that has existed since 1988. Granting of the special exception will not materially alter the character of the surrounding lands, nor adversely affect the value of surrounding lands

(i) It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.

The special exception will not adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.

V. STAFF RECOMMENDATION

Forward the special exception, case number S-19-064, to county council for final action with a recommendation of approval, subject to the following condition(s):

1. The special exception is limited to one garage apartment containing a maximum living area of 800 square feet, pursuant to the site plan and floor plans prepared by Cad Design Service. Any future expansion of the structure or living area, beyond the current footprint shall require approval of a separate special exception and/or variance, building permit and inspections.
2. The property owner or authorized agent(s) shall pay all required impact fees, and obtain and complete all required building permits and inspections for the proposed garage apartment.

Forward the special exception, case number S-19-064, to county council for final action with a recommendation of denial.

VI. ATTACHMENTS

- Special Exception Site Plan
- Special Exception Floor Plan and Elevations
- Survey
- Map Exhibits

VII. AUTHORITY AND PROCEDURE

Pursuant to Section 72-415, the county council shall hold a public hearing after due public notice on all recommendations from the commission. It may accept, reject, modify, return, or seek additional information on those recommendations. No approval of a special exception application shall be made unless, upon motion, four members of the county council concur. The county council will thereafter forward its decision to the applicant.

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

Any new information to be presented at the county council meeting that was not previously presented to the planning and land development regulation commission for any application will be grounds to return an application to the planning and land development regulation commission for further review. Applicants shall inform and provide staff with the new information.

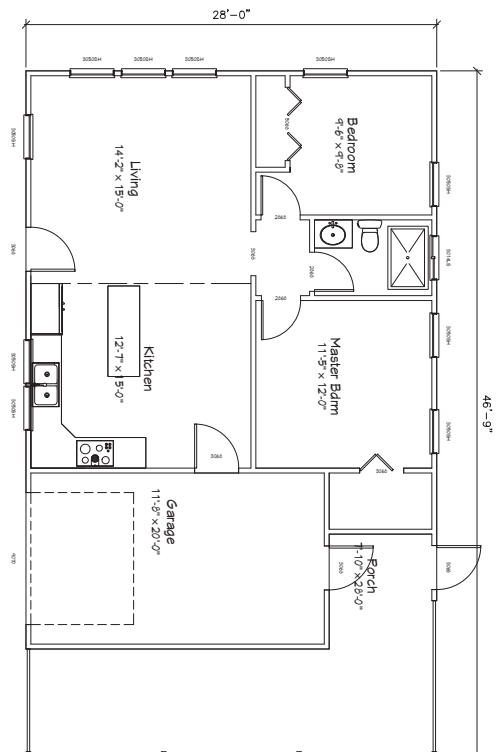
Special Exception Site Plan



1 PLOT PLAN
Scale: 1" = 30'

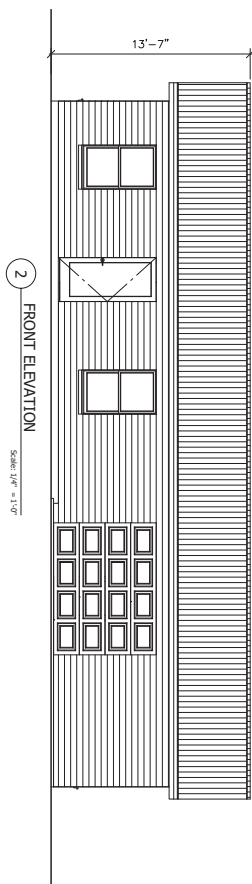
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Special Exception Floor Plan and Elevations



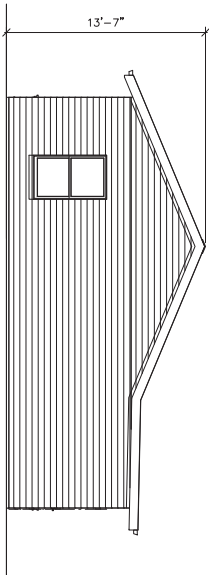
1 FLOOR PLAN

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



2 FRONT ELEVATION

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



3 RIGHT SIDE ELEVATION
Scale: 1/4" = 1'-0"

UNPLATTED



E. TAYLOR ROAD

(100' R/W) (ASPHALT)

