

REVISION #1: 7/13/18

**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
 PLANNING AND DEVELOPMENT SERVICES DIVISION**
 123 West Indiana Avenue, DeLand, Florida 32720
 (386) 736-5959

PUBLIC HEARING: July 19, 2018 – Planning and Land Development Regulation Commission (PLDRC)

CASE NO: V-18-062

SUBJECT: Variance to the maximum wall height requirements on Urban Single-Family Residential (R-9) zoned property

LOCATION: 6270 S. Atlantic Avenue, New Smyrna Beach

APPLICANT: Ricky Schrader, New Smyrna Beach Construction, Agent for the Owners

OWNER(S): James L. and Pamela J. Fontaine

STAFF: Trish Smith, AICP, Planner III

I. SUMMARY OF REQUEST

The applicant is requesting six variances to the wall requirements for a concrete masonry unit (CMU) retaining wall on a new, single-family residence (SFR) in the Bethune Beach area, south of the City of New Smyrna Beach. The variance requests are as follows:

- 1) A variance to Section 72-282 to the maximum retaining wall height in the north front yard from the maximum four feet to six feet for a distance of five feet beginning 15 feet from the east property line; and
- 2) A variance to Section 72-282 to the maximum retaining wall height in the north front yard from the maximum of four feet to eight feet for a distance of five feet beginning 20 feet from the east property line; and
- 3) A variance to Section 72-282 to the maximum retaining wall height in the north side yard from the maximum six feet to 10 feet for a distance of 75 feet beginning 25 feet from the east property line; and
- 4) A variance to Section 72-282 to the maximum retaining wall height in the rear yard from the maximum six feet to 10 feet; and
- 5) A variance to Section 72-282 to the maximum retaining wall height in the south side yard from the maximum six feet to eight feet for a distance of 10 feet beginning 69 feet

from the east property line; and

- 6) A variance to Section 72-282 to the maximum retaining wall height in the south side yard from the maximum of six feet to 10 feet for a distance of 21 feet beginning 79 feet from the east property line.

Staff Recommendation:

Deny variance request 1, case number V-18-062, as it does not meet all five criteria for granting said variance.

Deny variance request 2, case number V-18-062, as it does not meet all five criteria for granting said variance.

Deny variance request 3, case number V-18-062, as it does not meet all five criteria for granting said variance.

Deny variance request 4, case number V-18-062, as it does not meet all five criteria for granting said variance.

Deny variance request 5, case number V-18-062, as it does not meet all five criteria for granting said variance.

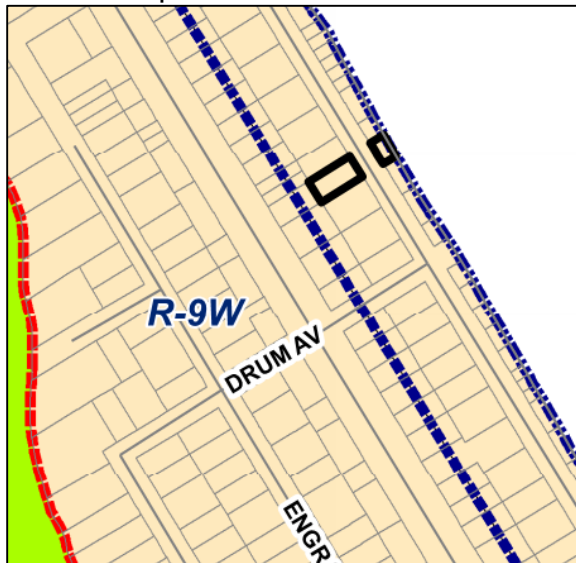
Deny variance request 6, case number V-18-062, as it does not meet all five criteria for granting said variance.

II. SITE INFORMATION

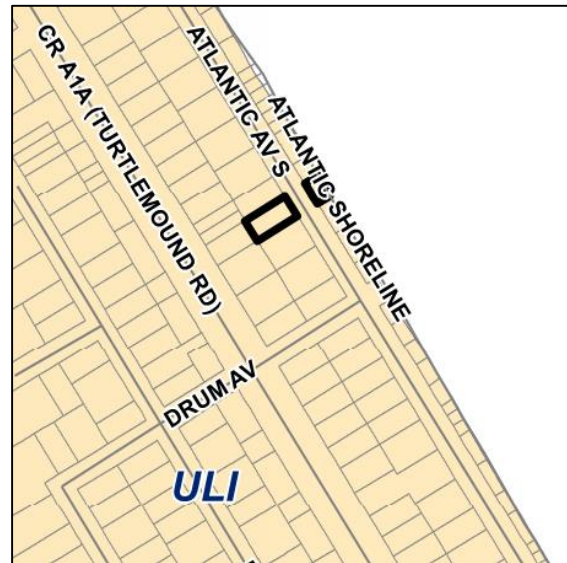
1. Location: West side of South Atlantic Avenue, approximately 220 feet north of its intersection with Drum Avenue, south of New Smyrna Beach
2. Parcel No(s): 8505-01-31-0290
3. Property Size: ±5,000 square feet
4. Council District: 3
5. Zoning: Urban Single-Family Residential (R-9)
6. Future Land Use: Urban Low Intensity (ULI)
7. ECO Overlay: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	R-9	ULI	Single-family dwelling
East:	R-9	ULI	Atlantic Ocean
South:	R-9	ULI	Single-family dwelling
West:	R-9	ULI	Single-family dwelling

10. Maps:



ZONING MAP



FUTURE LAND USE MAP

III. BACKGROUND AND OVERVIEW

The applicant is seeking six variances in order to add additional height to retaining walls that were permitted in May 2018 and are currently under construction. A replacement single-family residence (SFR) is also under construction on the parcel, which is located in the community of Bethune Beach. The original home was constructed in 1987, and the applicant received a building permit to replace the SFR in January 2018.

The property is located in the Urban Single-Family Residential (R-9) zoning classification. The R-9 zoning classification requires a minimum lot area of 7,500 square feet and a minimum lot width of 75 feet. The subject parcel measures 50 feet wide by 100 feet deep, making it a nonconforming lot. The applicant provided a good nonconforming lot letter to the Permit Center in order to obtain their current building permit.

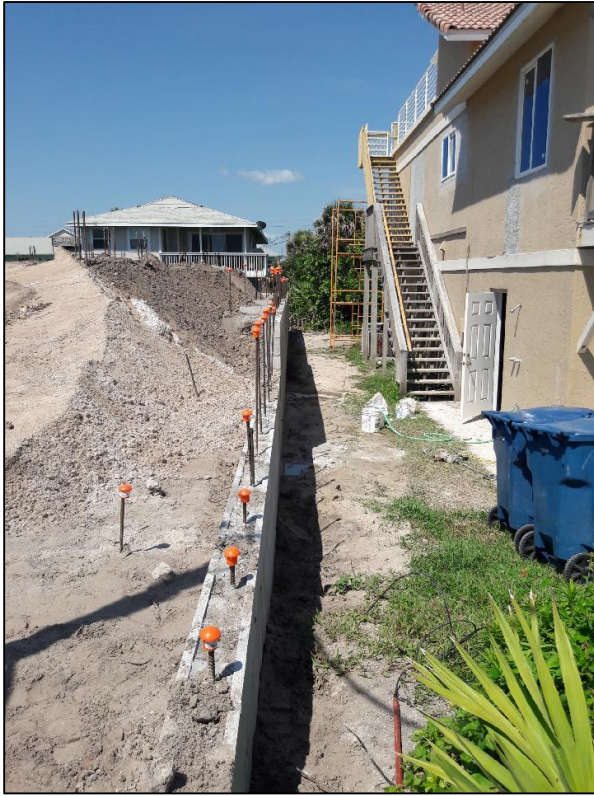


Source: Volusia County Property Appraiser (2018)

