

GROWTH AND RESOURCE MANAGEMENT DEPARTMENT PLANNING AND DEVELOPMENT SERVICES DIVISION CURRENT PLANNING ACTIVITY

123 W. Indiana Avenue, DeLand, FL 32720 (386) 736-5959

PUBLIC HEARING: December 13, 2016 - Planning and Land Development

Regulation Commission (PLDRC)

CASE NO: V-16-077

SUBJECT: Variance to the front yard for additions to a single-family

dwelling on Planned Unit Development (PUD) zoned property.

LOCATION: 46 Taxiway Lindy Loop, Port Orange

APPLICANT/OWNERS: Douglas and Nancy Gallman

STAFF: Scott Ashley, AICP, Senior Zoning Manager

I. SUMMARY OF REQUEST

The applicant is requesting a setback variance to construct a replacement aircraft hangar and garage, while also adding new living area onto an existing single-family dwelling within the Spruce Creek Fly-In Community. The proposed additions will replace an existing 1,511 square-foot aircraft hangar and an approximate 360 square-foot garage attached to the front side of the applicants' home. However, the larger hangar and garage, as proposed, will extend into the property's required front yard area. The property fronts one of the few combined aircraft taxiway/streets in Spruce Creek platted as Lindy Loop.

The requested variances are follows:

- 1. A variance for a front yard from the required 25 feet to 17.4 feet for an aircraft hangar addition to an existing single-family dwelling, and;
- 2. A variance for a front yard from the required 25 feet to 19.8 feet for a garage addition to an existing single-family dwelling on Planned Unit Development (Spruce Creek PUD) zoned property.

Staff recommendation: Denial, as the requested variances do not meet the five criteria for granting of the variances.

SITE INFORMATION

The property is located on the south side of Taxiway Lindy 1. Location:

Loop at its intersection with Taxiway Bravo, Spruce Creek Fly-

In, Port Orange.

6225-04-00-0990 2. Parcel No(s): <u>+</u> 13,666 square feet 3. Property Size:

4. Council District:

5. Zoning: Planned Unit Development (PUD)

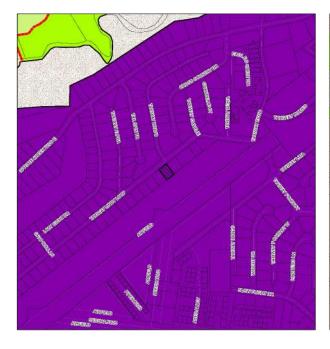
6. Future Land Use: **Urban Low Intensity**

7. ECO Overlay: No 8. NRMA Overlay: No

9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	PUD	ULI	Taxiway Lindy Loop then
	(Spruce Creek)		single-family dwellings
East:	PUD	ULI	Single-family dwellings
	(Spruce Creek)		
South:	PUD	ULI	Common Area
	(Spruce Creek)		
West:	PUD	ULI	Single-family dwelling
	(Spruce Creek)		-

10. Location Maps:





ZONING MAP

FUTURE LAND USE

III. BACKGROUND AND PREVIOUS ACTIONS

The applicants own an airplane and live in a single-family dwelling located in the Fly-In Spruce Creek Inc. Subdivision Unit One, which is a plat within the Spruce Creek Fly-In The property and dwelling Community. includes an attached aircraft hangar that adjoins a 60-foot wide taxiway/street (Taxiway Lindy Loop) that provides both aircraft and vehicular access to the property and Spruce Creek Airport. Taxiway Lindy Loop abuts the front lot line of the property, as well as a number of other adjacent lots of the Fly-In Spruce Creek Inc. Subdivision Unit One. However, only those homes located along the southerly side of Taxiway Lindy Loop use it for both aircraft and vehicular access. Property Appraiser's records list 1976 as the year of construction for the single-family



dwelling and attached aircraft hangar on the property. The current owners bought the property in February 2016 per the property deed.

The purpose of the requested variance is to enable construction of a replacement aircraft hangar and a garage to the applicants' home. Both the hangar and garage are wood frame structures on top of cement slabs. The applicants indicate that the hangar and garage have suffered moisture damage to the point that both require replacement. As the structures require improving, the applicants want to size the hangar and garage to meet their needs as well as accommodate future needs.

The current hangar and garage dimensions are 39 feet wide x 30 feet deep and 18 feet wide x 20 feet deep, respectively. The existing attached hangar is located 25.4 feet from the front lot line, while the garage sets back 35 feet per the property survey. Approval of the requested variance 1 would allow the proposed replacement hangar to locate a minimum setback of 17.4 feet measured from the front line lot in lieu of the 25 feet as required. Per the applicants' submitted building floor plans, the proposed \pm 42-foot x 38-foot (1,596 square feet) hangar will replace the existing \pm 1,170 square foot hangar attached to the front of the home. The additional 426 square feet of hangar space will allow the applicants to house their current airplane, as well as the option to store a variety of similar sized high-wing and low-wing general aviation airplanes. In addition, the new hangar depth provides more walk space around the airplane.

The current garage is small to accommodate two automobiles and include typical storage space. Therefore, the applicants want to construct a replacement garage with a dimension of \pm 22.67 feet x 22.67 feet, and extend it into the front yard with a minimum setback of

19.8 feet. In addition to the garage reconstruction, the project would also include the construction of a third bedroom, new foyer and an internal laundry space between the new garage and the current front wall of the dwelling. The new living area is nearly 13 feet in depth, which will move the new garage into the front yard.

IV. REVIEW CRITERIA AND ANALYSIS

Section 72-379(1) a. 4 *Variances* of the 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.