DESCRIPTION		UNIT	
(A)	AIR CONDITIONER	N/A	SQ. FT.
(B)	BATH	SQ. FT.	SQ. FT.
(C)	BED ROOM	SQ. FT.	SQ. FT.
(D)	BREAKFAST ROOM	SQ. FT.	SQ. FT.
(E)	BUILDING TYPE	N/A	SQ. FT.
(F)	CEILING	FT.	FT.
(G)	COMMON AREA	SQ. FT.	SQ. FT.
(H)	CONCRETE	SQ. FT.	SQ. FT.
(I)	CORRIDOR	SQ. FT.	SQ. FT.
(J)	CORNER	SQ. FT.	SQ. FT.
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(JT)	CORNER ROOM	SQ. FT.	SQ. FT.
(JU)	CORNER ROOM	SQ. FT.	SQ. FT.
(JV)	CORNER ROOM	SQ. FT.	SQ. FT.
(JW)	CORNER ROOM	SQ. FT.	SQ. FT.
(JX)	CORNER ROOM	SQ. FT.	SQ. FT.
(JY)	CORNER ROOM	SQ. FT.	SQ. FT.
(JZ)	CORNER ROOM	SQ. FT.	SQ. FT.
(KA)	CORNER ROOM	SQ. FT.	SQ. FT.
(KB)	CORNER ROOM	SQ. FT.	SQ. FT.
(KC)	CORNER ROOM	SQ. FT.	SQ. FT.
(KD)	CORNER ROOM	SQ. FT.	SQ. FT.
(KE)	CORNER ROOM	SQ. FT.	SQ. FT.
(KF)	CORNER ROOM	SQ. FT.	SQ. FT.
(KG)	CORNER ROOM	SQ. FT.	SQ. FT.
(KH)	CORNER ROOM	SQ. FT.	SQ. FT.
(KI)	CORNER ROOM	SQ. FT.	SQ. FT.
(KJ)	CORNER ROOM	SQ. FT.	SQ. FT.
(KK)	CORNER ROOM	SQ. FT.	SQ. FT.
(KL)	CORNER ROOM	SQ. FT.	SQ. FT.
(KM)	CORNER ROOM	SQ. FT.	SQ. FT.
(KN)	CORNER ROOM	SQ. FT.	SQ. FT.
(KO)	CORNER ROOM	SQ. FT.	SQ. FT.
(KP)	CORNER ROOM	SQ. FT.	SQ. FT.
(KQ)	CORNER ROOM	SQ. FT.	SQ. FT.
(KR)	CORNER ROOM	SQ. FT.	SQ. FT.
(KS)	CORNER ROOM	SQ. FT.	SQ. FT.
(KT)	CORNER ROOM	SQ. FT.	SQ. FT.
(KU)	CORNER ROOM	SQ. FT.	SQ. FT.
(KV)	CORNER ROOM	SQ. FT.	SQ. FT.
(KW)	CORNER ROOM	SQ. FT.	SQ. FT.
(KX)	CORNER ROOM	SQ. FT.	SQ. FT.
(KY)	CORNER ROOM	SQ. FT.	SQ. FT.
(KZ)	CORNER ROOM	SQ. FT.	SQ. FT.
(LA)	CORNER ROOM	SQ. FT.	SQ. FT.
(LB)	CORNER ROOM	SQ. FT.	SQ. FT.
(LC)	CORNER ROOM	SQ. FT.	SQ. FT.
(LD)	CORNER ROOM	SQ. FT.	SQ. FT.
(LE)	CORNER ROOM	SQ. FT.	SQ. FT.
(LF)	CORNER ROOM	SQ. FT.	SQ. FT.
(LG)	CORNER ROOM	SQ. FT.	SQ. FT.
(LH)	CORNER ROOM	SQ. FT.	SQ. FT.
(LI)	CORNER ROOM	SQ. FT.	SQ. FT.
(LJ)	CORNER ROOM	SQ. FT.	SQ. FT.
(LK)	CORNER ROOM	SQ. FT.	SQ. FT.
(LL)	CORNER ROOM	SQ. FT.	SQ. FT.
(LM)	CORNER ROOM	SQ. FT.	SQ. FT.
(LN)	CORNER ROOM	SQ. FT.	SQ. FT.
(LO)	CORNER ROOM	SQ. FT.	SQ. FT.
(LP)	CORNER ROOM	SQ. FT.	SQ. FT.
(LQ)	CORNER ROOM	SQ. FT.	SQ. FT.
(LR)	CORNER ROOM	SQ. FT.	SQ. FT.
(LS)	CORNER ROOM	SQ. FT.	SQ. FT.
(LT)	CORNER ROOM	SQ. FT.	SQ. FT.
(LU)	CORNER ROOM	SQ. FT.	SQ. FT.
(LV)	CORNER ROOM	SQ. FT.	SQ. FT.
(LW)	CORNER ROOM	SQ. FT.	SQ. FT.
(LX)	CORNER ROOM	SQ. FT.	SQ. FT.
(LY)	CORNER ROOM	SQ. FT.	SQ. FT.
(LZ)	CORNER ROOM	SQ. FT.	SQ. FT.
(MA)	CORNER ROOM	SQ. FT.	SQ. FT.
(MB)	CORNER ROOM	SQ. FT.	SQ. FT.
(MC)	CORNER ROOM	SQ. FT.	SQ. FT.
(MD)	CORNER ROOM	SQ. FT.	SQ. FT.
(ME)	CORNER ROOM	SQ. FT.	SQ. FT.
(MF)	CORNER ROOM	SQ. FT.	SQ. FT.
(MG)	CORNER ROOM	SQ. FT.	SQ. FT.
(MH)	CORNER ROOM	SQ. FT.	SQ. FT.
(MI)	CORNER ROOM	SQ. FT.	SQ. FT.
(MJ)	CORNER ROOM	SQ. FT.	SQ. FT.
(MK)	CORNER ROOM	SQ. FT.	SQ. FT.
(ML)	CORNER ROOM	SQ. FT.	SQ. FT.
(MM)	CORNER ROOM	SQ. FT.	SQ. FT.
(MN)	CORNER ROOM	SQ. FT.	SQ. FT.
(MO)	CORNER ROOM	SQ. FT.	SQ. FT.
(MP)	CORNER ROOM	SQ. FT.	SQ. FT.
(MQ)	CORNER ROOM	SQ. FT.	SQ. FT.
(MR)	CORNER ROOM	SQ. FT.	SQ. FT.
(MS)	CORNER ROOM	SQ. FT.	SQ. FT.
(MT)	CORNER ROOM	SQ. FT.	SQ. FT.
(MU)	CORNER ROOM	SQ. FT.	SQ. FT.
(MV)	CORNER ROOM	SQ. FT.	SQ. FT.
(MW)	CORNER ROOM	SQ. FT.	SQ. FT.
(MX)	CORNER ROOM	SQ. FT.	SQ. FT.
(MY)	CORNER ROOM	SQ. FT.	SQ

