

**VOLUSIA COUNTY
PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION
PUBLIC HEARING AGENDA
July 18, 2019**

COMMISSION MEMBERS

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

STAFF

Michael Rodriguez, Assistant County Attorney
Scott Ashley, AICP, Senior Zoning Manager
Susan Jackson, AICP, Senior Planning Manager
Patricia Smith, AICP, Planner III
Samantha J. West, Planner II
Darren Ebersole, Planner II
Jessica R. Flowers, Staff Assistant 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, Mr. George Baker, 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 vice-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:

May 16, 2019

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. Rodriguez 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.

PUD-19-067 – Application of Anthony DiNizo, agent for Steven Sahai and Danette Diamond, owners, requesting a major amendment to Resolution 95-175 regarding, but not limited to, changing permitted uses. The property is located at 2280 and 2284 Ocean Shore Boulevard, Ormond Beach; Parcel Number(s): 3227-01-00-0010; ± 0.80 acres. ***Continuance Request to the August 15, 2019 public hearing.***

B. NEW BUSINESS

V-19-053 - Application of Robert Spencer, agent for Joanne Keller, owner, requesting a variance to minimum yard requirements on Urban Single-Family Residential (R-4) zoned property. The property is located at 2 Seabreeze Drive, Ormond Beach; Parcel Number(s): 3241-05-00-0710; ± 8,378 square feet.

V-19-062 - Application of Steven Rioux, owner, requesting a variance to the minimum yard requirements on Urban Single-Family Residential (R-4) zoned property. The property is located at 321 Niagara Street, Orange City; Parcel Number(s): 8003-31-00-0110; ± 1.18 acres.

S-19-064 – Application of Jeanne M. Buehler, Jessie K. Gunter and Jeanne M. Gunter, owners, requesting a special exception for a garage apartment on Rural Residential (RR) zoned property. The property is located at 1111 East Taylor Road, DeLand; Parcel Number(s): 7022-00-00-0202; ± 2.52 acres. ***This is tentatively scheduled for the September 3, 2019 county council hearing.***

V-19-065 – Application of Justin Edgil, owner, requesting a variance to the maximum building height for an accessory structure on Urban Single-Family Residential (R-3) zoned property. The property is located at 240 South Ridgewood Avenue, DeLand; Parcel Number(s): 7913-00-00-0180; ± 0.65 acres.

C. OLD BUSINESS

V-19-057 – Application of Trenton Roebuck, agent for Sobeida Lattin, owner, requesting a variance to the minimum yard requirements on Urban Single-Family Residential (R-4) zoned property. The property is located at 971 Laurel Oaks Lane, Orange City; Parcel Number(s): 8003-02-00-0593; ± 12,989 square feet.

V-19-058 – Application of James and Nancy Hunt, owners, requesting a variance to the maximum building height for an accessory structure on Urban Single-Family Residential (R-3) zoned property. The property is located at 2504 Lake Ruby Road, DeLand; Parcel Number(s): 7012-00-00-0203; ± 1 acre.

VIII. OTHER PUBLIC ITEMS

O-2019-XX - Proposed Ordinance repealing and amending Division 15, Environmental Standards for Beach and Dune Protection, Article III Land Development Regulations, Chapter 72 Land Planning, Code of Ordinances, County of Volusia. ***This is tentatively scheduled for the September 3, 2019 county council hearing.***

IX. STAFF ITEMS

X. STAFF COMMENTS

XI. COMMISSION COMMENTS

XII. PRESS AND CITIZEN COMMENTS

XIII. ADJOURNMENT