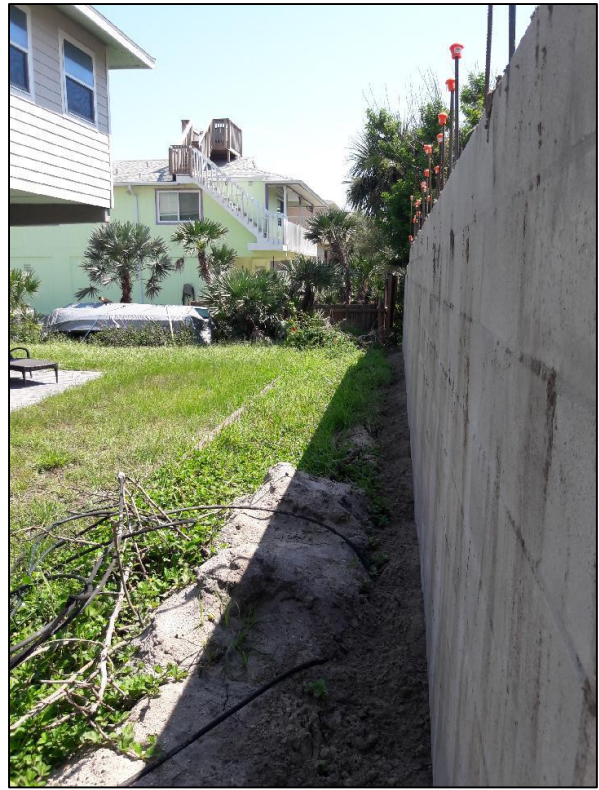
The yard requirements in the R-9 zoning classification are: front – 25 feet, side – 7 feet, rear – 20 feet. The new residence will occupy an approximate 35-foot by 51-foot area that meets the current yard requirements. The front of the structure will be located 27.5 feet from the front property line. Both sides of the structure will be 7.6 feet from the property line, and the rear of the structure will be 21 feet from the property line.

The open SFR building permit is for pile construction. According to the contractor, during the construction process, fill material was brought in to raise the site to match the floor elevation of the new home. The intent was to have a ground floor home that does not require stairs to access the living space. It is non-structural fill and is not intended to support the structural integrity of the SFR. He explained that the permitted plans include landscape pavers to hold non-structural fill in place, but this method was not sufficient to hold back the amount of fill needed to raise the site to reach the bottom of the house.

Adding fill material created a significant elevation change between the subject parcel and the adjacent parcels. According to the survey provided by the applicant, the finished floor elevation (top of the bottom floor) on the subject parcel is 16.8 feet, while the finished floor elevation on the adjacent parcel to the north is only 7.7 feet. The residence on the adjacent property to the south was constructed on pilings. During construction, the fill material on the subject parcel began to migrate off of the property.



North Wall (Phase 1 Complete)



Rear Wall (Phase 1 Complete)



South Wall (Phase 1 Complete)



View from South Atlantic Avenue (Phase 1 Complete)

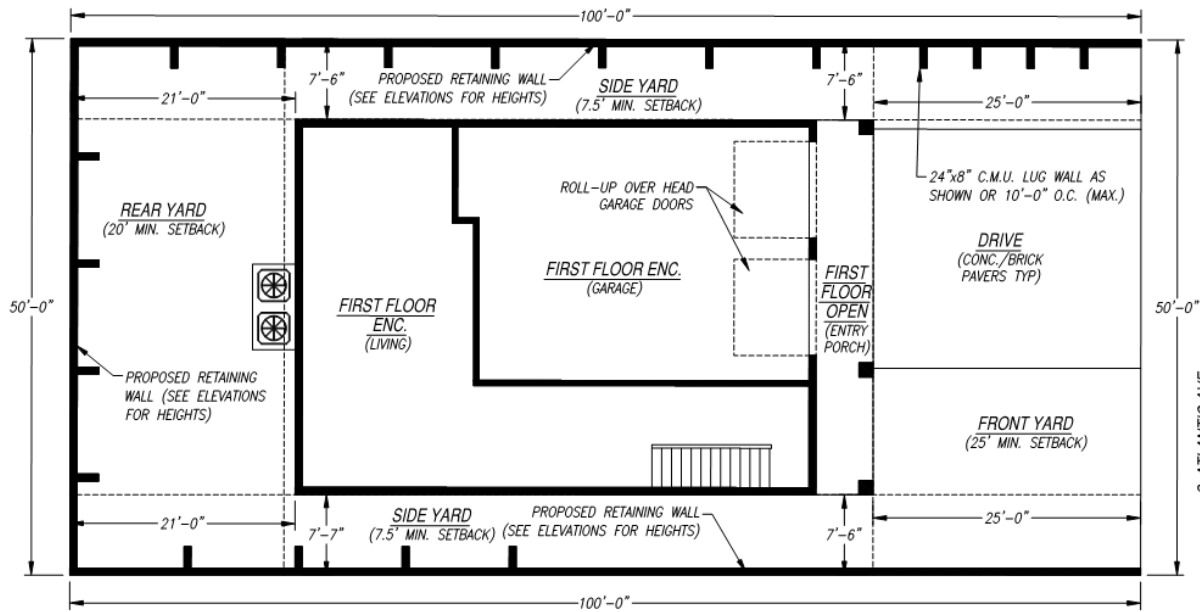


View from Top of Fill Dirt Pile

To prevent the continued run-off of fill material, the contractor received approval for an additional building permit in May 2018 to construct a six-foot tall, concrete retaining wall along the perimeter of the rear and side yards, and a four-foot tall, concrete retaining wall along the north and south side lot lines in the front yard area. Pursuant to Section 72-282 of the Zoning Code:

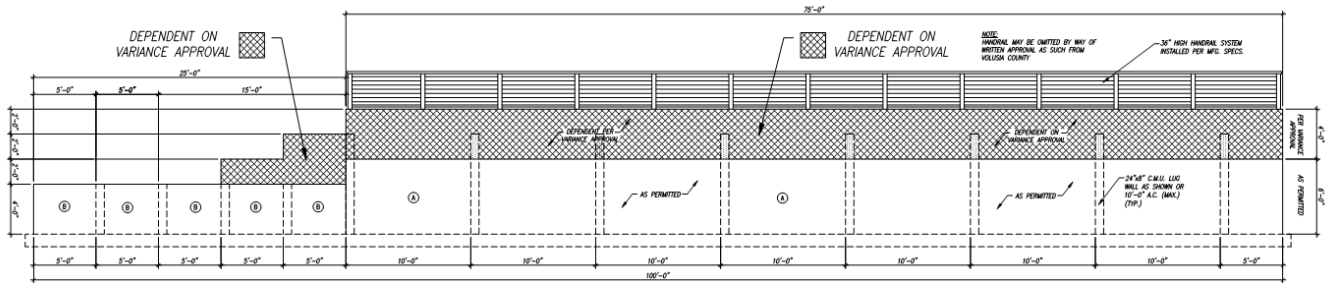
“Fences and walls in rear and side yards shall not exceed six feet in height. Fences and walls in a front yard shall not exceed four feet in height. Retaining walls or retaining walls with fences on top shall not exceed the above height limitations measured from existing grade on both sides of the wall, except a guardrail or fence with an opacity of 25 percent or less erected to meet the minimum safety requirements of the Florida Building Code.”

The applicant is seeking variances for “Phase 2” of the wall to increase the height in the rear and side yards incrementally from six to 10 feet tall (see attached variance site plan). A safety railing may also be required by the building official due to the extreme drop off between parcels. A three-foot tall safety railing meets the minimum safety requirements for residential structures. A variance from the PLDRC will not be needed for the safety railing as long as the railing or fence has an opacity of 25 percent or less and is erected to meet the minimum safety requirements of the Florida Building Code.