Variance 1: Staff finds there are special conditions and circumstances peculiar to property and the structures involved. The property includes a single-family dwelling, with an attached aircraft hangar that abuts an aircraft taxiway/street. The shape, size and placement of the home and attached hangar, physically constrains and limits where the proposed replacement hangar addition may be built on the property. The property abuts Taxiway Lindy Loop, which is one of the few combination taxiway/streets within the Spruce Creek Fly-In development.

The circumstance peculiar to the proposed replacement hangar addition is its design to provide for on-site housing of a particular type and size of airplane. Per the applicants' petition, the existing attached aircraft hangar is too small to accommodate their airplane. The applicants' petition also states the proposed hangar addition will have the minimum depth required to accommodate the referenced airplane on-site. The applicants' petition also states that the proposed hangar addition will set back 27 feet from the paved edge of Taxiway Lindy Loop compared to other existing hangars on Taxiway Lindy Loop.

Variance 2: The new garage setback encroachment is due to a proposed house addition. The applicants' petition states the house plan layout and an existing oak tree prevents adding onto the rear of the house. Therefore, this new living floor area will add onto the current front building façade, which will in turn move the slightly deeper replacement garage into the required front yard.

Staff finds the application does not meet this criterion.

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

Variance 1 and 2: The applicant is not responsible for the construction of the single-family dwelling, the existing attached aircraft hangar, and garage.

However, the applicants are responsible for the above circumstance peculiar to the

proposed hangar. The applicants' replacement hangar will be 426 square feet larger than the existing aircraft hangar on the property, and will locate in the front yard area of the property.

The applicants' plans to enlarge the home's living area by 13 feet is the reason the new garage will extend into the front yard

Staff finds the application does not fully meet this criterion. The requested variance is primarily due to the design, size, and placement of the applicants' proposed hangar addition on the property, replacement garage, and expanded living floor area.

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.

Variance 1: Literal interpretation of the provisions of the PUD agreement and zoning code would not deprive the property owners of rights commonly enjoyed by other properties in the same zoning classification. An aircraft hangar attached to a single-family dwelling is common in this PUD zoned community. The applicant already enjoys reasonable use of the property and home, including an existing attached aircraft hangar that meets applicable setback requirements. In contrast to lots located on the southerly side of the Taxiway Lindy Loop, a number of northerly homeowners with aircraft only access to Lindy Loop enjoy having their hangars much closer to the lot line/taxiway boundary.

Variances 2: To avoid the garage variance request to the front yard requirement of 25 feet, an eight-foot reduction of the proposed house addition is necessary. This interpretation of the ordinance would not deprive the applicant of rights enjoyed by other properties, but it will work a hardship on the applicants' plans to add a third bedroom. However, the larger proposed garage can meet the required setback with the house addition reduction.

Staff finds that the application does not meet this criterion.

iv. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, structure, or sign.

Variance 1: The property owner has reasonable use of the property, the existing single-family dwelling, and its existing attached hangar. However, the applicants state that they are unable to store their airplane and have walkable access around the nose and tail.

Staff notes that the Spruce Creek Fly-In community is an aviation community that enables homeowner/pilots to live in a dwelling and have convenient personal aircraft access and use. The applicants' petition includes information about the size of their airplane and the size of other factory built airplanes typical to Spruce Creek, and that the proposed hangar addition is designed to accommodate a single airplane, at the minimum possible depth. However, granting the requested variance would allow a proposed hangar addition just

over 17 feet away from the front lot line. Granting the requested variance allows the applicants' particular airplane to be stored on site.

Variance 2: Staff finds the requested variance is a self-imposed hardship and it is not the minimum variance necessary to allow the applicant to construct a replacement garage on the property. The applicants are extending the garage into the front yard to accommodate an increase of the dwelling's living floor area. Furthermore, the minimum front yard setback in any urban residential classification is at least 20 ft. to ensure adequate street separation to accommodate off-street parking and vehicle stacking areas.

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 2: Granting the requested variance does not create traffic congestion, fire hazards, or block adequate light or air and would have no significant effect on essential governmental services. The requested variance should not be injurious to the immediate area as the applicants request has received approval of the Spruce Creek Property Owners' Association. Staff found no specific comprehensive plan policies applicable to this case.

Staff finds that the application meets this criterion.

V. STAFF RECOMMENDATION

Staff finds that the application does not meet all five criteria to grant the requested variance. Therefore, staff recommends denial a variance for a front yard from the required 25 feet to 17.4 feet for an aircraft hangar addition to an existing single-family dwelling (Variance 1); and a variance for a front yard from the required 25 feet to 19.8 feet for a garage addition to an existing single-family dwelling (Variance 2) on Planned Unit Development (Spruce Creek PUD) zoned property.

However, if the PLDRC determines that this application does meet the five criteria for granting a variance, then staff offers the following conditions for the commission's consideration:

1. Variance 1 shall be limited to the proposed 1,596 square-foot aircraft hangar addition to the single-family dwelling only, consistent with the enclosed variance site plan and the applicants' submitted building floor plan prepared by F.A. Caruso of &F Services dated 11/30/16. Any other expansion of the hangar or single-family dwelling not in compliance with the PUD regulations or zoning code shall require a separate variance.

- 2. Variance 2 shall be limited to the proposed 36-foot garage and home addition to the single-family dwelling only, consistent with the enclosed variance site plan and the applicants' submitted building floor plan prepared by F.A. Caruso of &F Services dated 11/30/16. Any other expansion of the hangar or single-family dwelling not in compliance with the PUD regulations or zoning code shall require a separate variance).
- 3. The property owners or authorized agent(s) shall obtain and complete all required building permits and inspections for the proposed aircraft hangar, garage, and home addition through the county building permit process.

VI. ATTACHMENTS

- Written petition
- Survey and Spruce Creek Subdivision Plat excerpts
- Variance site plan, building floor plan
- Architectural Review Committee letter
- 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.

