



CITY OF DELAND
REGULAR MEETING OF THE PLANNING BOARD
SEPTEMBER 11, 2024 AT 5:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

VERBAL REPORT ON CITY COMMISSION MEETINGS

MINUTES

1. Approval of the August 14, 2024 meeting minutes.

VARIANCE OLD BUSINESS

VARIANCE NEW BUSINESS

1. **Applicant Name:** Joseph Forte - Florida Pool Enclosures
Project Number: V24-178 - Variance
Project Location: 608 Shady Point Way
Project Description: Variance request to allow the construction of a pool screen enclosure located five feet from the rear property line and zero feet from a utility easement within the Bent Oaks Planned Development.
Project Planner: Sam Nelson

PUBLIC PARTICIPATION PROCEEDINGS

PLANNING - OLD BUSINESS

PLANNING - NEW BUSINESS

1. **Applicant Name:** Jack Straw - Deland Land Holding, LLC
Project Number: SMLU24-176
Project Location: 400 E. Howry Ave.
Project Description: Land use change from Medium Density Residential (MDR) to High Density Residential (HDR)
Project Planner: Belinda Williams-Collins
2. **Applicant Name:** William G. Bell, VFW
Project Number: ZD24-188
Project Location: 510 S. Alabama Avenue
Project Description: Reconstruction of a nonconforming property
Project Planner: Carol Kuhn, AICP

OTHER BUSINESS

ADJOURNMENT



**CITY OF DELAND
PLANNING BOARD REGULAR MEETING
MINUTES**

WEDNESDAY, AUGUST 14, 2024 - 5:00 P.M.

CITY HALL

CALL TO ORDER

The meeting began at 5:00 p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance – Mr. Owens, Chairperson

ROLL CALL

Henry Thiry	Present
Nora Lewis	Present
Albert Neumann	Late, arrived 5:33p.m.
Don Liska	Present
Troy Baumgartner	Present
Harper Hill, <i>Vice Chairperson</i>	Present
Jeremy Owens, <i>Chairperson</i>	Present
Quorum: Yes	

Present – Carol Kuhn, Planning Director; Darren Elkind, City Attorney; Deborah Glick, Development Services Manager; Belinda Williams-Collins, Senior Planner; Kendall Story, Senior Planner; Emily Kunkel, Planner II; Samuel Nelson, Planner I; Vivian Ford, Administrative Coordinator; applicants; and members of the public.

MINUTES

1. Ms. Lewis moved to approve the July 17, 2024 Meeting Minutes. Mr. Thiry seconded the motion. The board unanimously voted to approve the minutes.

VARIANCE OLD BUSINESS

None.

VARIANCE NEW BUSINESS

None.

PUBLIC PARTICIPATION PROCEEDINGS

Mr. Owens read the Public Participation procedures.

PLANNING – OLD BUSINESS

1. Applicant: Mark Watts – Cobb Cole
Project Number: Z24-081 – Planned Development Amendment for DeLand Tech Park
Project Location: South side of Cassadaga Road, west of Interstate 4
Project Description: PD amendment to add 3.73 acres of property to the existing DeLand Tech Park development plan and allow for off-site Tree Protection Areas
Project Planner: Kendall Story

Public Participation: Mark Watts, Esq., of Cobb Cole and as Applicant, made a presentation and answered questions from the board.

Randy Heimsoth concerned about the buffer area that would need to be created, and truck traffic on Cassadaga Road.

Ms. Lewis moved to approve the request. Mr. Liska seconded the motion. The motion to approve passed unanimously.

2. Applicant: Cody Bogart – Newkirk Engineering, Inc.
Project Number: Z24-129 – Rezoning
Project Location: 1338 W Plymouth Ave
Project Description: Rezoning of ±9.51 acres of property from Volusia County A-3 to City of DeLand Single-Family Dwelling (R-1A)
Project Planner: Emily Kunkel

Public Participation: Cody Bogart of Newkirk Engineering, Inc., as Applicant, was present and spoke. Staff spoke and answered questions from the board.

Casey King spoke against, due to concerns of rezoning being requested which would allow for the development of dense housing leading to increased traffic in the area. Michael Carbo spoke against due to concerns of overdevelopment, as the rezoning would allow for more homes to be built.

Ms. Lewis moved to approve the request. Mr. Liska seconded the motion. The motion to approve passed unanimously.

PLANNING – NEW BUSINESS

1. Applicant Name: Cody Bogart, Newkirk Engineering, Inc
Project Number: SE24-130 – Special Exception
Location: 1338 W. Plymouth Ave.
Project Description: Special exception to allow church use and allow for all on-site overflow parking areas and associated access drives to be unpaved and stabilized
Project Planner: Emily Kunkel

Public Participation: Cody Bogart of Newkirk Engineering, Inc., as Applicant, spoke and answered questions from the board.

Deborah King spoke against.

Mr. Hill moved to approve the request. Ms. Lewis seconded the motion. The motion to approve passed unanimously.

2. Applicant Name: Sean Fortier – Kelly, Collins & Gentry, Inc.
Project Number: PSB24-090 – Preliminary Plat for Taylor Ridge
Project Location: S Blue Lake and Taylor Ave
Project Description: 65 single-family lot subdivision
Project Planner: Kendall Story

Public Participation: Sean Fortier of Kelly, Collins & Gentry, Inc., as Applicant, spoke and answered questions from the board.

Ms. Lewis moved to approve the request. Mr. Hill seconded the motion. The motion to approve passed 6 to 1, with member Liska dissenting.

OTHER BUSINESS

Ms. Kuhn announced that the parking lot will be under construction and only a further lot will be available for next month's September 11, 2024 meeting.

ADJOURNMENT

The meeting ended at 6:30p.m.

**PLANNING STAFF
REPORT TO
CITY OF DELAND PLANNING
BOARD**

September 11, 2024

A. APPLICATION NO: V24-178

APPLICANT: Joseph Forte – Florida Pool Enclosures

REQUEST: To encroach into the required minimum setbacks for screened pools in the Bent Oaks Planned Development by five-feet for the rear-yard setback and ten-feet for the landscape wall and utility easement setbacks, and to allow the existing single-family residence to encroach into the required front and rear-yard setbacks by six (6) inches.

APPLICABLE ORDINANCES: Sec. 33-32. *Planned Development District.* Sec. 33-103. *Variances and appeals.*

B. SITE FACTORS:

LOCATION: 608 Shady Point Way

PARCEL SIZE: +/- 11,208 Square Feet

EXISTING ZONING/USE: Bent Oaks Planned Development (PD)

LAND USE PLAN DESIGNATION: Low Density Residential

Required Minimum Setbacks in Feet					
Bent Oaks PD Tracts	Front	Side	Rear	Screened Pool - Rear/Landscape Wall/Utility Easement	Uncovered Pool
Tract One	25	7.5	25	10	10
Tract Two	25	10	25	10	10
Tract Three (Exhibit C)	25	7.5	25	5	5
Tract Three (Exhibit D)	25	7.5	25	10	5
Tract Four A (Exhibit C)	25	7.5	25	5	5
Tract Four A (Exhibit D)	25	7.5	25	10	5
Tract Four B (Exhibit C)	25	7.5	25	5	5
Tract Four B (Exhibit D)	25	7.5	25	10	5
Tract Five (Exhibit C)	20	0	0	5	5
Tract Five (Exhibit D)	20	0	0	10	5

SURROUNDING USE:

NORTH: Single-Family Dwelling
SOUTH: Single-Family Dwelling
EAST: Single-Family Dwelling
WEST: Single-Family Dwelling

SURROUNDING ZONING:

Bent Oaks Planned Development
Bent Oaks Planned Development
Bent Oaks Planned Development
Bent Oaks Planned Development

DOES THE APPLICANT OWN PROPERTY WHICH IS ADJACENT TO THE PROPERTY FORWHICH HE OR SHE SEEKS A VARIANCE? Yes ☐ No ☒

C. CHRONOLOGY:

The single-family residence (SFR) located at 608 Shady Point Way was constructed in 1997 as part of Tract Three of the Bent Oaks Planned Development (PD). The Bent Oaks PD was initially recorded in 1990 and constructed in several phases. The residence was constructed encroaching into the required front and rear-yard setbacks of the Bent Oaks PD by up to six (6) inches (Exhibit 3). An uncovered swimming pool was constructed at this property in 1997 which was conforming to the Bent Oaks PD rear yard setback requirement, but not to the utility easement setback requirement. The current owner purchased the property in June of 2024 and applied for a pool screen enclosure permit in August. Staff reviewed the application and found that it did not comply with the screened pool setback requirements of the Bent Oaks PD. The applicant subsequently submitted a variance application. Upon review, staff discovered further violations which have been included within the request.

At the time of development, the City's Land Development Regulations specified a rear setback for pool screen enclosures included within the pool setback requirement, which was $\frac{1}{2}$ of the required rear-yard building setback. This would have been a 12½' foot rear setback requirement for screen enclosures in standard residential zoning districts. Per the Land Development Regulations, the City's requirement has subsequently changed to allow screen enclosures to be setback five (5) feet from a rear property line. There is no additional setback requirement from utility easements or landscape walls.

D. ANALYSIS:

The Bent Oaks PD is unique within the City regarding setback regulations. The PD mandates the typical setback from property lines, but also setbacks from utility easements and landscape walls (Exhibit 2). As a five-foot (5') utility easement exists on most properties within the PD (Exhibit 3), the effective rear setback requirement for structures becomes 15' (Exhibit 1). This effectively limits the applicant's buildable rear yard to 10' in length. Additionally, the Bent Oaks PD has differing requirements for uncovered and screened pools. An uncovered pool within interior properties may be located five (5) feet from a rear property line, landscape wall, or utility easement, whereas a covered pool is required to be setback 10 feet from a rear property line, landscape wall, or utility easement. The existing uncovered swimming pool on the property is setback approximately five (5) feet from the rear property line, which is conforming to the PD rear setback requirement for uncovered pools only. The pool meets the minimum side yard setback requirement. The pool deck currently borders a five-foot utility easement, which is noncompliant to required setback of five (5) feet for uncovered pools only.

The request to install a screen enclosure will cause encroachments of five (5) feet into the required rear-yard setback and 10 feet into the required utility easement setback. Current Land Development Regulations allow pool screen enclosures and decking for single-family residences to be located five (5) feet from a rear property line and do not require additional setbacks from utility easements or landscape walls. Many nearby properties within the Bent Oaks PD appear to have covered swimming pools which conform to the rear-yard setback requirement. Additionally, staff has included a request

to legitimize the existing encroachment of six (6) inches by the residence into the front and rear-yard setbacks which was present at the time of construction.

E. VARIANCE CRITERIA: Per Section 33-103.03, as amended, the Planning Board will consider the following criteria in making a determination concerning the granting or denial of the requested variance:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

No special circumstances exist peculiar to the property. While most properties located on the perimeter of the Bent Oaks PD are only required to provide a five-foot (5') setback for screened pools, all properties located within the interior of the PD are required to provide the same 10' rear-yard, landscape wall, and utility easement setback for screened pools. As this is an interior property, the 10' setback requirement applies.

2. Granting of the variance request will not confer on the applicant any special privilege that is denied by these Land Development Regulations to other lands, building, or structures in the same zoning district.

Granting of the variance will confer special privileges when compared with most properties within the Bent Oaks PD by allowing the construction of a pool screen enclosure five (5) feet from a rear property line and zero-feet (0') from a utility easement. Most properties within the PD contain a five-foot (5') utility easement (Exhibit 7).

However, many properties within the PD and the majority of single-family residential properties within the City as a whole may place a pool screen enclosure five (5) feet from the rear property line. The City's Land Development Regulations do not require an additional utility easement setback.

3. Literal interpretation and enforcement of these Land Development Regulations will deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these Land Development Regulations, and work unnecessary and undue hardship on the applicant such as natural site conditions, size or shape of lot, or existing structures(s).

The literal interpretation and enforcement of the code will not deprive the of rights commonly enjoyed by properties in the same zoning district as other interior properties within the Bent Oaks PD must meet the same setback requirements. Typical City Land Development Regulations would allow single-family residences to have a screen enclosure five (5) feet from a rear yard with no utility easement setbacks.

4. The granting of the variance will be in harmony with the general intent and purpose of these Land Development Regulations and the Comprehensive Plan, as amended,

and will not be injurious to the surrounding properties or detrimental to the public welfare.

