



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: V-19-058

SUBJECT: A variance to the maximum height for an accessory structure on Urban Single-Family Residential (R-3) zoned property.

LOCATION: 2504 Lake Ruby Road, DeLand

APPLICANT(S): James and Nancy Hunt

OWNER(S): Same as above

I. SUMMARY OF REQUEST

This case was continued at the June 20, 2019 public hearing.

The applicants request a variance to facilitate the installation of a 16-foot-high, 800-square-foot detached garage with a roll-up door to store a recreational vehicle. The applicants have owned the property since 1989. The property, which is located at the southeast corner of Lake Ruby Road and Krinklewood Drive, is zoned R-3 and is a conforming lot. The zoning code limits accessory building height to 15 feet. Therefore, the requested variance is as follows:

Variance: A variance to Section 72-277(1)e to increase the maximum height of an accessory structure from 15 feet to 16 feet.

Staff Recommendation:

Deny the variance request, case number V-19-058, as the variance fails to meet three of the five criteria for granting said variance.

II. SITE INFORMATION

1. Location: Southeast corner of Lake Ruby Road and Krinklewood Drive, DeLand
2. Parcel Number: 7012-00-00-0203
3. Property Size: 1.00 acres
4. Council District: 1
5. Zoning: Urban Single-Family Residential (R-3)
6. Future Land Use: Urban Low Intensity
7. Overlays: Airport Protection Overlay Zone
8. Local Plan Area: Not Applicable
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	EXISTING USE
North:	R-3	Urban Low Intensity	Vacant land
East:	R-3	Urban Low Intensity	Single-Family Residential
South:	R-3	Urban Low Intensity	Single-Family Residential
West:	R-3	Urban Low Intensity	Single-Family Residential

10. Location Maps:

ZONING MAP



FUTURE LAND USE MAP



III. BACKGROUND AND OVERVIEW

The one-acre corner property is located at the southeast corner of Lake Ruby Road (public road) and Krinklewood Drive (access easement) and is part of the Myers Unrecorded Subdivision 2-A, exemption number 1071, that was approved in 1987. The property has been zoned Urban Single-Family Residential (R-3) since July 1980. At one acre in size and 204 feet in width, the property exceeds minimum R-3 development standards. The property is rectilinear, oriented north-to-south, and is subject to 30-foot front yards along its north and west property lines due to roadway adjacency, as well as two 20-foot-combined side yards along its south and east property lines. The property is located within the Airport Protection Overlay Zone.



The applicants acquired the property in August 1989. The current 1,792-square-foot residence was built in 1989. The applicants wish to install an 800-square-foot, pre-fabricated detached garage (40 feet long by 20 feet wide) to store the applicants' fifth-wheel recreational trailer. The garage will utilize roll-up doors which generally require at least two feet of clearance between the top of the doorframe and the ceiling. Section 72-277(1).e of the zoning code limits accessory structure height to 15 feet, as measured between finished grade and the midpoint of the roof. The mean roof height for the proposed garage is 15.54 feet. Due to the size of the proposed garage, it must adhere to the same building envelope as the residence. The garage will meet all required setbacks.

It should be noted that the 2015-2016 Smart Growth Committee examined building height restrictions for accessory structures as part of their charge to streamline the permitting process. Its recommendation was to raise the maximum height limitation to 25 feet. This zoning code amendment has been drafted and is undergoing review. It is anticipated that this amendment will alleviate future variances of this nature.

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.

A standard R-3 lot is required to be a minimum of 10,000 square feet in area, with a minimum lot width of 85 feet. At one-acre, the subject property is over four times the minimum size, and 204 feet in width. The size of the property would permit four individual lots, each with a principal structure of up to 35 feet in height. Allowing the property to contain one principal structure and one accessory structure that exceeds the maximum required height of 15 feet by one additional foot will not cause the lot to appear to be over-built or out of scale with surrounding properties.

Staff finds that this criterion is met.

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

The size of the property is not due to the actions of the applicant. However, the purchase of a recreational vehicle and the desire to store it within an enclosed garage are directly related to 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.

