



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-19-065

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

**LOCATION:** 240 South Ridgewood Avenue, DeLand

**APPLICANT(S):** Justin Edgil

**OWNER(S):** Same as above

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## **I. SUMMARY OF REQUEST**

The applicant plans to construct a 1,750 square-foot detached garage on his property. This new structure will replace an existing 1,609 square-foot garage/carport structure that has been on the property since 2005. This item was heard by the PLDRC in October 2017, and the applicant was issued a variance to allow the cumulative area of accessory structures to exceed 50 percent of the square-foot area of the principal structure. A second variance to the rear yard setback was also approved (Case Number V-17-067). At that time, the owner's application also noted the need for a height variance in order to store a motor home. That request was inadvertently excluded from the final staff report, and it is being presented now as a new variance request. 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 17.1 feet.

### ***Staff Recommendation:***

Deny the variance request, case number V-19-065, as the variance fails to meet one of the five criteria for granting said variance.

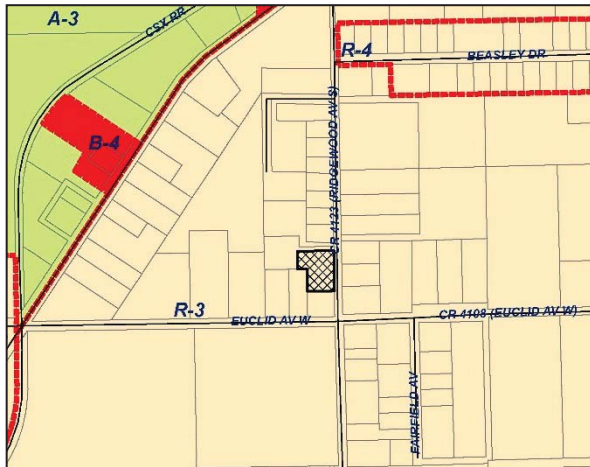
## II. SITE INFORMATION

1. Location: The west side of Ridgewood Avenue South, approximately 100 feet north of the intersection of Ridgewood Avenue South with Euclid Avenue West, DeLand.
2. Parcel No(s): 7913-00-00-0180
3. Property Size:  $\pm$  0.65 acres
4. Council District: 1
5. Zoning: Urban Single-Family Residential (R-3)
6. Future Land Use: Urban Low Intensity
7. Overlays: No
8. Local Plans: No
9. Adjacent Zoning and Land Use:

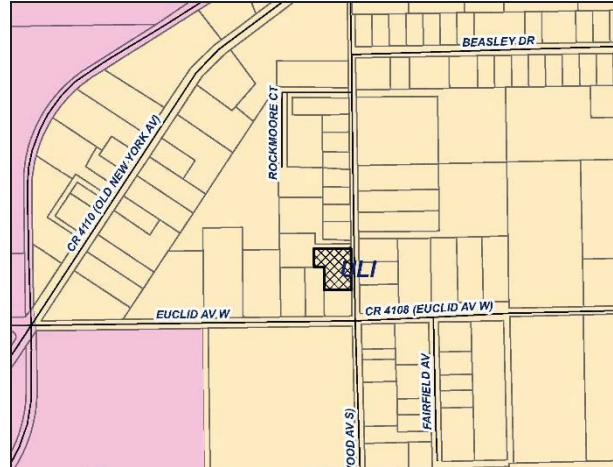
| DIRECTION | ZONING | FUTURE LAND USE     | CURRENT USE               |
|-----------|--------|---------------------|---------------------------|
| North:    | R-3    | Urban Low Intensity | Single-family residential |
| East:     | R-3    | Urban Low Intensity | Single-family residential |
| South:    | R-3    | Urban Low Intensity | Single-family residential |
| West:     | R-3    | Urban Low Intensity | Single-family residential |

10. Maps:

**ZONING MAP**



**FUTURE LAND USE MAP**



### III. BACKGROUND AND OVERVIEW

The subject property is zoned Urban Single-Family Residential (R-3). This zoning classification requires a minimum lot area of 10,000 square feet and lot width of 85 feet. The subject property meets this requirement. It was previously two separate parcels, but they were combined for tax purposes in 2008, and subsequently combined for development as a single parcel in 2017. The property contains a 2,362 square-foot home built in 1960. A swimming pool, patio and screen enclosure were added in 2005. The total size of the principal home and attached accessory uses is approximately 3,433 square feet.



The property also contains an assembly of structures that includes an enclosed metal shed, an open carport and an RV shed. Combined, they measure 53.46 feet wide by 30.1 feet deep, for a total of 1,609 square feet. The appearance of the structures is unsightly and does not provide concealment or protection to any of the items stored in them. Therefore, the applicant desires to demolish these structures and replace them with an enclosed metal garage that would have a more cohesive residential appearance with the existing house. It will have a roof pitch similar to the existing house and it will be painted to match the existing house. The applicant intends the new structure to be more aesthetically pleasing on the property and to the neighbors. The proposed new garage is similar in size to the existing structures. It will measure 50 feet wide by 35 feet deep, for a total of 1,750 square feet. The applicant intends to store a pontoon boat, an RV and various tools and equipment inside the new structure. The additional depth and height are needed to be able to fully enclose the vehicles. The neighbors have provided letters of support for the project (attached).

Two variances to address location and size of the new structure were approved by the PLDRC in 2017. At that time, staff inadvertently excluded the height variance request from the staff report. The Senior Zoning Manager issued an extension for the first two variances through November 26, 2019. The applicant is coming before the PLDRC in July 2019 to request the height variance.

#### 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.***

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 and a minimum height for the principal structure of 35 feet. Allowing the property to contain one principal structure and one accessory structure that exceeds the maximum required accessory structure height of 15 feet by 2.1 additional feet 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 existing house was built in 1960 and the existing shed/carport structures have been in place since at least 2005. The applicant acquired the property in 2009. He is not responsible for the size of the house or the size or the placement of the existing shed/carport structures.

