

**PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION
PUBLIC HEARING HELD
JULY 11, 2017**

The Public Hearing of the Volusia County Planning and Land Development Regulation Commission was called to order by **Frank Severino**, at 9:04 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
JEFF GOVE
WANDA VAN DAM – *Not Present*
JEFFREY BENDER – *Left Early*
JAY YOUNG
RONNIE MILLS
STEVE COSTA

STAFF PRESENT:
RUSS BROWN, Assistant County Attorney
SCOTT ASHLEY, AICP, Senior Zoning Manager
SUSAN JACKSON, AICP, Senior Planning Manager
MICHAEL DISHER, AICP, Planner III
SHERRI LAROSE, Zoning Technician
YOLANDA SOMERS, Staff Assistant II
THAISHA HERNANDEZ, Staff Assistant II

PLEDGE OF ALLEGIANCE

To be led by the commission chair.

APPROVAL OF MINUTES

- **June 13, 2017**

Member Gove asked that the vote for the approval of the May 9, 2017 minutes on page 1 lines 38-40 be reviewed.

Yolanda Somers, Staff Assistant II, mentioned that the vote was corrected per suggestion of others that record minutes, however it will be reviewed.

Member Severino tabled the minutes to allowed staff time to review.

Russ Brown, Assistant County Attorney, provided legal comment.

Disclosure of Ex Parte Communications

1 Members of the Volusia County Planning & Land Development Regulation Commission
2 Board were asked to please disclose, for the record, the substance of any ex parte
3 communications that had occurred before or during the public hearing at which a vote is
4 to be taken on any quasi-judicial matters. All members present disclosed any
5 communication as listed below.

6
7 Member Mills stated that he had received emails from Ms. Meale for case V-17-039 and
8 Ms. Kovatch for case PUD-17-002. All members, except Member Costa, present
9 concurred and had no additional ex parte communications.

10
11 **ITEMS TO BE CONTINUED OR WITHDRAWN**

12
13 **None**

14
15 **PUBLIC HEARING ON APPLICATIONS**

16
17 **NEW BUSINESS**

18
19 **PUD-17-002** - Application of Dwight DuRant, P.E., agent for Robert Croasmun, owner,
20 requesting a rezoning from the Rural Agricultural Estate (RA) zoning classification to the
21 Business Planned Unit Development (BPUD) zoning classification. The property is
22 located at 2494 Tomoka Farms Road, Port Orange; ± 2.0 acres; 6226-00-00-0070.

23
24 Scott Ashley, AICP, Senior Zoning Manager, presented the staff report. Mr. Ashley
25 explained the applicant is requesting a rezoning to the Planned Unit Development
26 zoning classification with a Business sub-classification (BPUD) to allow for the
27 development of a 5,000-square foot convenience store with fueling service and a 5,000-
28 square foot retail unit. The project site is limited to 10,000 square feet in gross floor area
29 and is comparable with the characteristics of the Neighborhood Commercial (B-2)
30 zoning classification. Mr. Ashley explained that the property was zoned Rural
31 Agricultural Estate (RA) that contained a single-family dwelling and a feed store that
32 was a nonconforming use. He mentioned that commercial uses within rural areas, which
33 have been in existence prior to the adoption of the 1990 Comprehensive Plan, may
34 continue as they tend to primarily serve the neighborhood and adjacent properties. Mr.
35 Ashley referred to pages five through eight of 52 of the staff report and clarified, that
36 based on staff review, the proposal is consistent with the comprehensive plan policies.
37 Staff recommended the application be forwarded to the county council for final action
38 with a recommendation of approval, subject to the two conditions listed in the staff
39 report. He provided that condition #2, on page ten of 52 of the staff report, states that
40 the successor shall file to abandon an existing 30-foot drainage/utility easement that is
41 located on the north end of the property, and replace it by granting a new easement
42 over the actual ditch location.