Parcel 1:

[illegible]

DESCRIPTION: (PER O.R. BOOK 5158, PAGE 1036)

The North 126.21 feet of the South 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 22, Township 17 South, Range 30 East, Volusia County, Florida, LESS AND EXCEPT THE West 40.00 feet thereof, AND LESS AND EXCEPT THE East 277.53 feet thereof.

NOTE:

THIS PLAN AND SKETCH OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE USE OF THE LANDS OF THE UNITED STATES BY THE UNITED STATES GEOLOGICAL SURVEY AND SHOULD NOT BE REPLIED ON BY ANY OTHER PARTY FOR ANY PURPOSE WHATSOEVER. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN HEREIN WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY. THIS SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEY PARTY OR PARTIES. IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SURVEY PARTY THE REPRODUCTION OF ANY PART OF THIS SURVEY OR THE REPRODUCTION OF ANY INFORMATION NOTED ADDENDUMS OR DELATIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SURVEY PARTY. ANY SUCH REPRODUCTION OR REPRODUCTION OF ANY INFORMATION NOTED ADDENDUMS OR DELATIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SURVEY PARTY WILL BE CONSIDERED A VIOLATION OF THE SURVEY ACT AND SUCH DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY. EITHER EXPRESSED OR IMPLIED BY THE UNITED STATES GEOLOGICAL SURVEY OR ANY OF ITS EMPLOYEES. THE UNITED STATES GEOLOGICAL SURVEY AND THE FIELD, WHICH WAS PREPARED UTILIZING THE BEST AVAILABLE INFORMATION AND DATA, DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE FIELD LABEL FOR CLAIMS ASSIGNED FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED TO THE SURVEYOR, WHICH WAS USED AS A BASIS IN THE PREPARATION OF THE SURVEY DRAWING,