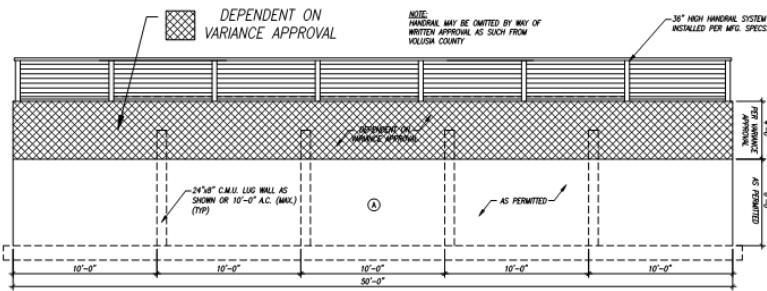


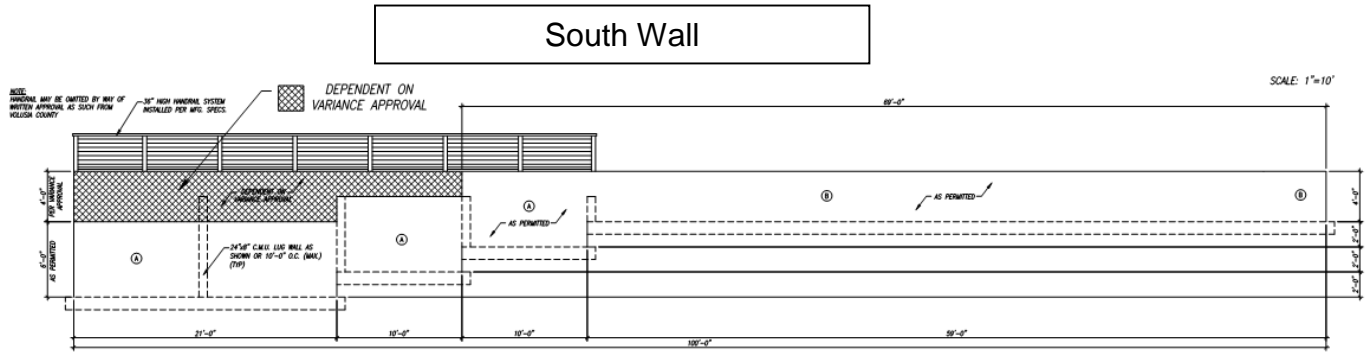
The north side yard retaining wall is proposed to extend into the front yard, so the applicant is also requesting a variance in portions of the north front yard to increase the retaining wall height incrementally from four feet to 10 feet tall.

North Wall

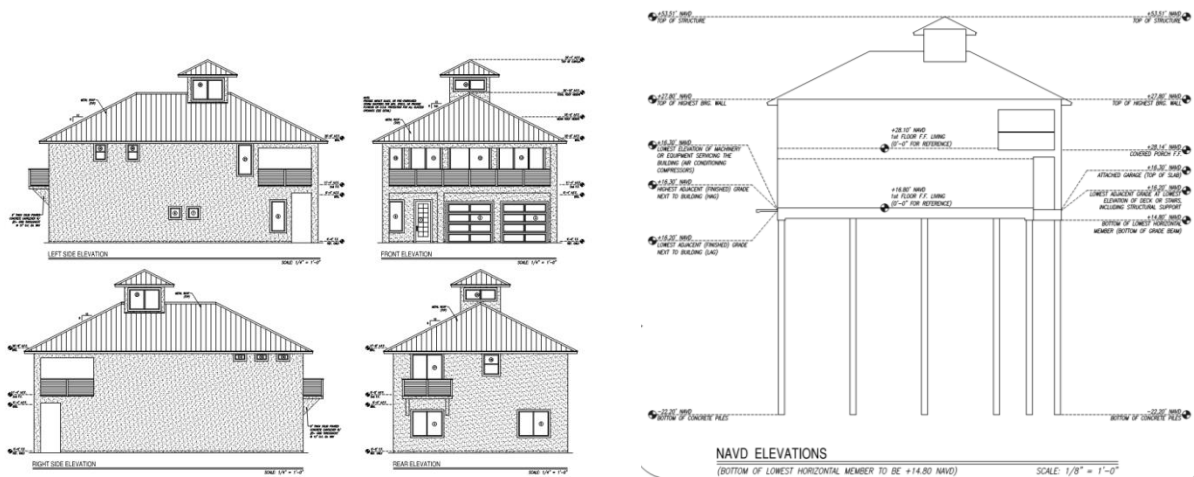


Rear Wall





According to the applicant, the Florida Department of Environmental Protection (FDEP) is causing a hardship by requiring the fill. The Building and Zoning Division reviewed this variance application. According to building staff, the SFR is being constructed with piling construction. The FDEP is requiring the lowest horizontal structural member to be at 14.76 feet. Construction below this elevation must include frangible walls and cannot include living area. The preconstruction elevation certificate shows the lowest horizontal structural member for the proposed residence to be 14.8 feet. The structure will comply with the FDEP requirements as long as it meets this elevation upon completion. Because the residence is being constructed on pilings, from the building construction perspective, the extra fill is not necessary. Building staff has indicated that they do not support this variance. The home could be accessed via a staircase instead of filling the space between the existing elevation and the lowest horizontal structural member.

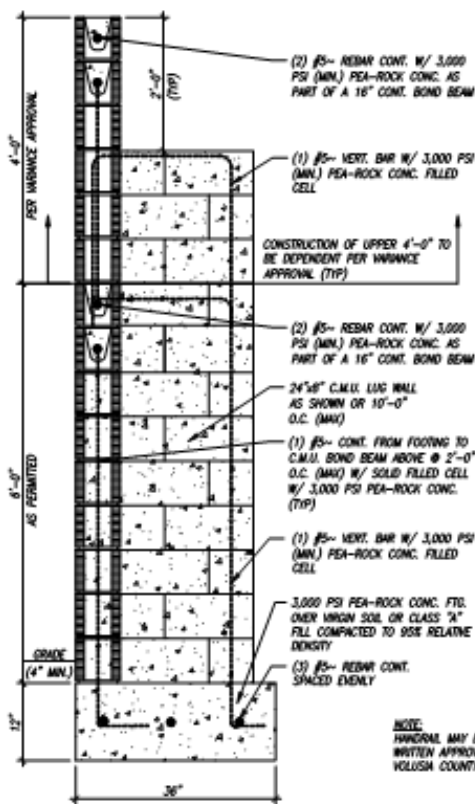


Source: Single Family Residence Building Permit

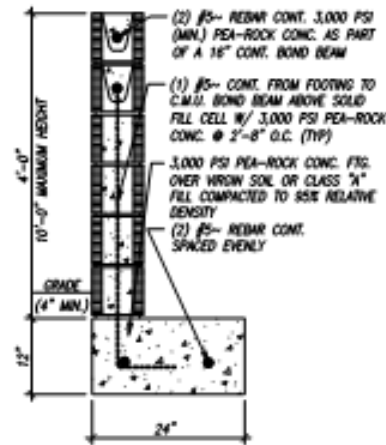
Division 7 of the Volusia County Code of Ordinances addresses Flood Hazard Management. It identifies specific standards for coastal high hazard areas (aka: V-zones). The use of fill for structural support is prohibited. A portion of this parcel is situated in the V-zone. The code states that "no development permit shall be issued for development involving fill in the coastal high hazard area unless it has been demonstrated through appropriate engineering analyses that the subject fill does not cause any adverse impacts to the structure on site or adjacent structures." The applicant has not provided

an engineering analysis to support the use of the non-structural fill and the subsequent requirement for the retaining walls, which do not meet the zoning requirements. The Building Department approved the SFR permit for pile construction, which does not require structural fill.

When asked for additional information, the applicant stated that fill is being used to bring the property up to the lowest horizontal structure member so that the residence can be accessed at ground level. The wall is needed to avoid excessive slopes between the new home and the property boundaries. The extreme difference in elevations between the subject parcel and the adjacent parcels will result in an approximate two-foot tall exposed wall on the subject parcel. However, there will be an approximate 10-foot exposed wall on the adjacent properties. The applicant reiterated that the extreme slopes create a hardship and that the applicant is entitled to a flat yard.