43
44 Member Gove inquired if the undeveloped property on the southeast corner of Taylor
45 Road and Tomoka Farms Road could potentially be developed into any of the General
46 Commercial (B-4) zoning classification uses.

47
48 Mr. Ashley responded in the affirmative.

1
2 There being no further questions of staff, the floor was opened to the applicant.

3
4 Robert Riggio, attorney for Robert Croasman, 400 South Palmetto Avenue, Daytona
5 Beach, Florida, stated that the property has a long history, and the plan was to enhance
6 the existing uses of the property according to county standards. He explained that his
7 client intended to upgrade the existing feed store by relocating it to a newer building and
8 continue to serve the community. The relocation of the existing utility easement at the
9 north end of the property is necessary to encompass the existing location of the ditch.
10 Mr. Riggio referred to page four of 52 of the staff report, and asked the commission to
11 consider the terms of the agreement to three or four years, in lieu of the staff
12 recommendation of two years.

13
14 There being no further questions of the applicant, the floor was opened to public
15 participation.

16
17 Gary Singleton, 1998 North Spruce Creek Circle, Port Orange, Florida, stated that the
18 intent of the local plan was to preserve low-density residential and agricultural uses in
19 the area, and to maintain the rural residential and agricultural setting. Mr. Singleton
20 expressed concerns with the impacts of any commercial expansion within the Tomoka
21 Farms Village local planning area and was opposed to the rezoning request.

22
23 Ronald Robins, 1885 Halifax Drive, Port Orange, Florida, stated that he understood how
24 important progress was for the business community and for the services it provides. He
25 was in support of the rezoning request.

26
27 Marye Ann Kovatch, 105 Bill Circle, Port Orange, Florida, provided a brief history of the
28 property and the Tomoka Farms Rural Village area (Evidence 1). She also spoke to the
29 current conditions of the property and provided site photos of different alleged code
30 violations that were still evident on the property (Evidence 2). The site photos showed
31 expansion of nonconforming uses, abandoned vehicles, semi-trailers still in use, and a
32 recreational vehicle that might be occupied on the property. Ms. Kovatch expressed
33 concerns with entering another agreement with the property owners when it was
34 obvious that compliance has not been achieved nor did it seem that it was ever going to
35 be achieved. She was opposed to the rezoning request.

36
37 Member Gove asked Ms. Kovatch if the photos (Evidence 2) were recently taken of the
38 property.

39
40 Ms. Kovatch responded that the pictures were taken yesterday (*July 10, 2017*).

41
42 Daniel Robins, 2041 Taylor Road, Port Orange, Florida, stated that his family has
43 owned property in this area for nearly 15 years and he supported the upgrade of the
44 feed store and the services it would provide to the growing community. Mr. Robins
45 stated he was in support of the rezoning request.

46
47 William Wallace, 101 Bill Circle, Port Orange, Florida, stated that every property owner
48 should be entitled to develop their property without lowering the property values of the

1 adjacent properties. He wanted the rural characteristics of the area to be preserved. He
2 had concerns with the potential traffic issues since the property is located at a major
3 intersection of Taylor Road and Tomoka Farms Road, and with the numerous zoning
4 violations cited against the property owner for the past thirty years. He was opposed to
5 the rezoning request.

6
7 Yancey McDonald, Jr., 2455 Tomoka Farms Road, Port Orange, Florida, stated he was
8 representing his father, Yancey McDonald, who resides at the Tomoka Farms Road
9 address. He expressed the need for more feed stores and commercial properties in the
10 area because it could increase the land value of the community. He was in support of
11 the rezoning request.

12
13 Diana Fuller, 1948 Taylor Road, Port Orange, Florida, referred to the April 22, 2013,
14 zoning determination letter, located on pages 45 through 47 of 52 of the staff report, and
15 stated that the use of semi-trailers as storage containers was not permitted. Ms. Fuller
16 expressed concerns with the unkept property and with the continued use of the storage
17 containers. She was opposed to the rezoning request.