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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?

The hanger and garage have significant deterioration because the wood structures were built directly on stab and have been expected to ground moisture. It is necessary to tear them down & rebuild. Their current sizes are smaller than other similar structures. It hardship exists because the location of the house prevents expanding the size back into the lot. It is necessary to make the hanger and garage larger to be functional by building them closer to the street.

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?

Using a literal interpretation of the zoning ordinance would prevent us from bailding a larger hanger that would accommedate typical airplanes for this sice of hanger hund. Very few airplanes will fit in the honger currently. This greatly orduces our property value. The hardship of being forced to stay with this small hanger would seem unfair, since other property owners on our street have been granted variances for their hangers to be closer to the street.

the street.

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.

A chart showing sizes of airplanes is attacked, but the variance is needed to allow from the length of the plane plus from to walk around the plane when the door is closed. A 30' plane would allow for a 3' walk space in front and back. The addition to the house is needed to make it 3 bedwans instead of a 2 bedroom house. It will also add indoor laundry facilities. This will be built in place of the current garage and the new garage will be moved forward in line with the hanger. A circle driveway will allow for parkly. The 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?

The construction of a new hanger, garage, and house addition will modernize this property and improve the overall appearance. Altering the setback will be consistent with other properties on this street and will not block site lines or enjoyment of relighboring properties. The architecture and materials used will be consistent with heighboring properties.

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

Allowing this variance will let us put the needed addition on our bouse at the front. If we were to add an in the back, A large live cak would have to be cut down. The Plow of the floor plan would also be discupted. We will be able to work around the live cak trees in the front of our house maintaining the character of the reighborhood. New structures and an updated appearance of our buildings will be consistent with the houses on each side of us and the new construction planned across the street.

Please see additional sheets and pictures for impact on neighborhood.

Application for Variance to Front Setback Requirement

Doug & Nancy Gallman 46 Taxiway Lindy Loop Port Orange, FL 32128

Reasons why the variance is needed:

- Hardship created by deteriorated condition of hanger and garage requiring them to be torn down and rebuilt.
- Hardship with current size of hanger and garage. Both are too small for intended use.
- Hardship due to location of the house on the lot, which prevents building a larger size hanger within current setback requirements.
- Hardship with only 2 bedrooms and no indoor laundry facilities.
- Hardship due to the location of a live oak tree in the back yard and layout
 of the floor plan, which prevents adding on to the back of the house. The
 proposed house addition would require the new garage to be pushed
 forward to be in line with the hanger. A circular driveway will provide
 additional parking within lot lines.

Impact of the variance:

- Proposed hanger and garage will be further away from taxiway/street than some other neighboring hangers, which have been granted variances in the past.
- ➤ The live oak trees in our front yard are much closer to the taxiway/street than the proposed structures. The trees are between our lot line and the pavement. Many other trees and fences are closer to the street than the proposed hanger and garage.
- > The proposed location of the hanger and garage will not block views or enjoyment of neighboring properties.

Application for Variance to Front Setback Requirement

Doug & Nancy Gallman 46 Taxiway Lindy Loop Port Orange, FL 32128

The front setback currently required for this property is 25' from the base line. We are applying for a variance that would allow us to build our hanger and garage 17' from the base line.

The hanger and garage are wooden structures built directly on the cement slabs. They have significant deterioration as a result of constant contact with ground moisture. That is why we need to tear them down and reconstruct them.

Our property presents a hardship due to the placement of the house, which prevents us from building these structures back into the lot to increase their size. The hanger is too small to accommodate most types of small airplanes. Some will fit in the hanger, but it would be impossible to walk around the airplane. We had a beautiful Cessna 182, but had to sell it because it wouldn't fit in the hanger. The hanger isn't deep enough for the length of the plane or tall enough for the tail.

We currently have a Stinson. It's difficult to walk around the nose and tail. The door almost hits the spinner when it's opening and closing. There aren't many planes smaller than a Stinson! If we are rebuilding the hanger, it should be made larger. The placement of the house presents a hardship because it prevents us from increasing the size toward the back of the lot. That is why the variance is essential for making the hanger functional.

The garage is completely rotted out around the bottom. It's also too small for two cars. It is currently 18' wide x 20' deep. We plan to make the new garage larger to allow for two cars and much needed storage.

Our house currently has two bedrooms and laundry hook-ups in the hanger. We would like to add another bedroom and an indoor laundry room. The location of a live oak tree and layout of the house create a hardship for adding on to the back of the house. The most logical and economical place for this addition is where the garage is currently located. The new garage would extend toward the street/taxiway with the same setback as the hanger. This would allow us to preserve the beautiful live oak in the back yard. We are planning to add a circular driveway, which will accommodate parked cars within our lot lines.

You may be wondering why we bought a property with so many problems and projects. We have been visiting friends in Spruce Creek Fly-in for twenty years and fell in love with the area. We really like the charm and character of Lindy Loop. This is a beautiful lot and it has great potential. The house is in good shape and doesn't need much work. We look forward to the opportunity to update this property and make it our home for many years to come.

Thank you for considering this application,

Doug & Nancy Gallman

Setback Variance Application

Doug & Nancy Gallman 46 Taxiway Lindy Loop Port Orange, FL 32128

Request for variance allowing a 17' front setback instead of the 25' zoned setback.



Neighbor's fence is 8'9" from the front base line and their garage is 19'9" from the base line.

Our trees are much closer to the taxiway, as are others in each direction on this side of the street/taxiway.

Proposed front of new hanger and garage to be at white line.

Our hanger is currently 25'4" from the base line. We would like to add 8' to the front of the hanger, as the attached house prevents adding on to the back of the hanger to make it more functional.



The hanger at 40 Taxiway Lindy Loop is 10' from the base line.