Current building height restrictions would deprive the applicants of the ability to protect and secure the fifth wheel, which will require a clearance of roughly 14 feet. An accessory structure with a height of 15 feet, would not accommodate the protection and security of the applicant's property. On the other hand, indoor storage of a recreational vehicle is not a right that is granted to property owners under the zoning code. The applicants could opt to store the fifth wheel either outdoors or off-site.

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.

The applicants chose a pre-fabricated building with a roll-up door, which requires at least two feet of headroom between the top of the doorframe and the ceiling. As a consequence, the proposed building height is the absolute lowest height possible that will satisfactorily meet the applicants' storage needs. On the other hand, the applicants could have chosen a garage with swing doors, thus eliminating the need for additional building height to accommodate the necessary headroom.

Staff finds that this criterion is not met.

v. The grant of the variance will be in harmony with the general intent and purpose of this ordinance and the Volusia County Comprehensive Plan Ordinance No. 90-10, as amended, and that such variance will not be injurious to the area involved.

Granting the variance will not be injurious to area property owners, nor will it compromise public health, safety and welfare. No changes in land use, increases in density, or intensification in land use will result from the granting of this variance. The indoor housing of vehicles and equipment is often preferable to unenclosed outdoor storage, which may appear unsightly.

Staff finds that the criterion is met.

V. STAFF RECOMMENDATION

Deny the variance request, case number V-19-058, as the variance fails to meet three of the five criteria for granting said variance.

However, staff recommends the following conditions should this variance request be considered for approval by the PLDRC:

1. The proposed accessory structure shall be located and constructed in accordance with the site and building plans submitted to county staff on 4/22/2019.
2. The applicant shall obtain and complete all required building and development permits and inspections for the proposed accessory structure.

VI. ATTACHMENTS

- Variance Site Plan
- Written Petition
- Survey
- Building Elevations
- Site Photos
- Map Exhibits

VII. AUTHORITY AND PROCEDURE

The commission may, except as otherwise provided in Section 72-379 of the zoning code, authorize, after due public notice upon application on a form prescribed by the zoning enforcement official, such variance or variances from the terms of this ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provision of this ordinance would result in unnecessary and undue hardship. Said variance application shall be heard only if it is presented by the person owning 51 percent or more of the specific area of land involved or upon an administrative application by the county council.

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



Written Petition for a Variance

Section 72-379(1)(a)(4) of the Zoning Ordinance of Volusia County, as amended, requires that each applicant for a variance submit a written petition as part of the application. The written petition must clearly describe how the variance request satisfies all of the specific conditions necessary for the granting of the variance.

The following items must be completed in sufficient detail to allow Current Planning to determine if the application complies with the Ordinance. **(Use additional sheets if necessary.)**

1. What special conditions and circumstances exist which are peculiar to your land, structure, building or sign that are not applicable to other lands, structures, buildings or signs in the same zoning classification. Are these special conditions and circumstances the result of actions by you?

No special conditions exist

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?

1. We would not be able to store our rv on our property in a fully enclosed building to protect the rv.
2. Due to the height of the rv, we need a height variance granted to accommodate the rv. The height of the rv is 13'2".

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.