NOTES

1. NO INSTUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP
2. NOT SHOWN WITHIN THE SUBMITTER'S OWNED SPACE OF A FLOOD LICENSED SURVEYOR AND IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN, AS PER THE REQUEST OF THE CLIENT.
3. UNDERGROUND IMPROVEMENTS OR INSTALLATIONS ON OTHER INTERIOR
4. IMPROVEMENTS ARE NOT SHOWN, UNLESS SPECIFICALLY INDICATED BY THE CLIENT.
5. FEATURES SHOWN BY SYMBOL, AS INDICATED IN THE LEGEND ARE NOT TO SCALE
6. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE SEARCH. ANY REVEL
7. WHERE APPLICABLE, NOMINAL DIAMETERS, ETC., AND/OR IS, LB OR LB NUMBERS ARE SHOWN
8. NEAR RESPECTIVE SYMBOL, ABOVE, JUNCTURE SHOWN IN THE LEGEND.
9. BEHAVIORS ASSUMED FROM PLAT, DEED, LEGAL DESCRIPTION
10. BOUNDARY DETERMINED BY MEASUREMENTS IN THE IMMEDIATE VICINITY OF THE ABOVE DESCRIBED
11. SUBJECT PROPERTY LIES WITHIN ZONE "X," AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD
12. VERTICAL CURVES, GRADES, ELEVATIONS, AND ADJACENT FLOOD INSURANCE RATE MAP
13. THIS FLOOD INSURANCE RATE MAP IS NOT A SURVEY AND NO RESPONSIBILITY IS TAKEN
14. FOR THE ACCURACY OF SAID MAP

REVISÉ 4/8/19 TO
SHOW UPDATED SURVEY

EFIRD SURVEYING GROUP, INC.

475 S. BLUE LAKE AVENUE
DELAND, FLORIDA 32724

PHONE: (386) 740-4144 FAX: (386) 740-4155

e-mail: lefird@bellsouth.net

Certificate Of Authorization Licensed Business Number 7230

Boundary Survey

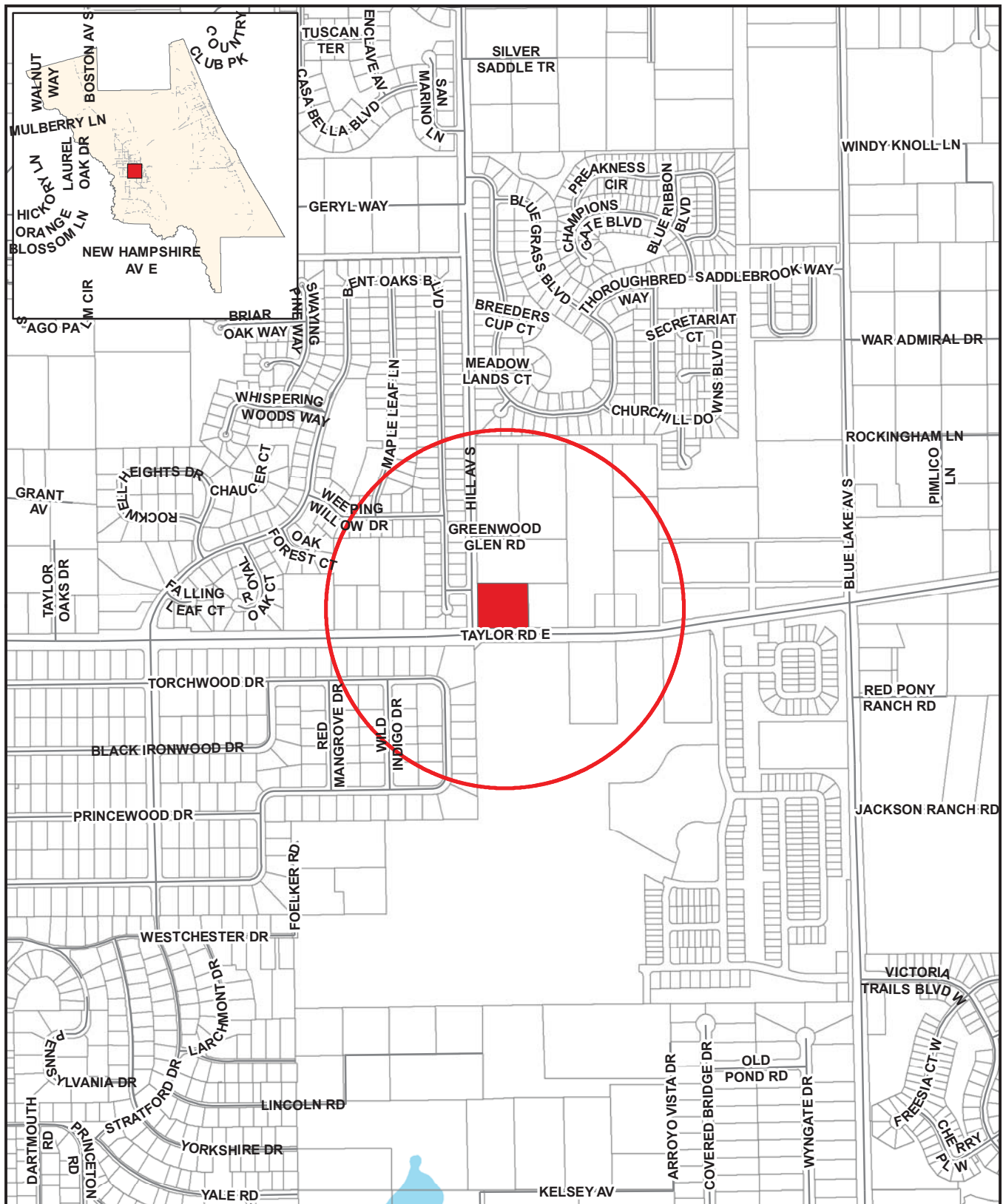
Survey Date:	Drawing Number:	Scale:
10/23/13	13-0659-B	1"=30'
		Drawn By: JLM