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.***

Current building height restrictions for accessory structures would deprive the applicant of the ability to protect and secure the motorhome and boat. On the other hand, indoor storage of recreational vehicles is not a right that is granted to property owners under the zoning code. The applicant could opt to store the vehicles 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 applicant is proposing an aesthetically pleasing accessory building that has been designed with 12-foot tall doors and 14-foot tall walls to accommodate the boat and the motorhome. The building was engineered specifically for the needs of the applicant. It is

not a prefabricated structure. This will result in the need for a 2.1 foot variance to the accessory roof height, and it is the minimum variance that will make it possible for the reasonable use of the structure. The alternative would be to store the vehicles beneath the existing derelict structures.

Staff finds that this criterion is 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, and it will not 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 2.1 foot height variance. The indoor storage space for the recreational vehicles is preferable to the old, open structures which will not fully contain the applicant's belongings. Letters of support have been provided by the neighbors.

Staff finds that this criterion is met.

## **V. STAFF RECOMMENDATION**

Deny the variance request, case number V-19-065, as the variance fails to meet one 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 consistent with variance approvals granted in conjunction with Case Number V-17-067 and constructed in accordance with the plans prepared by Bechtol Engineering and Testing, Inc., dated 5/30/19.
2. The applicant shall obtain and complete all required building and development permits and inspections for the proposed accessory structure.

## **VI. ATTACHMENTS**

- Previous Variances
- Variance Site Plan
- Survey
- Building Elevations
- Photographs
- Letters of Support
- 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.





**Growth and Resource Management Department  
Planning and Development Services**

May 21, 2019

Justin Edgil  
240 Ridgewood Avenue  
DeLand, Florida 32720

**RE: Variance Extension request for case V-17-067  
Parcel No.: 7913-00-00-0180**

Dear Mr. Edgil:

On October 10, 2017, the Volusia County Planning and Land Development Regulation Commission granted two variances for a proposed accessory structure on Urban Single-Family Residential (R-3) zoned property, subject to three (3) conditions. If this variance did not begin to serve the purpose for which it was granted within 12 months from the date of rendition (November 16, 2017), then the variance approval would expire November 16, 2018.

Per section 72-379, zoning code, the zoning enforcement official may extend a variance if the applicant can demonstrate that good faith reliance has been ongoing to accomplish the approved variance. Good faith reliance may include, but is not limited to, the securing of any required permits from other governmental agencies/jurisdictions, or the expenditure of substantial funds upon reliance of the approved variance.

This office is in receipt of your written request dated March 22, 2019, which requests an extension as you had, unexpected family issues that prevented you from fulfilling the granted variance for your proposed accessory structure.

Therefore, as the Zoning Enforcement Official, I am granting an extension of the variance approval for case V-17-067 until November 16, 2019, to allow the variance to begin to serve the purpose for which it was granted.

Pursuant to section 72-378 and 72-381, Volusia County Code of Ordinances, any aggrieved party may request an appeal before the county council or a rehearing before the commission within ten (10) working days after the rendition of the commission's decision. Please contact the Planning office at (386) 736-5959, for more information on the procedure for an appeal or rehearing application.

If you have any questions, please contact this office at (386) 736-5959.

Sincerely,



Scott Ashley, AICP  
Senior Zoning Manager

Attachment(s): Request for Extension dated March 22, 2019  
PLDRC Rendition for Variance Case V-17-067

c: Constance Bentley, Permit Process Manager  
Zoning Technicians  
Case File V-17-067 (RSN 888227)



Case V-17-067

I Am requesting An Extension on my previously  
Placed variance due to Family issues.

If you need Any Additional information  
Please Contact me As soon As possible.

Respectfully,

Justin Edgil

Cell-386-804-9812

PS - I intend to Apply for the building  
within the next few Months.





November 16, 2017

Justin Edgil  
240 South Ridgewood Avenue  
DeLand, Florida 32720

**RE: PLDRC Rendition for Variance case V-17-067**  
**Parcel No(s): 7913-00-00-0180**

Dear Mr. Edgil:

At its hearing of October 10, 2017, the Planning and Land Development Regulation Commission (PLDRC) approved a variance to Section 72-277(1) to allow the cumulative area of all accessory structures to exceed the maximum allowed 1,187 square feet to 1,750 square feet (variance 1); and a variance for a rear yard setback from the required 20 feet to 8.3 feet (variance 2), for an accessory structure on Urban Single-Family Residential (R-3) zoned property, subject to the following staff-recommended conditions:

1. The variance is limited to the accessory structure as depicted on the variance site plan presented with this staff report. No accessory structure shall be enlarged, increased, or extended to occupy any greater area of the property without approval of a separate variance, and no additional accessory structures shall be permitted without a separate variance.
2. The proposed garage shall maintain an architectural appearance similar to the principal structure, including roof pitch and paint color scheme.
3. The property owner or authorized agent shall obtain and complete all required building permits and inspections for the proposed accessory structure.

Edgil  
V-17-067  
Page 2

**EXPIRATION OF VARIANCE:** If a variance does not begin to serve the purpose for which it was granted within 12 months from the date of rendition, or if its use is abandoned for 12 consecutive months from the date of rendition, it shall expire. However, the zoning enforcement official may extend the variance for up to an additional 12 month period of time if the applicant can demonstrate that a good faith reliance has been on going to accomplish the approved variance. Good faith reliance may include, but is not limited to, the securing of any required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds upon reliance of the approved variance (Section 72-379(4) of the zoning code).

Please submit a copy of this letter and the enclosed variance site plan to building and zoning staff. This will assist in obtaining zoning approval for your building permit application. Building and zoning staff were notified of the approved variance. If modifications are made to this approved plan, those changes must meet the requirements of the applicable regulations of the zoning code.

If you have any questions, please contact Current Planning at (386) 736-5959.