The hanger at 42 Taxiway Lindy Loop (not pictured) is 15' from the base line.



View in opposite direction. Trees and fences are closer to the taxiway than our proposed setback distance.

Typical Factory Built Airplanes that May Be Owned by Occupants of this Size of Home

(Only highlighted planes will fit in the current hanger)

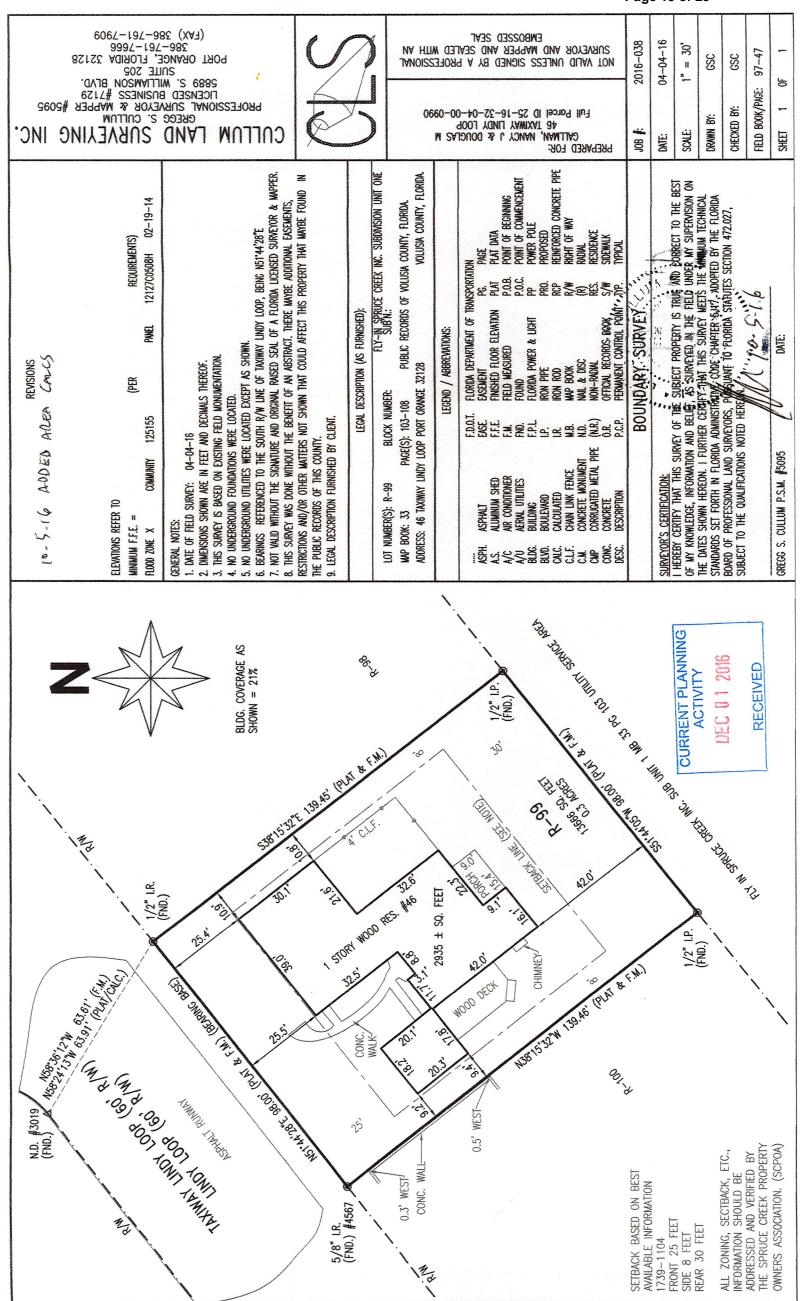
Type of Airplane	Wingspan	Height	Length
Beechcraft Bonanza	32'10"	7'7"	25'2"
Cessna 120/140	33'4"	6'3"	21"6"
Cessna 152	33'3"	8'6"	24'9"
Cessna 172	36'	8'11"	27'
Cessna 180	36'	7'6"	26'2"
Cessna 182	36'	9'4"	29'
Cessna 210	39'9"	9'8"	28'
Cessna 310	36'8"	10'6"	29'8"
Cessna 337	38'3"	9'3"	29'8"
Cirrus SR20 &22	38'4"	8'9"	26
Lake Amphip	38'	9'4"	24'11"
Maule	29'9"	6'	23'6"
Mooney	35'	8'4"	23'
Piper Arrow PA28	30'	8'	24'3"
Piper Cub	35'	6'8"	22'5"
Piper Dakota	35'6"	7'	24'8"
Piper Warrior	35'	7'4"	23'9"
Stinson	34'	7'6"	25'3"
Tripacer	29'3"	8'3"	20'4"
Piper Warrior	35'	7'4"	23'9"