The granting of this variance will be in harmony with the intent and purpose of these Land Development Regulations as the LDRs allow screen enclosures for swimming pools to be located five (5) feet from a rear property line for all single-family zoning districts. There are no additional setback requirements for utility easements. As there is an existing pool at this location, the LDRs would allow a screen enclosure. The proposal is unlikely to be injurious to surrounding properties as many other properties within the Bent Oaks PD contain screened swimming pools with similar setback compared with what is being requested.

5. The Variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

Relief from the rear-yard and utility easement setback requirement is required to allow construction of the proposed pool screen enclosure. A screen enclosure constructed to the standards of the PD would only partially cover the existing pool. Relief from the required front and rear yard building setbacks is required to legitimize the existing building setbacks.

6. The special conditions or circumstances are not the result of actions of the applicant or owner.

The setback violations of the uncovered pool and SFR were created prior to the current owner's possession. No other special conditions or circumstances exist specific to the property. A special circumstance may exist in regards to the comparatively restrictive and dated PD.

7. Variances applicable to the Planned Development. A property within a Planned Development may apply for a variance, provided that all of the following criteria are met:

1. The development order does not prohibit individual property owners from applying for variances.
2. The variance request is not contrary to the recorded covenants and deed restrictions.

The Bent Oaks Planned Development Agreement allows individual property owners to apply for variances and the request is not in conflict with recorded covenants and deed restrictions.

F. STAFF SUMMARY:

The applicant is requesting a variance to allow the construction of a pool screen enclosure on an existing uncovered pool located five (5) feet from a rear property line and zero-feet (0') from a landscape wall or utility easement within the Bent Oaks Planned Development thereby encroaching into the required setbacks by five (5) and ten feet. Comparatively restrictive and dated PD requirements may be considered a hardship. The Bent Oaks PD requires a ten-foot rear yard, utility easement, and landscape wall setback for screened pools for interior properties. Current City Land Development Regulations only require a five-foot (5') rear setback for pool screen enclosures and no additional utility easement setback. Within the PD, while interior properties must meet the same 10' setback requirements, many perimeter properties are allowed a screened pool with a five-foot (5') rear yard, utility easement, and landscape wall setback. Further, the proposal is unlikely to be injurious to surrounding properties as an uncovered pool has been existing at this property since 1997. As the SFR was constructed encroaching into the required front and rear-yard setback areas, staff is also requesting relief to accommodate the existing encroachments of up to six inches (6").

Exhibits

Exhibit 1 – Buildable Area

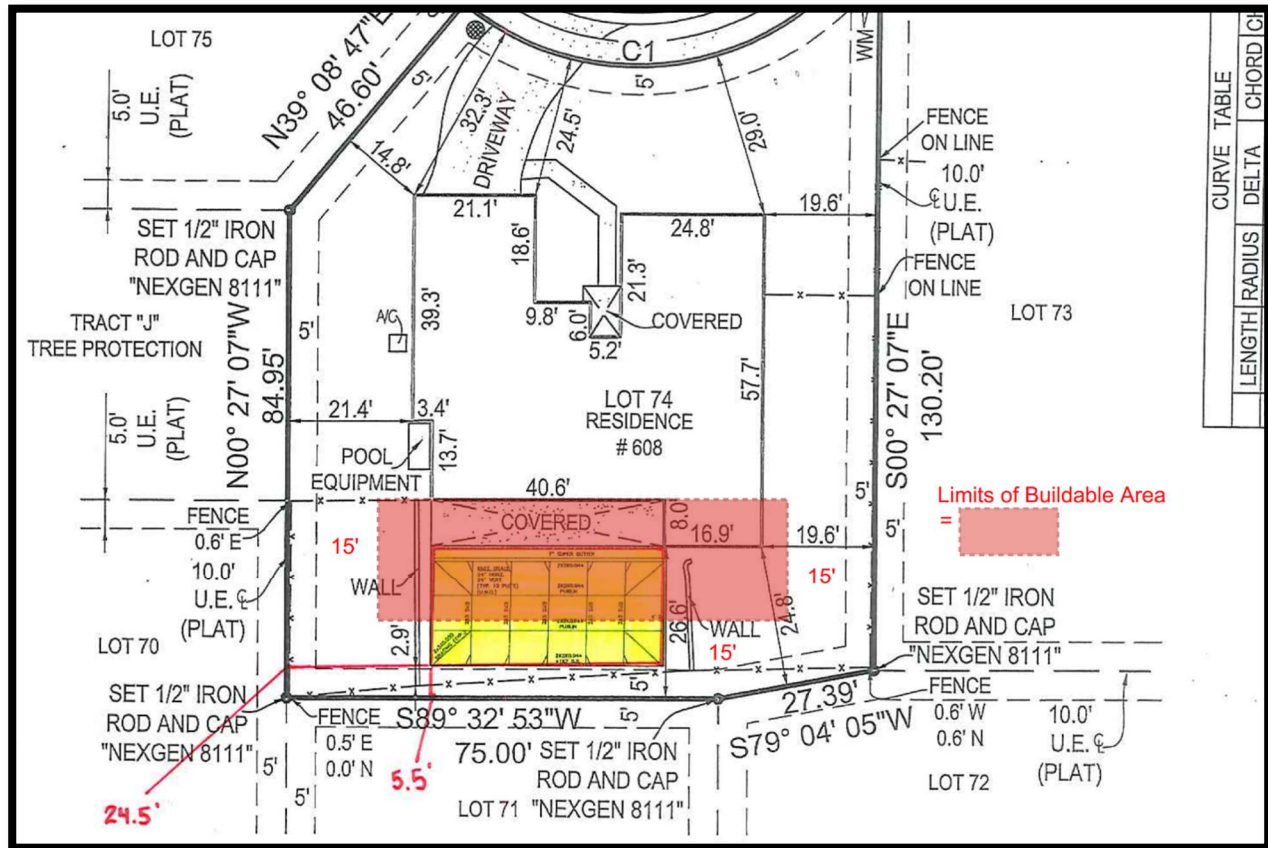


Exhibit 2 – Bent Oaks Planned Development Special Regulations

(d) Special Regulations. The uses permitted within the Bent Oaks PD shall be detached, single family dwellings with customary accessory uses. No accessory uses, buildings or structures shall be placed any closer than: (i) ten (10) feet from any rear property line, landscape, wall or utility easement, in Tracts One and Two; or (ii) five (5) feet from any rear property line, landscape, wall or utility easement for those lots in Tracts Three, Four A, Four B and Five described on Exhibit C; or (iii) ten (10) feet from any rear property line, landscape wall or utility easement for those lots in Tracts Three, Four A, Four B and Five described on Exhibit D (except that for the lots in Exhibit D, pools without screen enclosures may be located five (5) feet from a rear property line, landscape wall or utility easement). No accessory uses, buildings or structures whatsoever shall be permitted within the front or side yard setback areas described below:

