



**CITY OF DELAND
REGULAR MEETING OF THE PLANNING BOARD
JANUARY 8, 2025 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 December 11, 2024 meeting minutes.

VARIANCE OLD BUSINESS

VARIANCE NEW BUSINESS

1. Applicant Name: Jessica Sherouse
Project Number: V24-233 – Variance
Project Location: 1335 Aquarius Avenue
Project Description: Variance request to remove the requirement to provide two (2) interior parking spaces for a single-family residence.
Staff Planner: Emily Kunkel

PUBLIC PARTICIPATION PROCEEDINGS

PLANNING - OLD BUSINESS

PLANNING - NEW BUSINESS

OTHER BUSINESS

ADJOURNMENT



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

WEDNESDAY, DECEMBER 11, 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	Present
Don Liska	Present
Troy Baumgartner	Present
Harper Hill, <i>Vice Chairperson</i>	Present
Jeremy Owens, <i>Chairperson</i>	Present

Quorum: Yes

Present – Aerial McCann, Associate City Attorney; Carol Kuhn, Planning Director; Deborah Glick, Development Services Manager; Kendall Story, Senior Planner; Christopher Carson, Senior Planner; Vivian Ford, Administrative Coordinator; applicants; and members of the public.

VERBAL REPORT ON CITY COMMISSION MEETINGS

Ms. Kuhn provided a verbal report.

MINUTES

1. The board unanimously voted to approve the November 13, 2024 Meeting Minutes.

VARIANCE OLD BUSINESS

None.

VARIANCE NEW BUSINESS

None.

PUBLIC PARTICIPATION PROCEEDINGS

Mr. Owens read the Public Participation procedures.

PLANNING – OLD BUSINESS

None.

PLANNING – NEW BUSINESS

1. Applicant Name: Scott Banta
Project Number: AN4-092 - Annexation
Project Location: Northwest corner of S. Blue Lake Ave. & E. Beresford Ave.
Project Description: Annexation of ±15.50 acres of property into the City of DeLand
Project Planner: Kendall Story

Public Participation: Scott Banta, as Applicant, was present and was available for questions from the board.

George Wright spoke against the project stating the area is zoned for low density and this project would not comply with such. Also stated concerns about effects of stormwater runoff and endangered greenery currently in the area.

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

Ms. Lewis stated it's connected to other city properties and in order to build how we want it would be best annex.

2. Applicant Name: Scott Banta
Project Number: AN4-092 - Comprehensive Land Use Amendment
Project Location: Northwest corner of S. Blue Lake Ave. & E. Beresford Ave.
Project Description: Land Use change of ±15.50 acres of property from Volusia County Urban Low Intensity (ULI) to City of DeLand Low Density Residential (LDR)
Project Planner: Kendall Story

Public Participation: Scott Banta, as Applicant, was present and was available for questions from the board.

Ms. Lewis moved to approve the request. Mr. Baumgartner seconded the motion. Mr. Liska requested to amend the motion to add stormwater requirements. Ms. McCann advised that this amendment cannot be made for this item, but could be done with the rezoning application. The motion to approve passed unanimously.

OTHER BUSINESS

None

ADJOURNMENT

The meeting ended at 5:32 p.m.



PLANNING DIVISION STAFF REPORT TO PLANNING BOARD

DATE: January 8, 2025

APPLICATION NO.: V24-0233

STAFF PLANNER: Emily Kunkel, *Planner II*

APPLICANT: Jessica Sherouse & Jared Snyder

REQUEST: Variance to reduce the single-family interior parking requirement from two spaces to zero due to enclosing the existing garage into living space.

A. APPLICABLE REGULATIONS:

Article II

Primary Uses

Sec. 33-17.04 – R-1B - Single-Family Dwelling District

Article VIII

Development Design and Improvement Standards

Sec. 33-91.03 – Number and type of parking spaces required

B. SITE FACTORS:

Location: 1335 Aquarius Avenue

Parcel Size: ± 1.27 Acres

Existing Zoning: R-1B, Single-Family Dwelling

Existing Land Use: Low Density Residential

Does the applicant own property which is adjacent to the property for which they seek a variance? ☐ YES ☒ NO