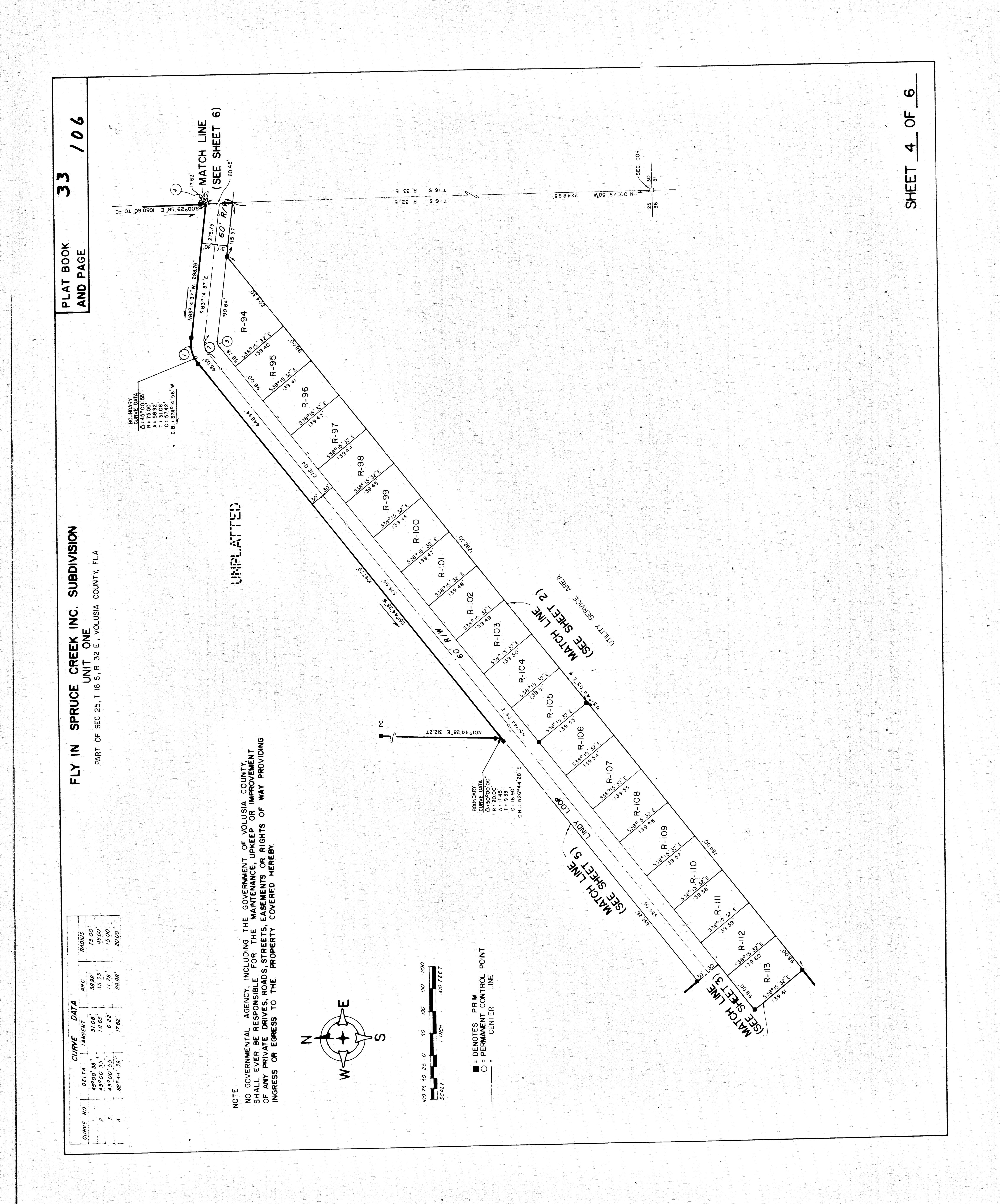
Current Interior Size of Hanger/Door Opening	37'5"	8'6"	28'
Maximum Size of Plane with 2'6" Walking Space Around Plane	32'5"	(With 6" clearance)	23'
Maximum Size of High Wing Plane with 2'6"			25
Walking Space Around Nose & Tail	35'	8'	23'

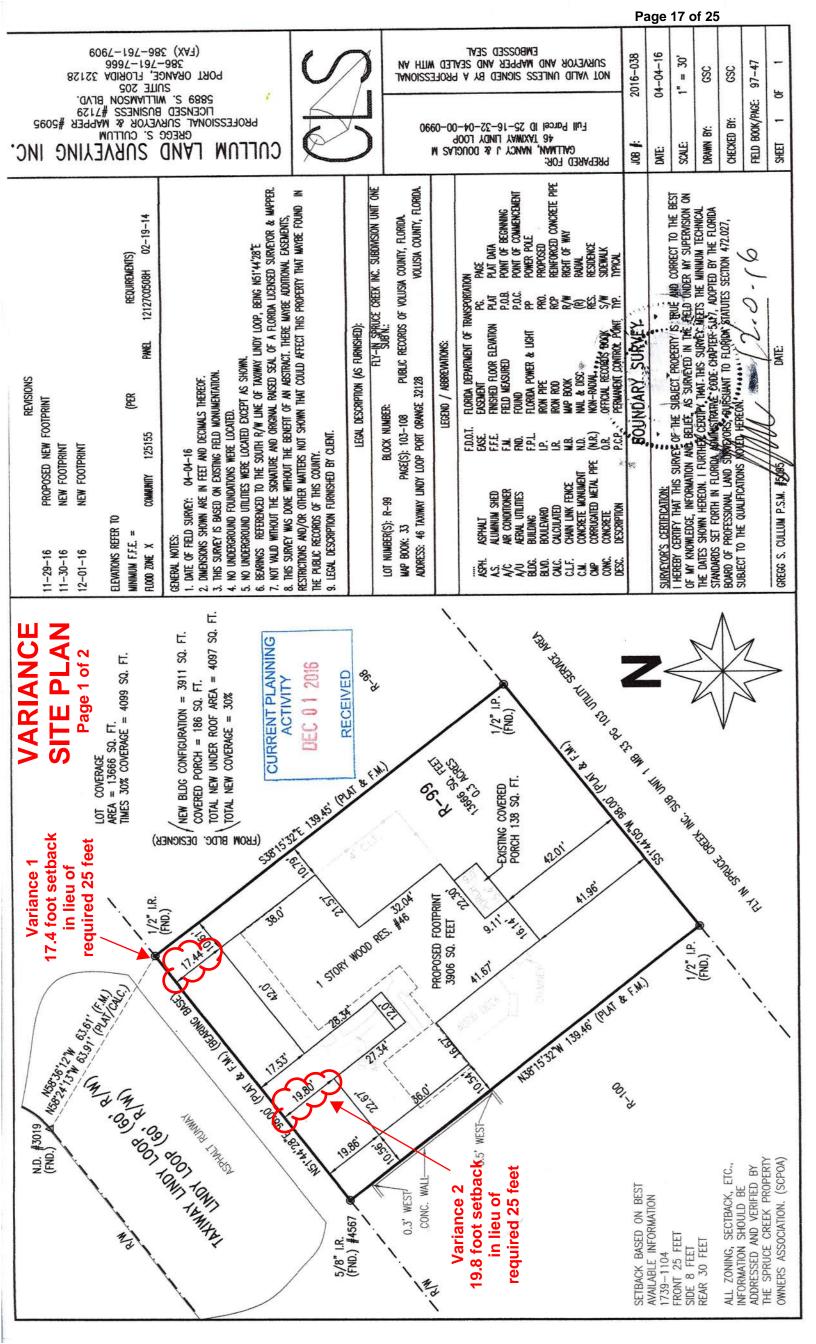
(There are home built airplanes that will also fit in the current size hanger.)