A RETAINING WALL DETAIL
SCALE: 3/4" = 1'-0"



B RETAINING WALL DETAIL
SCALE: 3/4" = 1'-0"

The parcel lies within the Indian River Lagoon Surface Water Improvements and Management Overlay Zone. Provisions of Article III, Division 16 of the land development regulations apply. A volume of stormwater retention equivalent to one-half-inch of depth over the entire lot is required upon completion of a single-family residence, as well as the maintenance or planting of 35% native vegetation. The applicant received a Class II permit from the Environmental Permitting staff for the residence. The inspection for the Class II requirements will occur during the final inspection process for the residence. The applicant has indicated that he will be able to meet the Class II requirements with the

addition of the retaining wall and the fill. The Environmental Permitting staff did review the variance request and noted that the applicant will need to meet the Class II requirements and the regulations relating to gopher tortoises.

IV. REVIEW CRITERIA AND ANALYSIS

Section 72-379(1) a.4 contains five applicable criteria by which a variance application may be granted. The following staff evaluation is based on these criteria:

i. 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.

The former home on the subject parcel was constructed in 1987, and it was demolished early this year in order to replace it with a new SFR. Floodplain regulations, coastal development rules, lender requirements, the Florida Building Code, local ordinances, and roadway design standards have evolved over the years to address storm mitigation and changing conditions in coastal areas. In this case, the properties in the vicinity were built at different times. The property to the north was developed in 1992, and the property to the south was developed in 1976. The parcel that abuts the rear property line was constructed in 1987. The applicant has indicated that he is filling the site to raise the site elevation to meet current FDEP regulations.

The FDEP and the county have regulations requiring the livable area of homes to be elevated for flood hazard management purposes. However, homes built on pilings can be accessed via stairways, elevators, and lifts instead of by filling the parcels. In fact, the county also has regulations prohibiting structural fill in coastal high hazard areas. The applicant has argued that FDEP has created a special circumstance because fill material is needed to access the new SFR at ground level. He also stated that the addition of fill to meet the FDEP elevation requirement creates a hardship that justifies a 10-foot retaining wall to prevent extreme slopes in the yards. The height of the SFR does not require sloped yards. The property can be graded flat at the pre-existing, lower elevation.

Staff finds this criterion is not met for Variances 1, 2, 3, 4, 5, and 6.

ii. The special conditions and circumstances do not result from the actions of the applicant.

The applicant razed the former residence and brought in fill to elevate the site in order to be able to access the new home at ground level. However, the building permit indicates that the home will be built on pilings. Therefore, it could be accessed via a stairway or elevator to the livable area. The garage could have been designed to be located below the FDEP-required 14.7-foot measurement as long as it was designed with frangible walls. This would not require fill to be added to the site.

When the applicant applied for the SFR building permit, site conditions such as grading,

fill, or the need for retaining walls were not considered as part of the initial application process - the permit application addressed the SFR structure only. Because of the proposed pile construction method and the fact that structural fill is prohibited in the coastal high hazard area, a review of a structural wall to hold back fill was not part of the review process.

The contractor acknowledged that the initial plan was to use landscape pavers to hold back the fill. However, he realized, after the fact, that the pavers were insufficient to hold back the additional fill, and that a structural solution would be required to meet his client's request for a ground floor home. The special conditions result directly from the actions of the applicant.

Staff finds this criterion is not met for Variances 1, 2, 3, 4, 5, and 6.

iii. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification, under the terms of the ordinance, and would work an unnecessary and undue hardship on the applicant.

The applicant was issued a building permit to construct a SFR on piles prior to the variance request. The permit was issued based on compliance with the current building code. The applicant has chosen to modify the permit to add a CMU retaining wall to hold back nonstructural fill that has already been delivered to the property. All federal, state, and local requirements should have been addressed prior to designing the home, applying for the initial building permit, and bringing excessive fill material to the property. While the applicant believes that the current regulations create an undue hardship, it is staff's opinion that this is a self-imposed hardship.

The applicant has already obtained a permit for "Phase 1" of the modified plan which includes the construction of six-foot tall, concrete retaining walls in the rear and side yards and four-foot retaining walls in both side yards that lie within the front yard. "Phase 1" walls meet the requirements of the zoning code. Because the applicant has two building permits in hand, literal interpretation of this ordinance will not deprive the applicant of rights commonly enjoyed by others in this zoning classification.

Other properties in this zoning classification are also limited to six foot tall retaining walls in the side and rear yards and four foot walls in the front yards. Through a review of county records, staff could not locate any variances for retaining walls and safety railings for any of the 14 homes located along South Atlantic Avenue between Dolphin Avenue and Drum Avenue.

Staff finds that this criterion is not met for Variances 1, 2, 3, 4, 5, and 6.

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

The applicant is requesting to increase the height of the retaining walls around the property by an additional four feet in the side and rear yards and by an additional four feet in the north front yard. The applicant did not provide civil engineering calculations with the variance application to confirm the need for taller retaining walls. Since calculations were not provided, it is unclear whether the grading plan for the front and rear yards could be modified to reduce the amount of fill needed for the project; thereby, reducing the need for taller retaining walls and the potential impacts to adjacent properties.

An alternative to the taller walls would be to modify the existing house plans to reduce the required amount of fill and to add a staircase or an elevator to the living space. Volusia County's floodplain ordinance prohibits the use of fill for structural support, so the fill is not required to support the new house. The ordinance also requires a building permit applicant to provide appropriate engineering analyses to prove that fill will not cause any adverse impacts to adjacent structures. No calculations were provided for the variances.

Volusia County has received telephone complaints about fill from the subject parcel migrating off-site. As part of the variance discussions, the applicant himself confirmed that the Phase 1 wall permit was expedited to stop the fill from spilling onto the adjacent parcels. The applicant also confirmed that the amount of fill currently stockpiled on the site cannot be maintained on the property without increasing the height of the permitted retaining walls. Photographs show that no silt fences or other protective barriers are currently in place to help prevent the fill from migrating off of the property and on to the neighboring properties.

The applicant was already issued a permit for the new SFR built on pilings. Engineered drawings were reviewed and approved by the Building staff, who subsequently commented that fill is not required for a pile construction. A building permit for retaining walls in the front, rear, and side yards was also issued to the applicant after the SFR permit was issued. With the approved building permits, the applicant can make reasonable use of the land. Additional fill could be removed from the property to avoid the need for taller retaining walls.

Staff finds this criterion is not met for Variances 1, 2, 3, 4, 5, and 6.

v. The grant of the variance will be in harmony with the general intent and purpose of this ordinance and the Volusia County Comprehensive Plan Ordinance No. 90-10, as amended, and that such variance will not be injurious to the area involved.

Granting the variance will prevent the additional fill from migrating to adjacent properties and may assist the property owner with meeting the Class II stormwater requirements. However, fences, walls, and hedges are typically limited to four feet tall in front yards to assist with line-of-sight for vehicles entering and exiting the parcel. By increasing the elevation of the subject parcel and adding six to eight foot retaining walls in the north front yard, it may limit the visibility for the adjacent property owners as they enter and exit their

parcels. Allowing the six to eight foot tall retaining walls may also block the views that are currently enjoyed by other homes in the same zoning classification. While the building height in the R-9 zoning classification is 35 feet, principal structures in this zoning classification are required to be spaced a minimum of 14 feet apart. The retaining walls will be situated along the property boundary at only seven feet from the neighboring homes. The heightened walls have the potential to block sunlight and potentially create a wind tunnel in the side yards of the adjacent parcels. A better alternative would be to re-evaluate the total fill needs on the subject parcel, remove the fill that is not required, and slope the yards to accommodate the permitted retaining walls.

Staff finds this criterion is not met for Variances 1, 2, 3, 4, 5, and 6.

V. STAFF RECOMMENDATION

Deny Variances 1, 2, 3, 4, 5, and 6, case number V-17-062, as the application does not meet all five criteria for granting said variances.

- 1) A variance to Section 72-282 to the maximum retaining wall height in the north front yard from the maximum four feet to six feet for a distance of five feet beginning 15 feet from the east property line; and
- 2) A variance to Section 72-282 to the maximum retaining wall height in the north front yard from the maximum of four feet to eight feet for a distance of five feet beginning 20 feet from the east property line; and
- 3) A variance to Section 72-282 to the maximum retaining wall height in the north side yard from the maximum six feet to 10 feet for a distance of 75 feet beginning 25 feet from the east property line; and
- 4) A variance to Section 72-282 to the maximum retaining wall height in the rear yard from the maximum six feet to 10 feet; and
- 5) A variance to Section 72-282 to the maximum retaining wall height in the south side yard from the maximum six feet to eight feet for a distance of 10 feet beginning 69 feet from the east property line; and
- 6) A variance to Section 72-282 to the maximum retaining wall height in the south side yard from the maximum of six feet to 10 feet for a distance of 21 feet beginning 79 feet from the east property line.