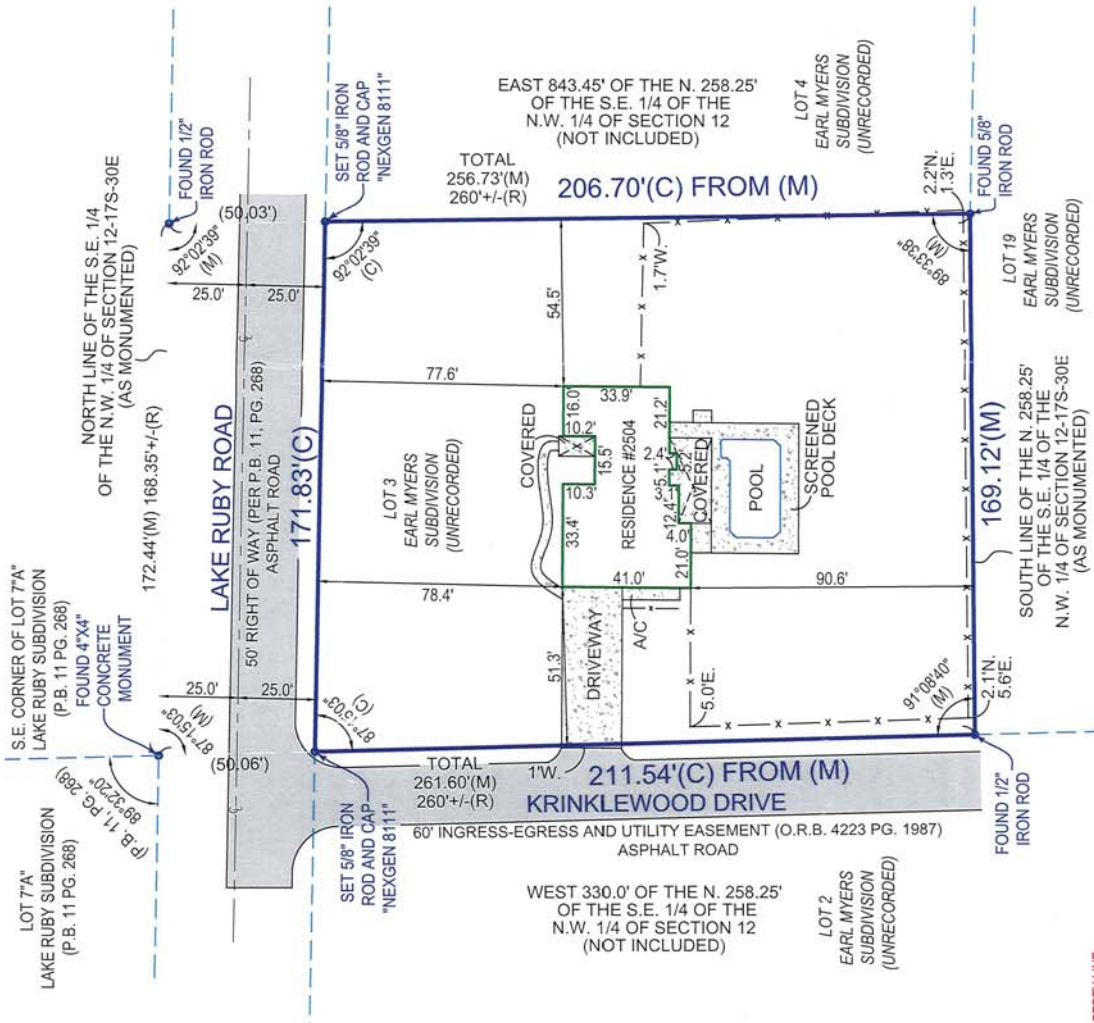
We are asking for a height variance only. Our house is on a one acre lot and we have plenty of land for the construction of a fully enclosed building for our rv. There are no other extenuating circumstances that would require any additional considerations.

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?

Our building will be set back 60' from the Western fence boundary, 10' from the Southern fence boundary, 62'6" from the Eastern fence boundary. The building will be a fully enclosed tan colored steel building; the driveway will be made of asphalt millings for a distance of 60' and a concrete apron adjacent to Krinklewood Dr. There will not be any intrusion of our building onto any adjacent properties or onto any roadway. Our neighbors have steel buildings on their properties and ours will be consistent with the neighborhood.

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

Our building and driveway will not be constructed of materials that may harm the environment, nor present any danger to wildlife.