18
19 Chair Severino thanked the citizens for providing their valuable comments at the public
20 hearing.

21
22 There being no further public participation, the floor was opened to the applicant for
23 rebuttal.

24
25 Mr. Riggio stated that most of the feed stores in the area currently housed trailers for
26 the use of storing hay. He said that the feed store catered to the surrounding area and
27 provides a conventional use. He provided that the property owner had obtained a permit
28 for the sign on the property that had been one of the property's code violations.

29
30 There being no questions of the applicant, the floor was opened for commission
31 discussion.

32
33 Member Gove asked staff to display a map showing the boundaries of the Tomoka
34 Farms Village local planning area and the location of the subject property. Member
35 Gove also asked about the references for county council needing to approve water
36 services being extended and would it be implicit in the application.

37
38 Mr. Ashley had staff display a map of the Tomoka Farms Village local planning area that
39 had the approximation of Mr. Croasmun's property marked with an "x" for discussion
40 (Evidence 3). He explained that there was an agreement with the City of Port Orange
41 regarding the extension of water and sewer service lines in this area that would require
42 the county council to approve any extension of those lines. The subject property is
43 currently connected to municipal water service and that the septic tank system would
44 need to be upgraded for nonresidential uses, as determined by the health department.

45
46 Member Gove inquired if the list of permitted uses in the development agreement are
47 similar to those uses in the B-4 zoning classification.

1 Mr. Ashley responded in the affirmative.

2
3 Member Costa inquired what information contributed to limiting the terms of the
4 development agreement to a two-year timeframe.

5
6 Mr. Ashley responded that typically the timeframe for a development agreement is five
7 years. However, given the known property code compliance history of the site, staff
8 recommended two years, as it is sufficient to redevelop the site, convert the feed store,
9 and correct the existing code compliance issues. He likened the time frame to that a
10 Final Site Plan or Overall Development Plan Development Order that is valid for two
11 years. He also mentioned that an extension to the terms of the agreement may be
12 reviewed through the minor amendment process, should the applicant show good faith
13 progress with actively implementing the PUD.

14
15 Member Costa inquired what the next step in the approval process is.

16
17 Mr. Ashley responded that the final site plan or subdivision approval process would be
18 the next step, should county council grant the rezoning request. He clarified that the
19 proposal would accommodate the feed store in Phase one and the convenience store in
20 Phase two.

21
22 Member Costa inquired if the applicant had a final site plan or subdivision application
23 pending then there would be no expiration date for the BPUD.

24
25 Mr. Ashley answered that there was standard language in the development agreement,
26 page 26 of 52 of the staff report, which activates the BPUD upon submission of a Final
27 Site Plan or Overall Development Plan application within two years from the effective
28 date of the Order and Resolution.

29
30 Chair Severino asked staff to respond to the active code enforcement issues of the
31 property.

32
33 Mr. Ashley responded that there is an active code enforcement case on the property
34 pending the outcome of the rezoning application. He clarified that the nonconforming
35 feed store will remain on the property, as listed on page 17 of 52 of the staff report, and
36 the associated nonagricultural uses will be restricted.

37
38 Member Gove inquired if the code enforcement case is on hold at this time.

39
40 Mr. Ashley responded in the affirmative.

41
42 Russ Brown, Assistant County Attorney, stated that there was an active code
43 enforcement case on the property and is scheduled for the Code Enforcement Board
44 public hearing on July 19, 2017.

45
46 There being no further commission discussion, Chair Severino asked for a motion.

47

1 Member Mills stated that the existing code enforcement issues of the feed store and the
2 citizen concerns will be addressed during the development review process.

3
4 Member Young stated that the code violations of the property must be resolved.

5
6 Member Costa stated that the property will need to be cleaned up, and the modernized
7 proposal of the Florida Vernacular architectural design theme will ensure the
8 preservation of the rural characteristics of the area.