Exhibit 3 – Plot Plan

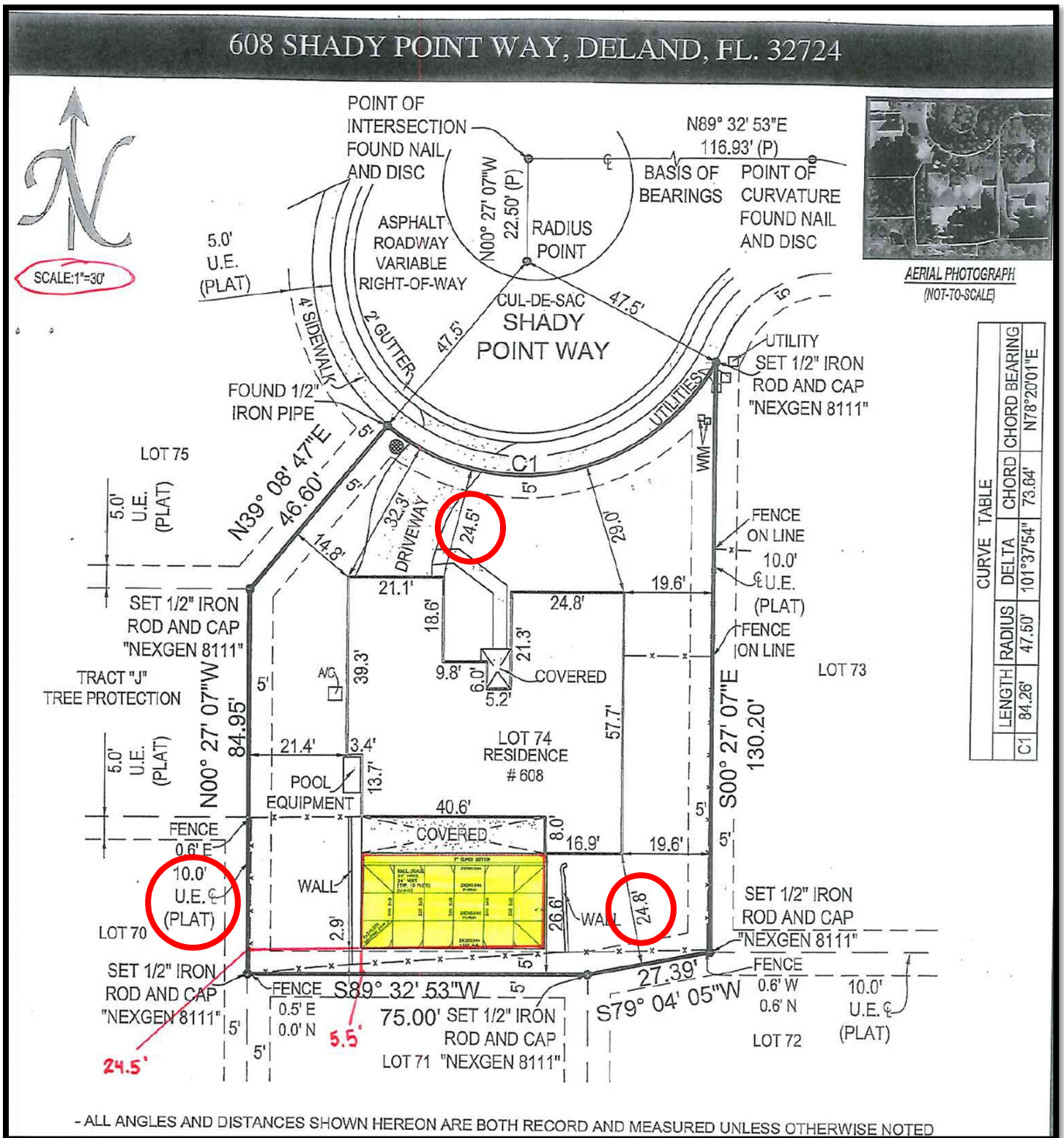


Exhibit 4 – Surrounding Properties



Exhibit 5 – Bent Oaks Tracts

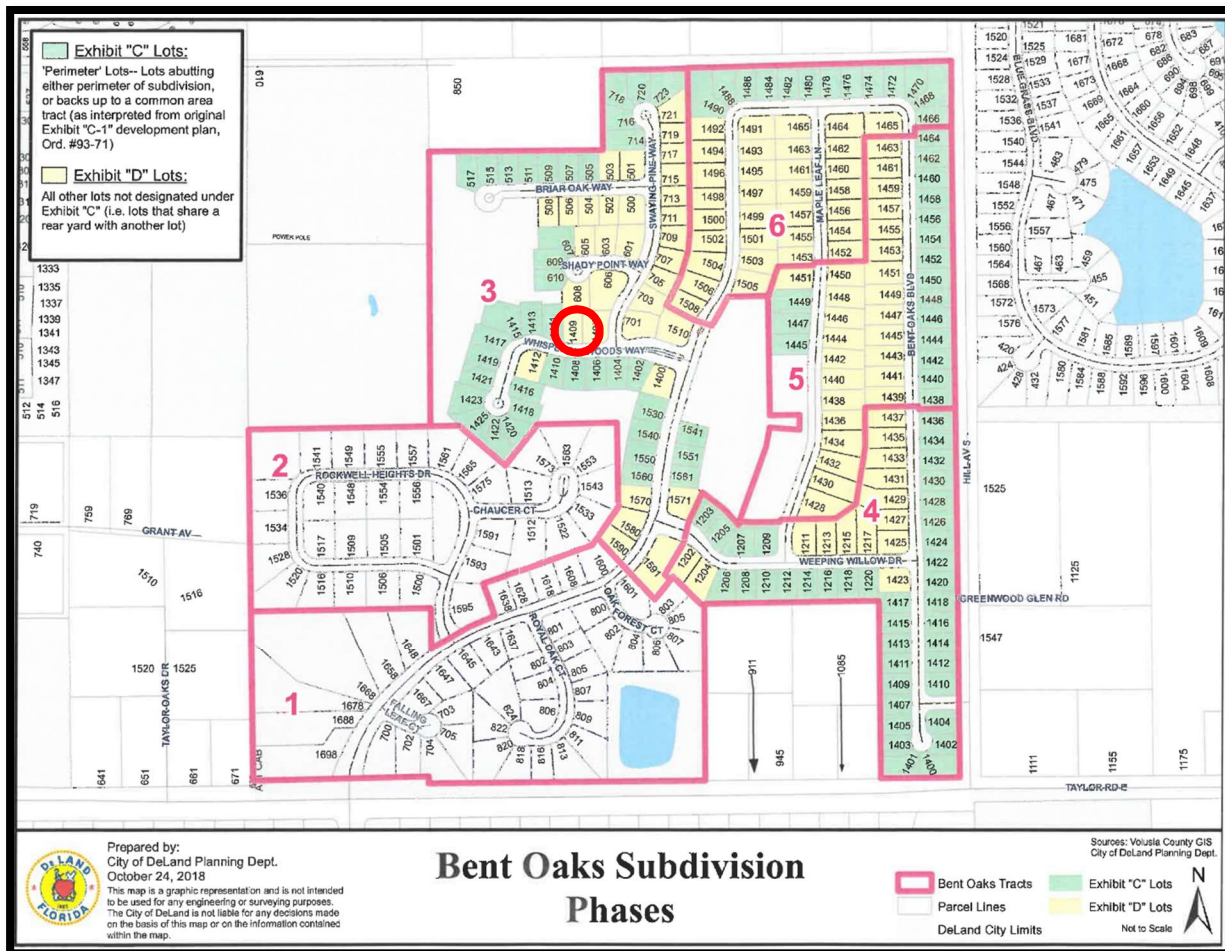
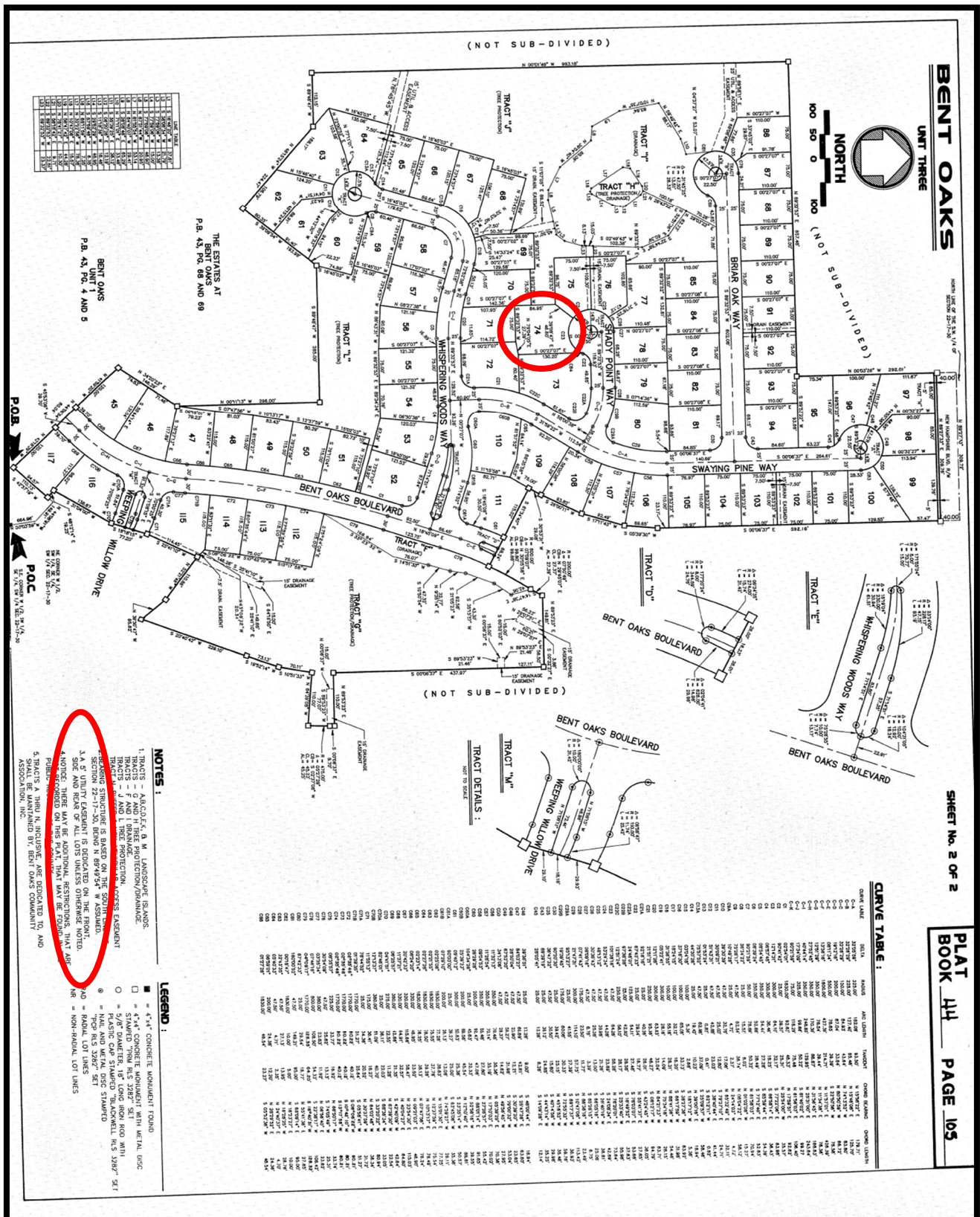


Exhibit 6 – Current Building Street Frontage

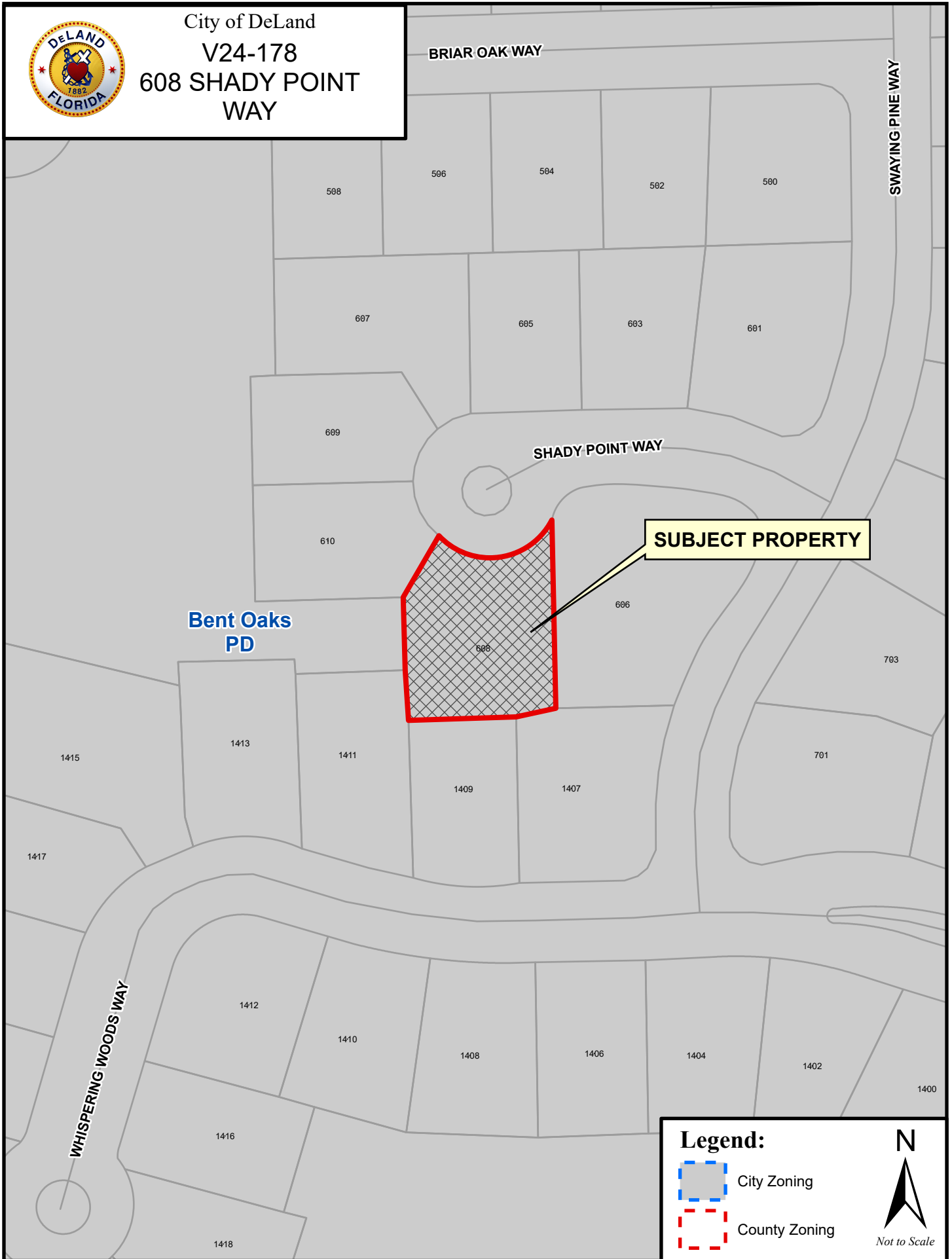


Exhibit 7 – Plat





City of DeLand
V24-178
608 SHADY POINT
WAY





City of DeLand
V24-178
608 SHADY POINT
WAY



SWAYING

Legend:

-  City Zoning
-  County Zoning



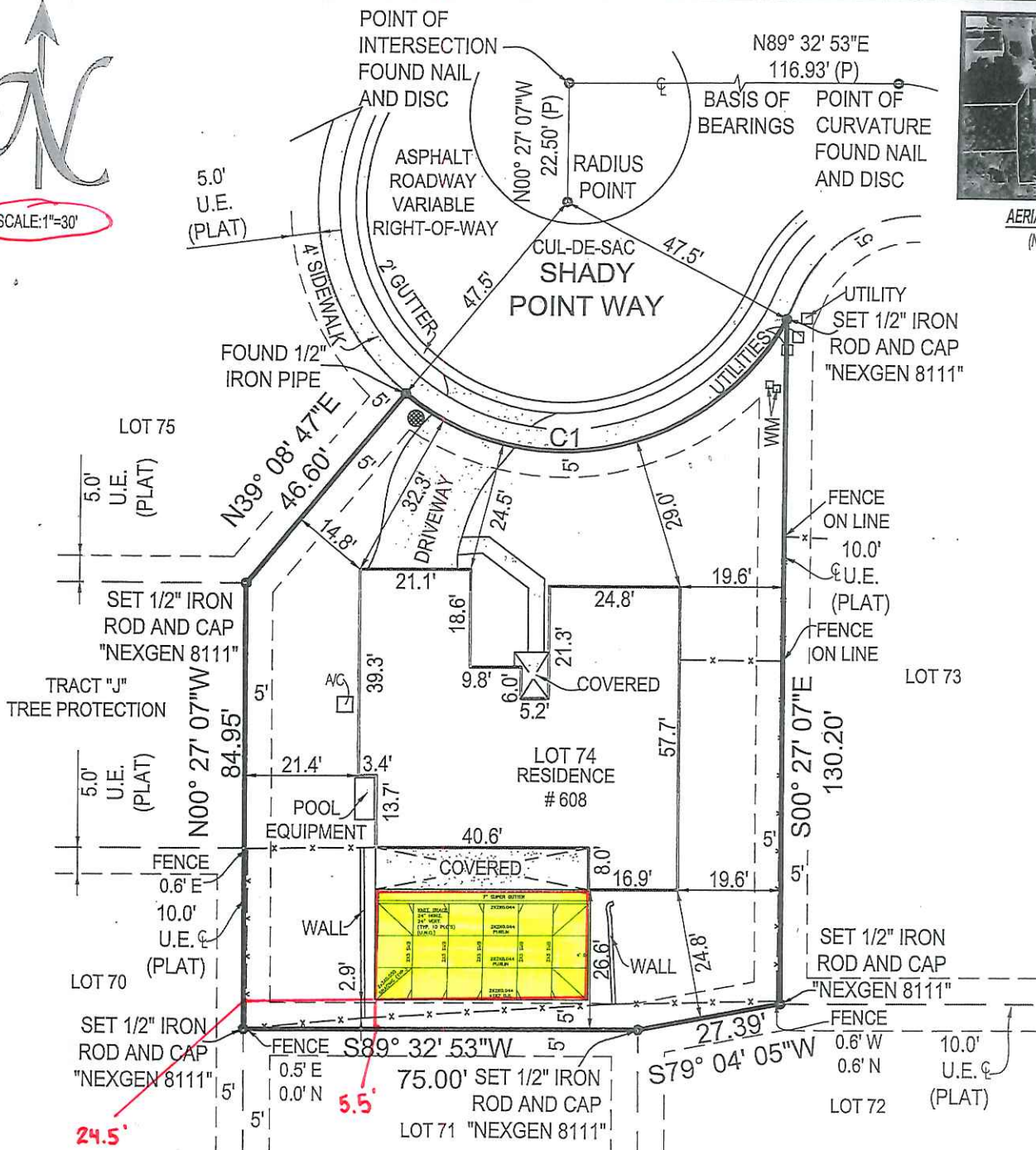
608 SHADY POINT WAY, DELAND, FL. 32724



SCALE: 1"=30'