Site Photos: V-19-058, Hunt

Bird's Eye Aerial, Subject Property



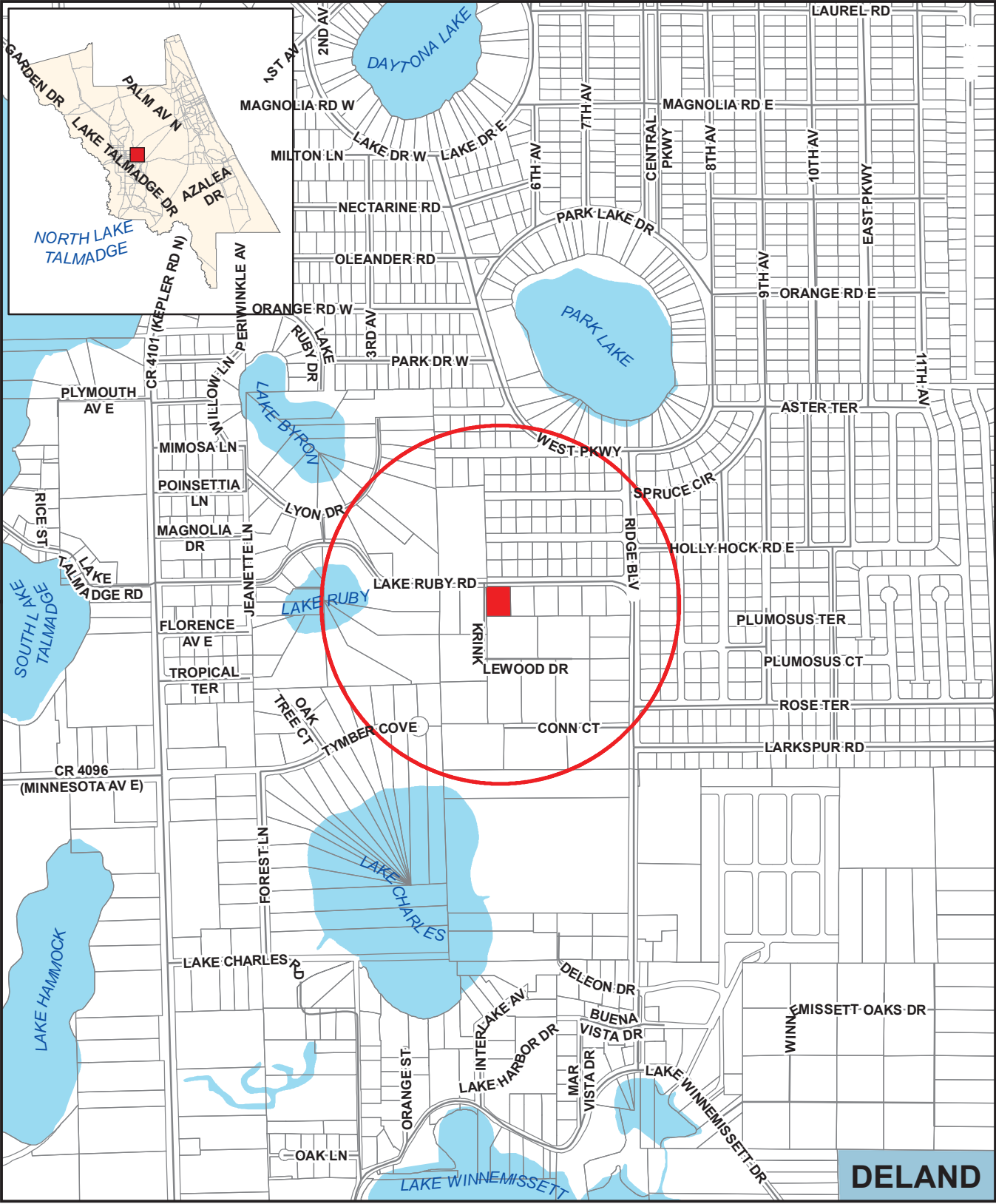
A: Site, near SE corner of Lake Ruby & Krinklewood