Sincerely,



Scott Ashley, AICP  
Senior Zoning Manager

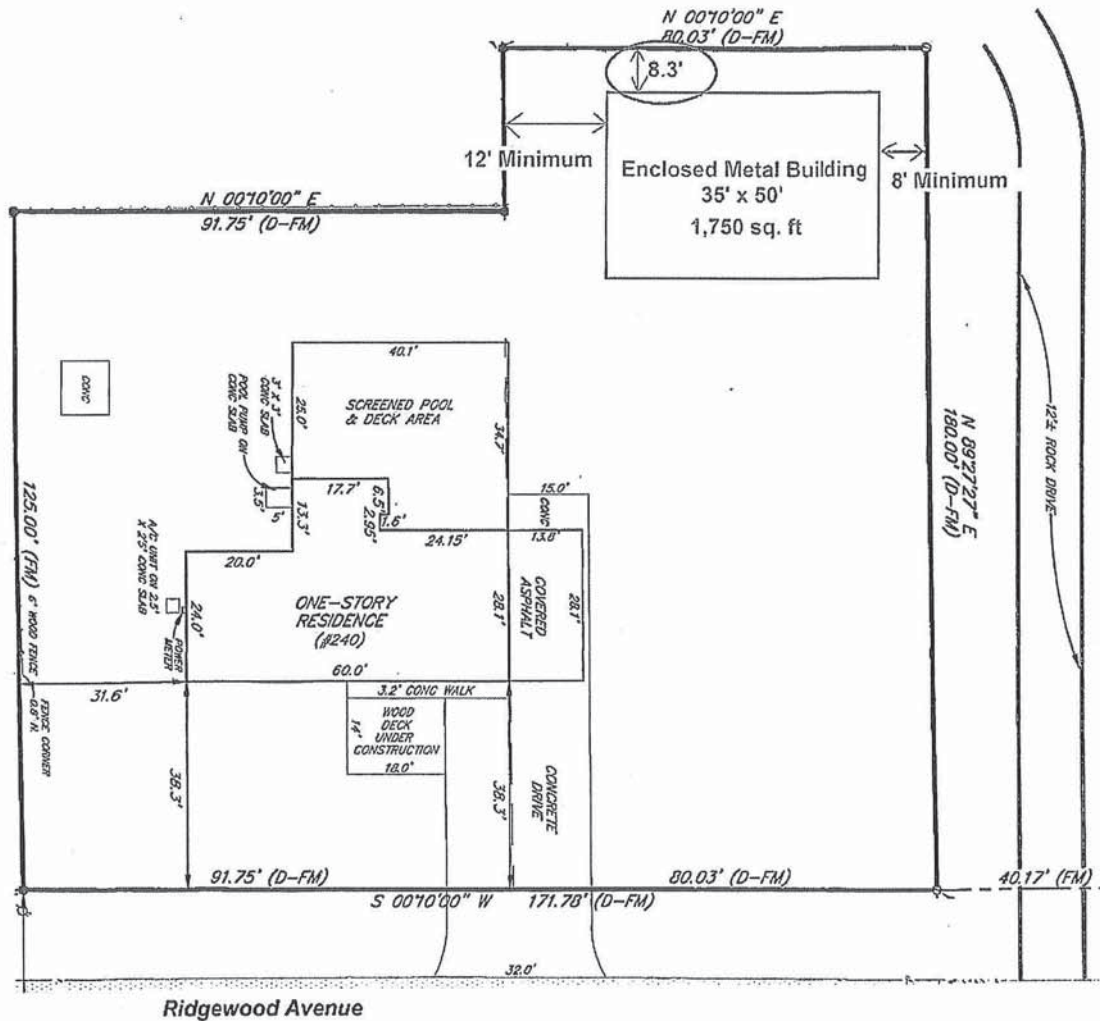
Attachment(s): Approved Variance Site Plan

c: Janice Cornelius, Chief Deputy Property Appraiser  
Zoning Technicians  
Case File (RSN 888227)

APPROVED SITE PLAN

CASE # V-17-067 DATE 10/10/17  
BY XX PLDR                      COUNTY COUNCIL  
ANY CHANGES TO THIS PLAN MUST MEET  
REQUIREMENTS OF CHAPTER 72, LAND  
PLANNING, AS AMENDED. THE SITE PLAN MUST  
COMPLY WITH ALL FEDERAL, STATE, AND LOCAL  
DEVELOPMENT REGULATIONS.