	SURROUNDING USE:	SURROUNDING ZONING:
North:	Low Density Residential	R-1B, Single-Family Dwelling
South:	VC: Urban Medium Intensity	VC: R-4, Urban Single Family
East:	VC: Urban Medium Intensity	VC: R-4, Urban Single Family
West:	Educational	E-1, Educational District

Required Minimum Setbacks in feet				
Front	Rear	Side	Corner Lot: Street Side	Accessory Uses & Structure
30'	25'	10'	20'	7.5'

Parking Requirements		
Residential Uses	Minimum off-street parking requirement	Notes
Single-family and duplex	1, 2, 3 bedrooms: 4 spaces/unit 4+ bedrooms: 5 spaces/unit	Single-family or duplex residential parking spaces may be tandem. In all zoning districts except the Core Gateway District, a minimum of 2 of the required parking spaces for each unit must be indoor spaces. No indoor parking spaces are required within the Core Gateway District. Parking is prohibited on front lawns.

- C. **BACKGROUND:** At the May 6, 2019 meeting of the DeLand City Commission, the City of DeLand adopted ordinance 2019-10 which required all single-family residences to provide a minimum of four parking spaces, with two of these being interior. The requirement was further amended at the June 19, 2023 meeting of the City Commission, where the requirement to provide two interior parking spaces for single-family residences was waived for properties located within the Core Gateway District only. The total overall parking numeric requirement was maintained. This property is located outside of the Core Gateway District and thus subject to the interior parking requirement.

The single-family residence was constructed in 1958 under Volusia County regulations with no garage, therefore, zero interior parking spaces. In 1988, the property was annexed into the City of DeLand. In 2008, the applicant constructed a 24' x 36' (total 864 SF) garage with a covered walkway connecting to the main house. This new garage provided two interior parking spaces, as required by the Land Development Regulations.

In 2024, the applicant enclosed the two-car garage into living space without the necessary building permits, which resulted in a code enforcement violation and the conversion of the garage removed the required two interior parking spaces. (Exhibit C) On September 5, 2024, the applicant applied for the after-the-fact building permit to convert the garage for their three-bedroom single-family residence into additional living space (Exhibit B). The Planning Division reviewed the submittal and requested the applicant to show how the parking requirement would be met, and if the two internal parking space requirements could not be met, a variance would need to be applied for.

The applicant is now requesting a variance to reduce the single-family interior parking requirement from two spaces to zero due to enclosing the existing garage into living space. The applicant would not need to expand the existing driveway to accommodate the additional exterior spaces, because the existing driveway (90' x 15' with an attached 20' x 30' stub-out) can accommodate the four exterior parking spaces. (As shown in Exhibit A & Exhibit C)

- D. **ANALYSIS:** This three-bedroom property located within the R-1B single-family dwelling zoning district maintains a width of 200-ft at the street line and a depth of 295-ft. The lot area is 59,054 square feet (Exhibit A). The existing single-family residence is 2,171 square feet in area and the property is compliant with R-1B dimension and size standards. Sec. 33-91.03 of the Land Development Regulations require all three-bedroom single-family residences to provide four parking spaces, with two being interior spaces. Inside of the Core Gateway District the interior requirement is waived. This property is located outside of the Core Gateway District and is thus subject to the interior parking requirement. The property currently provides zero interior and four exterior parking spaces, as the garage has already been converted into living space.

The enclosure of the existing garage into additional living space has altered the exterior appearance for the residence. (Exhibit C) However, the neighboring properties on the same street are not residential uses, to the west is DeLand Middle School, south is a church, and the north is vacant land.

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;

The subject property is compliant with the R-1B dimensional standards and is larger than the standard shape and size.

2. 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 structure(s);

The literal interpretation and enforcement of the code would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district as this property is currently conforming by size but is irregularly larger than other properties in the same district such as the lot width and lot size. The minimum lot size for this zoning district is 7,500 square feet (0.17 acre) and this property is 55,321 square feet (1.27 acre). The minimum lot width for this zoning district is 75-ft and this property is 200-ft wide.

3. 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, buildings or structures in the same zoning district;

Granting of this variance would confer special privileges when compared with other R-1B district properties located outside of the Core Gateway Area as all other single-family residences within this district are required to meet current parking standards, which includes two interior and two exterior parking spaces.