JEANNE M. BUEHLER
JESSIE K. GUNTER

1111 E. TAYLOR RD., DELAND



PROPERTY LOCATION
S-19-064

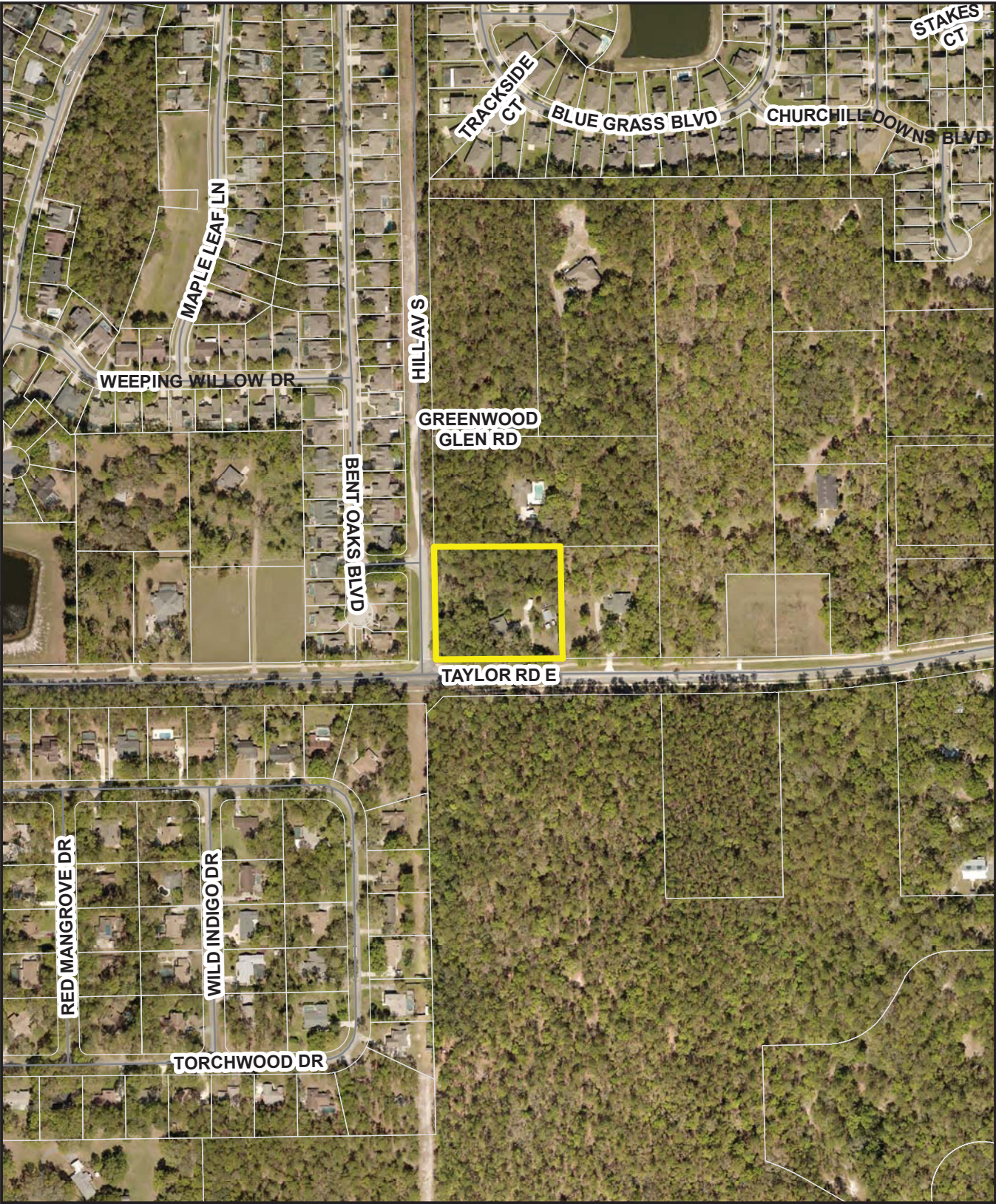


SUBJECT PROPERTY