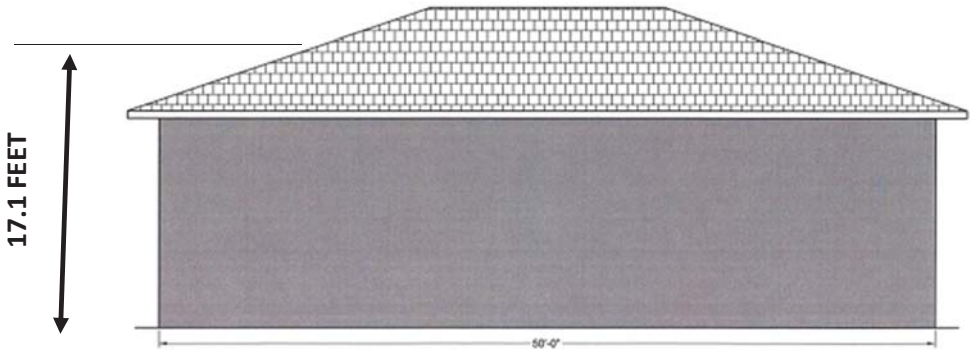
## Variance Site Plan



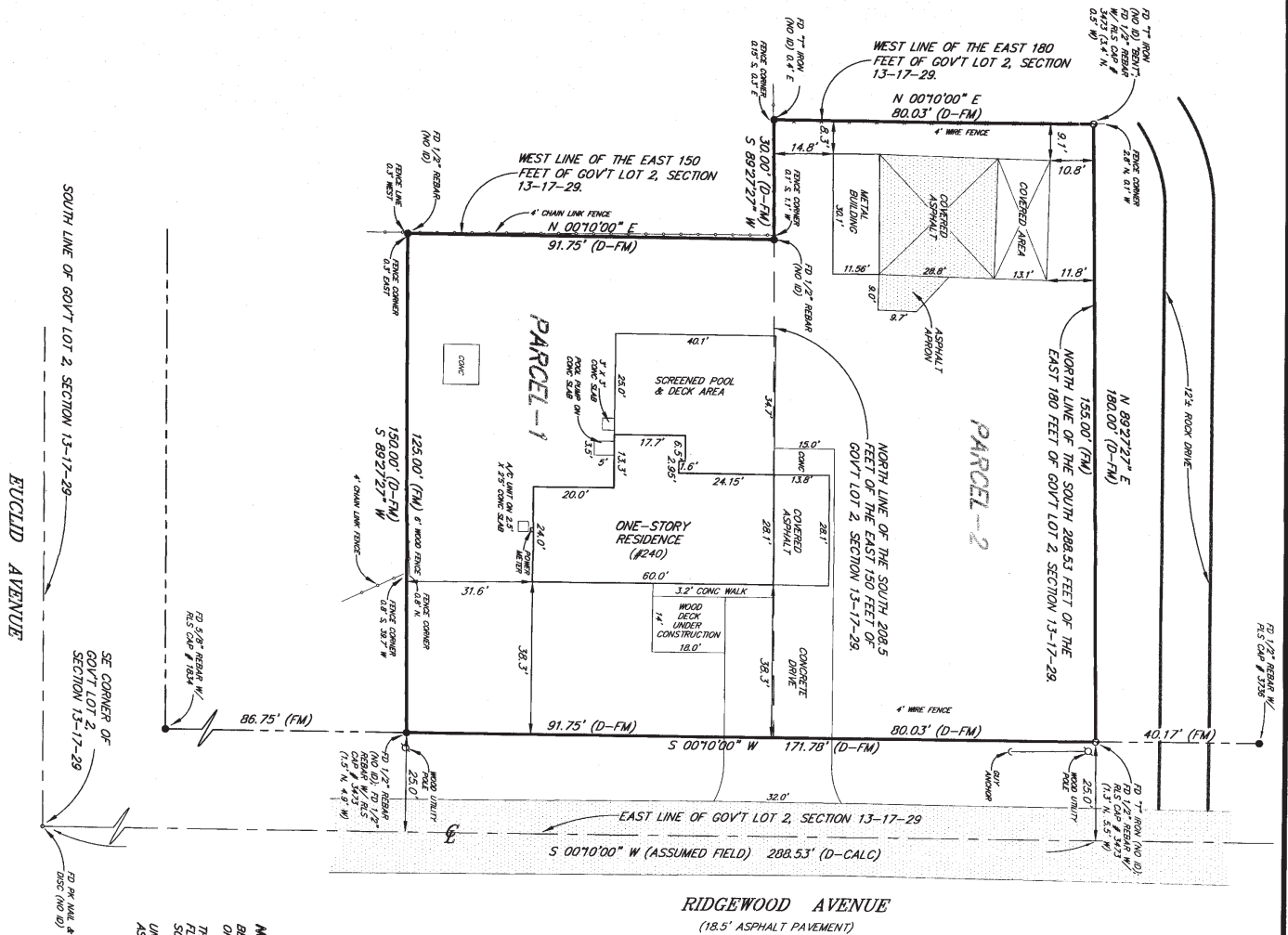


EDGIL HEIGHT VARIANCE  
V-19-065

VARIANCE SITE PLAN







**LEGAL DESCRIPTION:**

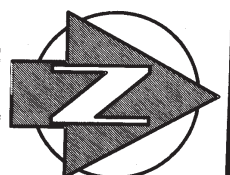
**PARCEL-1**  
The North 91.75 feet of the South 208.5 feet of the East 150 feet of Government Lot 2, of Section 13, Township 17 South, Range 29 East, Volusia County, Florida. Subject to existing Right-of-Way over the East side thereof for Ridgewood Avenue.

**PARCEL-2**  
The North 80.03 feet of the South 288.53 feet of the East 180 feet of Government Lot 2, of Section 13, Township 17 South, Range 29 East, Volusia County, Florida. Subject to existing Right-of-Way over the east side for Ridgewood Avenue.

**FLOOD CERTIFICATION:** (Per map dated February 19, 2015)  
This is to certify that I have consulted the Federal Insurance Flood Hazard Boundary Map and found the above named Property IS NOT located in a special flood hazard area, according to Community Panel Map No. 12127C - 0465 - H Map, Panel 465 of 930, Zone "X".

**NOTES:**  
 BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF GOVT LOT 2, BEING A BEARING OF S 00°10'00" W (ASSUMED TRUE).  
 THE FLOODING BOUNDARY, IF SHOWN HEREON, WAS SCALED FROM A LARGE SCALE FEMA FLOOD INSURANCE MAP AND AS SUCH HAS AN INHERENT ERROR OF 10% OF THE FEMA MAP SCALE.  
 UNDERGROUND UTILITIES AND FOUNDATION MAY EXIST AND HAVE NOT BEEN LOCATED, EXCEPT AS SHOWN.

SCALE: 1"=20'

[illegible]

This Page of Survey is **NOTE:** filed for and prepared for the sale and purchase described herein, and is not intended to be a contract or individuals among hereon, valid on the most current date shown hereon, and shall not be relied upon by any other entity or individual whatsoever. This Survey / Search has been prepared without noted hereon. **EXCEPT** or this search unless otherwise stated hereon.

There may be additional restrictions and/or other Search that may be found on this Survey / Search that may be found on this Survey / Search of the county or contained within the Title Commitment.

NOT VALID WITHOUT THE SIGNATURE  
AND THE ORIGINAL RAISED SEAL OF  
A FLORIDA LICENSED SURVEYOR  
AND MAPPER.