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 not be in harmony with the intent and purpose of these Land Development Regulations as the regulations specifically require the existing interior parking to be provided and granted an exception only in the Core Gateway District. Granting of the variance will not be injurious to surrounding properties as the neighboring properties on the same street are not residential uses. Furthermore, it would not be injurious to other properties in the same zoning district, as there are several other properties without interior parking spaces and expanded driveways.

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

If granted as presented, the applicant would not need to expand the existing driveway to accommodate the additional exterior spaces, because the existing driveway can accommodate the four exterior parking spaces as shown in Exhibit C.

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

By enclosing the garage, the applicant has removed the two interior parking spaces thereby creating the nonconforming situation.

F. STAFF SUMMARY: The applicant is requesting a variance to reduce the required number of interior parking spaces from two to zero to facilitate an already completed garage enclosure. The property is neighboring a public school, a church and vacant land on the same street and the applicant's property and residence conform and exceed the current R-1B zoning standards. If the Planning Board votes to grant this variance as presented, additional exterior parking will not be required to be provided to meet the numeric requirement of the code, as the existing driveway can accommodate the four parking spaces.

EXHIBIT A

Boundary Survey

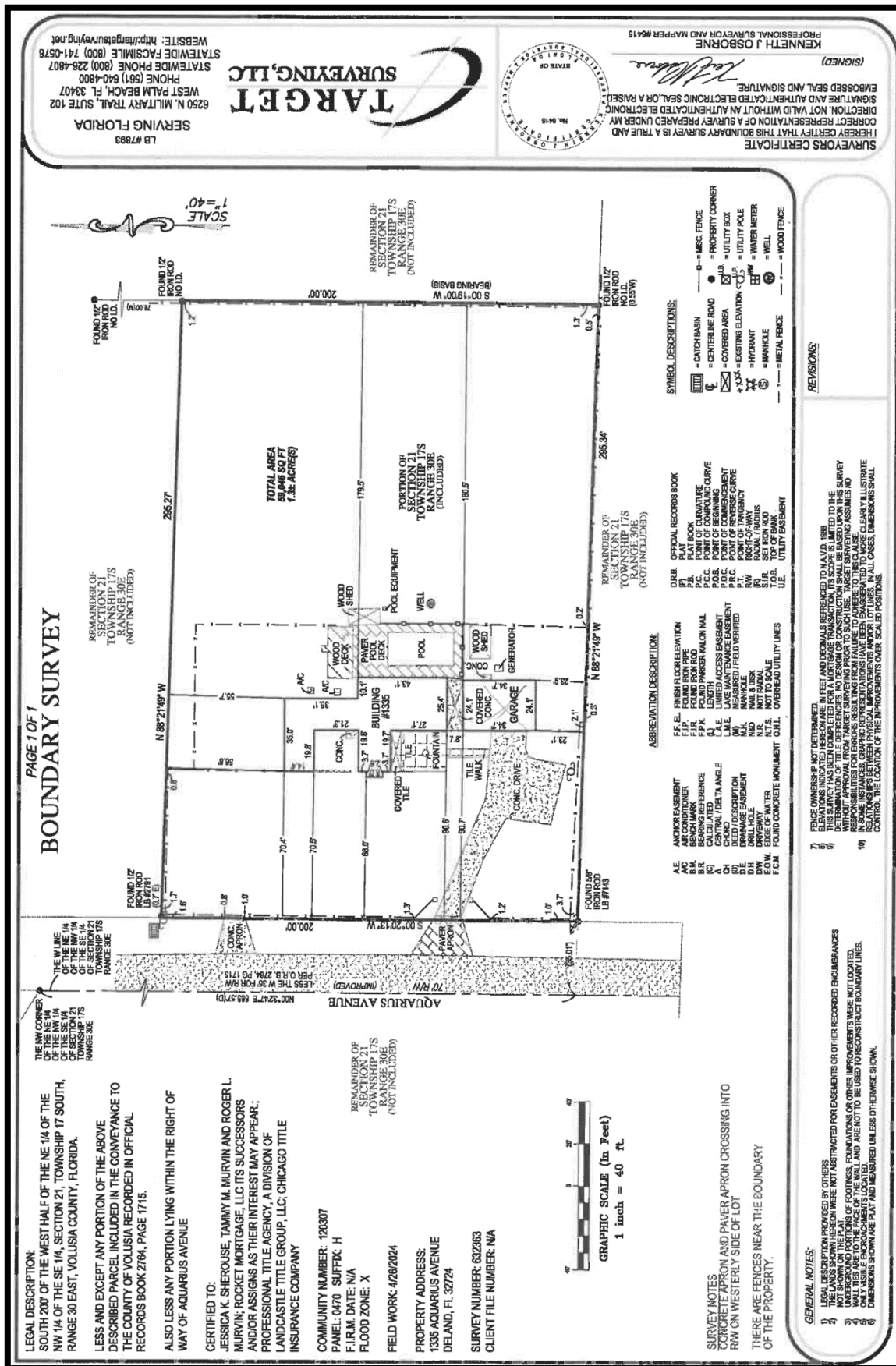


EXHIBIT B

Floor Plan

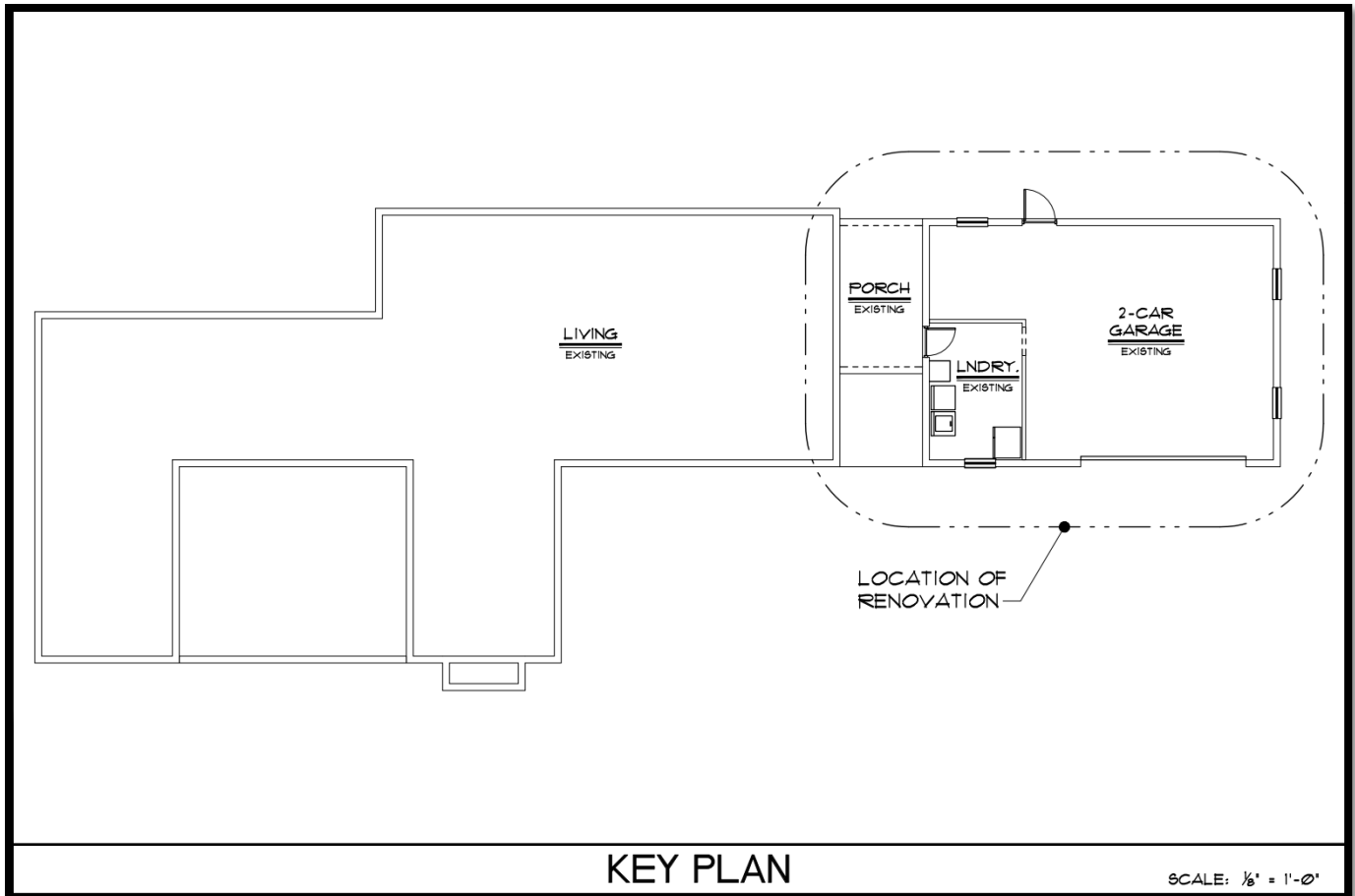
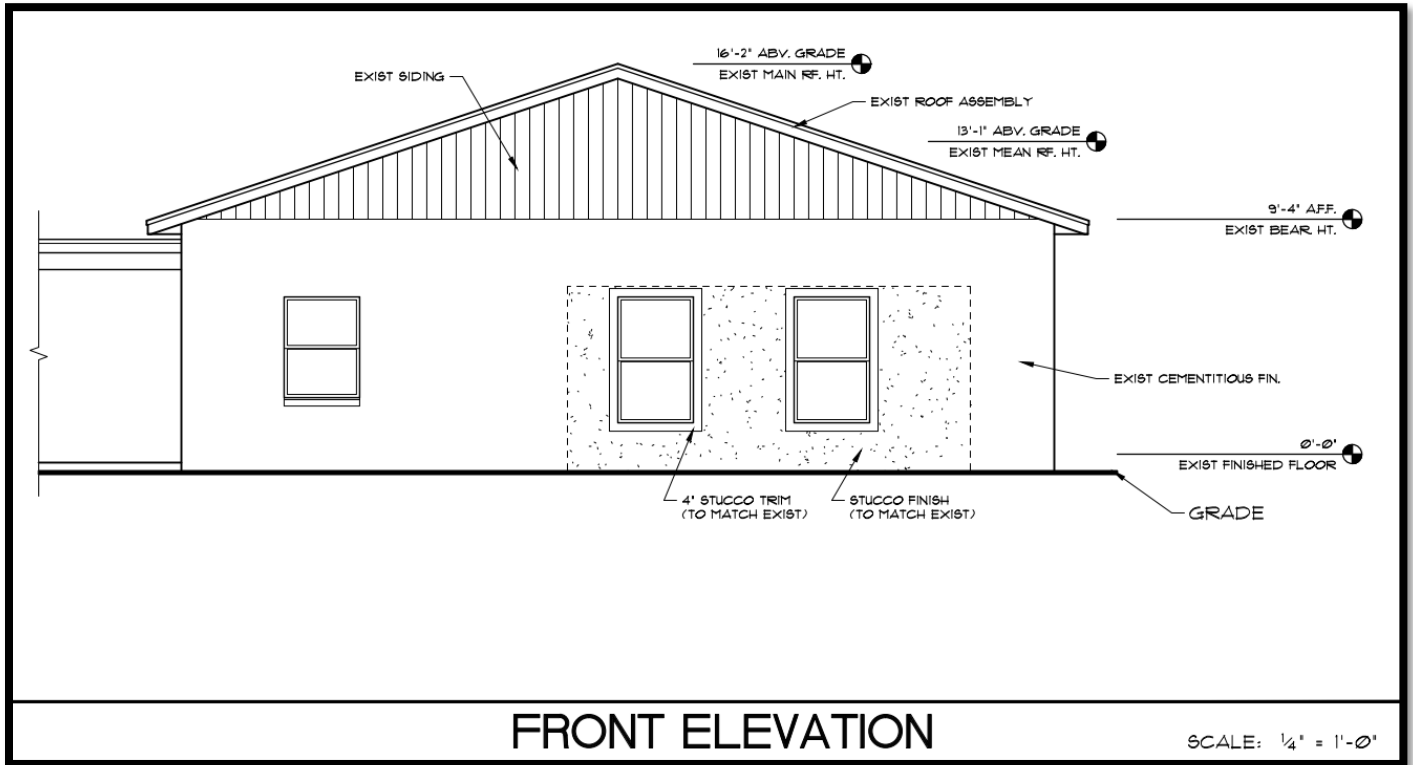


