



MEMORANDUM

DATE: October 21, 2024

TO: City Commission

FROM: Brandon Hatch, Planner I

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

SUBJECT: Resolution No. 2024-58 a Variance to allow a 4,462 square foot existing office building to encroach within the side and rear setbacks of a +/- 0.36-acre property located at 1670 Providence Boulevard within the Retail Commercial Zoning (C-1). Applicant: Alfredo Guardado (Quasi-Judicial – Public Hearing) (Brandon Hatch, Project Manager)

REFERENCES: City Comprehensive Plan, Code of Ordinances.

REQUEST: The applicant is requesting a variance to allow a +/- 4,462 square foot existing office building to encroach within the setback on 0.36 acres at 1670 Providence Boulevard. The variance is related to setbacks.

The tax parcel number for the subject property is 8130-14-07-0570.

DISCUSSION:

Location and History: The subject property is located on the west side of Providence Boulevard approximately 857 feet south of Dunlap Road and 865 feet north of Tivoli Drive. The future land use is Commercial (C), and the zoning is Retail Commercial (C-1).

Project Description: The existing 4,462 sq. ft. office building, was built in 1988. Planning, permitting, and approval was done through Volusia County as the City was not incorporated until 1995. Through research and aerial photographs staff has determined that the building envelope has not been modified. Per Volusia County records the building passed final fire, building and zoning inspections in April of 1988.

Building Setbacks: The applicant is requesting a variance to Section 110-315. The required and provided setbacks are included in the following table:

SETBACKS:	Required	Provided
Front Yard	25 feet	67.3 feet
Rear Yard	15 feet	14.6 feet
Side Yard (right)	5 feet	25 feet
Side Yard (left)	5 feet	4.7 feet

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

1. *Section 110-315 – A variance from the required rear yard setback of 15 feet, to allow for 14.6 feet along the west property line and a variance from the required side yard setback of 5 feet, to allow for 4.7 feet along the north property line.*

SETBACK VARIANCES: The applicant requests the following variances from Section 110-315:

1. *Section 110-315 – A variance from the required rear yard setback of 15 feet, to allow for 14.6 feet along the west property line and a variance from the required side yard setback of 5 feet, to allow for 4.7 feet along the north property line.*

SETBACK 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 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.

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, 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.

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 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.

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: 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.

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

CRITERIA MET: YES

PLANNING AND ZONING BOARD: At their regular meeting on October 16, 2024, the Planning and Zoning Board voted unanimously, to recommend that the City Commission approve the variance as recommended by staff.

FINDING OF FACT: Staff finds that all criteria have been met for granting approval of the variances to the rear and side yard (left) setbacks and recommends approval.

LEGAL DESCRIPTION: 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.

ATTACHMENTS:

- Letter
- Location Map
- Zoning Map
- Future Land Use Map
- Building Permit
- Survey
- Building Dimensions Diagram