9
10 Member Gove expressed concerns with the code enforcement issues and that there
11 has been no attempt to remedy and improve the property. Member Gove referred to
12 page eight of 52 of the staff report, and stated that the BPUD rezoning application does
13 not contribute to maintaining a pattern of low-density rural single-family residential and
14 agricultural land uses. Member Gove stated that he would not support the BPUD
15 rezoning application.

16
17 **Member Mills MOVED to FORWARD case number PUD-17-002, to county council**
18 **for final action with a recommendation of APPROVAL, subject to the following**
19 **staff recommended conditions:**

- 20
21 **1. Approval is subject to the attached staff recommended Order and**
22 **Resolution.**
23
24 **2. The applicant, property owner or successor or assign in title, shall petition**
25 **to abandonment or vacate an existing County of Volusia 30-foot drainage**
26 **easement location of the north end of the subject parcel, and replace it with**
27 **a new realigned 30-foot easement, and obtain county council approval**
28 **before an application for an Overall Development Plan and/or Final Site**
29 **Plan shall be submitted for site development review.**
30

31 Chair Severino asked the commission to respond to Mr. Riggio's request of a three to
32 four-year agreement of terms.

33
34 Member Mills referred to page 26 of 52 of the staff report, and stated that there is
35 language for the applicant to submit a Final Site Plan or an Overall Development Plan
36 application within two years from the effective date of the Order and Resolution.

37
38 **Member Costa SECONDED the motion. Motion CARRIED (4:1); Member Gove in**
39 **opposition.** *Member Bender was not present during the vote, and Member Van Dam*
40 *was absent.*

41
42 **V-17-037** - Application of Michael Woods, attorney for Vernon R. Bass, Jr., owner,
43 requesting a variance to the maximum building height for an accessory structure on
44 Urban Single-Family Residential (R-4) zoned property. The property is located at 901
45 Sunset Avenue, Orange City; ± 3 acres; 8003-02-00-0561.

46
47 Scott Ashley, AICP, Senior Zoning Manager, presented the staff report. Mr. Ashley
48 explained that the property owner proposes to construct a 60-foot by 60-foot detached

1 workshop/storage shed on the western portion of their property for the storage of
2 watercraft and a future recreational vehicle. Mr. Ashley informed the commission that
3 the applicant submitted an updated request for consideration to allow a 25-foot tall
4 accessory structure in order to provide adequate clearance for vehicular access. Mr.
5 Ashley referred to page three of 16 of the staff report, where the initial accessory
6 structure height was 24 feet, per the submitted building elevations. Mr. Ashley said for
7 gable roofs, the building height is measured from the finished grade along the front of
8 the structure to the average distance between the eave and the ridge of the roofline. Mr.
9 Ashley said that the subject property is a developed three-acre lot and a lot coverage
10 variance is not required; the variance request is the minimum request to accommodate
11 the storage of vehicles.

12
13 Member Gove referred to page ten of 16 of the staff report, and acknowledged that the
14 boundary survey depicted two proposed accessory structures.

15
16 Mr. Ashley responded in the affirmative, referring to page nine of 16 of the staff report,
17 and said that the written petition for a variance is for a 60-foot by 60-foot accessory
18 structure and Mr. Watts has verbally confirmed this is the size of his client's building for
19 the variance request. Mr. Ashley said the 80-foot by 80-foot accessory structure
20 depicted on the boundary survey is another potential size of an accessory structure.

21
22 Member Gove asked if the 80-foot by 80-foot accessory structure should be removed.

23
24 Mr. Ashley responded in the affirmative, and referred to page six of 16 of the staff
25 report, and said staff condition #1 limits the size of the accessory structure to 60 feet by
26 60 feet.

27
28 There being no further questions of staff, the floor was opened to the applicant.

