

RESOLUTION NO. 2024-65

**A RESOLUTION OF CITY OF DELTONA, FLORIDA;
GRANTING A VARIANCE TO ALLOW FOR AN INCREASE
IN MAXIMUM LOT COVERAGE TO ACCOMMODATE AN
APPROXIMATE 798 SQUARE FOOT IN-GROUND POOL,
DECK, AND SCREEN ENCLOSURE ON AN
APPROXIMATE 7,209 SQUARE FOOT LOT WITHIN THE
R1, SINGLE-FAMILY RESIDENTIAL ZONING
CLASSIFICATION, WITHIN THE CITY OF DELTONA;
PROVIDING FOR CONDITIONS, CONFLICTS,
SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, pursuant to Chapter 100 “Zoning,” Article XI “Official Zoning Map Amendments, Conditional Use Review and Variances,” Section 110-1103 “Variances” of the City Code, Vikki Bailey (the “Applicant”), has applied to the City of Deltona, Florida (the “City”), for approval of a Variance from Section 110-307(e) “Dimensional Requirements,” which provides that properties within the R-1, Single-Family Zoning District shall have a maximum lot coverage not to exceed 35%, to permit a maximum lot coverage of 40% in order to accommodate a +/- 798 square foot in-ground pool, deck, and screen enclosure to be permitted on a +/- 0.14-acre property, as depicted in Exhibit “B” and legal described in Exhibit “A” (the “Property”) (Application VAR24-0009); and

WHEREAS, the City Council finds that granting the requested Variance is not warranted because the application does not meet the criteria for granting a Variance as required by Section in Section 110-1103 of the City of Deltona Land Development Code; and

WHEREAS, staff recommended denial of the requested Variance in its report dated November 21, 2024; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, the Planning and Zoning Board recommended approval of the requested Variance at its November 21, 2024, Meeting; and

WHEREAS, the City Council finds that the proposed Variance is consistent with the City’s Code and Comprehensive Plan

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

Section 1. Findings. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Resolution.

Section 2. Approval of Variance. In accordance with the Code of the City of Deltona, Section 110-1103, the Deltona City Commission hereby grants approval of a Variance, VAR24-0009, to allow an increase in maximum lot coverage to accommodate a +/- 798 square foot in-ground pool, deck, and screen enclosure to be permitted on a +/- 0.14-acre property located at 3469 Berkshire Woods Terrace

Section 3. Recording. The City, or the Applicant if so, requested by the City Clerk, shall record this Resolution at the Applicant's sole expense in the Public Records of Volusia County, Florida.

Section 4. Conflicts. All Resolutions or parts of Resolution insofar as they are inconsistent or in conflict with the provisions of this Resolution are hereby repealed to the extent of any conflict.

Section 5. Severability. In the event any portion of this Resolution is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portion or sections of the Resolution, which shall remain in full force and effect.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption. If this resolution does not begin to serve the purpose for which it is granted within 12 months from the date of adoption, or if its use is abandoned for 12 consecutive months from the date of adoption, it shall expire.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, THIS _____ DAY OF _____, 2024.