BY: Robert R. Evans  
 ROBERT R. EVANS  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA CERTIFICATE NO. 9725

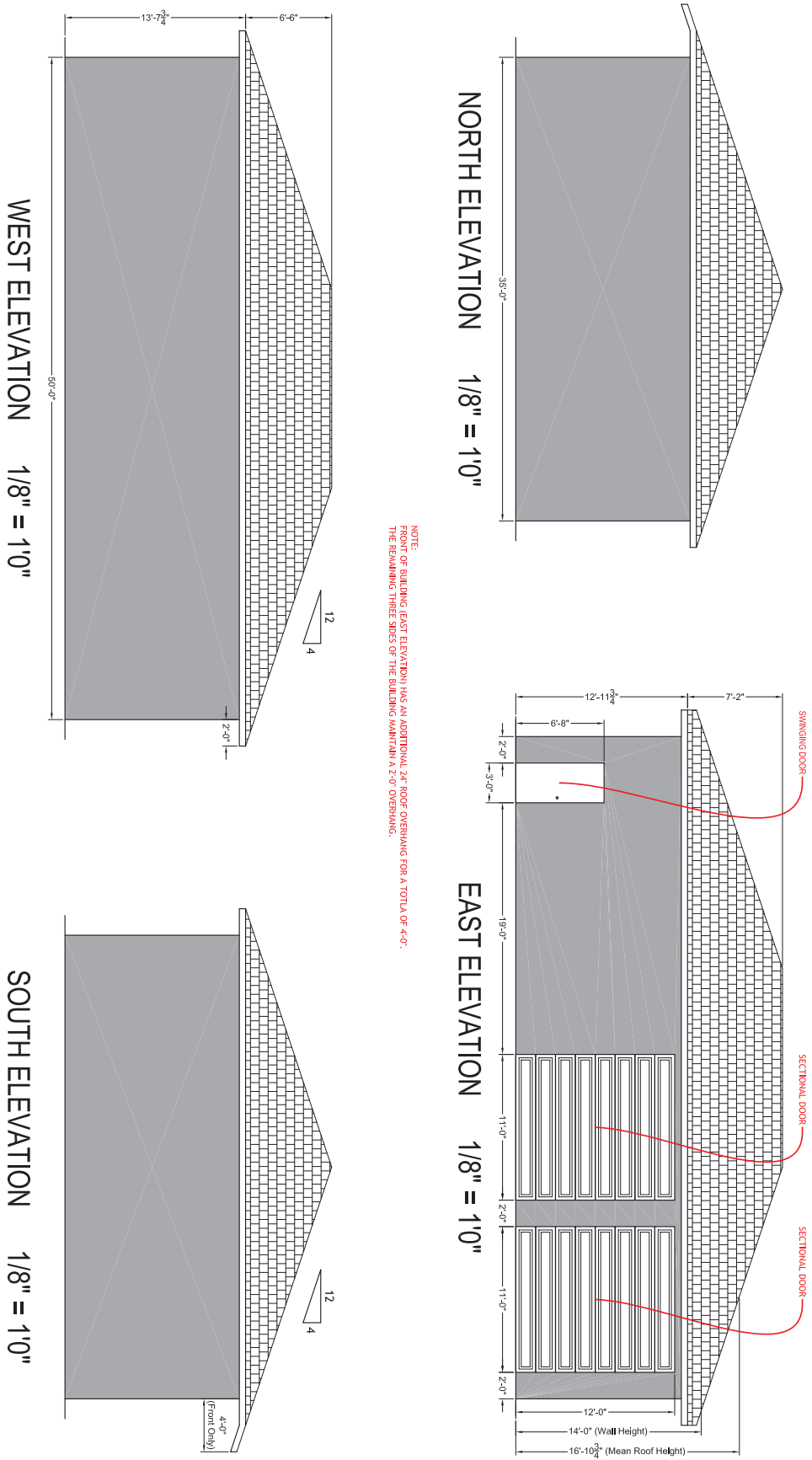
WWW.BLACKWELLSURVEYING.COM  
985 W. YOLUSIA AVE. • DELAND, FL. • PH: (386)-734-8030

JUSTIN EDGIL

**SYMBOLS :**

- = 1/2" REBAR & CAP SET
- = 4"x4" CONCRETE MOUNTMENT & CAP SET
- = CONCRETE MOUNTMENT FOUND (SIZE SHOWN HEREON)
- = R.L.S. DISC/NAIL FOUND (SIZE SHOWN HEREON)
- = L.B. DISC/NAIL SET
- = IRON PIPE FOUND (SIZE SHOWN HEREON)
- = RAILROAD SPIKE FOUND
- ◆ = BOLT FOUND (SIZE SHOWN HEREON)
- = P/K NAIL FOUND

DATE : 02-24-09  
W.O. No. :  
DRAWN BY : B.A.S.  
FIELD BOOK : 663 PCS 67 & 69  
CADD FILE / FILE No. : N-4385





View of house and accessory structures from northeast corner of property.



View of accessory structures.



View of side yard of adjacent property (to the rear of the structure), Rear yard faces side yard garage of adjacent property.





View from north side property line. Shows slight slope of property from accessory structure location, sloping downward toward Ridgewood Avenue.



Vegetation along rear property line.



Vegetation along south side property line



View of abutting properties to the north.



View from structure location looking to the west.  
Shows yard area and properties across  
Ridgewood Avenue.



July 16, 2017

Current Planning  
Received  
August 17, 2017

To Whom it May Concern:

We are writing this letter in support of our neighbor, Justin Edgil. He has been a great neighbor for the past 3½ years that we have lived in this neighborhood. He is a helpful and supportive asset to our small community. We believe it to be very beneficial to our neighborhood for him to be able to build an enclosed barn-structure on his property. Ridgewood Avenue is an extremely well trafficked road for its size. An enclosed structure, to house his personal property, would be helpful for Justin as well as the neighborhood by keeping dishonest citizens from temptation. In addition to its traffic, our road is also populated with young children. Having a lockable enclosed structure would help keep the neighborhood children's curiosity levels down - out of sight out of mind. We very much support granting Justin permission to build an enclosed structure next to our property.