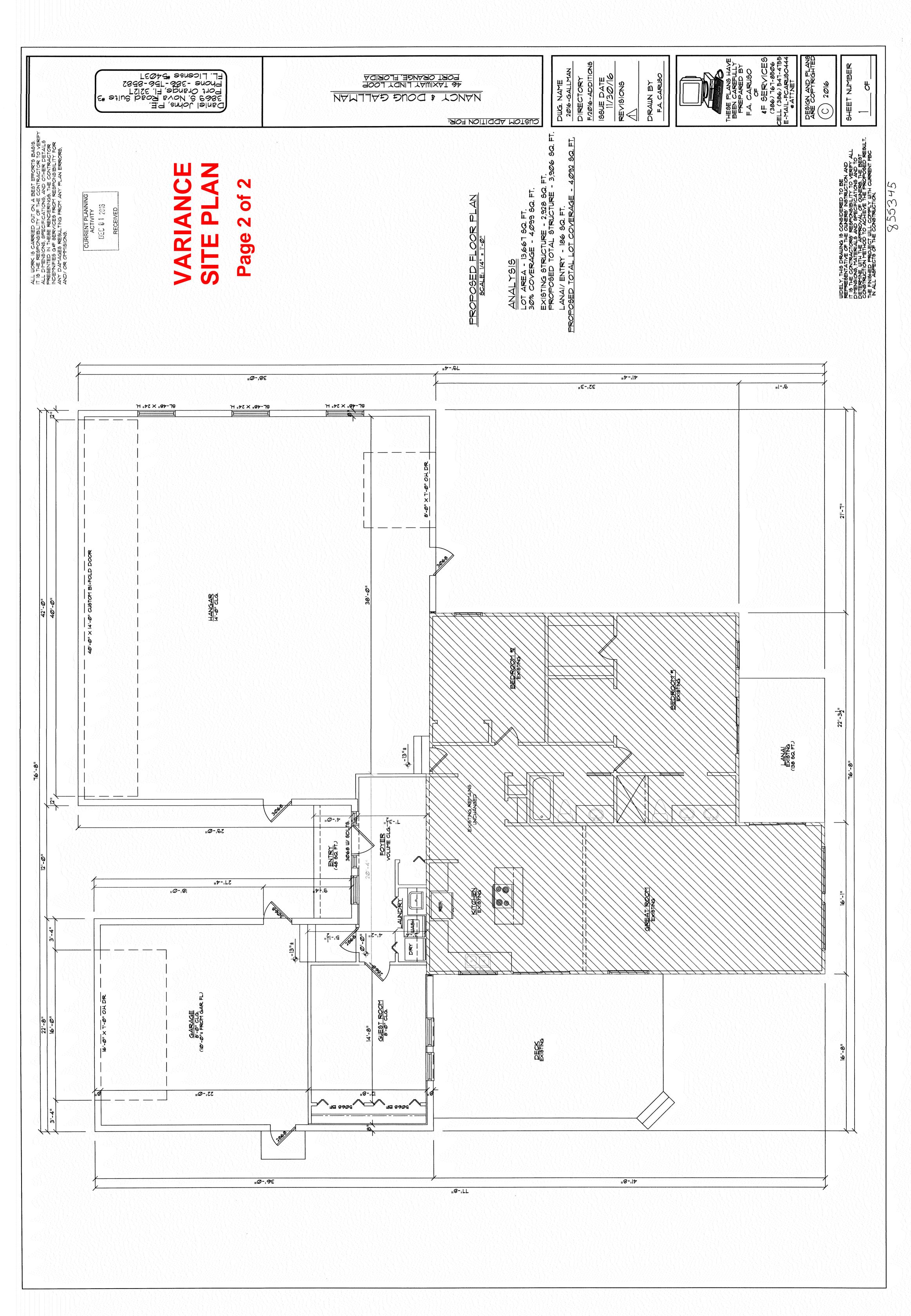
Proposed New Hanger Interior Size/Door Opening	42'	12'	36'
All of the above planes would fit in the	he new hange	<u> </u>	