$$1'' = 1,000'$$

5/30/2019

AERIAL
S-19-064



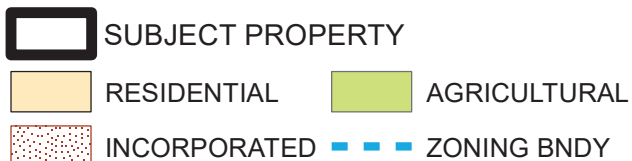
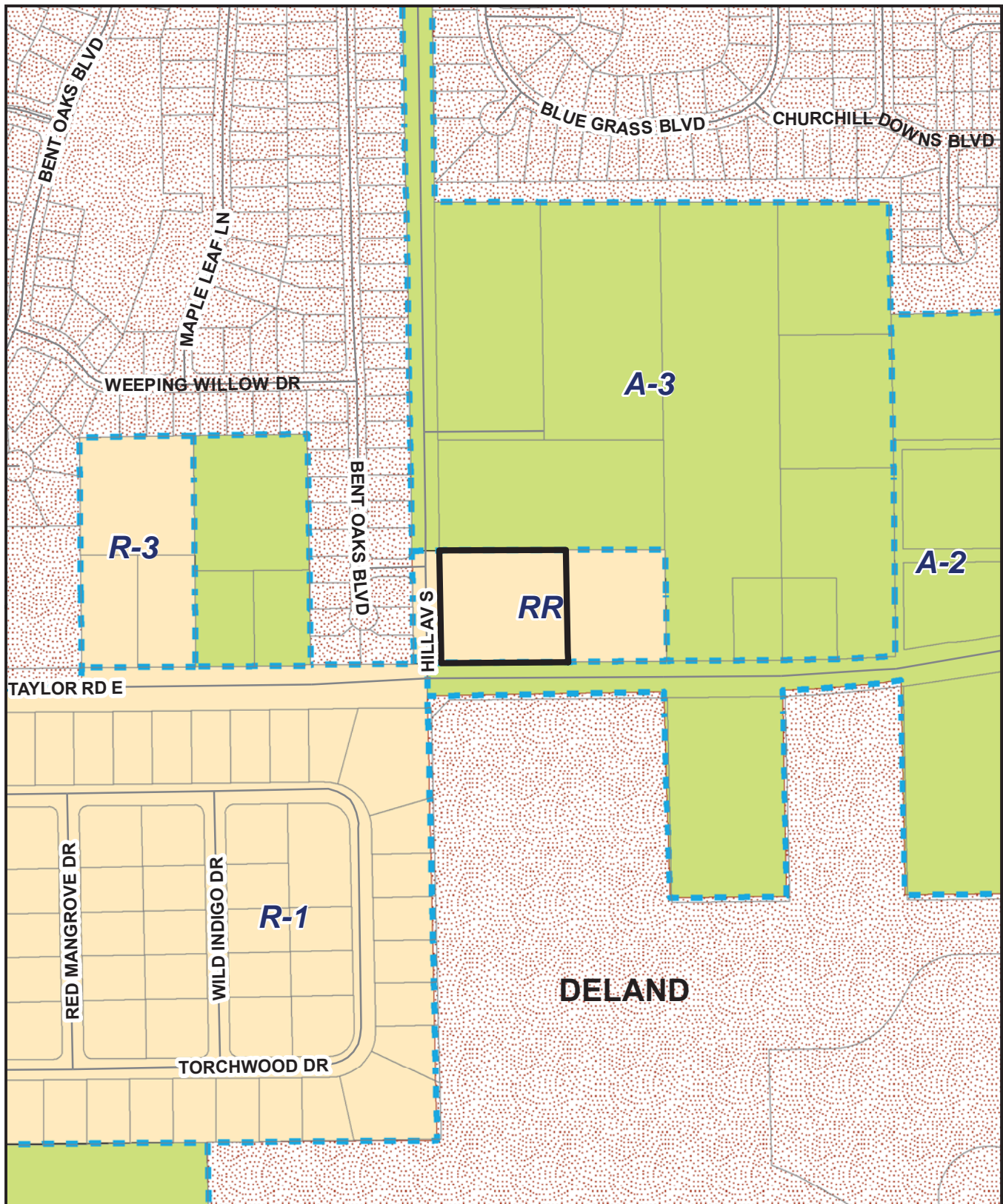
 SUBJECT PROPERTY