Katie Walker  
B/L

Katie Walker and Brandon Long  
220 S. Ridgewood Ave.  
Deland, FL 32720

Justin Edgell has been our neighbor for 20 years. He moved into the neighborhood when he was about 10 years old. He purchased his home from his parents about 8 years ago. He is a great neighbor and the entire neighborhood is blessed that he stayed when his parents moved. Justin takes pride in his home and yard. We know that whatever building he wants to put on his property will have a positive impact on his property as well as the neighborhood.

Judy Devine 7/20/2017

243 S. Ridgewood Avenue

Deland, FL 327270

386-801-0446

TO WHOM IT MAY CONCERN

I LIVE AT 224 S. RIDGEWOOD AVE. DELAND FL. 32720.  
WE HAVE NO ISSUES WITH OUR NEIGHBOR JUSTIN  
EDGIL AT 240 S. RIDGEWOOD AVE. DELAND FL. 32720 REMOVING  
AN OLD STRUCTURE AND REPLACING IT WITH A NEW BARN.  
WE BELIEVE IT WILL GET RID OF AN EYESORE AND BE  
A NICE ADDITION TO THE NEIGHBORHOOD. IT WILL BE  
A MORE SECURE STRUCTURE AND SAFER FOR ALL

SINCERELY,

GARY & KAREN LUMBATIS  
224 S. RIDGEWOOD AVE.  
DELAND, FL. 32720

August 18, 2017

To Volusia County Building Department

Our neighbor Justin Edgil at 240 S. Ridgewood Avenue has informed us of his plans to replace an existing shed and carports to one enclosed barn structure. This he intends to paint blending it with his recently painted house. We believe it will enhance and upgrade his property as well as making this a secure, clean and visually appealing structure to view.

Thank you for your consideration in this matter.