VI. ATTACHMENTS

- Written Petition
- Survey
- Site Plan
- Photographs
- Staff Comments
- Map Exhibits

VII. AUTHORITY AND PROCEDURE

The commission may, except as otherwise provided in Section 72-379 of the zoning code, authorize, after due public notice upon application on a form prescribed by the zoning enforcement official, such variance or variances from the terms of this ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provision of this ordinance would result in unnecessary and undue hardship. Said variance application shall be heard only if it is presented by the person owning 51 percent or more of the specific area of land involved or upon an administrative application by the county council.

Any new information to be presented at the Planning and Land Development Regulation Commission meeting for any application will be grounds to continue an application to the next Planning and Land Development Regulation Commission meeting. Applicants shall inform and provide staff with the new information prior to the planning and land development regulation commission meeting.



Written Petition for a Variance

Section 72-379(1)(a)(4) of the Zoning Ordinance of Volusia County, as amended, requires that each applicant for a variance submit a written petition as part of the application. The written petition must clearly describe how the variance request satisfies all of the specific conditions necessary for the granting of the variance.

The following items must be completed in sufficient detail to allow Current Planning to determine if the application complies with the Ordinance. **(Use additional sheets if necessary.)**

1. What special conditions and circumstances exist which are peculiar to your land, structure, building or sign that are not applicable to other lands, structures, buildings or signs in the same zoning classification. Are these special conditions and circumstances the result of actions by you?

We are building a new home for the Fontaine family. This home must be built as per requirements by the Volusia County Building & Zoning Departments and the Department of Environmental Protection. The DEP requires the 1st floor elevation be to a minimum height above sea level. With the home being built at the minimum height elevation requirement it is much higher than the adjoining neighbors. The retaining wall height is necessary to retain the earth at a proper elevation around the new home. These special conditions are the result of actions by the DEP.

2. How would literal interpretation of the zoning ordinance deprive you of rights commonly enjoyed by other properties in the same zoning classification? How would this interpretation be an unnecessary and undue hardship on you?

The side yards between the home and retaining wall would be at an approximate 45% angle. The hardship would be maintaining the yard, not being able to use the yard as per neighboring properties, and decreasing the value of the property by having a yard that is not useable & less attractive.

3. Explain how the variance you are requesting is the minimum variance that will make possible the reasonable use of your land, building, structure, or sign.

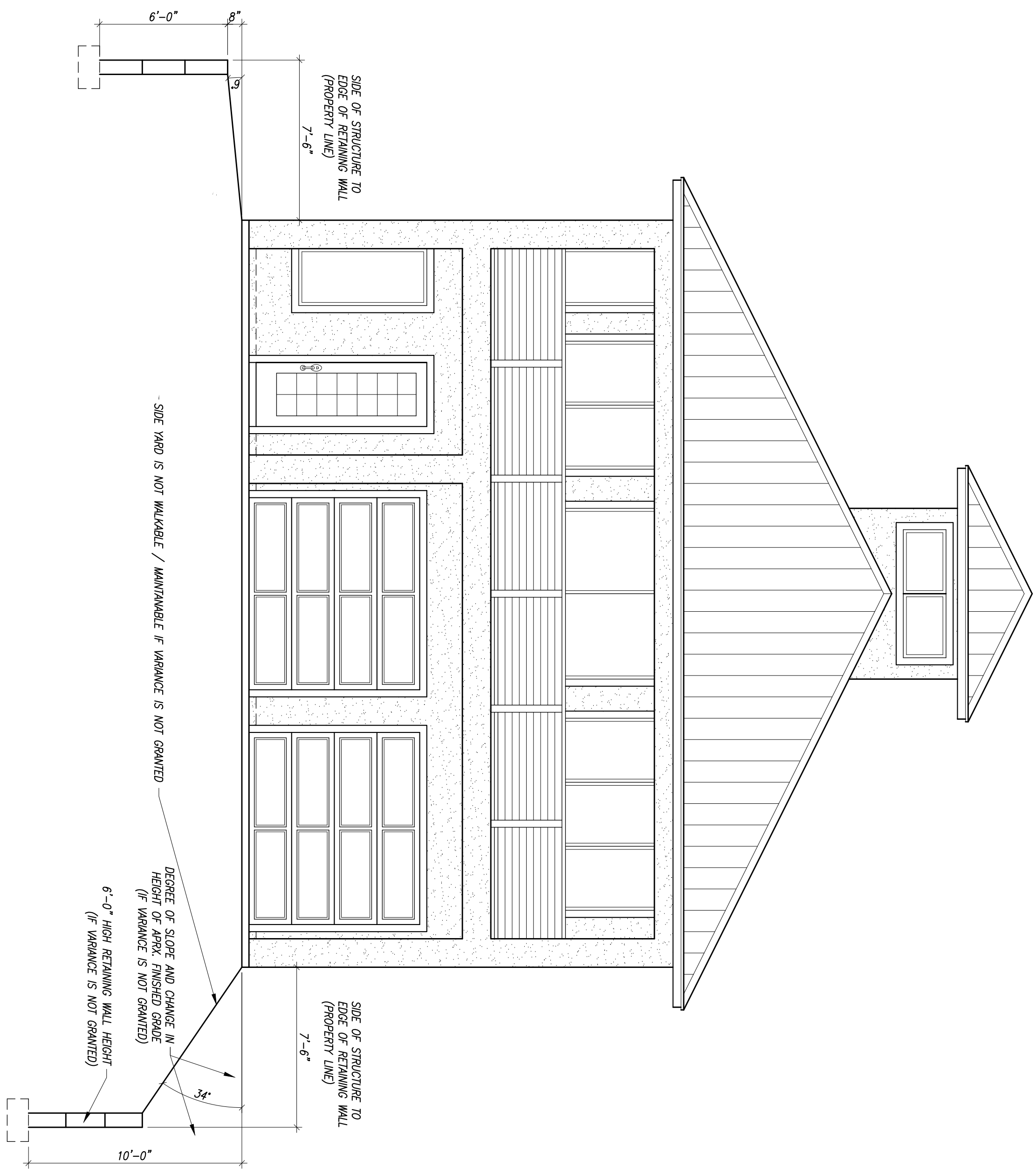
By granting the Variance, the property has a usable yard that can be utilized and maintained as neighboring properties.

4. How is your request consistent with the general intent and purpose of the Volusia County Zoning Ordinance and Comprehensive Plan, which are to promote public health, safety, morals, and the general welfare; and to preserve the character, appearance and aesthetic qualities of Volusia County?