BY: _____

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		

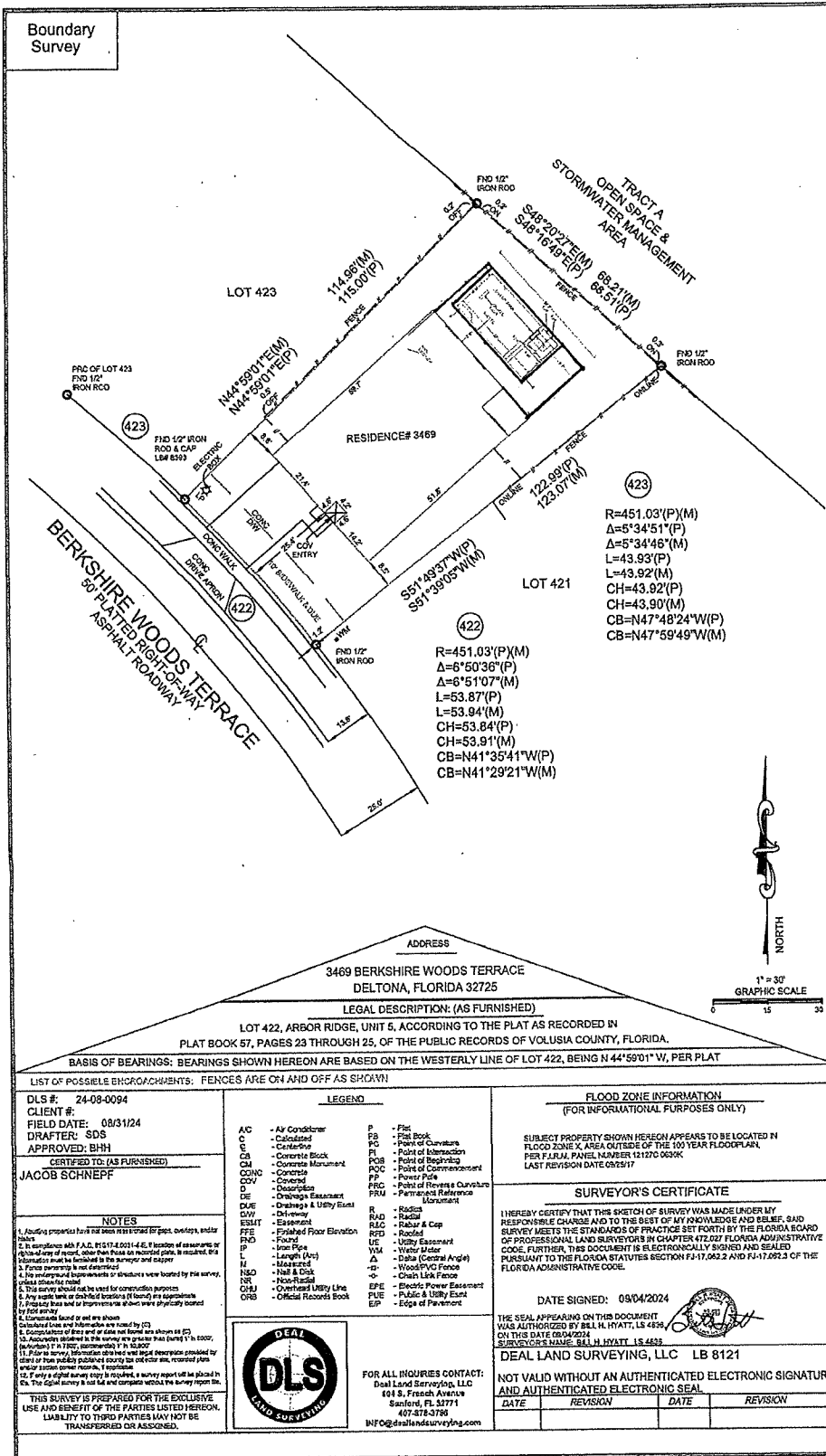
Gemma Torcivia, CITY ATTORNEY

Exhibit A

Legal Description is as follows:

LOT 422, ARBOR RIDGE, UNIT 5, ACCORDING TO THE PLAT AS RECORDED IN PLAT BOOK 57, PAGES 23 THROUGH 25 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY.

EXHIBIT B



DLS #: 24-08-0094
CLIENT #:
FIELD DATE: 08/31/24
DRAWN BY: SDS
APPROVED BY: BHH
CERTIFIED TO: (AS FURNISHED)
JACOB SCHNEFF

NOTES
 1. Allowing properties that have been recorded per plat, overlays, and/or maps.
 2. In compliance with F.A.D. § 171.4, 2001-14.E, in location of easements or other utility of record, other than those as recorded plat, in recorded, the information must be furnished to the surveyor and owner.
 3. The surveyor is not responsible for the construction of any structure or structures shown on the survey.
 4. The surveyor is not responsible for the construction of any structure or structures shown on the survey.
 5. Any signs, walls or other structures (if found) are approximate.
 6. If a fence has been used or improvements shown were physically located by the surveyor.
 7. Unrecorded easements or other utility shown on the survey are shown as approximate.
 8. Accuracy of bearings and distances are shown as (P) or (M).
 9. Accuracy of bearings and distances are shown as (P) or (M).
 10. Accuracy of bearings and distances are shown as (P) or (M).
 11. For all survey information and legal descriptions provided by client or from public records, the surveyor will not be held responsible for any errors or omissions.
 12. Only a digital survey copy is required, a survey report will be placed in the digital survey file and will accompany the survey report file.
 13. This survey is prepared for the exclusive use and benefit of the parties listed hereon. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.

LEGEND	
AC	- Air Conditioner
C	- Calculated
CS	- Centerline
CM	- Concrete Block
CM	- Concrete Monument
CONC	- Concrete
COV	- Covered
D	- Driveway
DE	- Driveway Easement
DSE	- Driveway & Utility Easement
DW	- Driveway
ESMT	- Easement
FPE	- Finished Floor Elevation
FS	- Foundation
IP	- Iron Pipe
L	- Length (Asst)
M	- Measured
NSD	- Nail & Disk
NR	- Non-Record
OR	- Overhead Utility Line
ORL	- Official Records Book
P	- Plat
PB	- Plat Book
PC	- Point of Curvature
PI	- Point of Intersection
POB	- Point of Beginning
POC	- Point of Commencement
PP	- Power Pole
PRC	- Point of Reversal Curvature
PRM	- Permanent Reference Monument
R	- Radius
RAJ	- Radius & Cap
RAG	- Radius
RCD	- Routed
UE	- Utility Easement
WM	- West Marker
Δ	- Delta (Central Angle)
W	- Wood PIV Fence
W	- Wood PIV Fence
W	- Wood PIV Fence
EPE	- Electric Power Easement
PLU	- Public Utility Easement
EP	- Edge of Pavement

FLOOD ZONE INFORMATION
 (FOR INFORMATIONAL PURPOSES ONLY)

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE X, AREA OUTSIDE OF THE 100 YEAR FLOODPLAIN, PER F.L.R.M. PANEL NUMBER 12127C 0639K. LAST REVISION DATE 08/25/17

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 47.002, FLORIDA ADMINISTRATIVE CODE. FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO THE FLORIDA STATUTES SECTION FJ-17.002.2 AND FJ-17.002.3 OF THE FLORIDA ADMINISTRATIVE CODE.

DATE SIGNED: 09/04/2024

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY BELL H. HYATT, LS 4838, ON THE DATE 08/09/2024.

SURVEYOR'S NAME: BELL H. HYATT, LS 4838

DEAL LAND SURVEYING, LLC LB 8121

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL

DATE	REVISION	DATE	REVISION

DEAL DLS LAND SURVEYING

FOR ALL INQUIRIES CONTACT:
 Deal Land Surveying, LLC
 624 S. Fresh Air Avenue
 Sanford, FL 32771
 407-378-3788
 INFO@dealandsurveying.com