

7/25/2024

City of Deltona  
2345 Providence Boulevard  
Deltona, FL 32725

RE: Justification of Variance Request – 3394 St. James Ave

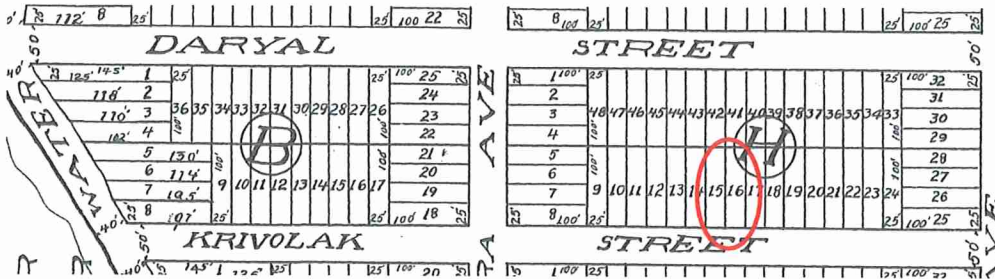
To Whom it May Concern:

This letter is being written regarding the special conditions and circumstances that exist at the property referenced above which would require a variance approval to facilitate the intended use of the property owner to place a single-family home on the property in its current condition.

**History Creating Special Circumstances and Conditions on 3394 St. James Ave**

To understand the special conditions and circumstances of this property, I would like to provide a history of the parcel. The legal description for this parcel 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**



On October 5<sup>th</sup>, 1925, these 2 parcels were certified into the Lake Helen Heights subdivision as two (2) separate 25' x 100' lots. (Please see copy of Lake Helen Heights Plat Map filed with the Clerk of Court provided with this letter) These 2 parcels remained as individual parcels until April 3<sup>rd</sup>, 1964, when the Plat Map of Deltona Lakes was certified. (Please see copy of Deltona Lakes Plat Map filed with the Clerk of Court provided with this letter) In the certification of Deltona Lakes, lots 15 & 16 BLK H, as shown above, were specifically excluded from the Deltona Lakes subdivision.



As a result, LOTS 15 & 16 BLK H of the original 1925 Lake Helen Heights Subdivision were combined into one (1) 50' x 100' parcel and remain and have been taxed by the City of Deltona as such until the present day. The conditions on these parcels are not the result of actions by the applicant and current owners as these conditions were present long before RP Property Investment LLC acquired ownership of the property.

**Future Land Use and Current Zoning Requirements for 3394 St. James Ave**

The current Future Land Use Map of the City of Deltona has this parcel designated for Residential Low-Density development, R-1 Zone per Sec. 110-307 of the City of Deltona Code Ordinance. The R-1 zone currently requires a minimum area of 7,400 square feet with a width of the parcel being a minimum of 75 feet to place a single-family home on a parcel designated as R-1 in the City of Deltona. In addition, the parcel must be able to accommodate a 25' front year set back, 10' rear set back, and 6' on each side if not against a road and have a building footprint of at least 1,200 square feet. As the parcel currently exists, the 50' x 100' parcel can accommodate all the setback requirements as established by Sec. 110-307 of the City of Deltona Code Ordinance as shown on the survey of the property with the proposed building envelope which would provide a 2,470 square foot building envelope. The only requirements unmet on the property is the width of 75' and the total parcel square footage of 7,400 square feet.

**Interpretation Of Provision of Chapter 110 and Deprivation of Applicants/Owners Rights for 3394 St. James Ave**

Under Chapter 110-307 (e), the parcel is required to meet the following dimensions for an R-1 designation:

*R-1 Zone per Sec. 110-307 of the City of Deltona Code Ordinance. The R-1 zone currently requires a minimum area of 7,400 square feet with a width of the parcel being a minimum of 75 feet to place a single-family home on a parcel designated as R-1 in the City of Deltona.*

Under Chapter 110-600 (a)(3), the parcel would be considered a non-conforming lot.

*When a nonconforming lot is so small that no permitted principal building can be built without variances, only the minimum variances needed to make use of the lot may be permitted. A variance application may be filed with the city in accordance with the variance procedures as cited in section 110-1103. Such variances to make use of a substandard lot shall not require the payment of administrative fees for processing and advertising.*

Based upon Sec. 110-307(e), the property located at 3394 St. James Ave would not be able to have single family home constructed as permitted by the R-1 Zone designation due to the frontal width size (50') and the total square footage of the parcel (5,000 square feet). It is deemed non-conforming per Sec. 110-600(a)(3). Therefore, the literal interpretation of Chapter 110, specifically these two provisions, would deprive the applicant/owner of this parcel of the rights commonly enjoyed by other properties in the same zoning classifications, under the terms of this Chapter, and would work an unnecessary and undue hardship on the applicant/owner due to their inability to utilize the property as others would in the R-1 Zoning. In addition, the applicant/owner will continue to have to pay property taxes without being able to utilize the property as others would in the R-1 Zoning.

**Granting the Variance Request of Applicant/Owners is the Minimum Variance for 3394 St. James Ave**

The applicant/owner is requesting a variance waiver of the 75' frontal width and 7,400 total square footage requirement for the parcel set by Chapter 110-307 (e) R-1 Zone designation. By waiving this requirement, this will be the minimum variance needed to allow for applicant/owner to utilize the property as others would in the same zoning classifications. Applicant/owner would be able to accommodate the remainder of the requirements set by Chapter 110-307 (e) R-1 Zone designation. (Please see survey with proposed building envelop provided with the application package)

**Grant of Variance would be in Harmony with General Intent and Purpose of Chapter 110**

Applicant/Owner seeks to construction a single-family home with a minimum square footage of 1,200 within the proposed 2,470 building envelope as shown on the survey. The purpose of Sec 110-307(a) and the City of Deltona Comprehensive Plan states:

*These classifications are established within the city to provide areas for single-family dwellings and customary accessory buildings. The regulations for this classification are designed to promote the construction and continued use of land for single-family dwellings, and to provide as conditional uses certain structures and uses required to serve the residents, such as churches and noncommercial recreational areas. Prohibited are uses of land that would create potential nuisances to residential areas, adversely affect residential property values, overburden public facilities or create potentially adverse individual or cumulative impacts to adjacent lakes that would diminish their water quality or aesthetic appeal.*

Applicant/Owner's desired use of this property is in strict compliance with the general intent and purpose of the City of Deltona. In addition, applicant/owner has done research to ensure that a single-family home on this property would not create potential nuisances to residential areas, adversely affect residential property values, overburden public facilities or create potentially adverse individual or cumulative impacts to adjacent lakes that would diminish their water quality or aesthetic appeal.

Should you have additional questions or wish to discuss this matter further, please feel free to contact me at the phone number or email address below. Thank you for your time and consideration.

Sincerely,



Robert A. Edwards II  
Owner  
RP Property Investment, LLC.