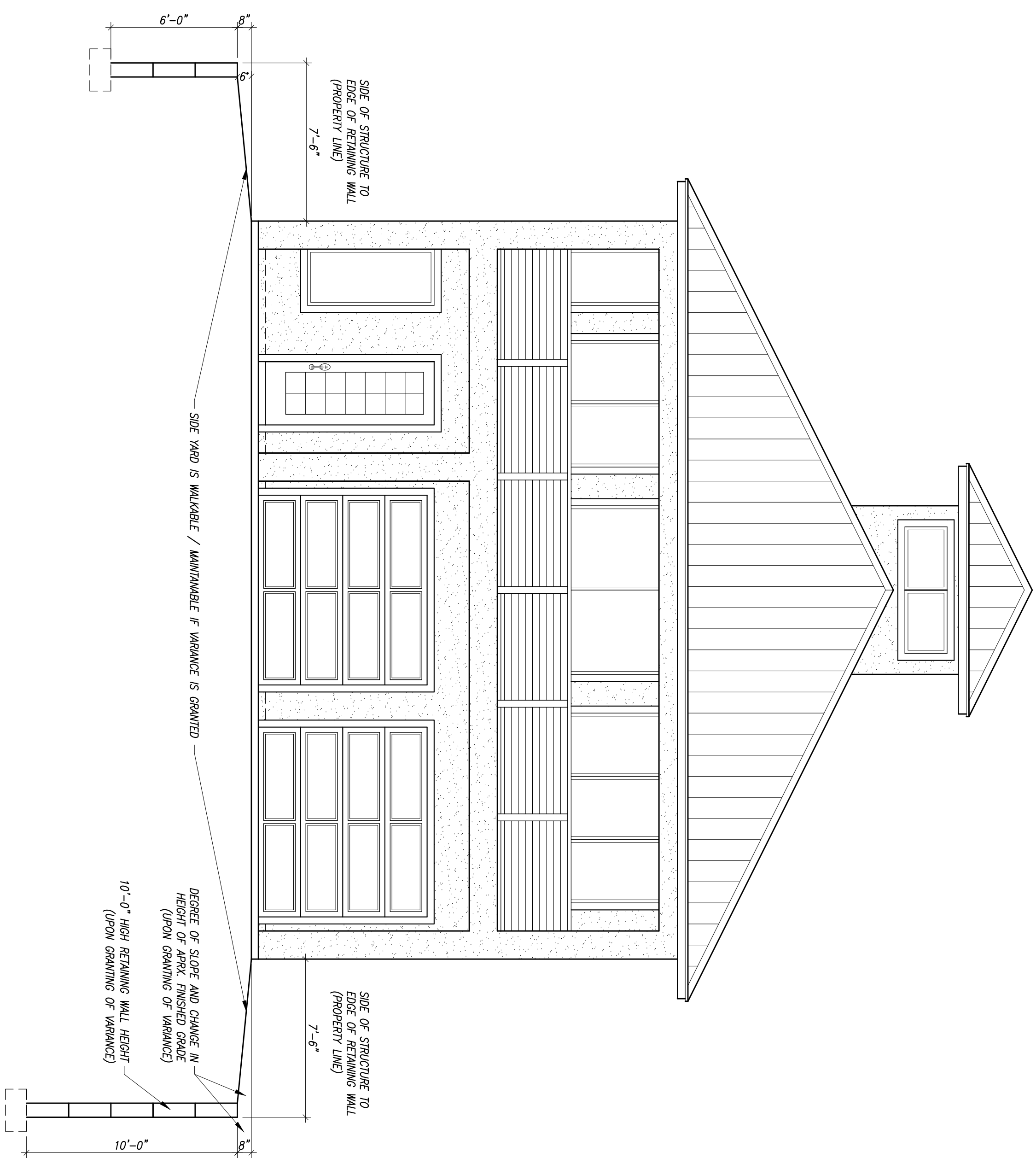
The DEP requires the home to be built at this elevation to prevent flooding of the home. The retaining wall is needed to retain the earth around the home and keep the earth from washing out onto the adjoining properties. As an example, the home on the adjoining property to the north of this home is built several feet below the crown of the road and is much more likely to be damaged by flooding waters. These requirements by the DEP require retaining walls of certain heights to be built around homes in certain locations.

5. Explain how your request for a variance will not be injurious to the surrounding area.

The retaining wall will protect the new home being built and also the adjoining properties.



GRADE CONDITION WITH 6'-0" HIGH RETAINING WALL
 (IF VARIANCE IS NOT GRANTED)
 SCALE: 1/4" = 1'-0"



GRADE CONDITION WITH 10'-0" HIGH RETAINING WALL
 (REQUIRES GRANTING OF VARIANCE)
 SCALE: 1/4" = 1'-0"

<p>GENERAL CONTRACTOR:</p> <p>NEW SMYRNA BEACH CONSTRUCTION CO.</p> <p>6381 ENGRAM ROAD, NEW SMYRNA BEACH, FLORIDA 32169 PHONE: (386) 428-5488 / E-MAIL: RICKY@NSBCONST.COM PLEASE VISIT OUR WEBSITE AT: WWW.NSBCONST.COM</p>	<p>DESIGN & DOCUMENTATION:</p> <p>MuelTech, Inc. PLAN DESIGNS, DRAWINGS, AND DRAWING DETAILS</p> <p>Phone: (386) 214-2453 Email: MuelTech@gmail.com</p>	<p>PROJECT INFORMATION:</p> <p>Jim & Pam Fontaine</p> <p>6270 S. Atlantic Ave. New Smyrna Beach, FL</p> <p>REVISIONS:</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td>1)</td> <td>07/12/18</td> <td>R.W. VARIANCE</td> </tr> </table> <p><small>DRAWING TO BEAT GRADE CONDITIONS W/ AND WITHOUT GRANTING OF VARIANCE TO CONSTRUCT RETAINING WALL TO 10'-0" HEIGHT</small></p> <p><small>DRAWN BY: M.S.U.</small> <small>ORIGIN DATE: 06/27/18</small> <small>ISSUED FOR: CONSTRUCTION</small></p> <p><small>SHEET NUMBER: A1 OF 1</small></p>	NO.	DATE	REVISION	1)	07/12/18	R.W. VARIANCE
NO.	DATE	REVISION						
1)	07/12/18	R.W. VARIANCE						

Applicant provided site photos 07/11/18













ZAHN ENGINEERING, INC.
Land Planning • Civil Engineering • Permitting

July 11, 2018

Ricky Schrader
New Smyrna Beach Construction
6381 Engram Road
New Smyrna Beach, FL 32169

ZEI#1809

Re: 6270 S. Atlantic Avenue

Dear Ricky:

I have reviewed the information you provided regarding the variance request to allow a retaining wall of 10' high in lieu of the 6' high wall. I fully agree with your assessment regarding the excessive slopes which would result from the 6' high wall. Further, our office is well aware of the FDEP requirement for the minimum elevation of the supporting structure (grade beam) to be above the 100 year storm surge elevation, often resulting in Finish Floor Elevation much higher than adjacent homes, built before the current FDEP standards were adapted; which is the case for your project.

In summary, from an engineering perspective, we agree with the description you have presented as special reasons why the variance is needed and should be approved.

Sincerely,

ZAHN ENGINEERING, INC.



Pete A. Zahn, PE

/Encl.

CC: Project File
Tracer File

Inter-Office
Memorandum



TO: Patricia Smith, Planner II **DATE:** June 14, 2018

FROM: Brenda Borgiet, Environmental Specialist II

SUBJECT: Planning & Land Development Regulation Commission meeting for
Date: July 19, 2018
Parcel #: 8505-01-31-0290
Case #: V-18-062, James L. & Pamela J. Fontaine, owners

Environmental Permitting (EP) has conducted a site inspection of the parcel and reviewed the Variance application for the Fontaine property. This parcel is located within the Indian River Lagoon Surface Water Improvements and Management Overlay Zone, otherwise known as the Class II overlay. The requirement of this Class II ordinance is to provide a volume of stormwater retention equivalent to one-half-inch of depth over the entire lot. The Class II overlay also requires property within the boundary to maintain or plant 35% native vegetation.

This property is also located in the Volusia County Gopher Tortoise Overlay. All gopher tortoises and their burrows are protected by the Florida Fish and Wildlife Conservation Commission, as well as Division 17 of the Land Development Regulations. Any development of the parcel will require compliance with Division 17 regulations.

EP has no objection to the Variance to exceed the maximum retain wall height allowed on Single-Family Residential (R-9) zoned property. However, any future construction activity on the parcel will require the project to meet the provisions of the Class II, Gopher Tortoise, and Tree requirements of the Land Development Regulations.