29
30 Mark Watts appeared on behalf of Michael Woods, attorney for applicant, Cobb Cole,
31 P.A., 351 East New York Avenue, Suite 200, DeLand, Florida. Mr. Watts explained that
32 the accessory building height is standard within the urban zoning classifications. Mr.
33 Watts said that his client's property is developed and three acres in size, similar to an
34 agricultural sized property. Mr. Watts apologized for notifying staff late in the review
35 process that his client requires an accessory structure 25 feet tall for the storage of his
36 watercraft and recreational vehicles. Mr. Watts said that due public notice issues do not
37 exist. Mr. Watts supports the staff recommendations of approval in the staff report, but
38 asked the commission to consider a minimum 20-foot side yard setback to allow
39 flexibility of placement during the building permitting process due to the existing trees on
40 the lot.

41
42 Chair Severino asked Mr. Watts to describe the natural foliage and vegetation of the lot.

43
44 Mr. Watts asked for an aerial map to be displayed to assist in the discussion. Mr. Watts
45 explained that the westerly portion of the lot is heavily treed with thick vegetation.

46
47 Chair Severino asked if Mr. Watts had visited the site.

48

1 Mr. Watts responded no, he did not visit the site.

2
3 Chair Severino stated that tree removal is necessary for the placement of the accessory
4 structure during the building permitting process and that visual screening should remain
5 at the property.

6
7 Member Young acknowledged that the staff report was lacking visual renderings of the
8 existing characteristics of the site. Member Young stated that he did not visit the site.

9
10 Chair Severino asked Mr. Ashley if other resources were available of the existing
11 characteristics of the site that were not included in the staff report.

12
13 Mr. Ashley responded no, there were no other resources available of the site.

14
15 Member Mills inquired about the revised setbacks for the proposed accessory structure.

16
17 Mr. Ashley referred to page ten of 16 of the staff report, and responded that the
18 adjacent properties are developed to the north and a greater building setback would
19 provide a buffer.

20
21 Member Mills stated the building setback should be increased to 50 feet in order to
22 accommodate the revised building height of 25 feet.

23
24 Mr. Watts expressed concerns with the granting of a specific building setback due to the
25 existing vegetation and asked the commission to allow flexibility of placement of the
26 accessory structure during the building permitting process.

27
28 There being no further questions of the applicant, the floor was opened to public
29 participation.

30
31 There being no public participation, the floor was opened for commission discussion.

32
33 Member Mills acknowledged that the property is a developed three-acre lot and staff
34 condition #2 should be amended to allow the flexibility of placement of the accessory
35 structure for a 50-foot side yard setback.

36
37 Chair Severino asked Mr. Ashley for clarification of the amended building height request
38 and building setbacks.

39
40 Mr. Ashley responded that the amended building height of 25 feet will require a variance
41 to Section 72-277(1)(e) to allow the maximum height of 20.5 feet for the accessory
42 structure. Mr. Ashley suggested to the commission that staff condition #2 may be
43 amended to require a setback of 50 feet from all perimeter lot lines.

44
45 Chair Severino stated that a 50-foot perimeter setback requirement is appropriate due
46 to the amended height of the accessory structure and would support the variance
47 request.

48

1 Member Costa asked Mr. Watts if he would consider an increased 50-foot buffer to the
2 developed properties to the north.

3
4 Mr. Watts responded that in the R-4 zoning classification, a 50-foot setback and buffer
5 is more than doubled in this zoning classification.

6
7 Member Mills stated that the applicant's request of a 20-foot setback along with an
8 additional 50-foot setback is appropriate due to the amended height of the accessory
9 structure and the commission should consider the flexibility of placement of the
10 structure to preserve existing vegetation that serves as a buffer to adjacent properties.

11
12 Mr. Watts expressed concerns with doubling of the R-4 zoning classification's yard
13 requirements.

14
15 There being no further commission discussion, Chair Severino asked for a motion.

