

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 of 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 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 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