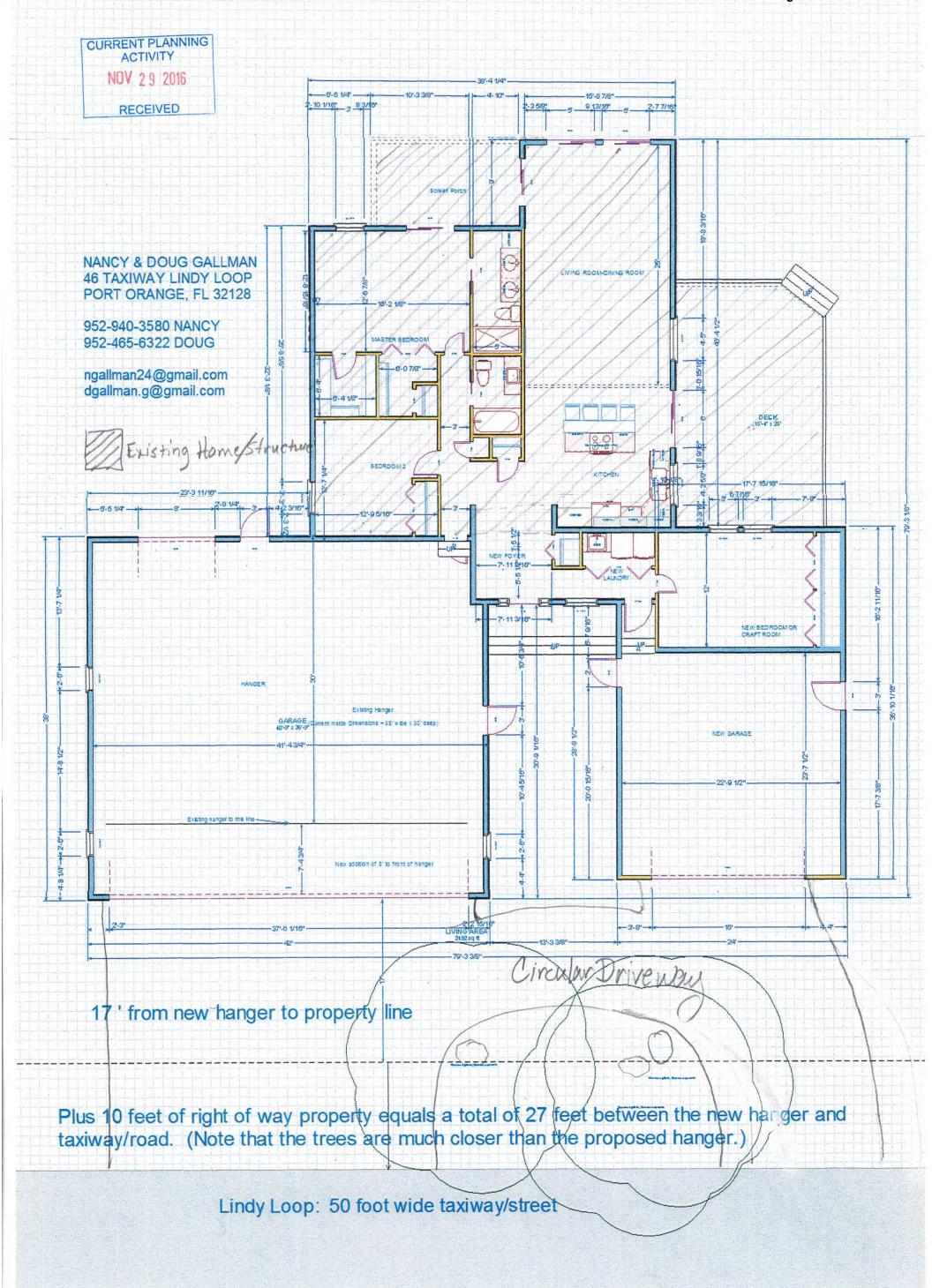
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SPRUCE CREEK PROPERTY OWNERS' ASSOCIATION, INC.

212-1 Cessna Blvd., Port Orange, Florida 32128 386-760-5884 PHONE 386-761-7808 FAX

November 11, 2016

Ms. Sarah Payne County of Volusia Planning and Development Services 123 Indiana Avenue DeLand, FL 32720 CURRENT PLANNING
ACTIVITY
NUV 18 2016
RECEIVED

Dear Sarah:

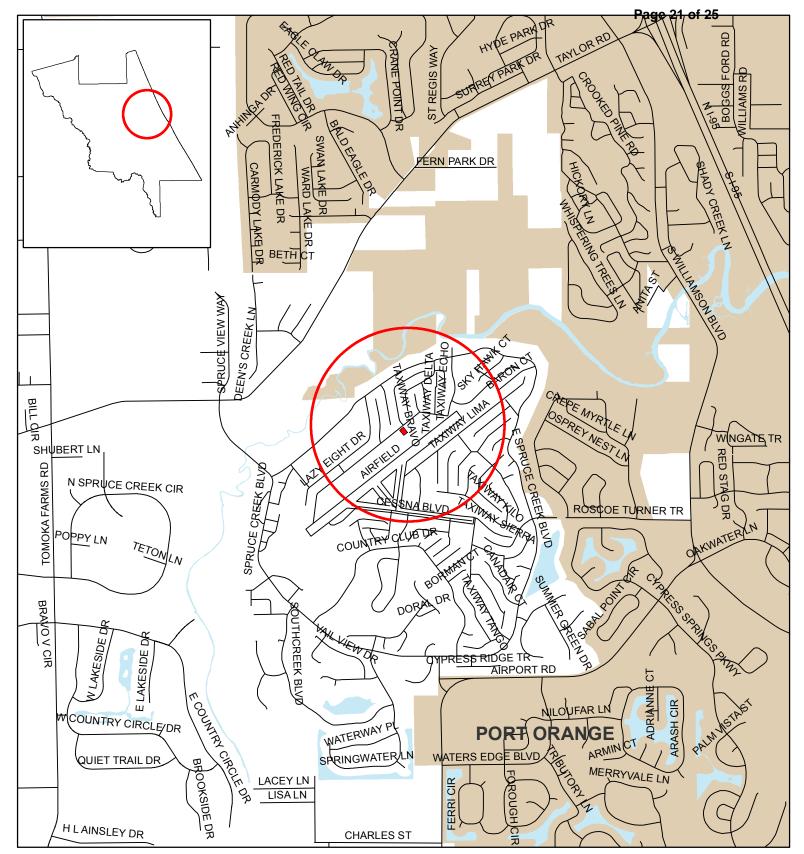
Spruce Creek Property Owners' Association, Inc. (SCPOA) has reviewed and approved a variance request to reduce the minimum front yard setback requirement from 25 feet to 17 feet for the property located at 46 Taxiway Lindy Loop. Please accept this letter as conformation of the same. It is understood the owners are required to submit a variance request to the County. Please let me know if you require anything further.