IMAGE DATE 2018



1 " = 400 '
5/30/2019

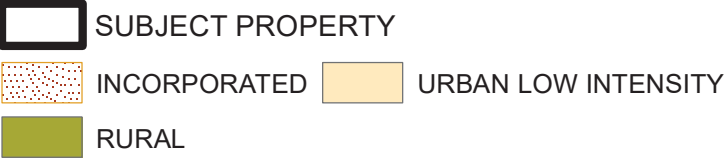
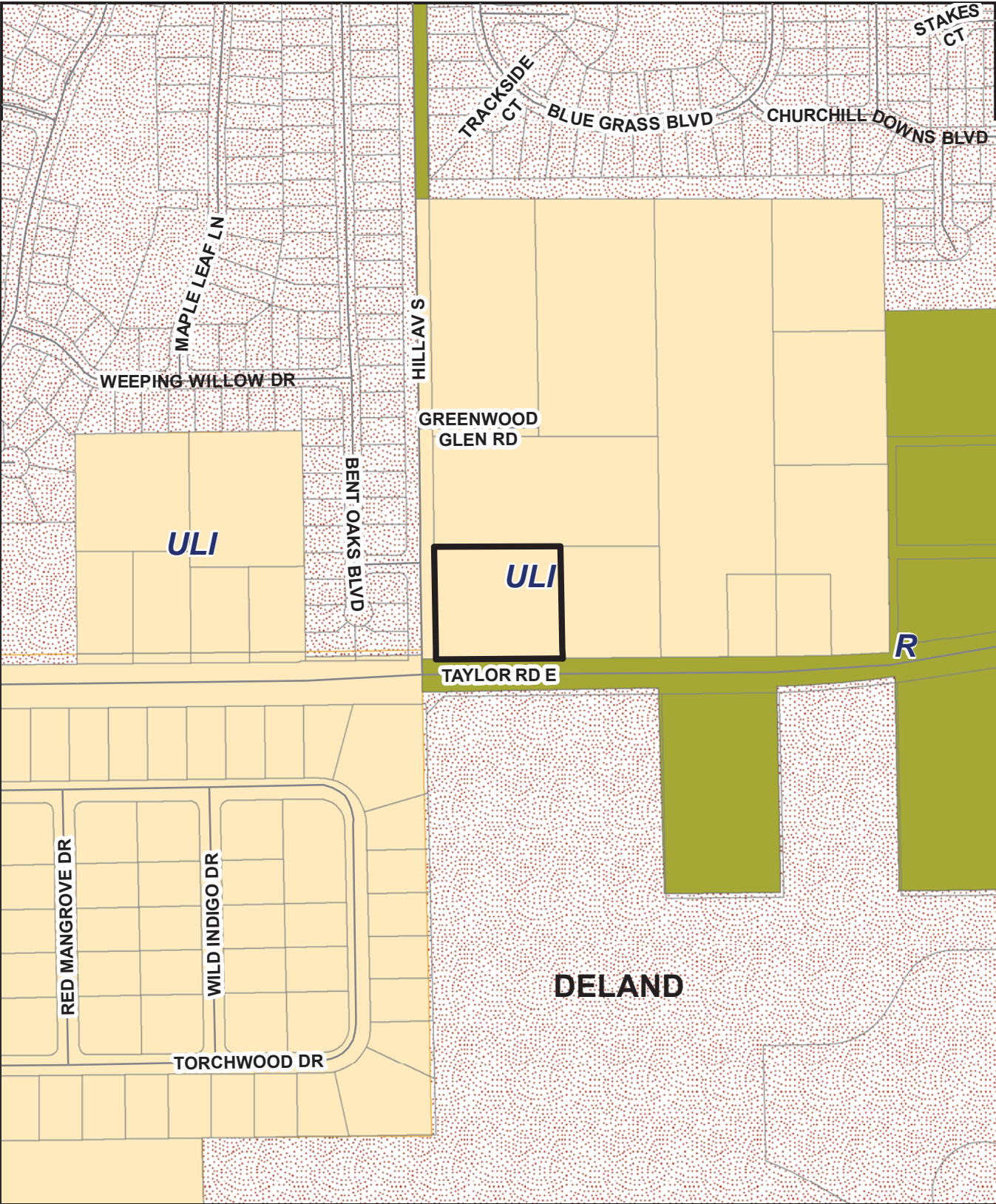
ZONING CLASSIFICATION S-19-064