AERIAL PHOTOGRAPH
(NOT-TO-SCALE)



CURVE TABLE			
LENGTH	RADIUS	DELTA	CHORD BEARING
C1	84.26'	101°37'54"	N78°20'01"E

- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

SHEET 1 OF 2 (SKETCH OF SURVEY) - SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, AND OTHER SURVEY RELATED DATA. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

The survey map & report or the copies thereof are not valid without the digital signature and seal of a Florida licensed surveyor and mapper

Date of Field Work : 05-29-2024
 Drawn By: Oleg
 Order #: 242638
 Last Revision Date: None
 Boundary Survey prepared by: LB 8111
 NexGen Surveying, LLC.
 5615086272
 1547 Prosperity Farms
 Lake Park FL 33403

NEXGEN
 SURVEYING, LLC.



LEGAL DESCRIPTION OF: 608 SHADY POINT WAY, DELAND, FL, 32724

LOT 74, BENT OAKS UNIT THREE, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 44, PAGE 104 AND 105, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

CERTIFIED TO:

CARLOS J. CRIBAS AND AMBER M. CRIBAS
RELIANT TITLE GROUP, A DIVISION OF LANDCASTLE TITLE GROUP, LLC
CHICAGO TITLE INSURANCE COMPANY

FLOOD ZONE:

12127C0470H
ZONE: X
EFF: 02/19/2014

SURVEY NOTES:

- DRIVEWAY EXTENDS THROUGH UTILITY AND DRAINAGE EASEMENT ALONG NORTHERN BOUNDARY LINE AS SHOWN.
- DRIVEWAY CROSSES THE BOUNDARY LINE ON NORTHERN SIDE OF LOT AS SHOWN.
- FENCES LIE NEAR BOUNDARY LINES AS SHOWN. OWNERSHIP NOT DETERMINED.
- FENCES EXTEND THROUGH UTILITY EASEMENT ALONG SOUTHERN, EASTERN AND WESTERN BOUNDARY LINES AS SHOWN.
- WALL EXTENDS THROUGH UTILITY EASEMENT ALONG SOUTHERN BOUNDARY LINE AS SHOWN.

LEGEND

A/C	-AIR CONDITIONER
WM	-WATER METER
AL	-ARC LENGTH
(C)	-CALCULATED
(M)	-MEASURED
P.O.B.	-POINT OF BEGINNING
P.O.C.	-POINT OF COMMENCEMENT
&	-AND
P.B.	-PLAT BOOK
PG	-PAGE
U.E.	-UTILITY EASEMENT
D.E.	-DRAINAGE EASEMENT
P.U.E.	-PUBLIC UTILITY EASEMENT
L.A.E.	-LIMITED ACCESS EASEMENT
L.M.E.	-LAKE MAINTENANCE EASEMENT
O.H.E.	-OVERHEAD EASEMENT
R	-RADIUS
(R)	-RECORD
O.R.B.	-OFFICIAL RECORDS BOOK
Sq.Ft.	-SQUARE FEET
Ac.	-ACRES
DB	-DEED BOOK
(D)	-DEED
(P)	-PLAT
EOW	-EDGE OF WATER
TOB	-TOP OF BANK
OHL	-OVERHEAD LINE
C/O	-CLEAN OUT
ELEV	-ELEVATION
FF	-FINISHED FLOOR
LS	-LICENSED SURVEYOR
LB	-LICENSED BUSINESS
PSM	-PROFESSIONAL SURVEYOR & MAPPER
- x -	-FENCE
#	-NUMBER
±	-PLUS OR MINUS
□	-ASPHALT
□	-CONCRETE
□	-PAVER/BRICK
□	-WOOD
☼	-LIGHT POLE
⊙	-WELL
⊗	-WATER VALVE
⊕	-CENTER LINE
⊖	-CATCH BASIN
⊗	-FIRE HYDRANT
⊕	-UTILITY POLE
⊖	-MANHOLE
⊗	-ELEVATION

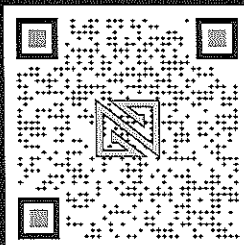
SOME ITEMS IN LEGEND MAY NOT
APPEAR ON DRAWING.

GENERAL NOTES:

- 1) THIS SURVEY IS BASED UPON RECORD INFORMATION BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
- 2) IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM NEXGEN SURVEYING, LLC. NEXGEN SURVEYING, LLC, ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE. THIS SURVEY IS NOT MEANT FOR SUBMITTAL FOR PERMITTING WITHOUT THE EXPRESS CONSENT OF NEXGEN SURVEYING, LLC.
- 3) ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE LINES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
- 4) GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
- 5) UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
- 6) ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988).
- 7) ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
- 8) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LS (LICENSED SURVEYOR).

LB 8111

info@nexgensurveying.com



5615086272

1547 Prosperity Farms
Lake Park
FL 33403

(1) Land Use Description. The Bent Oaks PD shall be a residential community consisting entirely of single family detached homes and common drainage, passive recreation and natural open space areas as presented below and in greater detail as Exhibit B which is attached hereto.

(2) Density. The approximate densities shall be as follows:

Land Use	Area	% of Site	Ttl. Lots	Net Dens.
Tract One	22.66	18.75	44	1.94
Tract Two	16.88	13.97	34	2.01
Tract Three	21.54	17.82	73	3.39
Tract Four A	11.45	9.45	45	3.93
Tract Four B	12.25	10.24	42	3.43
Tract Five	18.85	15.60	96	5.09
Drainage, Recreation & Open Space	17.22	14.15	N/A	N/A
	120.85	100.00	334	2.76

(d) Special Regulations. The uses permitted within the Bent Oaks PD shall be detached, single family dwellings with customary accessory uses. No accessory uses, buildings or structures shall be placed any closer than: (i) ten (10) feet from any rear property line, landscape, wall or utility easement, in Tracts One and Two; or (ii) five (5) feet from any rear property line, landscape, wall or utility easement for those lots in Tracts Three, Four A, Four B and Five described on Exhibit C; or (iii) ten (10) feet from any rear property line, landscape wall or utility easement for those lots in Tracts Three, Four A, Four B and Five described on Exhibit D (except that for the lots in Exhibit D, pools without screen enclosures may be located five (5) feet from a rear property line, landscape wall or utility easement). No accessory uses, buildings or structures whatsoever shall be permitted within the front or side yard setback areas described below:

	Minimum Lot Size	Number of Lots	Front	Side	Rear	Minimum Distance Between Dwellings
Tract One	85'x110'	44	25	7.5	25	15
Tract Two	120'x140	34	25	10	25	20
Tract Three	75'x110'	73	25	7.5	25	15
Tract Four A	75'x110'	45	25*	7.5	25	15
Tract Four B	75'x110'	42	25*	7.5	25	15
Tract Five	50'x110'	96	20	0	20	10

*22.5' front yard setback allowed for all lots abutting Hill Avenue for Lots in Tracts Four A and Four B.

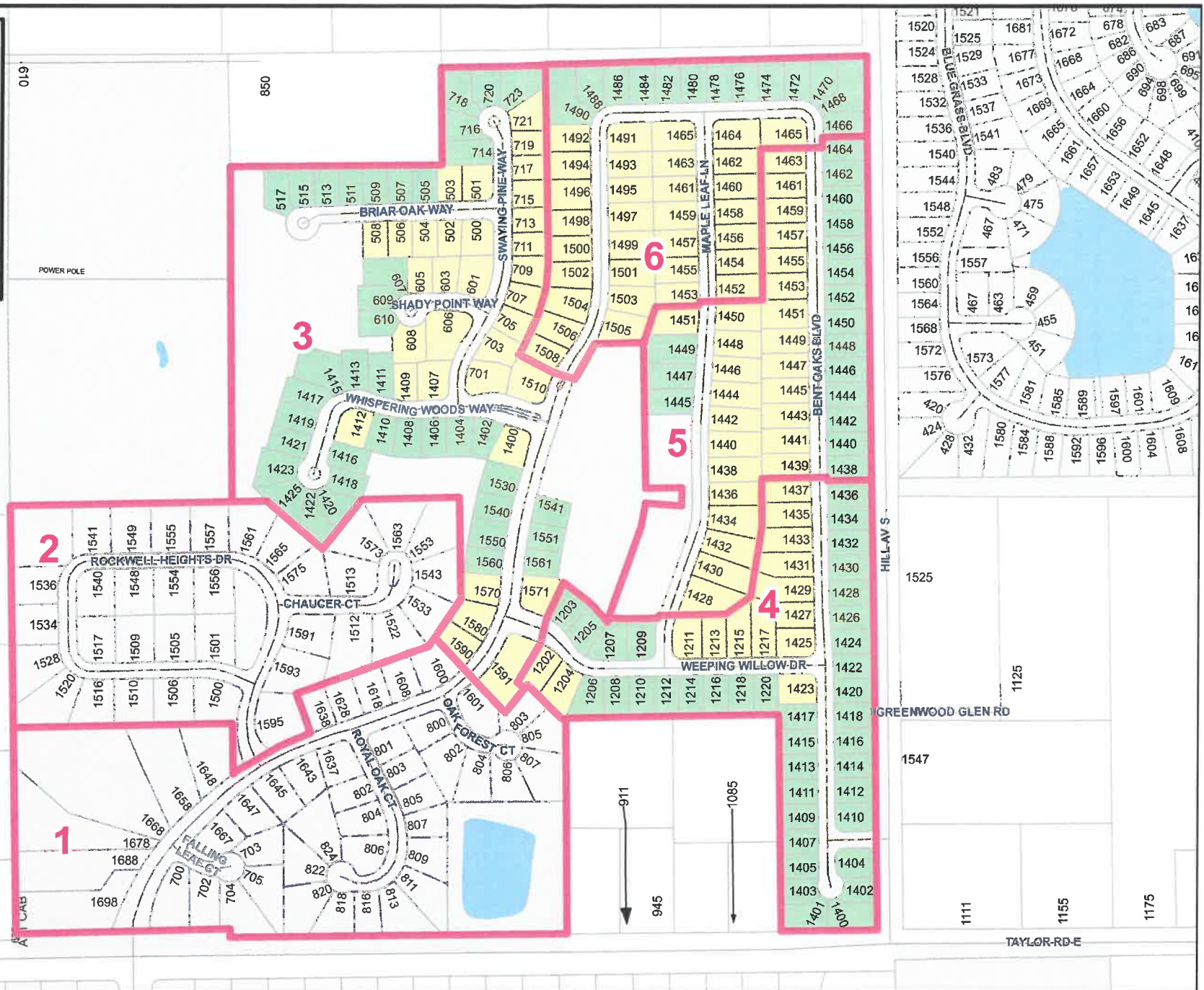
Where the minimum distance between buildings is less than fifteen (15) feet, exterior walls between such buildings must have a minimum one hour fire rating as

Exhibit "C" Lots:

'Perimeter' Lots-- Lots abutting either perimeter of subdivision, or backs up to a common area tract (as interpreted from original Exhibit "C-1" development plan, Ord. #93-71)

Exhibit "D" Lots:

All other lots not designated under Exhibit "C" (i.e. lots that share a rear yard with another lot)



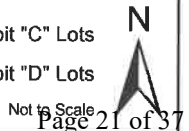
Prepared by:
City of DeLand Planning Dept.
October 24, 2018

This map is a graphic representation and is not intended to be used for any engineering or surveying purposes. The City of DeLand is not liable for any decisions made on the basis of this map or on the information contained within the map.