REVIEW COMMENTS

**Case: V-18-062
RSN: 912829**

BUILDING REVIEW

Randy Roberts

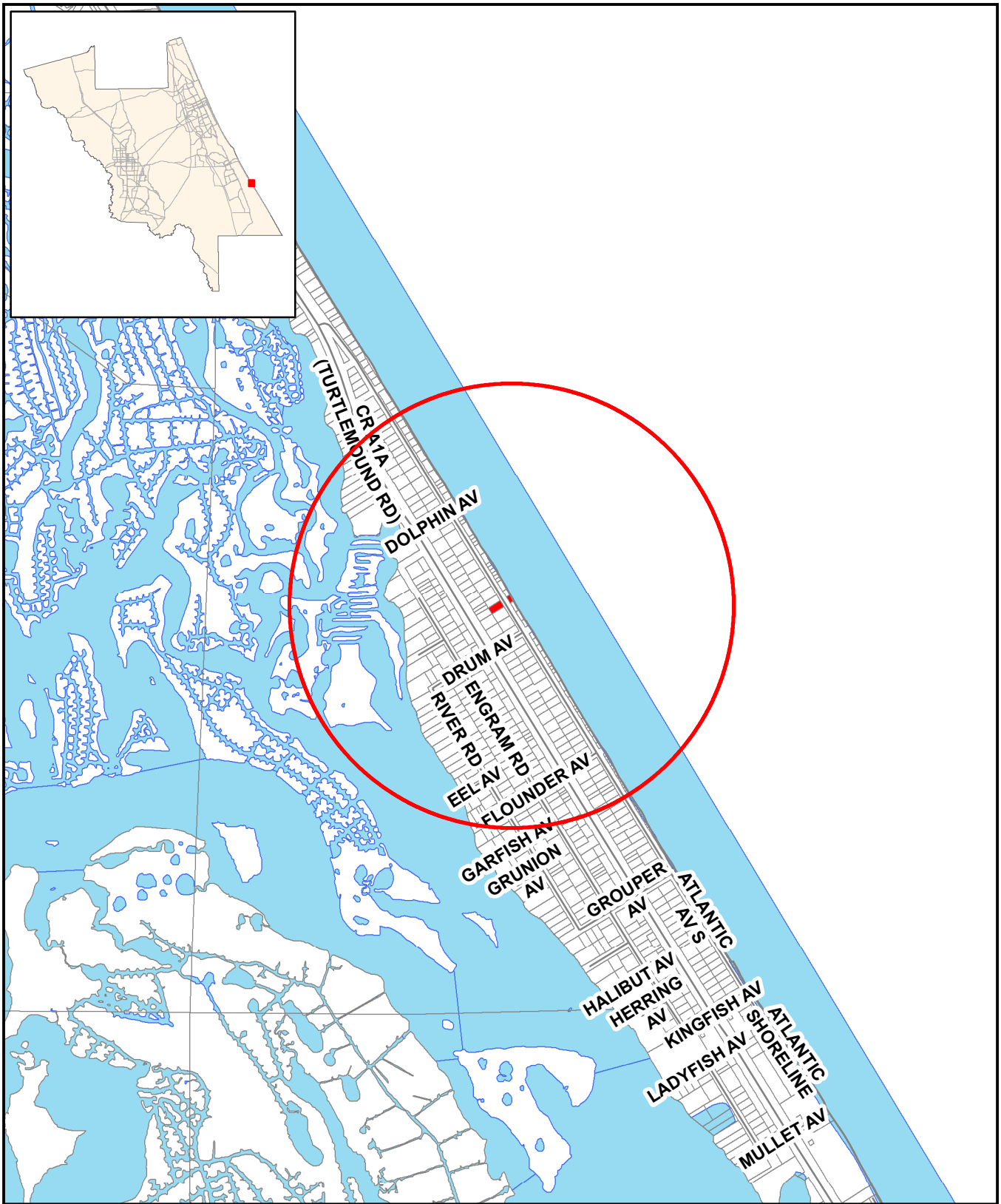
June 6, 2018

Comments:

This structure is to be built with Piling Construction. Per the DEP monuments, the lowest horizontal structural member needs to be at 14.76. The preconstruction Elevation Certificate states 14.8. As long as this is met, the structure complies with the DEP requirements. From the Building Construction perspective the extra fill doesn't appear to be necessary. The Building Department can't support this variance.

* * * * *

PROPERTY LOCATION V-18-062

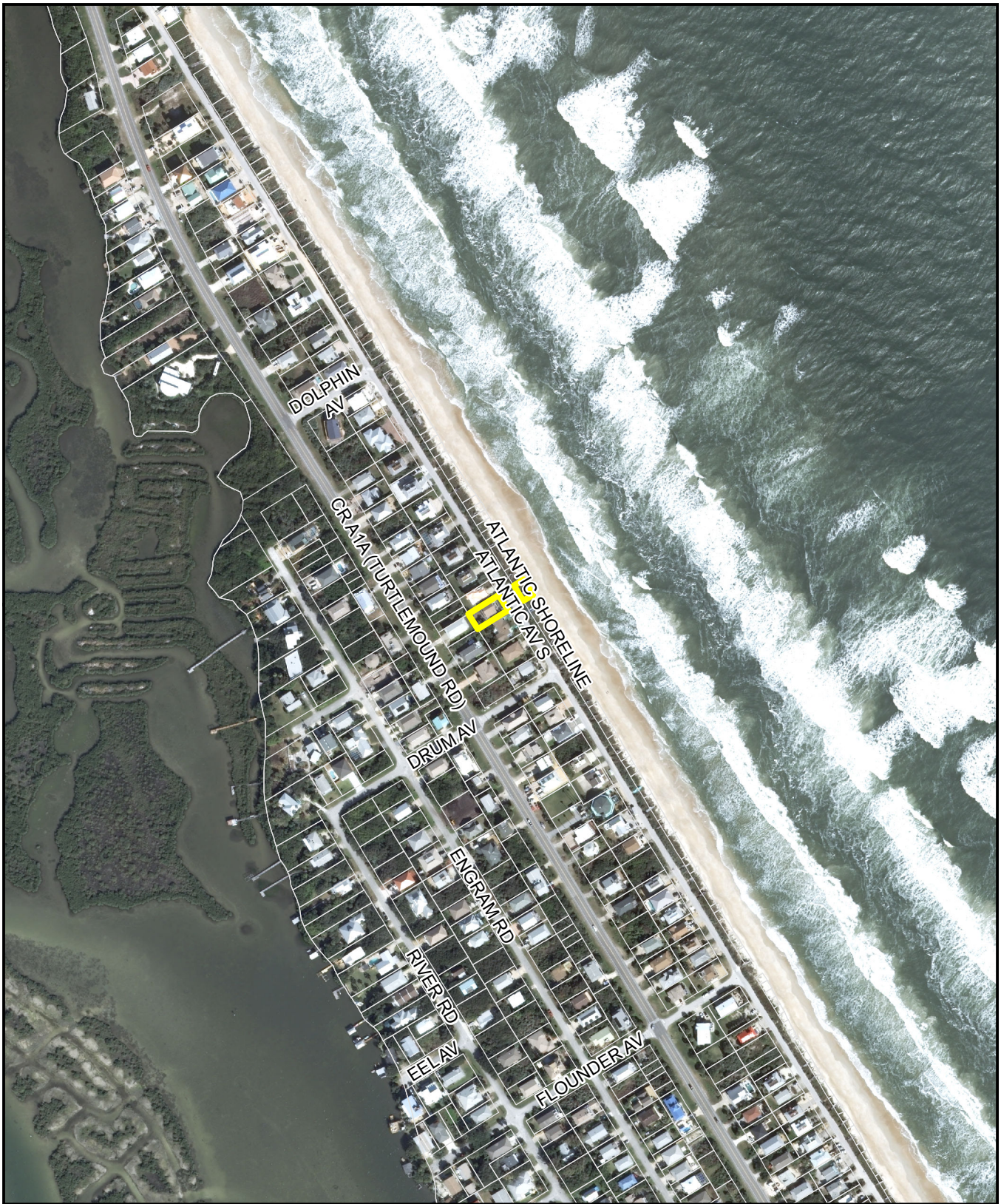


 SUBJECT PROPERTY



1" = 1,000'

