



# MEMORANDUM

DATE: November 21, 2024

TO: Planning and Zoning Board

FROM: Jonathan Knight, Planner I

THRU: Jordan Smith, AICP, PP Planning and Development Services Director

SUBJECT: Resolution No. 2024-57, a Variance to reduce the minimum lot size requirements to allow development on an existing 50-foot-wide lot with an area of ±0.11 acres within the R1, Single-Family zoning district located at 3394 St. James Avenues, within the City of Deltona. Applicant: Robert Edwards II (Public Hearing) (Jonathan Knight, Project Manager)

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**REFERENCES:** City Comprehensive Plan, Code of Ordinances.

**REQUEST:** The applicant is requesting a variance to allow the construction of a single-family residence by waiving the requirements of the minimum lot size and width within the R1, Single-Family Zoning Classification.

The tax parcel number for the subject property is 8103-00-00-0170

## **DISCUSSION:**

**Location and History:** The property is located at 3394 St. James Avenue, in the northeastern section of the city. The property is zoned R1 and is surrounded by developed Deltona Lakes Lots. The Parcel is comprised of two (2) 25-foot-wide lots (15 and 16), which are a product of antiquated plat, filed on October 5, 1925. On April 3, 1964, Deltona Lakes Unit 35 Plat was approved, excluding the now combined parcels from the overall plat.

**Project Description** The applicant intends to develop the property located at 3394 St. James Avenue, with a single-family residence. The existing lot is approximately 5,000 square foot lot within the Lake Helen Heights Plat from 1925. Lot 15 and 16 were not included within the Deltona Lakes Plat in 1964, therefore the lots are not large enough to build on, unless the applicant receives a variance. The request is to allow a 50-foot-wide, 5,000 square foot lot to be used to construct a single-family home. This is a 25-foot reduction in the width requirements and 2,400 square foot reduction in the minimum area required.

### **Required and proposed dimensions on following page:**

The applicant is seeking a variance from the Area and Width requirements.

	<b>R1 Zoning Requirements</b>	<b>Proposed SFR Development</b>	<b>Percent Reduction</b>
	<b><i>Minimum Lot Size</i></b>	<b><i>Proposed Lot Size</i></b>	
Area	7,400 square feet	5,000 square feet	32% decrease
Width	75 feet	50 feet	33% decrease
<b><i>Setbacks</i></b>	<b><i>Minimum</i></b>	<b><i>Proposed</i></b>	
Front Yard	25 feet	35 feet	40% increase
Rear Yard	10 feet	20 feet	100% increase
Side Yard	6 feet	6 feet	No change
	<b><i>Maximum</i></b>	<b><i>Proposed</i></b>	
<b><i>Lot Coverage</i></b>	35%	34.2%	2.2% decrease
	<b><i>Minimum</i></b>	<b><i>Proposed</i></b>	
<b><i>Floor Area</i></b>	1,200 square feet	1,710 square feet	42.5% decrease

\* Maximum Lot Coverage 35% = 1,750 square feet

**VARIANCES:** The applicant has applied for a variance to the following section of the Code:

1. *Section 110-307 – A variance from the required minimum lot size and width to allow for the construction of a Single Family Residence.*

**LOT SIZE AND WIDTH VARIANCE CRITERIA (Section 110-1103):**

The Planning and Zoning Board shall make a written recommendation to the City Commission that all of the following criteria have been met:

**CRITERIA No. 1:**

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.

FINDINGS OF FACT No. 1: The subject property was platted prior to the City of Deltona being incorporated and was excluded from the Deltona Lakes Unit 35 Plat. This circumstance does not exist on many lots in Deltona and would be considered a special circumstance.

**CRITERIA MET: YES**

**CRITERIA No. 2:**

Special conditions and circumstances exist that do not result from the actions of the applicant.

FINDINGS OF FACT No. 2: The applicant for the Variance, did not own the property at the time the plat was recorded. The Deltona Lakes Plat excluded these lots, making them part of a special circumstance, not resulting by the actions of the owner.

**CRITERIA MET: YES**

**CRITERIA No. 3:**

Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classifications, under the terms of the Chapter, and would cause an unnecessary and undue hardship on the applicant.

FINDINGS OF FACT No. 3: The literal interpretation of the minimum lot size requirements of the R1 zoning in Section 110-307 of the City’s Land Development Code would deprive the property owner of the rights commonly enjoyed by other properties in the same zoning classification, as well

as cause unnecessary and undue hardship. Without a waiver or variance, the applicant would not be able to construct a single-family residence, which is a permitted principal use within the R1 zoning classification.

**CRITERIA MET: YES**

**CRITERIA No. 4:**

The variance granted is the minimum variance that will make possible the reasonable use of the land, building, structure, or sign.

FINDINGS OF FACT No. 4: Staff considers the variance request to be a minimal waiver from the code, making it possible for the landowner to reasonably use their land to construct a single-family residence.

**CRITERIA MET: YES**

**CRITERIA No. 5:**

The granting of the variance is in harmony with the general intent and purpose of this Chapter and the City of Deltona Comprehensive Plan, as it may be amended from time to time, and that such variance will not be injurious to the area involved.

FINDINGS OF FACT No. 5: The property is zoned R1, and the Future Land Use is Low Density Residential (LDR). The purpose of the variance request is due to the lot not meeting the minimum size and width requirements stipulated for the R1 zoning classification. However, staff deems that this variance request will not adversely affect the area involved as it will meet the general intent and purpose of section 110-307(a); and meet all other zoning requirements.

**CRITERIA MET: YES**

**FINDING OF FACT:** Staff finds that all criteria have been met for granting approval of the variances for the minimum lot size and width based on the following conditions.

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

**NEXT STEPS:** The Mayor and City Commission will hear this item on December 9, 2024.

**LEGAL DESCRIPTION:** 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.

**ATTACHMENTS:**

- Letter of Intent
- Map Series
- Survey