**B: Site – Along Krinklewood
(Approximate location of new garage)**



PROPERTY LOCATION
V-19-058

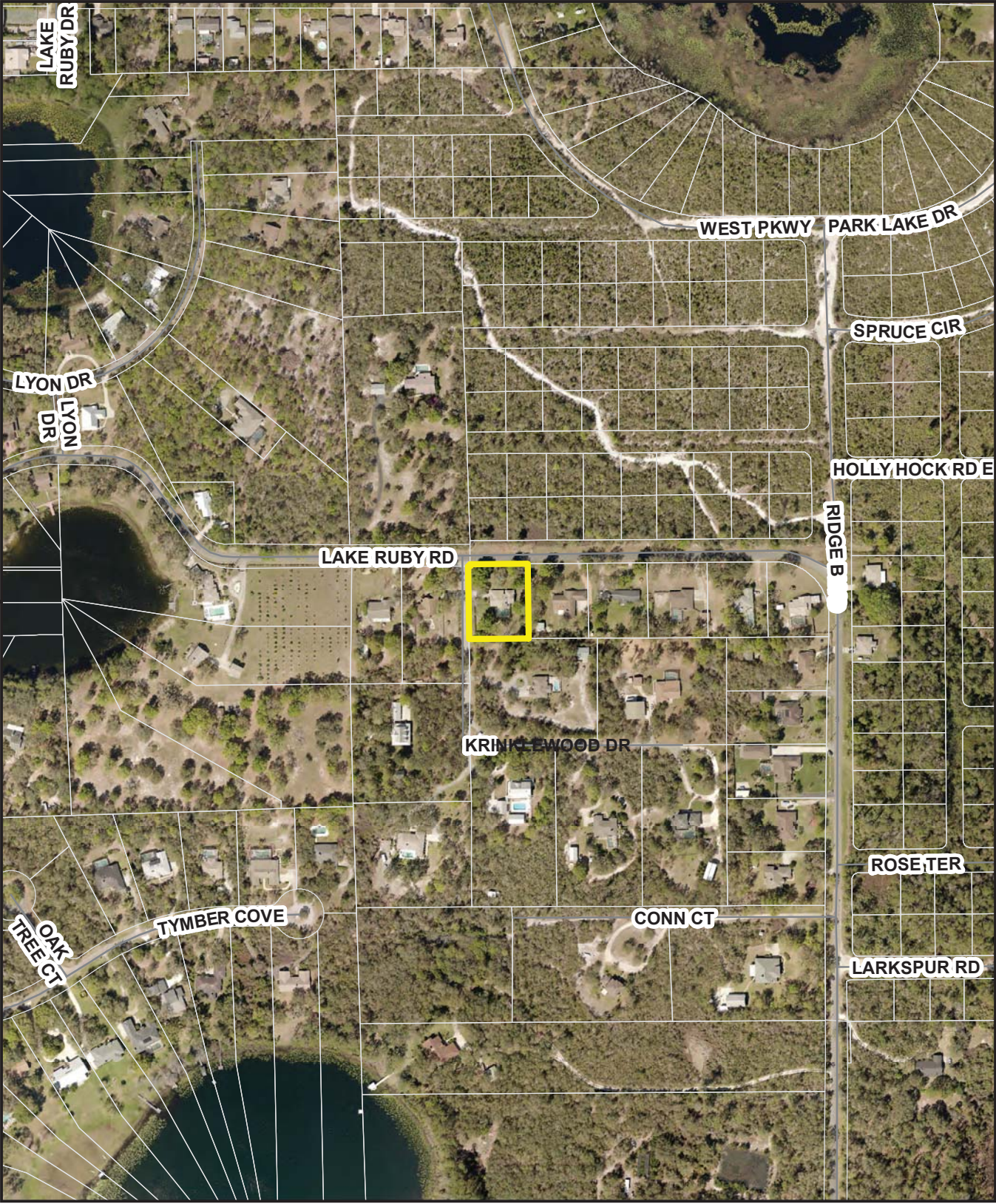


 SUBJECT PROPERTY



1" = 1,000'