16
17 **Member Mills MOVED to APPROVE case number V-17-037, a variance to Section**
18 **72-277(1)(e) to the maximum height allowed for an accessory structure from the**
19 **maximum 15 feet to 20.5 feet for an accessory workshop/storage shed building**
20 **on Urban Single-Family Residential (R-4) zoned property, subject to the staff**
21 **recommended conditions, plus amended PLDRC condition #2:**

- 22
23 1. The accessory structure height variance shall be limited only to the 60-foot
24 by 60-foot accessory structure consistent with the applicant's
25 survey/variance site plan prepared by Efird Surveying Group, Inc., dated
26 January 17, 2017. Any future increase in the footprint area or building
27 height of the accessory workshop/storage shed structure will require
28 separate variance(s).
29
- 30 2. The accessory structure shall maintain ~~the labeled 80-foot north side yard,~~
31 ~~57-foot south side yard and 80-foot rear yard setbacks depicted on the~~
32 ~~variance plan~~ a 50-foot setback from all perimeter lot lines. The structure
33 shall not be enlarged, increased, or extended further into any side or rear
34 yard without approval of a separate variance.
35
- 36 3. The proposed accessory structure shall be constructed and maintained to
37 the architectural design as presented in the elevation drawing submitted
38 with the variance application, subject to applicable provisions of the
39 Florida Building Code.
40
- 41 4. The accessory structure shall be not be used as, or converted into, a
42 single-family dwelling as defined by the zoning code, as amended.
43
- 44 5. The property owners or authorized agents shall obtain and complete all
45 required applicable building permits and inspections for the proposed
46 accessory structure.
47

1 **Member Costa SECONDED the motion. Motion CARRIED unanimously (5:0).**
2 *Member Bender and Member Van Dam was absent.*

3
4 **V-17-039** - Application of Mark H. Rakowski, agent for Cecil and Chester Sims, owners,
5 requesting variances to a substandard lot, the minimum yards, the minimum floor area,
6 and the maximum lot coverage requirements for a single-family dwelling on Urban
7 Single-Family Residential/Indian River Lagoon Surface Water Improvements and
8 Management Overlay Zone (R-9W) zoned property. The property is located on the west
9 side of Turtlemound Road, Bethune Beach; ± 2,500 square feet; 8505-01-44-0230.

10
11 Scott Ashley, AICP, Senior Zoning Manager, presented the staff report. Mr. Ashley
12 explained to the commission that the requested variances to a substandard lot, the
13 minimum yards, the minimum floor area, and the maximum lot coverage requirements
14 are necessary for the property owner to develop the lot and construct a single-family
15 dwelling. Mr. Ashley said that due to the State acquisition and realignment of State
16 Road A-1-A to Turtlemound Road in the early 1960's, a considerable portion of lot
17 frontage was taken for right-of-way and the lot now measures 50 feet in depth, rather
18 than the originally platted lot of 100-foot depth.

19
20 Member Mills inquired if the developed lot to the south measures 50 feet by 50 feet.

21
22 Mr. Ashley responded in the affirmative.

23
24 Member Mills inquired if the property owners were compensated for the right-of-way
25 dedication.

26
27 Mr. Ashley responded in the affirmative, that the property owners in the 1960's were
28 compensated for the right-of-way dedication.

29
30 Member Gove inquired why a variance to the north and south lot lines was not included
31 in the requested variances.

32
33 Mr. Ashley responded that pursuant to Section 72-277(10) of the zoning code, the
34 property owner's lot is eligible for a reduced front yard setback from the required 25 feet
35 to 12 feet based on the average front yard setback of the existing single-family
36 dwellings on the adjacent properties.

37
38 Member Gove inquired if all of the requested variances were granted if the property
39 owner would be permitted to enclose the first floor.

40
41 Mr. Ashley responded that single-family uses shall provide a minimum of two off-street
42 parking spaces on premises. Mr. Ashley clarified that the parking within the right-of-way
43 is not permitted.

44
45 Member Gove inquired where the access point to the single-family dwelling is located.

46
47 Mr. Ashley responded that the access to the proposed single-family dwelling will be
48 from the first floor garage area.

