

RESOLUTION NO. 2024-58

**A RESOLUTION OF CITY OF DELTONA, FLORIDA;
GRANTING A VARIANCE TO ALLOW FOR AN
APPROXIMATE 4,462 SQUARE FOOT EXISTING OFFICE
BUILDING TO ENCROACH WITHIN THE SIDE AND REAR
SETBACK OF AN APPROXIMATE 15,846 SQUARE FOOT
LOT WITHIN THE C-1, RETAIL COMMERCIAL ZONING
CLASSIFICATION, WITHIN THE CITY OF DELTONA;
PROVIDING FOR CONDITIONS, CONFLICTS,
SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the owner has submitted application for a Variance, VAR24-0010, to allow an existing 4,462 square foot office building to encroach in the rear and side setbacks on the property located at 1670 Providence Boulevard. The subject property is part of the Deltona Lakes Plat; and,

WHEREAS, in accordance with Section 110-1103 of the City of Deltona Land Development Code (LDC), the City of Deltona held public hearings after due public notice to review the proposed Variance Application, VAR24-0010. The following criteria used to evaluate Variances within the City of Deltona Land Development Code Section 110-1103 (a)(1)(d) are met by Resolution 2024-58, as denoted by the explanations below.

- 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.**
 - a. The subject property was developed prior to the City of Deltona being incorporated, all inspections for the subject property were signed off and passed with Volusia County in 1988.
- 2. Special conditions and circumstances exist that do not result from the actions of the applicant.**
 - a. The applicant for the Variance, along with the owner were not the owners of the property at the time the office building was constructed. The current owner of the property has owned the property since 2021, according to the recorded deed of the property.

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.

- a. The property is zoned C-1 and currently adheres to the allowed uses as the building is constructed as an office. The denial of this variance would cause undue hardship on the applicant seeing that the building was previously permitted, inspected, and approved by Volusia County and has maintained its stature from 1988 until today. To remove or relocate sections of the building that encroach within the setback would be an extensive process that would cause a financial hardship on the owner of the property. This would result in the reconfiguration of a previously approved structure that has been within the community for over 30 years.

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

- a. Granting a Variance to allow for a slight encroachment into the side and rear setback is the minimum variance that will allow for the continued use of the land and building as is without requiring massive changes in the structural integrity and design of the building. The Variance will allow for the current encroachment of six (6) inches in the rear yard, and five (5) inches in the side yard.

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.

- a. The property is zoned C-1 with the Future Land Use of Commercial. The property will be maintained as Commercial following the City Comprehensive Plan.

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

Section 1. In accordance with the Code of the City of Deltona, Section 110-1103, the Deltona City Commission hereby grants approval of a Variance, VAR24-0010, in order to allow the unmodified existence of a +/- 4,462 office building on the property located at 1670 Providence Boulevard thus exempting the property from Land Development Code Section 110-315 (d). The subject property is part of the Deltona Lakes Plat, located at 1670 Providence Boulevard consistent with Sec. 110-1103

Section 2. Lot 57 & 58, Block 500, DELTONA LAKES UNIT 14, according to the plat thereof as recorded in Plat Book 25, Pages 223 through 225, inclusive, of the Public Records of Volusia County, Florida.

Section 3. 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 4. 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 5. 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

CITY ATTORNEY