

**PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION
PUBLIC HEARING HELD
JULY 10, 2012**

The Public Hearing of the Volusia County Planning and Land Development Regulation Commission was called to order by **Frank Severino**, at 9:00 a.m. in the County Council Meeting Room of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida. On roll call, the following members answered present, to-wit:

FRANK SEVERINO, CHAIRMAN

JEFF GOVE, VICE CHAIRMAN

JIM RUSSELL, SECRETARY

TAVER CORNETT

WANDA VAN DAM - ABSENT

JAY YOUNG

JEFFREY BENDER

STAFF PRESENT:

DERRILL McATEER, Assistant County Attorney

SCOTT ASHLEY, AICP, Planning Manager

JOHN H. STOCKHAM, ASLA, Planner III

CHRISTIAN NAGLE, AICP, Planner II

YOLANDA SOMERS, Staff Assistant II

ROBIN TODD, Staff Assistant II

Derrill McAteer, Assistant County Attorney, provided legal comment.

Disclosure of Ex Parte Communications

Members of the Volusia County Planning & Land Development Regulation Commission Board were asked to please disclose, for the record, the substance of any ex parte communications that had occurred before or during the public hearing at which a vote is to be taken on any quasi-judicial matters. No members present disclosed any communication.

APPROVAL OF MINUTES

- **June 12, 2012**

Member Cornett moved to APPROVE the minutes as presented. Member Young seconded the motion. Motion CARRIED unanimously (6:0).

APPLICATIONS TO BE CONTINUED

NONE

PUBLIC HEARING ON APPLICATIONS

V-12-022 – Application of Michael Woods, attorney for Jeffrey Corak, owner, requesting a variance for a front yard setback from the required 50 feet to 36 feet for a structure (pool screen enclosure) and a variance to separate lots on Rural Agriculture (A-2) zoned property. The property is located at 2635 Ardor Lane, Orange City; ±2.85 acres; 7033-00-00-0491.

Scott Ashley, AICP, Planning Manager, presented the staff report.

Michael Woods Cobb Cole, 351 East New York Avenue, DeLand, FL, concurred with the staff report.

No Public Participation.

Chairman Severino closed the public participation.

Member Russell moved to APPROVE case V-12-022 as follows:

Variance for a front yard setback from the required 50 feet to 36 feet for a structure (pool screen enclosure), subject to the staff recommended conditions:

1. Approval is subject to the plot plan for building permit #20120426027 reviewed by zoning on May 10, 2012, and the variance site plan for the pool screen enclosure only.

2. Applicant shall obtain a building permit for the swimming pool screen enclosure and have all inspections completed. Once constructed, the owner shall not enlarge or extend the pool screen enclosure further into the north front yard without another variance approval. Also, the screen enclosure shall not be converted to a solid roof or enclosed structure.

and

Approval of the variance to Section 72-206(1) *Nonconforming lots* to separate parcels 7033-01-01-0060 and 7033-01-02-0080 from parcel 7033-00-00-0491 (Variance 2) in the Rural Agriculture (A-2) zoned property.

Member Cornett seconded the motion. Motion CARRIED unanimously (6:0).

V-12-018 – Application of Tony Chadwick, agent for Frederick and Jeannette McCarthy, owners, requesting a variance to separate lots in the Urban Single Family Residential (R-4) zoning classification. The properties are located at 51 and 53 Tropical Drive, Ormond-by-the-Sea; ±7,306 square feet and ±7,056 square feet, respectively; 4203-06-00-0420 and 4203-06-00-0430.

Scott Ashley, AICP, Planning Manager, presented the staff report.

1 Tony Chadwick, 47 Kathy Drive, Ormond Beach, FL, explained the purchase history of
2 the properties and the intent of permitting the renovations on the house.

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4 Member Gove asked if the owner accepts the condition of the shed removal.

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6 Mr. Chadwick affirmed that the shed was being removed and asked if staff wanted the
7 applicant to remove the slab that the shed was on.

8
9 Chairman Severino asked if staff would like to address the slab under the shed.

10
11 Mr. Ashley replied that it would be preferred to remove the concrete slab from the
12 platted easement.

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14 No Public Participation.

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16 Chairman Severino closed the public participation.

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18 **Member Young moved to APPROVE case V-12-018 as follows:**

19
20 **A variance to separate lots in the Urban Single Family Residential (R-4) zoning**
21 **classification, subject to the staff recommended conditions with condition #1**
22 **being modified to include the removal of the concrete slab:**

23
24 **1. The owner shall either remove or relocate the shed and concrete slab in the**
25 **rear yard of Lot 42 (4203-06-00-0420) to eliminate the 5-foot utility easement and**
26 **5-foot side and rear yard setback encroachments.**

27
28 **2. All principal and accessory structures on Lots 42 and 43 shall not be expanded**
29 **beyond their nonconforming setbacks and dimensions per section 72-206(1) and**
30 **(3) of the zoning code without obtaining another variance and obtaining all**
31 **applicable building permits.**

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33 **Member Cornett seconded the motion. Motion CARRIED unanimously (6:0).**

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35 **PUBLIC ITEMS**

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37 NONE

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39 **STAFF ITEMS**

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41 NONE

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43 **STAFF COMMENTS**

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47 **COMMISSION COMMENTS**

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PRESS AND CITIZEN COMMENTS

NONE

ADJOURNMENT

Having no further comments from the public, staff, or commissioners, Chairman Severino thanked everyone and adjourned the meeting at 9:23 a.m.