NONCONFORMING LOT LETTER FORM GUIDE

A nonconforming lot is a parcel of land which does not meet the minimum area and/or width requirements under its zoning classification. The Volusia County Zoning Ordinance allows the property owner to apply to develop a nonconforming parcel if the current owner (or contract purchaser) or any prior owners have not owned contiguous properties or adjacent parcels of land divided by or across rights-of-way.

In order to certify nonconformity or provide the Zoning Activity with enough information to make a determination, a "nonconforming lot letter" must be submitted.

The letter must come from a Florida title company or a Florida attorney. The wording should follow the following format:

Subject Property: ____________________________(legal description)

This letter is to certify that we have examined the public records of Volusia County, Florida and find that the present owner of the above-described property is (name of property owner and contract purchaser, if applicable).

Further, we certify that (choose either 1 or 2 for letter format and utilize the date checked by Zoning Activity personnel).

1. At no time since (the date checked below) has the present owner nor any prior owner of the above-described property owned any adjacent or contiguous property [including parcels located across a public or private road].

2. Since (the date checked below) an owner of the subject property has owned property adjacent or contiguous to the subject property [including parcels located across a public or private road]. Those lots are described as follows: (legal description, size of adjacent property and date owned).

A. July 28, 1980 - Adoption of the County Uniform Zoning Ordinance 80-8.
B. March 19, 1984 for A-1 zoning if less than ten acres, but more than five acres.
C. April 3, 1990 - Adoption of the Comprehensive Plan Ordinance 90-10. (nonconforming FR and RC zoned properties)
D. September 27, 1990 for:
   1) B-4 zoning if less than 15,000 sq. ft. but more than 7,500 sq. ft.
   2) B-3 zoning if less than ten acres but more than five acres
   3) MH-3 zoning if less than five acres, but more than four acres
E. June 4, 1992 - Adoption of New Zoning Maps for East Volusia County for nonconforming properties other than those zoned FR or RC.
F. May 5, 1994 - Adoption of New Zoning Maps for West Volusia County for nonconforming properties other than those zoned FR or RC.
G. December 17, 1998 for RC, FR, A-1 and A-2 zoning classifications if less than 150 feet wide.
H. December 16, 2004 for:
   1) B-4 & B-5 zoning if less than 1 acre, but more than 15,000 sq. ft.
   2) B-1, B-2, B-6, B-7, I-1, I-2, I-3 & I-4 zoning if less than 1 acre, but more than 20,000 sq. ft.
   3) B-8 zoning if less than 20,000 sq. ft., but more than 7,500 sq. ft.

If you have any questions, please contact the Zoning Activity.

Daytona: (386) 248-8115       DeLand: (386) 943-7059       New Smyrna: (386) 424-6815

NOTE: If a building application or Planning & Land Development Regulation Commission application is to be applied for in name of a Contract Purchaser, his/her name should also be listed. This letter must be dated no more than two weeks prior to the date of application submittal.