6/6/2018



SUBJECT PROPERTY

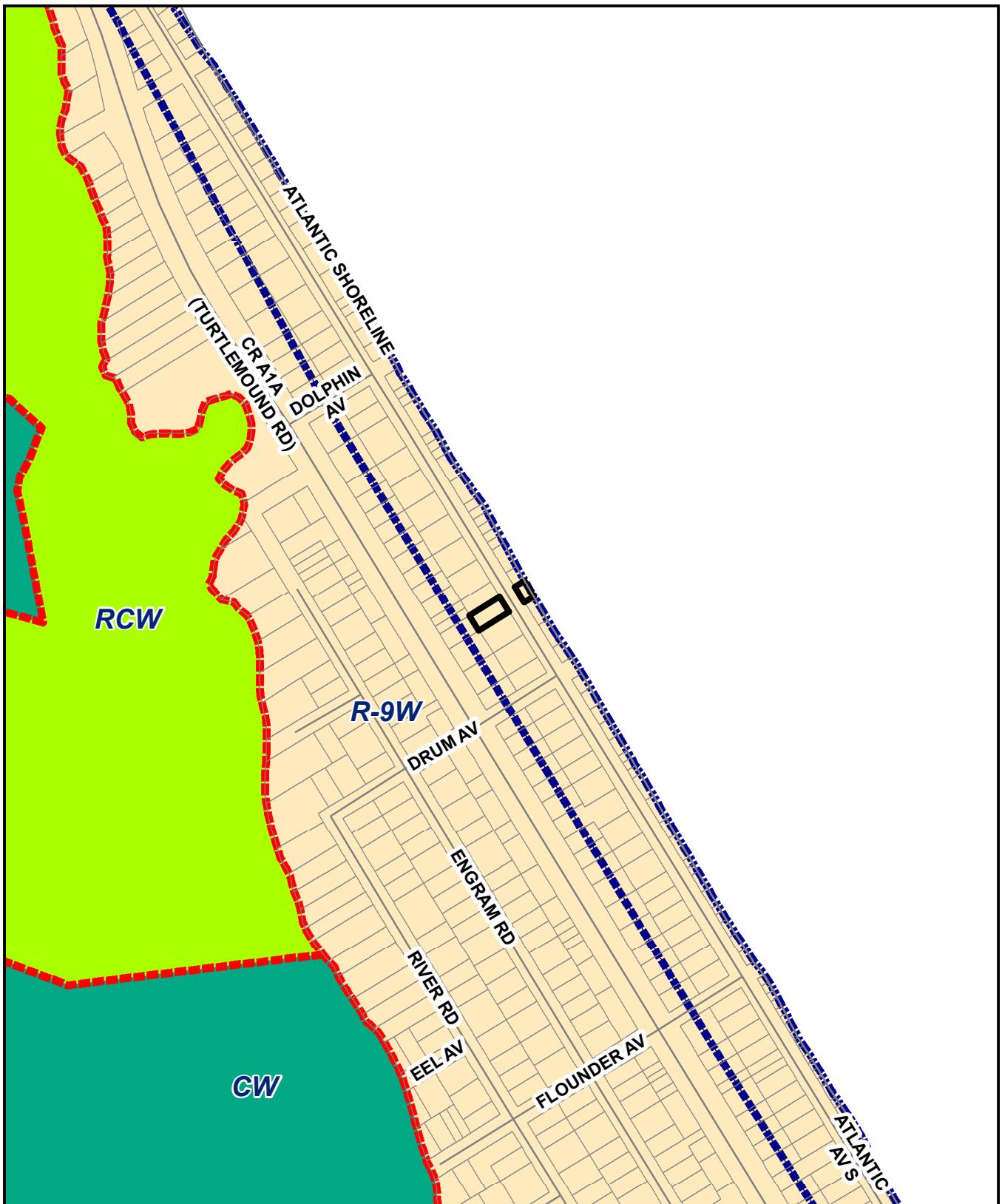
IMAGE DATE 2015








1" = 400'

6/6/2018

ZONING CLASSIFICATION V-18-062







-  SUBJECT PROPERTY
-  RESIDENTIAL
-  RESOURCE CORRIDOR
-  CONSERVATION

 1" = 400'
6/6/2018

FUTURE LAND USE V-18-062

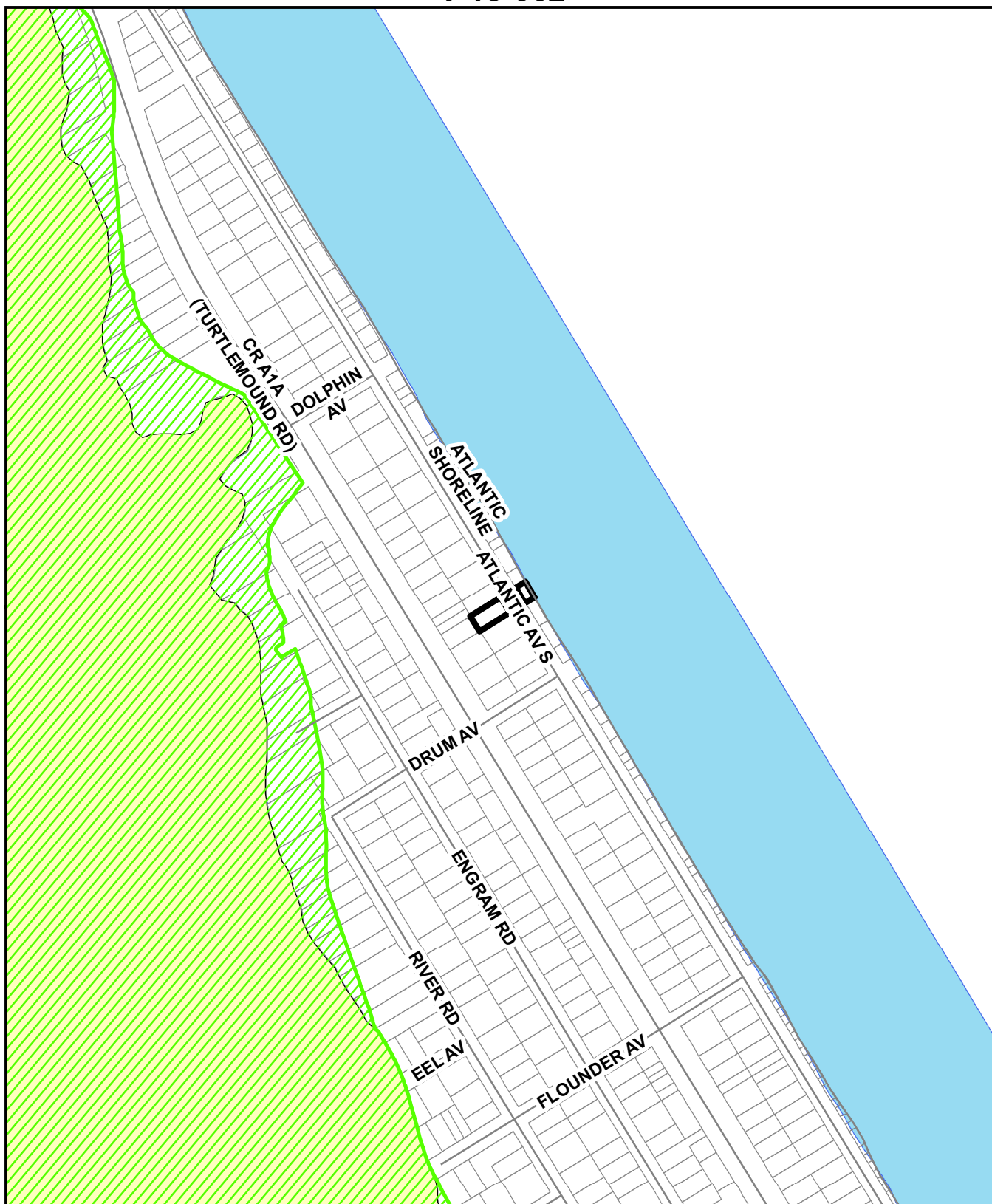





-  SUBJECT PROPERTY
-  ENVIRONMENTAL SYSTEMS CORRIDOR
-  WATER
-  URBAN LOW INTENSITY



1" = 400'
6/6/2018

ECO/NRMA OVERLAY V-18-062



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1" = 400'

6/6/2018