1" = 400'

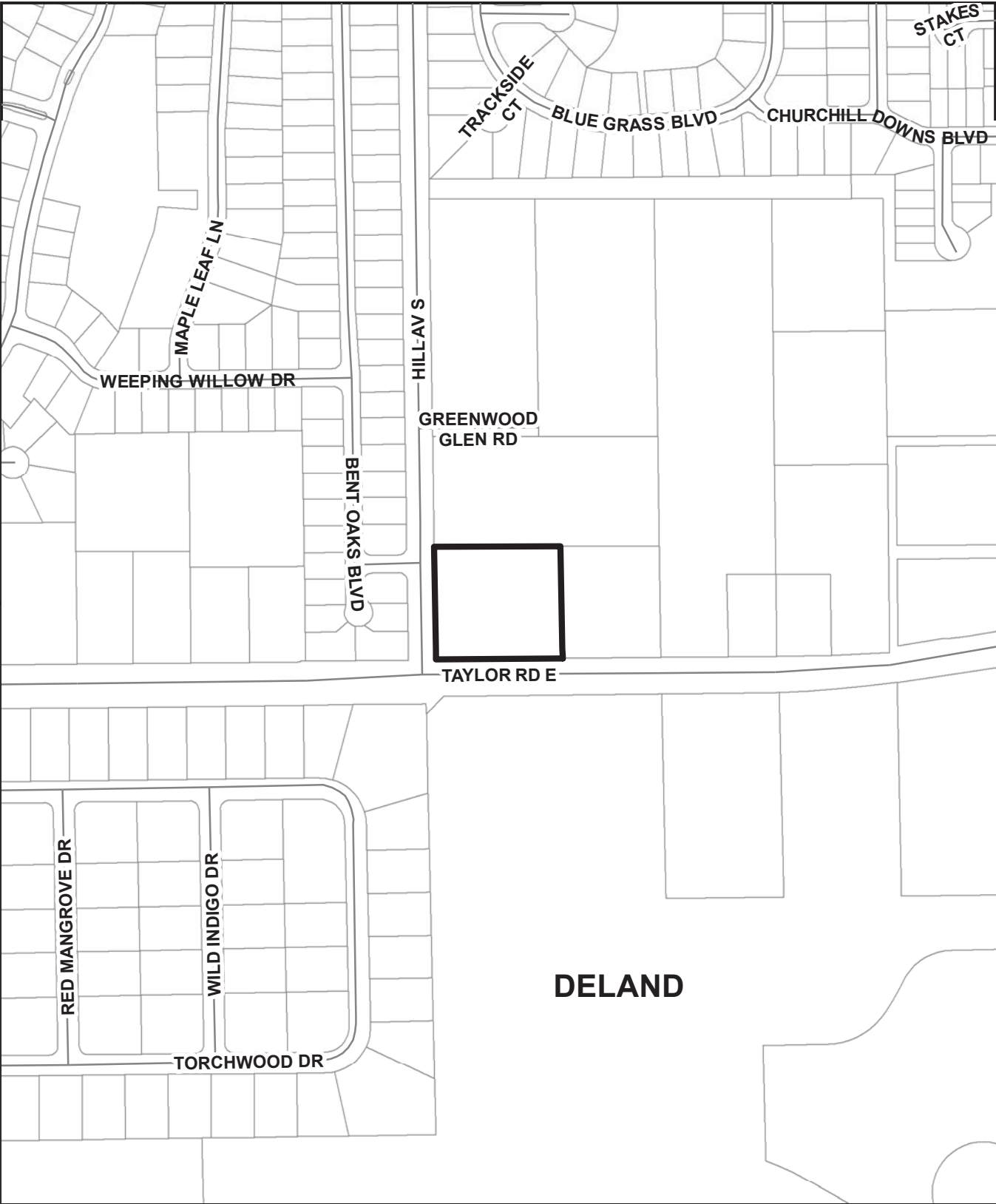
5/30/2019




FUTURE LAND USE
S-19-064



1" = 400'
5/30/2019

ECO/NRMA OVERLAY
S-19-064



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1 " = 400 '
5/30/2019