Tom and Cynthia Reddy  
239 S. Ridgewood Ave.  
DeLand, Florida 32720



PROPERTY LOCATION  
V-19-065



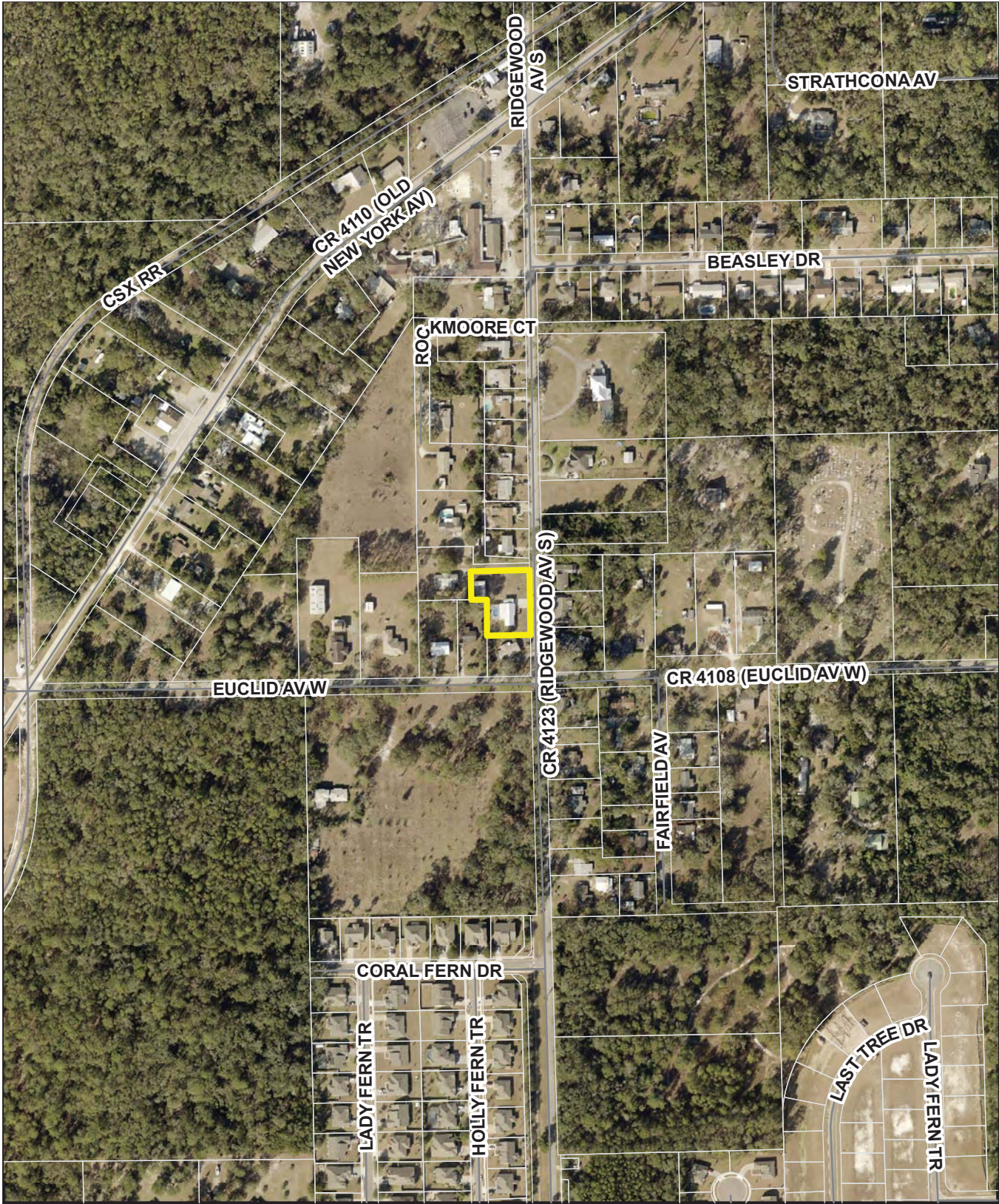
 SUBJECT PROPERTY



1" = 1,000'  
6/10/2019



AERIAL  
V-19-065



 SUBJECT PROPERTY

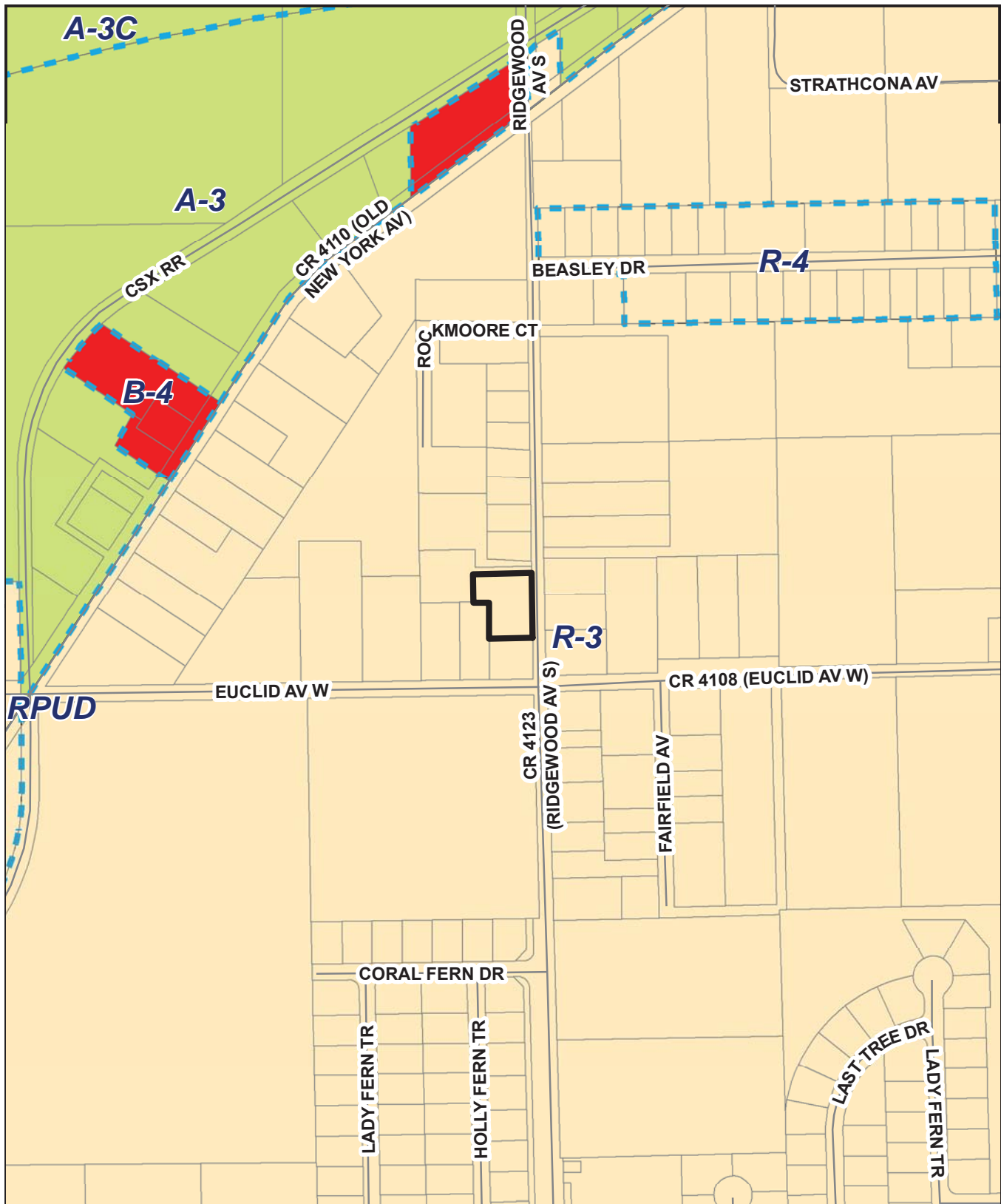
IMAGE DATE 2018



1 " = 400 '  
6/10/2019

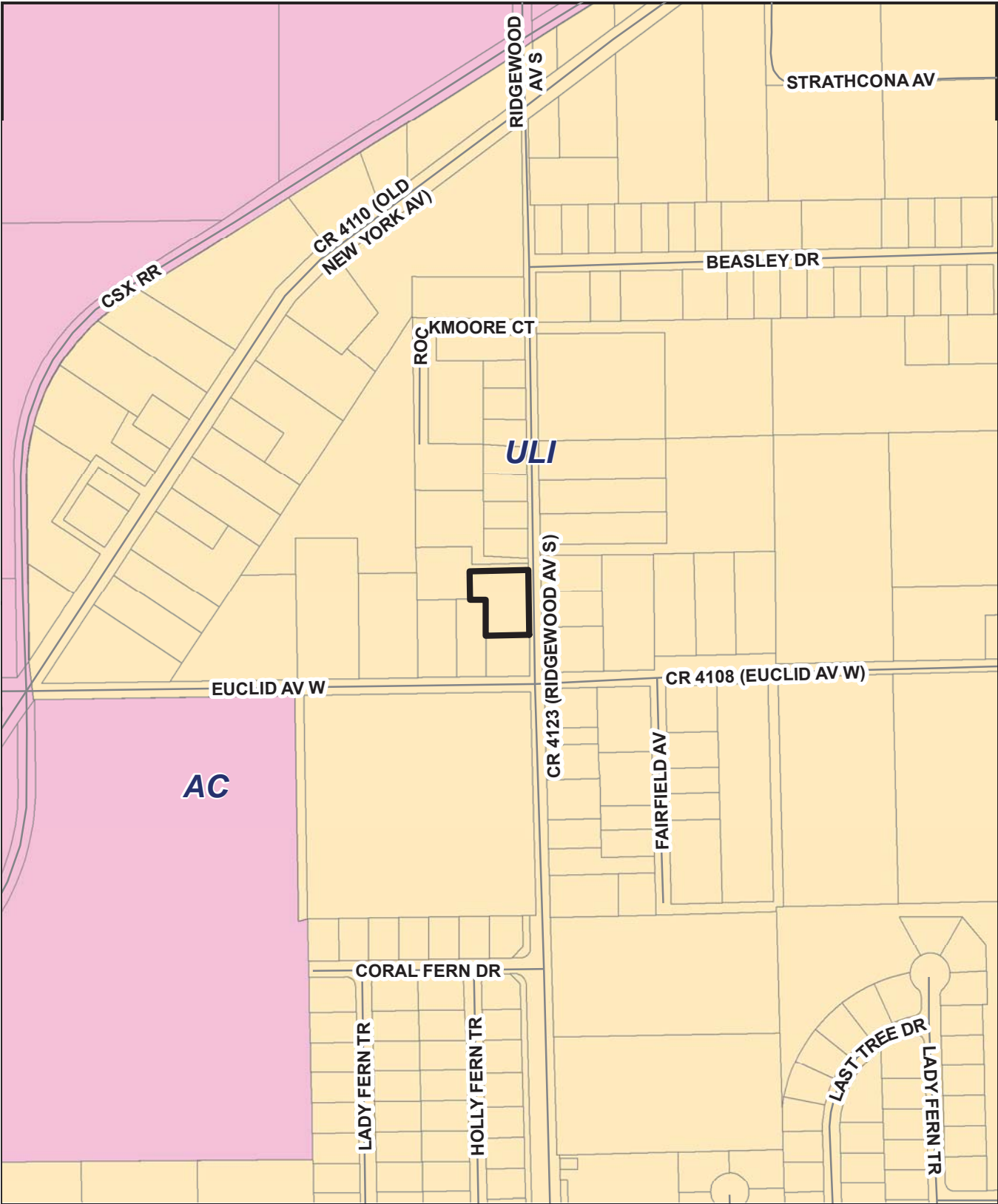