Bent Oaks Subdivision Phases

Sources: Volusia County GIS
City of DeLand Planning Dept.

Bent Oaks Tracts
 Parcel Lines
 Exhibit "C" Lots
 Exhibit "D" Lots
DeLand City Limits



**PLANNING DEPARTMENT STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD
September 11, 2024**

- A. APPLICATION NO.:** SMLU24-176
- APPLICANT:** Jack Straw, Pacifica Companies, LLC
- REQUEST:** To amend land use designation from Medium Density Residential (MD) to High Density Residential (HD)

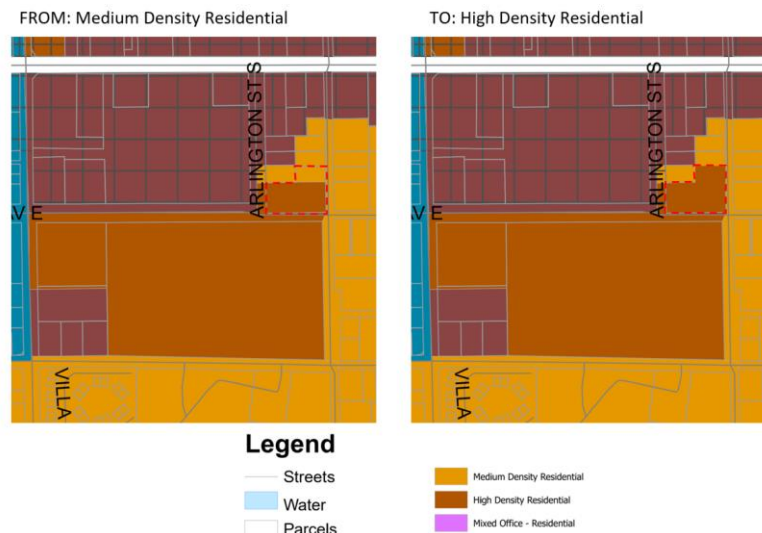
B. SITE FACTORS

Location: 400 E. Howry Ave.
Parcel ID #: 701606000090
Parcel Size: 0.2 ± acres
Land Use: Medium Density Residential
Existing Use: undeveloped

	SURROUNDING USE:
North:	Medium Density Residential
South:	High Density Residential
East:	Medium Density Residential
West:	Medium Density Residential

C. REQUESTED ACTION AND HISTORY:

- REQUEST:** The applicant is requesting a Comprehensive Land Use Amendment for a parcel of land with two (2) different future land use designations. The 0.2-acre portion of the 1-acre parcel is currently designated Medium Density Residential (MD) and the remainder of the parcel is designated High Density Residential (HD). The site is currently vacant and the applicant requests that the 0.2-acre portion of the property be amended from Medium Density Residential to High Density Residential. The applicant has submitted a corresponding application to amend the Cloisters PD and due to the density of the existing development (20.34 DUA) exceeding the current density permitted (16 DUA), the 0.2-acre portion requires the High Density Residential (HD) in order match the land use designation of the southern portion of the parcel. The addition of the one (1) acre parcel brings the entire site closer conformity at 18.92 DUA.



2. **CHRONOLOGY OF PAST EVENTS:** There have been no recent updates to the land use designation of this property. The applicant has plans to rezone the property from the existing R-12 (multiple-family dwelling) to Planned Development (PD)). The property is surrounded on three (3) sides by properties that have single-family zoning.

D. ALTERNATIVES AND ANALYSIS: The purpose of this section is to analyze the reasonableness of the applicant's request for an amendment of the land use designation for the subject property. This analysis will include a description of the current and future land uses of the site and the surrounding area, potential impacts on the transportation system, and any significant adverse environmental impacts.

1. Availability of Public Facilities (water, sewer, solid waste, drainage, traffic, recreation and schools if residential):

- The parcel is within the City of DeLand utility service boundary and water/wastewater service for this project are provided through existing city lines.
- Howry Avenue is a collector road with an established LOS C. (per the City of DeLand Comprehensive Plan 2009 by Tindale-Oliver 7 Assoc.).

The change in designation will not generate a new demand for recreation.

- Volusia County provides a sanitary landfill for the disposal of solid waste. The landfill has adequate capacity at this time.

2. **Compatibility with Land Use and Other Elements:** The Future Land Use Element requires that the subject property be consistent with surrounding development. The proposed land use designation is in the same category but of a higher intensity than that of the properties located immediately adjacent to the north, west and across the street to the east. The property to the west is a residence located across the street from a commercial shopping center. Based on the designations of the remaining parcels in the area, it could be assumed that the subject property was at one time developed for single-family use, however, current development in the area demonstrates a shift.

3. **Future Land Use Map:** The proposed land use has been analyzed and the request is consistent with the remainder of the parcel. The proposed change in the land use designation to High Density Residential will be shown on the revised Future Land Use Map.

4. **Location of Lakes, Floodplains, and Wetlands:** The site contains no bodies of water nor any known wetlands. There are no major bodies of water in the immediate vicinity.

5. Analysis of Natural Resources:

- a. **Soil type:** Generally, the soil type is Astatula-Tavares. Broad undulating ridges of excessively drained and moderately well drained, brownish and grayish sandy soils; interspersed with a few sinks, lakes and depressions.
- b. **Presence of Endangered Species** – The existence of any known species on this site has not been reported. The likelihood of a significant population is anticipated to be low because of the urban activity in the area and it not being sizeable enough to support a significant amount of wildlife.

6. Existing and Future Impact upon Infrastructure Capacity:

- a. **Water** –The City's Utility Department indicates sufficient water supply is available for the proposed site.

- b. Sewer* –The City’s Utility Department indicates sufficient sewer capacity is available.
 - c. Drainage* - The City adheres to the County’s 100-year frequency, 24-hour storm event standard for landlocked basins. Stormwater capture will be addressed on-site as required by the Land Development Regulations.
 - d. Solid Waste* – Solid waste services, currently provided for the surrounding area, are available to serve this property.
 - e. Transportation* – The proposed use of this site is to provide additional parking to the current multi-family use to the south and will not produce any additional traffic beyond the current levels. Traffic trip generation is based on units, at this time no additional units are proposed.
 - f. Fire/Rescue Service* - The City can provide an adequate LOS of Fire/Rescue service.
 - g. Police Service* - The City can provide an adequate LOS of Police protection.
7. **Impact upon Recreation and Open Space:** The proposed land use is a residential category; any impacts to the recreational needs of the city as a result of the development of this site will be investigated during the site plan process.
 8. **New Public Facilities Needed to Serve Land Use:** This site is within the Utility Service Area and no need for new public facilities is anticipated.
 9. **Impact upon Existing Deficiencies:** The site in question has access to all existing city facilities and no deficiencies exist.
 10. **Impact upon Ability of the City to Fund Capital Improvements:** The proposed land use amendment will not result in the need for additional public facilities to serve the subject property. It will not create an additional impact upon the City's ability to fund the projects listed in the adopted Five-Year Capital Improvement Program.
 11. **Impact upon Adopted Five-Year Schedule in Capital Improvements Element:** The proposed land use amendment will not require revision to the City's adopted Five-Year Capital Improvement Program.
 12. **Compatibility with Existing Zoning Classification:** The existing zoning designation (R-12 – Single Family) has been proposed to be amended upon approval of a separate rezoning request. It is a requirement that the proposed zoning designation be compatible with the proposed land use designation. It is proposed to rezone the property to correspond with the DeLand Cloisters PD.
 13. **Will the proposed land use change impact schools?** This particular site is proposed to be used for parking to accommodate the residential development that it is associated with. The school board is in the process of determining the impacts to schools for the entire development and this land use amendment is anticipated to impact schools minimally.
 14. **How does this proposal fit with the guidelines developed for DeLand 2050 and the City’s Strategic Plan?** This proposal is simply to provide consistency and these guidelines have no bearing on this request.

E. VGMC INFRASTRUCTURE IMPACT ASSESSMENT

In accordance with standard practice from the Florida Department of Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the currently adopted land use designation versus the proposed designation).

The following seven public facilities and services were examined: (Table 4)

1. Transportation	4. Solid Waste	
2. Sanitary Sewer	5. Stormwater Drainage	
3. Potable Water	6. Recreation	7. Schools

Table 4. Impact Analysis (Theoretical Max.)

DeLand Commons - SMLU24-179					
Development Variable			Existing land use	Proposed l.u	Net Change
			<i>MDR</i>	<i>HDR</i>	
	Permitted Density		<i>12</i>	<i>16</i>	
			Theoretical Maximum		
Property Acreage	<i>1</i>				
Dwelling units			12	16	4
Non-residential (retail, sq. ft.)					0
1. Population	2.25	persons/hh	19	36	17
2. PM Peak Hour Trips/Daily Trips	0.62	PM peak/unit	7	10	2
	6.65	trips/unit	80	106	27
3. Sanitary Sewer	160	gal/unit	1920	2560	640
4. Potable water (gal/day)	180	gal/unit	2160	2880	720
5. Solid waste (pounds/person)	3.21	lb/person	61	116	55
6. Stormwater Drainage			0		0
7. Recreation/Open Space (ac./person)	0.007	acres/person	0	0	0

Notes:

1. Population:	2.25 persons per household (per 2010 Census)
2. Transportation:	ITE Trip Generation Manual, 8th Edition: 0.62 PM peak hour trips per unit and 6.65 daily trips per unit, Apartments - Low-rise (220)
3. Sanitary Sewer:	160 gallons per day per Equivalent Residential Unit
4. Potable Water:	180 gallons per day per Equivalent Residential Unit
5. Solid Waste:	3.21 pounds per person per day
6. Stormwater Drainage:	LOS standard = 25-year, 24-hour event. Drainage system is required to be designed to meet the requirements of the Land Development Code during subdivision or site plan review.
7. Rec. & Open Space:	7 acres/1,000 persons (0.007 acres/person)

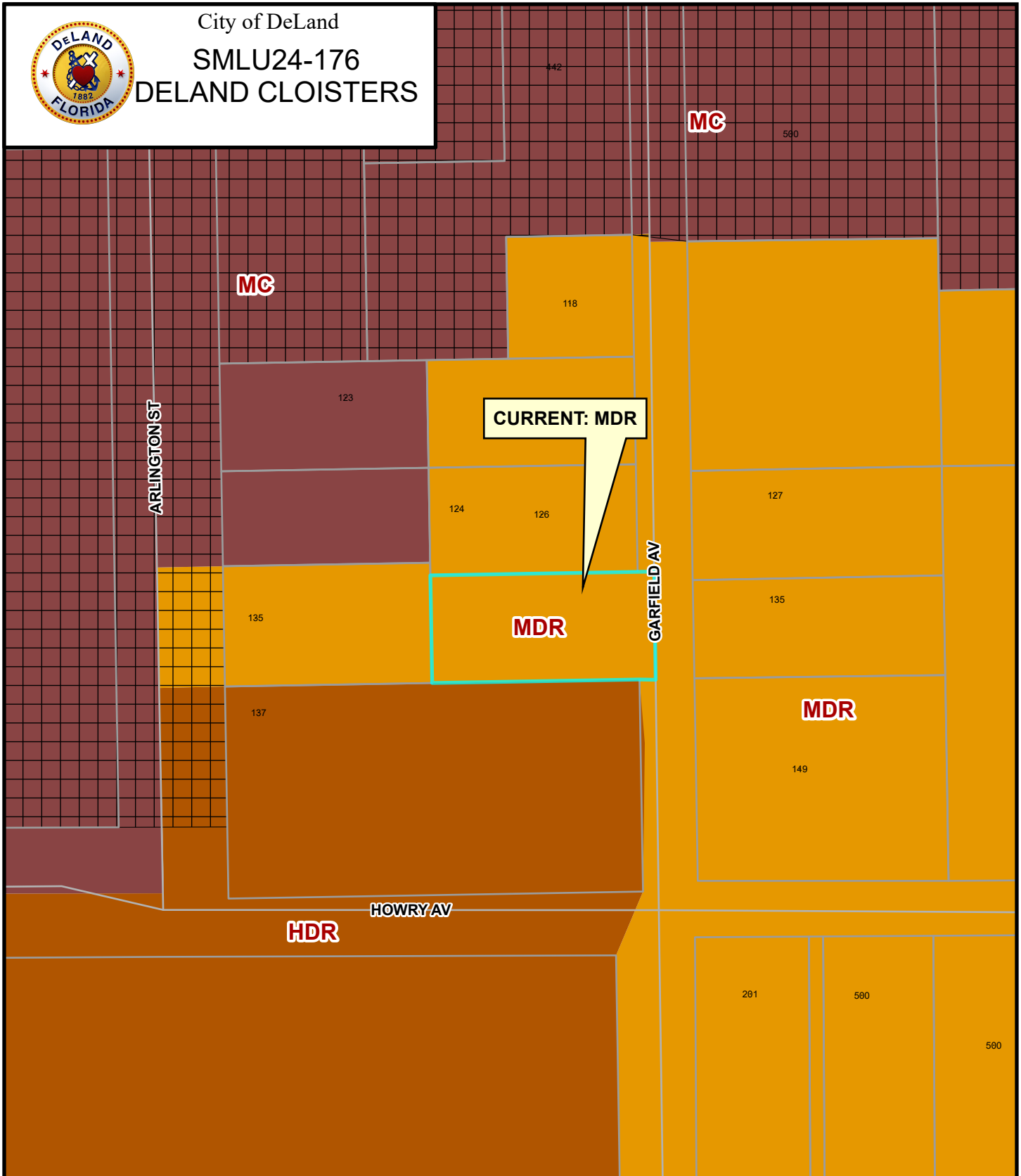
The proposed amendment under normal circumstances results in increased impacts to most public infrastructure and services based on the theoretical maximum impact analysis.

