

**VOLUSIA COUNTY
PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION
PUBLIC HEARING AGENDA
May 21, 2020**

IMPORTANT: Due to the COVID-19 Social Distancing Orders, the public hearing shall be held by virtual webinar. If you wish to participate in the public hearing process you are encouraged to attend the webinar. A link to the webinar will be posted on the PLDRC webpage at: <https://www.volusia.org/services/growth-and-resource-management/planning-and-development/planning-and-land-development-regulation-commission.stml>. A kiosk also will be set up where the public can provide public comments on items on the agenda in the training rooms on the 1st-floor of the Thomas C. Kelly Administration Center in DeLand. You may provide written comments regarding this application by email to planning@volusia.org, or by letter to Attn: Yolanda Somers, Staff Assistant II, Growth and Resource Management Department, 123 West Indiana Avenue, Room 202, DeLand, FL 32720. Comments received by May 20, 2020, will be presented to the commission and become part of the public record. Please include your name, address, and the case number in your correspondence.

COMMISSION MEMBERS

Ronnie Mills, Chair
Jeffrey Bender, Vice-Chair
Wanda Van Dam, Secretary
Jay Young
Steve Costa
Frank Costa
Edith Shelley

STAFF

Paolo Soria, Senior Assistant County Attorney
Scott Ashley, AICP, Senior Zoning Manager
Susan Jackson, AICP, Senior Planning Manager
Patricia Smith, AICP, Planner III
Darren Ebersole, Planner II
Trevor Bedford, Planner II
Yolanda Somers, Staff Assistant II



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (TITLE II)

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the County of Volusia ("County") will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in County programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

The ADA does not require the County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

County will make such reasonable modification to policies and programs for qualified persons with disabilities to ensure they have an equal opportunity to enjoy all of its programs, services,

and activities. For example, individuals with service animals are welcomed in County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of County, should contact the office of the County's ADA Title II Coordinator, Ms. Michelle Leigh, at (386) 248-1760 as soon as possible but no later than 2 business days before the scheduled event or meeting. This paragraph shall likewise apply to written requests by a physically handicapped person needing a special accommodation to attend a public meeting in accordance with section 286.26, Florida Statutes.

Complaints that a program, service, or activity of County is not accessible to persons with disabilities should be directed to the County in accordance with the *County of Volusia Grievance Procedure under the Americans with Disabilities Act (Title II)*. A copy of the procedure may be obtained by contacting the office of the County's ADA Coordinator, (386) 248-1760.

County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Assisted listening system receivers are available for the hearing impaired, and can be obtained from the Commission liaison by calling 386-736-5959, extension 12735 or 12777.



I. Call to Order - 9:00 a.m.

The Frank T. Bruno, Jr. County Council Chambers, Room 204, Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida.

II. PLEDGE OF ALLEGIANCE

To be led by the commission chair.

III. Roll Call

IV. Minutes

The following are draft minutes by hearing date that the commission has not approved. Therefore, they are unofficial and are subject to change or correction:

None

V. Comments

A. CHAIR'S COMMENT

The Chair to explain the procedure for forwarding the Commission's decisions to the county council and invite the public to speak for or against any of the cases being heard.

B. LEGAL COMMENT

Mr. Soria will explain that decisions by this body on special exception cases and cases which rezone real property from one classification to another pursuant to the Zoning Ordinance are recommendations only to the county council and do not constitute a final hearing. New evidence may be introduced at the county council public hearing. Decisions on variances made by this body constitute final action, subject to an appeal to

the county council. What this means is that no new evidence may be presented at the time of the county council public hearing on the appeal. An aggrieved party that appeals such a decision is confined to the record made before this body. Hearings by this body on rezoning's, special exceptions, and variances are quasi-judicial in nature meaning that this body is acting more like a court and must take into account all oral, written or demonstrative evidence presented. Their decisions on these cases must be based on competent, substantial evidence in the record. Competent, substantial evidence has been defined, as that evidence a reasonable mind would accept to support a conclusion.

VI. Disclosure of Ex Parte Communications

Members of the Volusia County Planning & Land Development Regulation Commission disclose, for the record, the substance of any ex parte communications that have occurred before or during the public hearing at which a vote is to be taken on any quasi-judicial matters.

VII. PUBLIC HEARING

A. ITEMS TO BE CONTINUED OR WITHDRAWN

Items to be continued or withdrawn will not be discussed unless requested by a commission member, the applicant, or any other affected party. If you wish to speak on any of these items, please advise the commission clerk so that the chair can be advised. It is requested that applicants attend the hearing to answer any questions, which may arise.

None

B. NEW BUSINESS

Z-20-043 – Application of Heath M. Frank, owner, requesting a rezoning from the Rural Agriculture (A-2) classification to the Rural Residential (RR) zoning classification. The property is located at 2120 Lime Street, DeLand; Parcel Number(s): 6944-01-00-0757; ±5.8 acres. ***This item is tentatively scheduled for the July 21, 2020 county council hearing.***

V-20-058 – Application of Joie Kelley, agent for Dana and Martha Lucinda Rubush, owners, requesting variances to the minimum yard requirements on Urban Mobile Home (MH-5) zoned property. The property is located at 106 Lewis Street, Edgewater; Parcel Number(s): 8538-09-00-2790; ±6,550 square feet.

C. OLD BUSINESS

None

VIII. OTHER PUBLIC ITEMS

IX. STAFF ITEMS

X. STAFF COMMENTS

XI. COMMISSION COMMENTS

XII. PRESS AND CITIZEN COMMENTS

XIII. ADJOURNMENT