# ZONING CLASSIFICATION V-19-065



1" = 400'  
6/10/2019

FUTURE LAND USE  
V-19-065

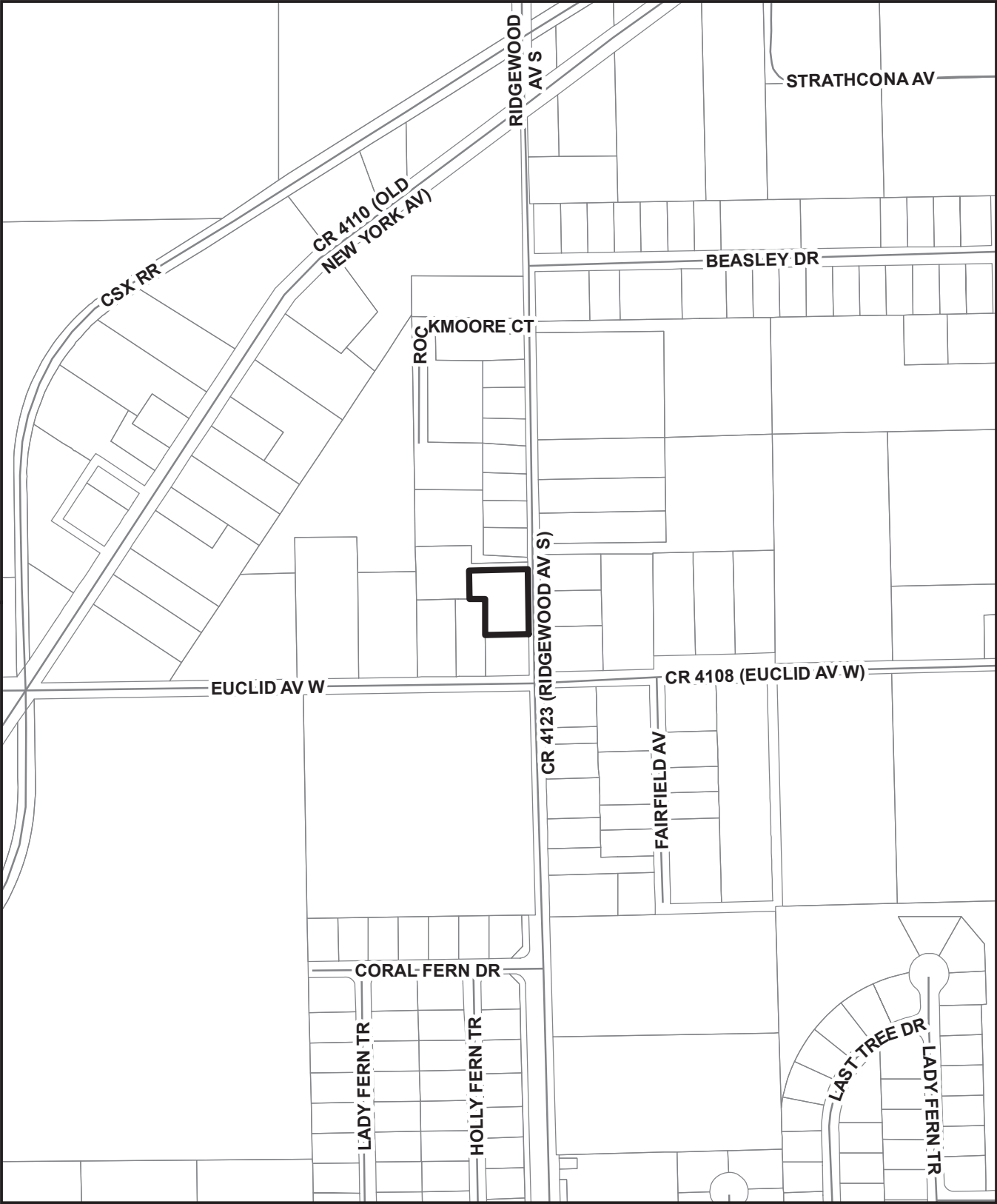





-  SUBJECT PROPERTY
-  GENERALIZED ACTIVITY CENTER
-  URBAN LOW INTENSITY



1 " = 400 '  
6/10/2019

ECO/NRMA OVERLAY  
V-19-065



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1 " = 400 '  
6/10/2019