F. CONCLUSION: The facility analysis presented in the above sections suggests that the proposed land use should not cause any of the City's facilities to degrade below the adopted or current operational LOS. The proposed designation is compatible with the surrounding properties and is consistent with the uses in the immediate vicinity of the site.

G. STAFF RECOMMENDATION: Staff recommends approval of the proposed amendment of the subject property's land use designation from Medium Density Residential (MD) to High Density Residential (HD) subject to approval of the Cloisters PD amendment.



City of DeLand
SMLU24-176
DELAND CLOISTERS



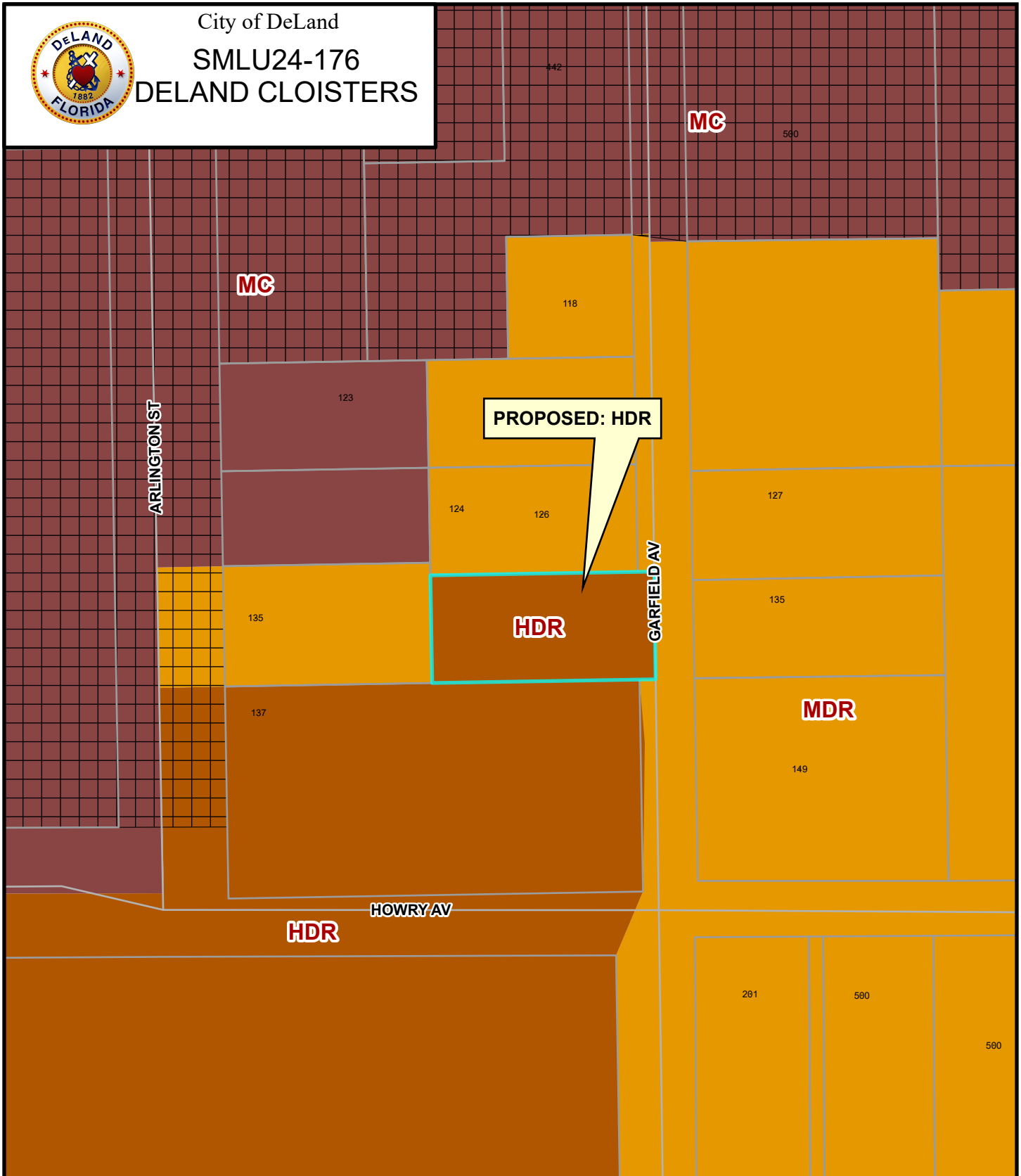
DeLand Future Land Use:

Agricultural Conservation	Educational	Downtown Commercial	New Community Development
Urban Low Intensity	Mixed Office - Residential	Redevelopment	Community
Low Density Residential	Mixed Commercial	Gateway	Commerce
Medium Density Residential	Business Retail	Rail Spur	West Central District
High Density Residential	Highway Commercial	Industrial	County





City of DeLand
SMLU24-176
DELAND CLOISTERS

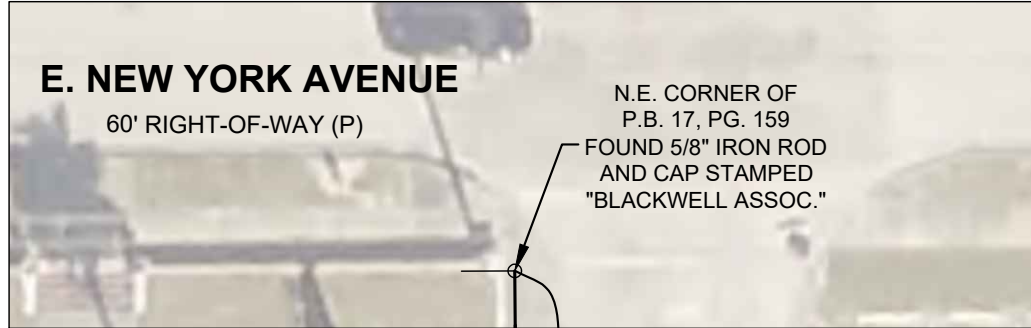
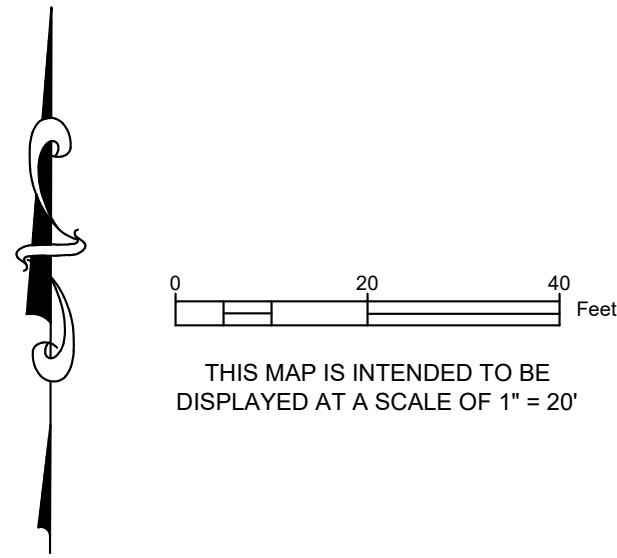
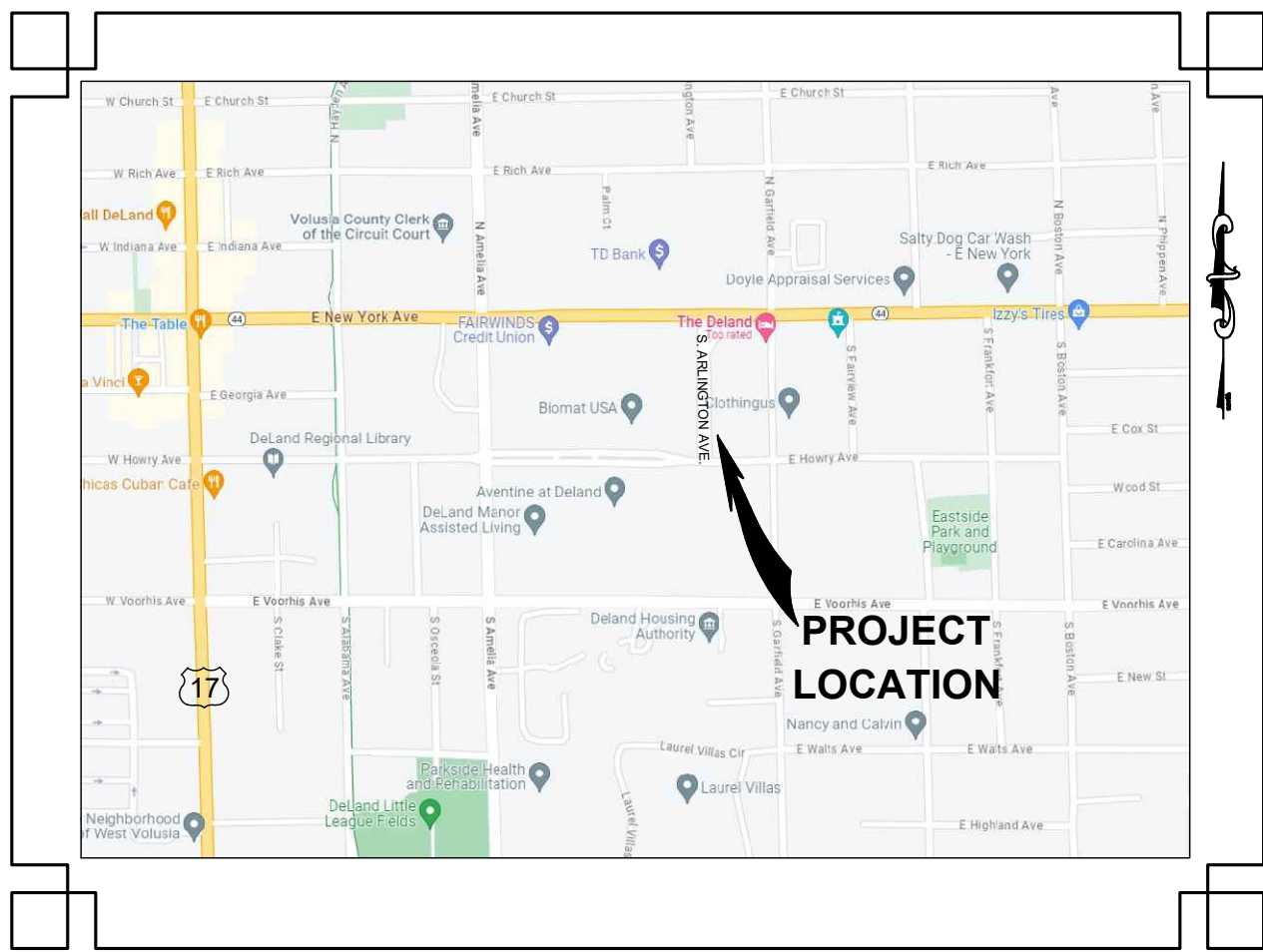