4/25/2019

AERIAL
V-19-058



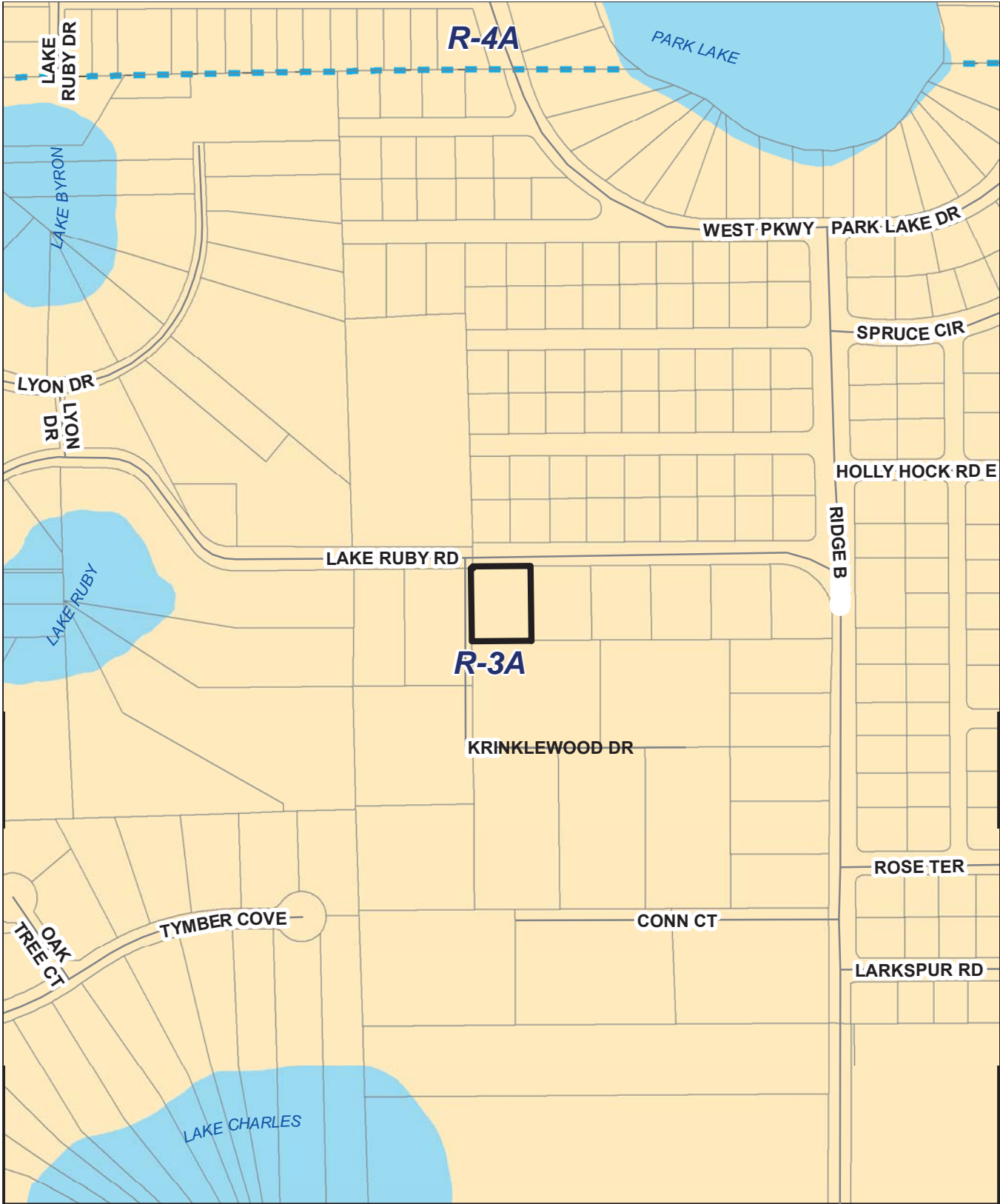
 SUBJECT PROPERTY




IMAGE DATE 2018



1" = 400'
4/25/2019

ZONING CLASSIFICATION
V-19-058

