

.RESOLUTION NO. 2024-57

**A RESOLUTION OF CITY OF DELTONA, FLORIDA;
GRANTING A VARIANCE TO PERMIT THE
DEVELOPMENT OF A SINGLE-FAMILY DWELLING ON
AN EXISTING 50-FOOT WIDE LOT WITH AN AREA OF
5,000 SQUARE FEET WITHIN THE R1, SINGLE-FAMILY
ZONING DISTRICT LOCATED AT 3394 ST. JAMES
AVENUE, 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, Robert Edwards II (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 an area of at least 7,400 square feet and a width or at least 75 feet, to permit the development of a single-family dwelling on an existing 50-foot wide lot with an area of 5,000 square feet, as depicted in Exhibit “B” and legally described in Exhibit “A” (the “Property”) (Application VAR24-0007); and

WHEREAS, the City Council finds that granting the requested Variance is warranted because the application meets 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 approval 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, VAR24-0007, for the development of a single-family dwelling on an existing 50-foot wide lot with an area of 5,000 square feet within the R1, Single-Family Zoning District, the subject property is within the Lake Helen Heights, located at 3394 St. James Avenue consistent with Sec. 110-1103 and subject to the following

Section 3. Conditions. The approvals granted by this Resolution are subject to the Applicant's compliance with the following conditions, to which the Applicant stipulated at the public hearing:

- 1) The development of the single-family dwelling shall be consistent and comply the minimum zoning requirements of the R1, Single-Family Zoning Classification, per Section 110-307 of the City's Land Development Code (LDC), excluding the minimum lot size and width requirement.
- 2) Prior to the construction of the proposed Single-Family Residence, an application shall be submitted to the Building Department for review and approval.
- 3) The applicant and future property owners will NOT be able to construct any accessory structures based on the size constraints accepted with this variance.

Section 4. Violation of Conditions. Failure to adhere to the terms and conditions of approval above shall be considered a violation of the City Code and persons found violating the conditions shall be subject to the penalties described by the City Code, including but not limited to, the revocation of the approvals granted by this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the City before it may commence construction or operation, and this Resolution may be revoked by the City Council at any time upon a determination that the Applicant is not in compliance with the City Code.

Section 5. 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 6. 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 7. 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 8. 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

TG Law, PLLC, CITY ATTORNEY

Exhibit A

Legal Description is as follows:

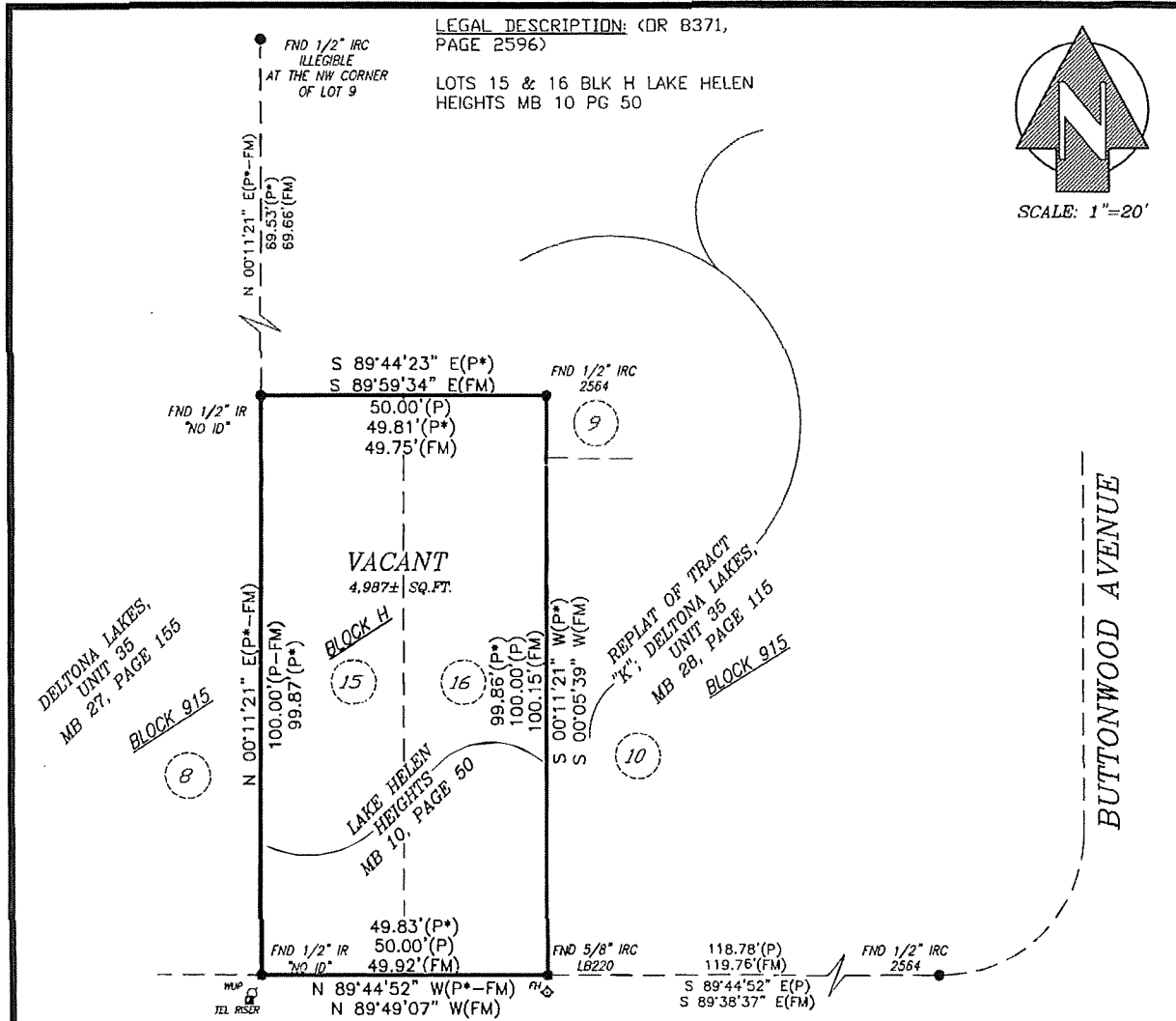
03-18-31 LOTS 15 & 16 BLK H LAKE HELEN HEIGHTS MB 10 PG 50 PER OR 3989
PGS 4283-4284 PER OR 5994 PG 0009-0010 PER OR 6611 PG 2934 PER OR 8371
PG 2596.