DeLand Future Land Use:

Agricultural Conservation	Educational	Downtown Commercial	New Community Development
Urban Low Intensity	Mixed Office - Residential	Redevelopment	Community
Low Density Residential	Mixed Commercial	Gateway	Commerce
Medium Density Residential	Business Retail	Rail Spur	West Central District
High Density Residential	Highway Commercial	Industrial	County



BOUNDARY AND TOPOGRAPHIC SURVEY
LYING IN A.H. FARRAR'S SUBDIVISION OF LOT 1 OF ASSESSOR'S DELAND
PLAT BOOK 17, PAGE 159
AND SECTION 17, TOWNSHIP 30 SOUTH, RANGE 16 EAST
DELAND, VOLUSIA COUNTY, FLORIDA



LEGAL DESCRIPTION
(PER OFFICIAL RECORDS BOOK 8363, PAGE 4673)

LOTS 9 TO 13, A.H. FARRAR'S SUBDIVISION OF LOT 1 OF ASSESSOR'S DELAND, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 13, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

(NOTE: THIS PLAT IS RECORDED IN MULTIPLE DOCUMENTS, CURRENTLY RECORDED IN PLAT BOOK 17, PAGE 159)

SURVEYOR'S NOTES:

- THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THIS OFFICE.
- THE COORDINATES, BEARINGS AND DISTANCES SHOWN HEREON ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83 / 2011 ADJUSTMENT) AND WERE ESTABLISHED BY R.T.K.-G.P.S. USING A TRIMBLE R-12 G.P.S. RECEIVER ON THE VRS NETWORK AND VERIFIED BY MULTIPLE MEASUREMENTS ON THE FOLLOWING NATIONAL GEODETIC SURVEY PUBLISHED CONTROL:

"79 91 GPS1"
PID: AQ2782
FOUND FLORIDA DEPARTMENT OF TRANSPORTATION TRAVERSE STATION DISK SET IN TOP OF CONCRETE STAMPED "79 91 GPS1"
N = 1,706,527.50
E = 552,518.83

THE BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE OF A.H. FARRER'S SUBDIVISION OF LOT 1 OF ASSESSOR'S DELAND BEING SOUTH 89°45'20" WEST.

- THIS SURVEY WAS PERFORMED UTILIZING R.T.K.-G.P.S. AND TRADITIONAL SURVEY PROCEDURES WITH MULTIPLE MEASUREMENTS ON PROJECT CONTROL POINTS, AND HAS A HORIZONTAL AND VERTICAL POSITIONAL TOLERANCE OF LESS THAN 0.07 FEET.
- THE ELEVATIONS SHOWN HEREON REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88) AND ARE BASED UPON THE FOLLOWING BENCHMARKS AS PUBLISHED BY ST. LUCIE COUNTY:

"T 711"
PID: DM3873
FOUND FLANGE ENCASED ROD WITH NATIONAL GEODETIC SURVEY LOGO CAP
STAMPED "T 711 2008"
ELEVATION = 47.36' (NAVD 88)
- SUBSURFACE OR UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED AND ARE NOT A PART OF THIS SURVEY.
- ALL DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
- THE LANDS BOUND BY THIS SURVEY ARE LOCATED IN FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP NUMBER 12127C0470H DATED FEBRUARY 19, 2014.
- SUBJECT PROPERTY CONTAINS 43,774 SQUARE FEET OR 1.00 ACRE, MORE OR LESS.
- THE IMAGERY SHOWN HEREON, DATED 2021, WAS ACQUIRED FROM THE THE FDOT A PLUS WEBSITE (FDOTVWP1.DOT.STATE.FL.US) AND IS FOR INFORMATIONAL PURPOSES ONLY.
- APPARENT PHYSICAL USES:
1) A PORTION OF A 5' CONCRETE SIDEWALK FALLS WITHIN THE EAST PROPERTY LINE.
2) GUY ANCHORS FALL WITHIN THE SOUTHWEST ORNER OF THE PROPERTY. NO EASEMENT WAS PROVIDED.
- ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR ELECTRONIC SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE BOUNDARY AND TOPOGRAPHIC SURVEY SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Richard Barnes
Digitally signed by Richard Barnes
Date: 2023.11.28 08:42:30 -05'00'

NOVEMBER 16, 2023
DATE OF LAST FIELDWORK

RICHARD E. BARNES, JR.
FLORIDA SURVEYOR AND MAPPER
LICENSE No. 5173
rbarnes@bowman.com

BOWMAN CONSULTING GROUP, LTD., INC.
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 8030
(LB 8030 = LICENSED BUSINESS NUMBER 8030)

Bowman
PROFESSIONAL SURVEYORS AND MAPPERS, CERTIFICATE NO. LB 8030
BOARD OF PROFESSIONAL ENGINEERS, CERTIFICATE OF AUTHORIZATION NO. 30462

Bowman Consulting Group, Ltd., Inc.
301 S.E. Ocean Blvd., Suite 301
Stuart, FL 34994
Phone: (772) 283-1413
Fax: (772) 220-7881
www.bowmanconsulting.com
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137 S. ARLINGTON STREET,
DELAND, FLORIDA

BOUNDARY AND TOPOGRAPHIC SURVEY
FLORIDA
VOLUSIA COUNTY

PROJECT NO
011461-01-001

PLAN STATUS

DATE DESCRIPTION
FIELD BOOK PAGE
23-266 49-54

FIELD CREW: KM, KJ

D.A.L. R.E.B.
DRAWN CHKD

SCALE H: 1" = 20'
V: N/A

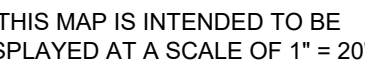
JOB No. 011461-01-001

DATE NOV. 16, 2023

FILE No.

011461 BNDY TOPO

SHEET 1 OF 2



Cad file name: V:\011461 - Pacifica Deland Land Holdings\011461-01-001 (SUR) - Cloisters Deland\Survey\Topo Boundary\011461 BNDY TOPO.dwg 11/28/2023

PROFESSIONAL SURVEYORS AND MAPPERS, CERTIFICATE NO. LB. 8030
BOARD OF PROFESSIONAL ENGINEERS, CERTIFICATE OF AUTHORIZATION NO. 30462

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**137 S. ARLINGTON STREET,
DELAND, FLORIDA**

BOUNDARY AND TOPOGRAPHIC SURVEY

VOLUSIA COUNTY

FLORIDA

PROJECT NO
011461-01-001

PLAN STATUS	
DATE	DESCRIPTION
FIELD BOOK 23-266	PAGE 49-54
FIELD CREW: KM, KJ	
D.A.L. DRAWN	R.E.B. CHKD
SCALE H: 1" = 20' V: N/A	
JOB NO. 011461-01-007	
DATE NOV. 16, 2023	
FILE No. 011461 BNDY TOPO	
SHEET 2 OF 2	

LEGAL DESCRIPTION

(PER OFFICIAL RECORDS BOOK 8363, PAGE 4673)

+/- 1.00 ACRES

LOTS 9 TO 13, A.H. FARRAR'S SUBDIVISION OF LOT 1 OF ASSESSOR'S DELAND,
ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 4,
PAGE 13, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

(NOTE: THIS PLAT IS RECORDED IN MULTIPLE DOCUMENTS, CURRENTLY
RECORDED IN PLAT BOOK 17, PAGE 159)



Planning Division

Memorandum

TO: Planning Board Members

DATE: September 11, 2024

FROM: Carol Kuhn, Planning Director

SUBJECT: VFW Building Reconstruction, 510 S Alabama Ave (ZD24-188)

On March 22, 2024 and March 23, 2024, a structure fire occurred at the VFW building located at 510 S. Alabama Avenue, the building was destroyed. Since March 23, 2024, the VFW has been working with a consultant as well as the City's Planning and Building divisions on reconstruction efforts for the building. The new building will be constructed in the same footprint as the existing structure, and some of the remaining CMU block walls may be salvaged for the new building.

During the initial planning review of the project, it was determined that both the use and the structure were non-conforming. The property is zoned R-1 and does not allow private clubs and lodges. The existing structure has a front yard setback of 24.6 feet from the property line along S. Alabama Avenue. The minimum front yard setback is 30 feet and for lots on a corner, the corner-side setback is 15 feet. The corner-side setback for the existing structure is 33 feet from the property line along E. Euclid Avenue.

Although the property has not been used since the initial fire on March 22, 2024, the applicant has been actively working with the City to reconstruct the structure. Formal action by the Planning Board is required to allow for the reconstruction of a non-conforming structure and/or use. The existing structure is non-conforming as to the use and the front yard setback. The City's Land Development Regulations provide for the reconstruction of non-conforming structures and uses, subject to specific criteria:

33-102.02 *Alteration or change of nonconforming multifamily and nonresidential structures and uses.*

- (a) *Multifamily and nonresidential structures.* Alteration to a nonconforming multifamily or nonresidential structure, including accessory structures, may be allowed only upon approval of the Planning Board with all of the following specific findings being made in a development order that such alteration:
- (1) Will not create a new nonconformity or violation; and
 - (2) Will enhance the general character and quality of the neighborhood as determined by sound and generally accepted land use planning practices and principles; and
 - (3) Will be consistent with the architectural design and style of the abutting properties and surrounding neighborhood; and
 - (4) Will provide adequate off-street parking for the use of the property.

- (b) *Multifamily and nonresidential uses.* Alteration or change in use to an existing nonconforming multifamily use or nonresidential use may be allowed only upon approval of the Planning Board with all of the following specific findings being made in a development order that such alteration:
- (1) Will enhance the general character and quality of the neighborhood as determined by sound and generally accepted land use planning practices and principles; and
 - (2) Will provide adequate off-street parking for the use of the property.

33-102.03 *Restoration and reconstruction of damaged nonconforming multifamily and nonresidential structures.*

Restoration and reconstruction subject to Planning Board review and approval. The reconstruction or substantial restoration of a damaged nonconforming multifamily or nonresidential structure including accessory structures, where said restoration exceeds 50% of the most recent appraised building value of the structure in effect at the time of the damage that is on record with the Volusia County Property Appraiser may be allowed only upon approval of a development order by the Planning Board, if the application for review and approval for said reconstruction or substantial restoration is filed with the Community Development Department within 12 months of the damage to the structure, and with all of the following specific written findings being made in the development order:

- (1) The structure as restored will be constructed within the existing footprint and not be greater in volume height or area than the original nonconforming structure; and
 - (2) The structure as restored will enhance the general character and qualities of the neighborhood as determined by sound and generally accepted land use planning practices and principles; and
 - (3) The structure will be consistent with the architectural design and style of the abutting properties and surrounding neighborhood; and
 - (4) Adequate off-street parking is available for the use of the structure; and
 - (5) The nonconforming nature of the structure is lessened to the greatest extent reasonably practicable as determined by sound and generally accepted land use planning practices and principles; and
 - (6) The reconstruction or substantial restoration is completed within 24 months of the issuance of the building permit allowing for said reconstruction or substantial restoration; and
 - (7) The property owner is in full compliance with all orders issued by the City with respect to securing and maintaining the structure and the premises.
- (c) The reconstruction or substantial restoration of a damaged nonconforming multifamily or nonresidential structure where said restoration exceeds 50% of the most recent appraised building value of the structure in effect at the time of the damage that is on record with the Volusia County Property Appraiser where said damage is the result of neglect shall be prohibited and any reconstruction or substantial restoration shall conform to the requirements of these Land Development Regulations.

33-102.04 *Discontinuance and re-establishment of nonconforming uses.*

- (a) *Re-establishment of a nonconforming use.* It is prohibited and unlawful to re-establish a nonconforming use when there has been a change to the permitted uses allowed with regard to a building or structure or land under the zoning district which is applicable to the land which the building or structure is located.
- (b) *Discontinuance of a nonconforming use.* If the nonconforming use of any building, structure or land has been discontinued for a period of 180 days, it shall not be re-established and all future uses thereof shall be in conformity with the then applicable provisions of these Land Development Regulations.