EXHIBIT C Elevations

**1335 Aquarius Avenue
Previous Elevations
(before renovation)**



**1335 Aquarius Avenue
Previous Elevations
(After renovation)**

**1335 Aquarius Avenue
Aerial view
Showing exterior
parking provided in
driveway**



EXHIBIT D

Neighboring Properties



West of Subject Property - DeLand Middle School



South of the Subject Property - The Church of Jesus Christ of Latter-Day Saints

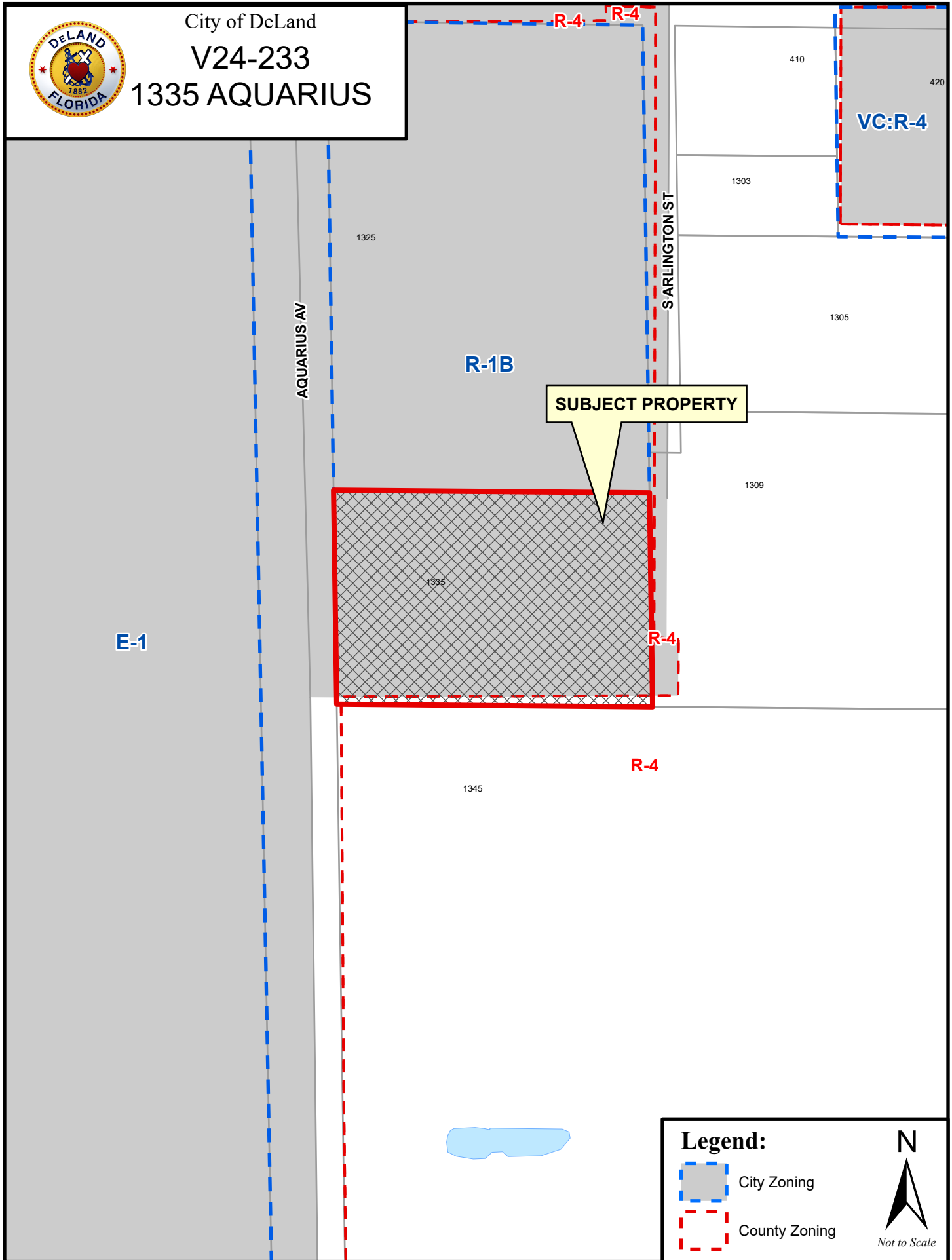


City of DeLand
V24-233
1335 AQUARIUS





City of DeLand
V24-233
1335 AQUARIUS



Legend:

-  City Zoning
-  County Zoning