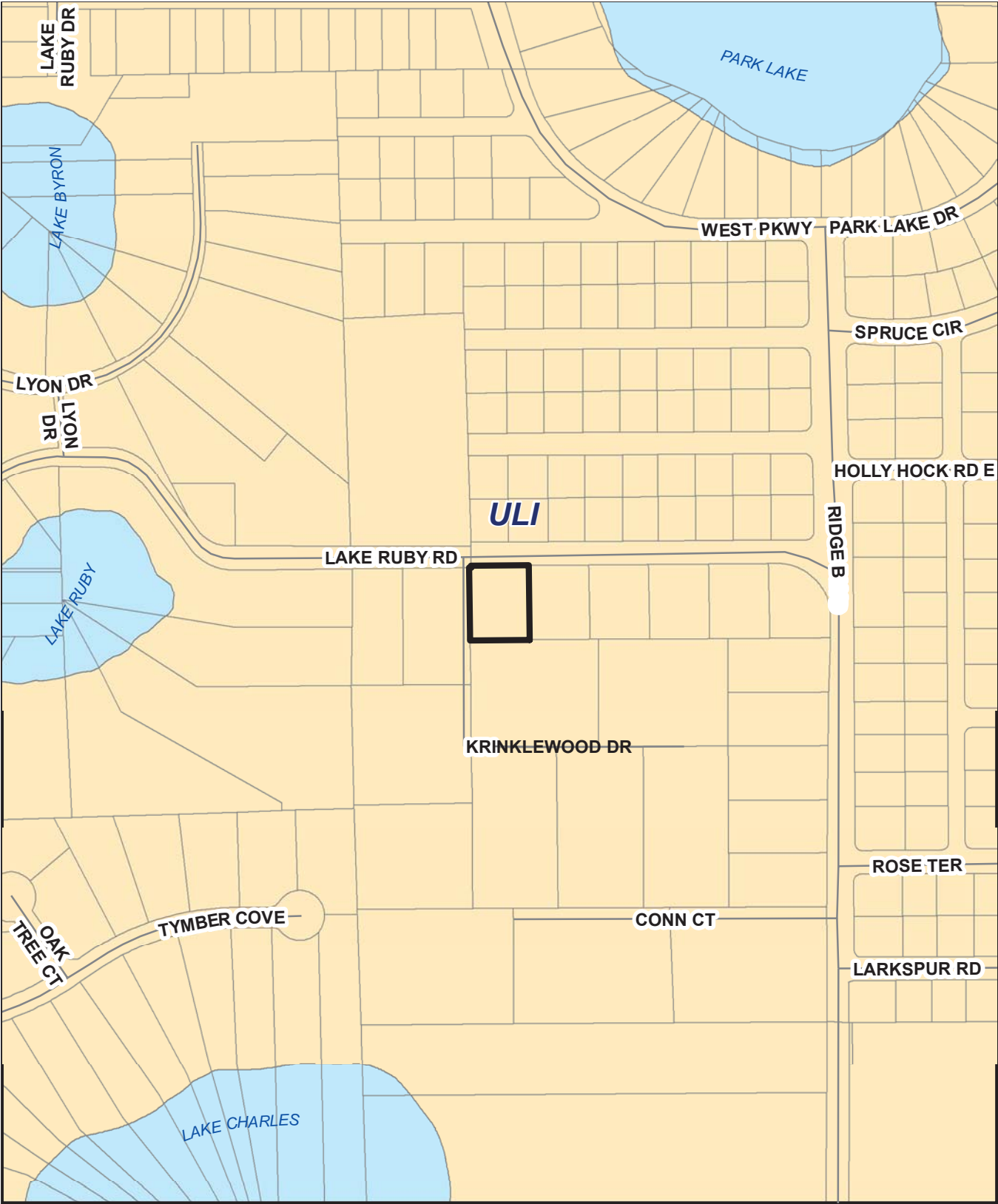





-  SUBJECT PROPERTY
-  RESIDENTIAL
-  ZONING BNDY



1 " = 400 '
4/25/2019

FUTURE LAND USE
V-19-058

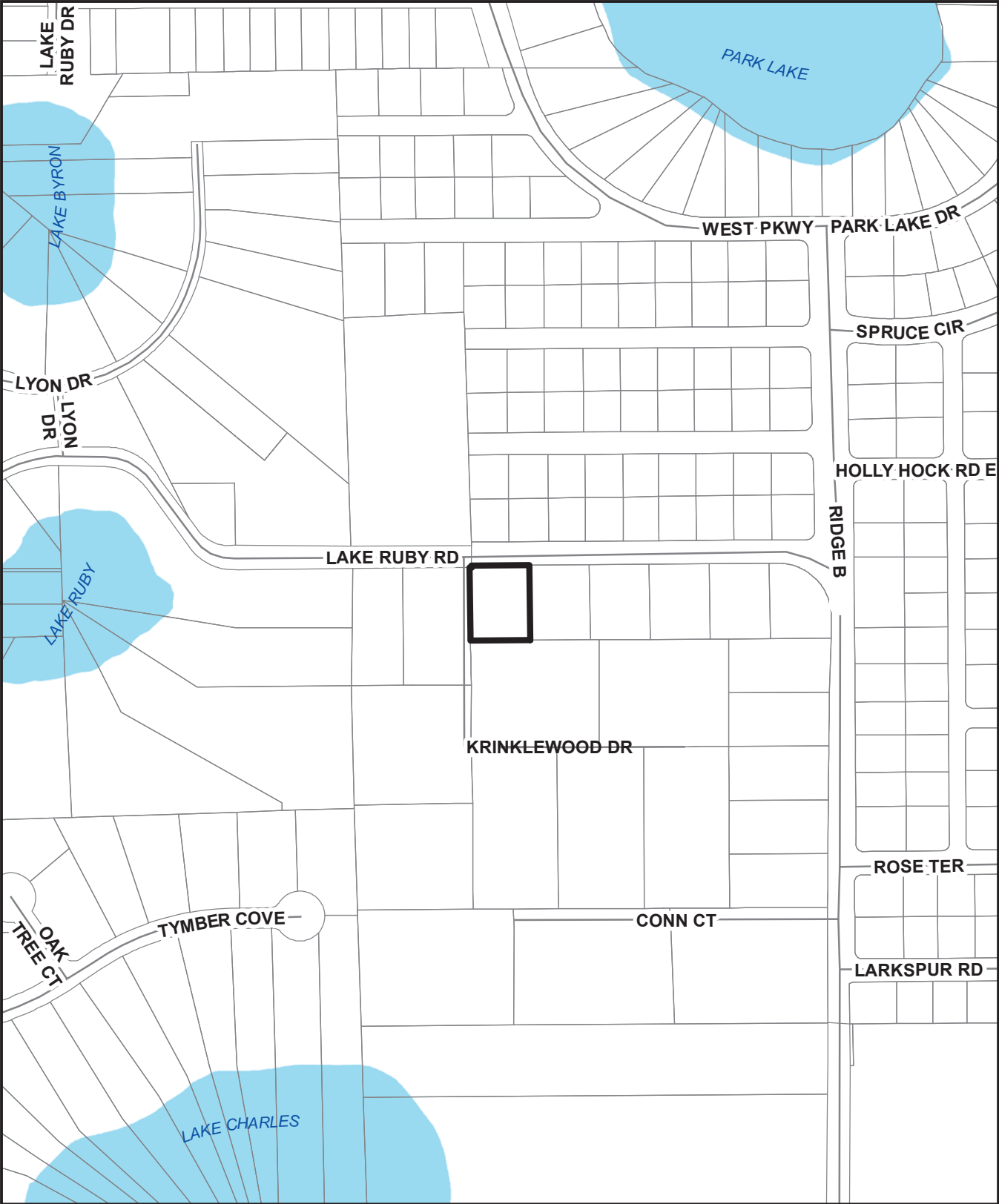





-  SUBJECT PROPERTY
-  URBAN LOW INTENSITY
-  WATER




1 " = 400 '
4/25/2019

ECO/NRMA OVERLAY
V-19-058



-  SUBJECT PROPERTY
-  ECO
-  NRMA

 1 " = 400 '
4/25/2019