The new building will be constructed within the footprint of the existing structure and will not be greater in volume, height, or area than the original non-confirming structure. The new building will be consistent with the architectural design and style of the neighborhood and the abutting properties, as the new construction will utilize the existing exterior walls to the greatest extent possible. The site will provide adequate off-street parking. The applicant intends to construct a gazebo or other similar shade structure on the west side of the building to allow for additional outside activities such as celebration of life and flag retirement ceremonies. This accessory structure would be constructed on the western side of the building and would meet the rear yard setback requirement. It would be constructed on an existing impervious surface and would not reduce the existing off-street parking.

Staff finds that the proposed reconstruction would be consistent with the criteria for Alteration or change of nonconforming multifamily and nonresidential structures and uses (33-102.02); Restoration and reconstruction of damaged nonconforming multifamily and nonresidential structures (33-102.03); and Discontinuance and re-establishment of nonconforming uses (33-102.04) and recommends the Planning Board approve the request for Alteration, Restoration, and Reconstruction of a non-conforming use and structure for the VFW property located at 510 S. Alabama Avenue subject to the following conditions:

1. The reconstruction of the existing structure shall be completed within 24 months of the issuance of the building permit allowing for said reconstruction of substantial restoration;
2. The property owner shall comply with all orders issued by the City with respect to securing and maintaining the structure and the premises; and
3. A site plan and/or a building permit shall be submitted, reviewed, and issued prior to construction on the site.



City of DeLand
VFW
510 S ALAMABA

425 South
PD

R-1

C-2

EUCLID AV

ALABAMA AV

R-1B

SUBJECT PROPERTY

HUBBARD AV

Legend:



City Zoning

County Zoning





City of DeLand
VFW
510 S ALAMABA



Legend:

-  City Zoning
-  County Zoning





"The mission of the VFW is to support programs and services that secure, manage and distribute resources to improve the lives of veterans, military service personnel, their families, and the communities where they live."

Richard H. Criche
VFW Post 2380
510 S. Alabama Ave.
DeLand, FL 32724
post2380@vfwfl.org

August 28, 2024

DeLand City Hall
City of Deland Planning Committee Department
120 S Florida Avenue
DeLand, FL 32720

Dear DeLand Planning Committee,

I am writing to you today to request a special examination and consideration of the attached plan sketch for an additional covered area on the VFW 2380 property. As I know you are quite aware, since March 22nd and March 23rd of this year, when our facility caught fire and completely burned, we have been working non-stop to do everything necessary to get our Post back up running and better than before. While in the pursuit of this, we did some brainstorming to try and make sure that this adventure has everything possible that we could ever need now and into the future for the Post. Some of the reasoning for our request is in the following bullets:

- Functions at the Post which become so large that it is necessary to get the overflow of individuals into the parking lot and into this covered area;
- Possible smoking area when the State of Florida mandates all facilities to go non-smoking;
- Place to gather for Flag Retirement Ceremonies;
- Place to Conduct Celebration of Life Ceremonies with Rifle Detail and Flags.

We ask this of you because our mission as a Military Organization and Social Club is to serve Veterans with their needs, and the local Community as a whole. Please kindly open up your hearts to understand that we, as a collective group, are here to stay and to help facilitate whatever we possibly can for these folks who have bravely served their Country and their Community.

Thank you for taking the time to consider our request. Please contact me by email or phone if you have any questions.

Respectfully,

A handwritten signature in blue ink, appearing to read "William Bell", written over a horizontal line.

William Bell
Commander of VFW Post 2380
(407) 340-5580

LEGAL DESCRIPTION: (OR 5615 PG 4286)

LOTS 1 AND 2, EXCEPT THE WEST 25 FEET THEREOF, AND THE NORTH 20 FEET OF LOT 3, EXCEPT THE WEST 25 FEET THEREOF, BLOCK 24, BOND LUMBER COMPANY'S SUBDIVISION OF BLOCKS 23, 24, 33 AND 34, HOWRYS ADDITION TO DELAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 4, PAGE 54 AND MAP BOOK 17, PAGE 136, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

S. WOODLAND BOULEVARD

371.40'(P)
FND 1/2" IR
NO ID"
396.43'(FM)
S 89°05'28" E(FM)

EAST LINE OF THE WEST
25.00' OF LOTS 1-3
BLOCK 24

NOTES:

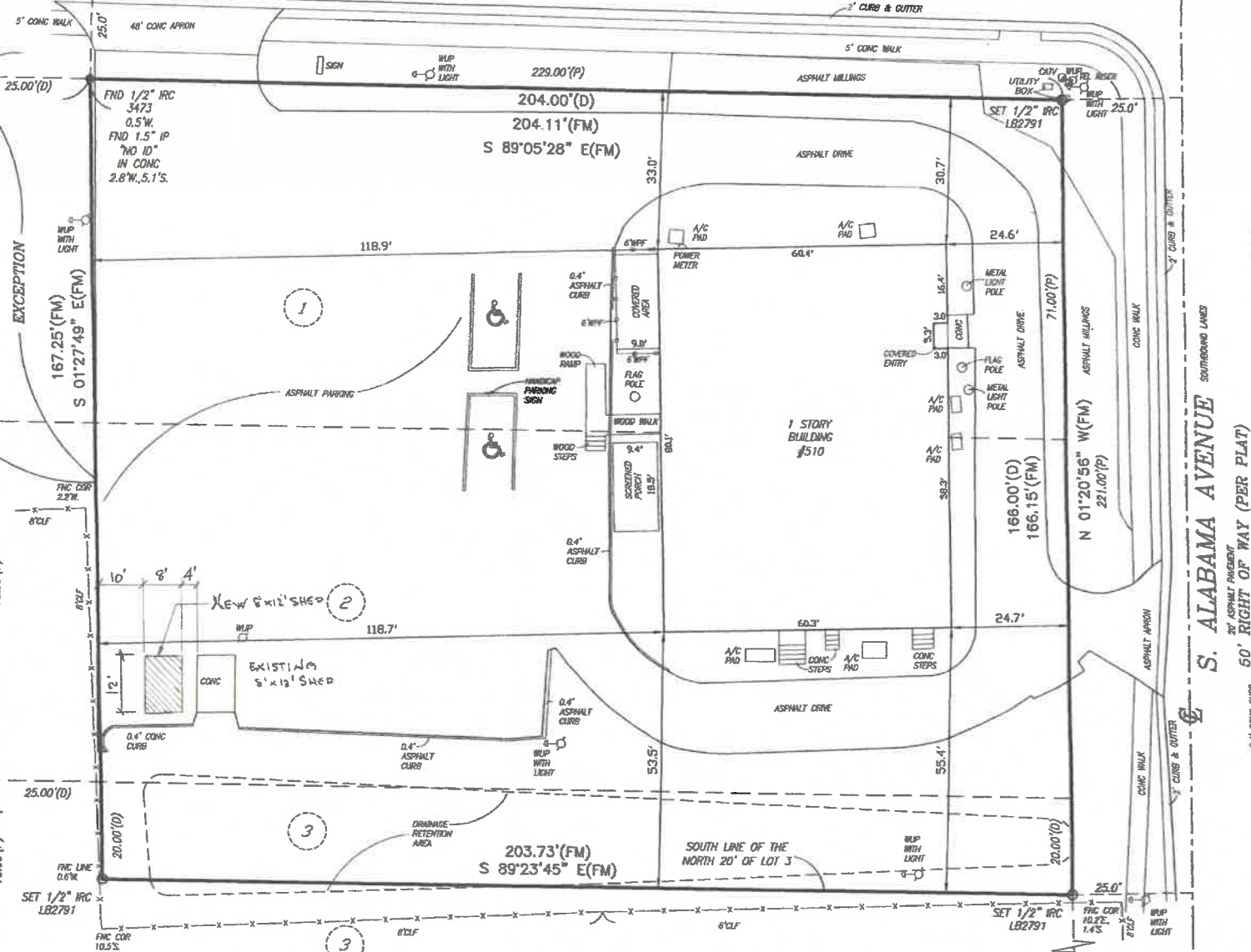
BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF E EUCLID AVENUE AS BEING A BEARING OF S 89°05'28" E (ASSUMED).

THE FLOODPLAIN BOUNDARY, IF SHOWN HEREON, WAS SCALED FROM A LARGE SCALE FEMA FLOOD INSURANCE MAP AND AS SUCH HAS AN INHERENT ERROR OF 10% OF THE FEMA MAP SCALE.

UNDERGROUND UTILITIES AND FOUNDATION MAY EXIST AND HAVE NOT BEEN LOCATED, EXCEPT AS SHOWN.

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND THAT IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE (MINIMUM TECHNICAL STANDARDS) AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE, SECTION 472.027, FLORIDA STATUTES.

E. EUCLID AVENUE
15' ASPHALT FURNISHMENT
50' RIGHT OF WAY



FLOOD CERTIFICATION:

(Per map dated February 19, 2014)
This is to certify that I have consulted the Federal Insurance Flood Hazard Boundary Map and found the ABOVE named Property IS NOT located in a special flood hazard area, according to Community Panel Map No. 12127C-0470-H Map Panel 470 of 930, Zone "X".

ABBREVIATIONS

AC=Access	CONC=Concrete	F/W=Field Wire Fence	NAC=Not at Cap	POL=Point on Line	TB=Tangent Bearing
A/C=Air Conditioning Unit	COR=Corner	GA=Guy Anchor	NO ID=No Identification	PRD=Point of Reverse Curve	TEL or T=Telephone Service
ASP=Asphalt	CUP=Concrete Utility Pole	GL=Government Lot	OS=Official Records Book	PRM=Permanent Reference Mon.	TWP=Temporary
BFP=Back Flow Preventer	(D)=Dead end	GO=Government Land Office	O/L=Overhead	PT=Point of Tangency	U/L=Underground
BLD=Building	DRA=Drainage Retention Area	HD=Headwall	(P)=Plot	PVD=Poly Vinyl Chloride	UNP=Unrecorded Plot
BLK=Block	ELEC or E=Electric	ID=Identification	PCC=Point of Curvature	PWT=Plaster	UP=Utility Pole
BLN=Benchmark	ELEV or EL=Elevation	IN=Invert Elevation	PCC=Point of Compound Curvature	W/F=Wood Fence	WLP=Wood Light Pole
CATV=Cable TV Service	FND=Found	IR=Iron Rod	PCC=Point of Intersection	W/M=Water Meter	W/M=Water Main
CEN=Concrete	FDC=Field Office Code	IR=Iron Rod	PCC=Point of Beginning	W/P=Wood Privacy Fence	W/W=Water Well
CLF=Cable Link Fence	FIE=Field Inspection	IR=Iron Rod	PCC=Point of Commencement	W/W=Water Well	W/W=Water Well
CM=Concrete Monument	(FM)=Field Measured	IR=Iron Rod	PCC=Point on the Curve	W/W=Water Well	W/W=Water Well
CM=Corrugated Metal Pipe	FR=Frame Construction	IR=Iron Rod	POL=Point on Line	W/W=Water Well	W/W=Water Well
	F/W=Field Wire Fence	IR=Iron Rod	PRD=Point of Reverse Curve	W/W=Water Well	W/W=Water Well
		IR=Iron Rod	T=Point	W/W=Water Well	W/W=Water Well

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC. (LB #2791)

BY: *Robert R. Evers*
ROBERT R. EVERS, PSM
FLORIDA CERTIFICATE No. 5675

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC.
WWW.BLACKWELLSURVEYING.COM
995 W. VOLUSIA AVE. • DELAND, FL • PH: (386)-734-8050

BOUNDARY SURVEY CERTIFIED
TO:

DICKINSON-TOMPKINS POST 2380
VETERANS OF FOREIGN WAR US

SYMBOLS:

- = REBAR FOUND (SEE SHOWN HEREON)
- = 1/2" REBAR & CAP SET
- = 4"x4" CONCRETE MONUMENT & CAP SET
- = CONCRETE MONUMENT FOUND (SIZE SHOWN HEREON)
- = R.L.S. DISC/NAI FOUND (SIZE SHOWN HEREON)
- = R.L.S. DISC/NAI SET
- = IRON PIPE FOUND (SIZE SHOWN HEREON)
- ◆ = RAILROAD SPIKE FOUND
- = BOLT FOUND (SIZE SHOWN HEREON)
- = P/K NAIL FOUND

DATE:	3/1/23
W.D. No.	2-64-23
DRAWN BY:	JT
FIELD BOOK:	757-68
CADD FILE / FILE No.:	2-64-23