1
2 There being no further questions of staff, the floor was opened to the applicant.

3
4 Mark H. Rakowski, 822 E. 8th Avenue, New Smyrna Beach, Florida. Mr. Rakowski
5 clarified that his clients are proposing one driveway with the building permit application
6 and have no intent of enclosing the first floor of the single-family dwelling. Mr. Rakowski
7 said he had no further comments and agreed with the staff recommendation of
8 approval.

9
10 Member Young inquired if interior access to the single-family dwelling is being
11 proposed.

12
13 Mr. Rakowski responded in the affirmative.

14
15 There being no further questions of the applicant, the floor was opened to public
16 participation.

17
18 Loretta Devine, 6282 Turtlemound Road, New Smyrna Beach, Florida. Ms. Devine
19 expressed concerns within the area allowing short-term rentals and bed and breakfast
20 facilities. Ms. Divine stated she is in support of the property owner constructing a single-
21 family dwelling where they would reside.

22
23 Russ Brown, Assistant County Attorney, stated that he serves on the Code Enforcement
24 Board and stated that staff relies on testimony from the neighbors regarding the
25 unauthorized use of short-term rentals, bed and breakfast facilities and motel/hotels
26 within the area. Mr. Brown encouraged Ms. Divine to either submit an anonymous
27 compliant on the county's website or she may speak with a code enforcement staff
28 member located in the building department and staff will actively pursue her concerns.

29
30 There being no further public participation, the floor was opened for commission
31 discussion.

32
33 Member Gove asked Mr. Rakowski whether his client will reside at the property full or
34 part-time.

35
36 Mr. Rakowski responded that his client will reside full-time at the property.

37
38 Member Mills asked Mr. Ashley how many 50-foot wide lots are remaining in the area.

39
40 Mr. Ashley responded that he did not know how many 50-foot wide lots are remaining in
41 the area. Mr. Ashley referred to page 20 of 23 of the staff report, and said that the aerial
42 map shows several remnant lots exist along the west side of Turtlemound Road.

43
44 Member Mills asked Mr. Ashley how many 50-foot by 50-foot wide lots have been
45 developed without combing with other lots.

46

1 Mr. Ashley responded that he did not know, but there have been several variance cases
2 over the years addressing the building setback and lot coverage requirements on this
3 smaller sized lot.

4
5 There being no further commission discussion, Chair Severino asked for a motion.

6
7 **Member Young MOVED to APPROVE case number V-17-039, a variance to Section**
8 **72-206(1) to allow construction on a substandard sized lot (Variance 1); a**
9 **variance for a rear yard from the required 20 feet to 10 feet (Variance 2); a**
10 **variance to the minimum floor area requirement for a principal single family**
11 **dwelling from the required 1,000 square feet to 720 square feet (Variance 3); and a**
12 **variance to the maximum lot coverage from the maximum allowed 35 percent to**
13 **40 percent for a proposed single-family dwelling (Variance 4) on Urban Single-**
14 **Family Residential/Indian River Lagoon Surface Water Improvements and**
15 **Management Overlay Zone (R-9W) zoned property, subject to the following staff**
16 **recommended conditions:**

- 17
- 18 **1. The developer shall comply with the Indian River Lagoon Surface Water**
19 **Improvements and Management Overlay Zone requirements of the Land**
20 **Development Code, including stormwater retention and open**
21 **space/landscaping criteria.**
 - 22
 - 23 **2. The variances are limited to a proposed single-family dwelling, consistent**
24 **with the enclosed variance site plan prepared by the applicant.**
 - 25
 - 26 **3. The property owner or authorized agents shall obtain and complete all**
27 **required building and development permits and inspections for the**
28 **proposed new house.**
- 29

30 **Member Gove SECONDED the motion. Motion CARRIED (4:1) Member Mills in**
31 **opposition. Member Bender and Member Van Dam was absent.**

32
33 **V-17-042** - Application of Monica and Cory Emerson, owners, requesting a variance to
34 the minimum yard requirements for a single-family dwelling on Rural Agricultural Estate
35 (RA) zoned property. The property is located at 365 Miller Road, Orange City; ± 2.53
36 acres; 8015-00-00-0199.