Sincerely,

Spruce Creek Property Owner's Association, Inc.

BY: ~Roselle Tuttle Johnson, LCAM

CC: File



REQUEST AREA LOCATION



1 in = 2,000 ft



CASE NUMBER V-16-077

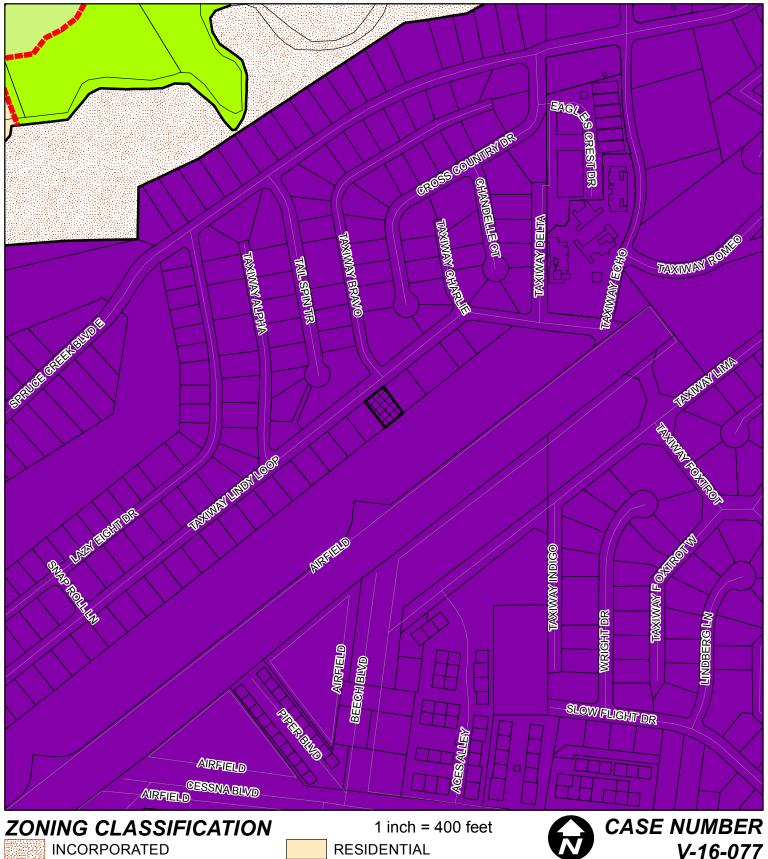


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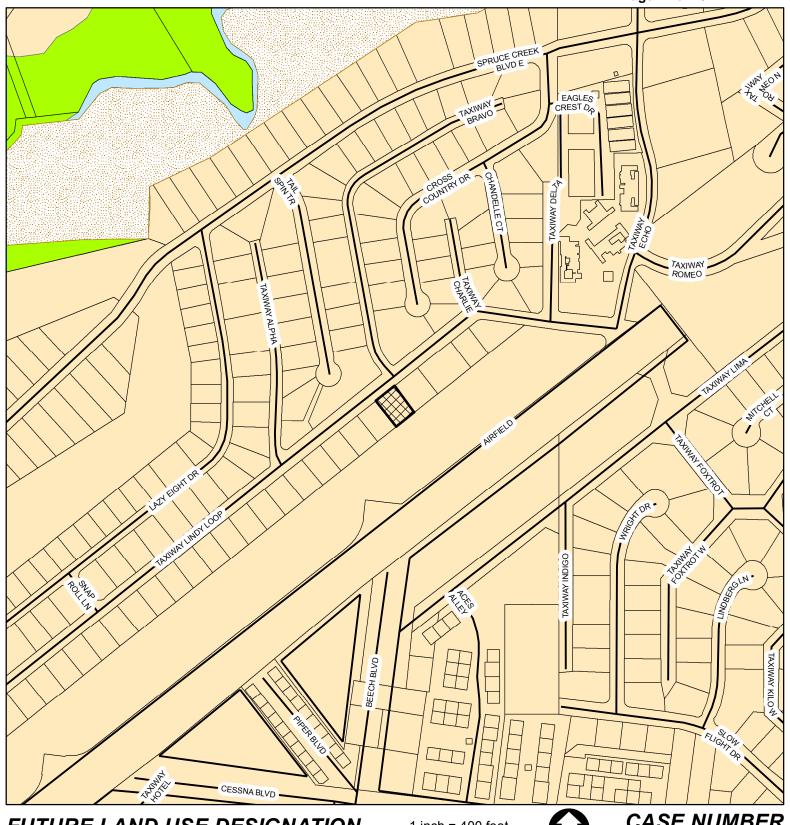
1 inch = 400 feet











FUTURE LAND USE DESIGNATION

1 inch = 400 feet



CASE NUMBER V-16-077

ENVIRONMENTAL SYSTEMS CORRIDOR URBAN LOW INTENSITY



REQUEST AREA

WATER



INCORPORATED







1 inch = 1,000 feet



CASE NUMBER V-16-077