EXHIBIT B

LEGAL DESCRIPTION: (OR 8371, PAGE 2596)
 LOTS 15 & 16 BLK H LAKE HELEN HEIGHTS MB 10 PG 50



SCALE: 1"=20'



ST. JAMES AVENUE (P* - FM)
 KRIVOLAK STREET (P)
 60' RIGHT OF WAY (P*)
 50' RIGHT OF WAY (P)
 20' ASPHALT PAVEMENT

NOTES:

BEARINGS SHOWN HEREON ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF ST. JAMES AVENUE AS BEING A BEARING OF N 89°49'07" W (ASSUMED).

THE FLOODPLAIN 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.

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND THAT IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE (MINIMUM TECHNICAL STANDARDS) AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE, SECTION 472.027, FLORIDA STATUTES.

FLOOD CERTIFICATION:

(Per map dated September 29, 2017)
 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-0630-K Map Panel 630 of 930, Zone "X".

(P) = PER 'LAKE HELEN HEIGHTS'
 (P*) = PER 'A REPLAT OF TRACT "K"; DELTONA LAKES UNIT 35'

LEGEND AND ABBREVIATIONS	
IRC	Iron Rod & Cap
IR	Iron Rod
BN	Benchmark
CON	Concrete Monument
W	Well
CL	Center Line
CU	Chain
CM	Concrete Monument
CCP	Concrete Cap
CON	Concrete
CK	Corner
CP	Concrete Utility Pole
DL	Dead End
EL	Elevation
FF	Field Measure
FND	Found
HT	Hydrant
IR	Iron Rod
IRC	Iron Rod & Cap
LS	Lead Surveyor's Station
MBS	Metered End Section
MON	Monument
MNC	Monument Nail & Cap
MNI	Monument No. Identify
OR	Official Record Book
P	Point
PC	Point of Curve
PCC	Point of Compound Curve
PPCP	Permanent Control Point
P	Pipe
PRC	Point of Reverse Curve
PRM	Permanent Reference Monument
PSI	Point of Street Intersection
PSM	Professional Surveyor & Mapper
PVC	Point of Vertical Curvature
RP	Radius Point
RLS	Registered Land Surveyor
T	Temporary
TBM	Temporary Benchmark
TYP	Typical
WPF	Wood Privacy Fence
WUP	Wood Utility Pole

**BLACKWELL & ASSOCIATES
 LAND SURVEYORS, INC**
 995 W. VOLUSIA AVE. • DELAND, FL. • PH: (386)-734-8050
 WWW.BLACKWELLSURVEYING.COM

**BOUNDARY SURVEY CERTIFIED TO:
 RP PROPERTY INVESTMENT, LLC.**

NOTE:
 This Plot of Survey is certified to and prepared for the sole and exclusive benefit of the entities and/or individuals shown hereon, valid on the most current date shown hereon, and shall not be relied upon by any other entity or individual whomsoever.
 This Survey / Sketch has been prepared without benefit of abstract or title search unless otherwise noted hereon.
 There may be additional restrictions and/or other notices of record not shown on this Survey / Sketch that may be found in the Public Records of the county or contained within the Title Commitment.

NOT VALID WITHOUT THE ORIGINAL RAISED SEAL OF THE SURVEYOR AND MAPPER.

ROBERT R. EVERS
 License Number: 5675
 STATE OF FLORIDA
 Professional Surveyor and Mapper

Robert Evers Digitally signed by Robert Evers
 Date: 2024.07.29 11:27:13 -04'00'

DATE : 9/6/23
 W.O. No. 8-335-23
 DRAWN BY : RC
 FIELD BOOK : 761/27
 CADD FILE : 8-335-23