37
38 Scott Ashley, AICP, Senior Zoning Manager, presented the staff report. Mr. Ashley
39 explained that during the building permit construction process, the single-family dwelling
40 was slightly shifted to the east due to a gopher tortoise burrow found on the property.
41 Mr. Ashley informed the commission that the stemwall inspection of the single-family
42 dwelling revealed an encroachment into the minimum 25-foot east side yard by 2.3 feet
43 resulting in staff issuing a stop work order on the property. Mr. Ashley referred to page
44 11 of 18 of the staff report, and said that the adjacent property owner has submitted a
45 “no objection” letter in support of the requested variance to complete construction of the
46 single-family dwelling.

47
48 There being no questions of staff, the floor was opened to the applicant.

1
2 Cory Emerson, 81 Community Drive, DeBary, Florida. Mr. Emerson referred to page
3 eight of 18 of the staff report, and said that the surveyor, Langford Surveying CFL, Inc.
4 submitted a letter accepting responsibility for the field error. Mr. Emerson stated that he
5 was in support of the staff recommendation of approval.
6

7 There being no questions of the applicant, the floor was opened to public participation.
8

9 John Dargan, 370 Miller Road, Orange City, Florida. Mr. Dargan said he was in support
10 of the variance request to complete construction of the single-family dwelling.
11

12 There being no further public participation, the floor was opened for commission
13 discussion.
14

15 There being no commission discussion, Chair Severino asked for a motion.
16

17 **Member Gove MOVED to APPROVE case number V-17-042, a variance for an east**
18 **side yard from the required 25 feet to 22.5 feet to construct a single-family**
19 **dwelling on Rural Agricultural Estate (RA) zoned property, subject to the**
20 **following staff recommended conditions:**
21

- 22 1. **The variance shall be limited to the single-family residential dwelling**
23 **depicted on the variance site plan.**
24
- 25 2. **The single-family dwelling shall maintain a side yard setback of at least**
26 **22.5 feet from the east property line. The residence shall not be enlarged,**
27 **increased, or extended further into the east side yard without approval of a**
28 **separate variance.**
29
- 30 3. **The variance shall be limited to the life of the single-family residential**
31 **dwelling. Should the dwelling be demolished or destroyed by more than 50**
32 **percent, the variance approval shall expire and any new construction or**
33 **reconstruction shall meet all applicable zoning code requirements,**
34 **including setbacks.**
35

36 **Member Young SECONDED the motion. Motion CARRIED unanimously (5:0).**
37 *Member Bender and Member Van Dam was absent.*
38

39 **OLD BUSINESS**
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41 **None**
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43 **OTHER PUBLIC ITEMS**
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45 **STAFF ITEMS**
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47 **None**
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STAFF COMMENTS

Scott Ashley, Senior Zoning Manager, introduced Thaisha Hernandez as the new liaison to the commission.

Yolanda Somers, Staff Assistant II, the minutes have been reviewed if you would like to revisit.

Member Severino agreed to revisit the minutes.

Ms. Somers explained that the vote was four to zero not four to two as written.

Member Severino asked member Gove if that was acceptable.

Member Gove affirmed that it was.

Member Young MOVED to APPROVE the June 13, 2017 PLDRC Minutes with the correction as stated. Member Gove SECONDED the motion. Motion CARRIED unanimously (4:0). Member Severino abstained and Members Bender and Van Dam not present.

COMMISSION COMMENTS

None

PRESS AND CITIZEN COMMENTS

None

ADJOURNMENT

Having no further comments from the public, staff, or commissioners, Chair Severino thanked everyone and adjourned the meeting at 11:14 a.m.