

VOLUSIA COUNTY  
PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION  
PUBLIC HEARING AGENDA  
September 16, 2021

**IMPORTANT:** A virtual webinar will also be provided for those that cannot attend in person. 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>. The County Council chambers will be open for public participation. You may provide written comments regarding this application by email to [planning@volusia.org](mailto:planning@volusia.org), or by letter to Attn: Sarah Cushing, Staff Assistant II, Growth and Resource Management Department, 123 West Indiana Avenue, Room 202, DeLand, Florida 32720. Comments received by September 15, 2021, 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  
Edith Shelley, Secretary  
Frank Costa  
Richard Feller  
Stony Sixma  
Jay Young

**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  
Sarah Cushing, 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, 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 Coordinator, Mr. James Corbett, at (386) 248-1760 as soon as possible, but no later than two (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

**PUD-21-106** – Application of Darren J. Elkind, Attorney for Saddle Ridge Farms IV, LLC, owner, requesting a rezoning from the Prime Agriculture (A-1) and Resource Corridor (RC) zoning classifications to the Planned Unit Development (PUD) zoning classification. The property is located at 760 Bennett Road, Pierson; Parcel Number(s): 4811-00-00-0012; +/- 85.55 acres. ***This case is tentatively scheduled for the November 9, 2021, County Council hearing.***

**V-21-110** – Application of Nika Hosseini, Attorney for Yunisleydis Rodriguez Velzaquez, owner, requesting a variance to the minimum yard requirements on Rural Agriculture (A-2) zoned property. The property is located at 711 Cypress Avenue, Orange City; Parcel Number(s): 8009-00-00-0290; +/- 2.37 acres.

**Z-21-114** – Application of Joseph Posey, Attorney, for James D. Houck, Trustee of the James D. Houck Revocable Trust, and Tina Houck, Trustee of the Tina Houck Revocable Trust, owners, requesting a rezoning from the General Commercial (B-4) zoning classification to the Heavy Commercial (B-5) zoning classification. The properties are located at 1381 and 1355 Doyle Road, Deltona; Parcel Number(s): 9105-00-00-0091 and 9105-00-00-0271; +/- 37,262 square feet and +/- 22,307 square feet, respectively. ***This case is tentatively scheduled for the November 9, 2021, County Council hearing.***

**V-21-125** – Application of Darren J. Elkind, Attorney for James and Carol Murray, owners, requesting a variance to Section 72-278(5) to reduce the minimum side setback for a dock on Urban Single-Family Residential (R-3) zoned property. The property is located at 3310 John Anderson Drive, Ormond Beach; Parcel Number(s): 3216-03-00-0340; +/- 8,000 square feet.

**V-21-126** – Application of Ed Senez, Agent for Anthony and Cindy Perase, owners, requesting a variance to the minimum yard requirements on Urban Single-Family Residential (R-4) zoned property. The property is located at 1120 10<sup>th</sup> Street, Orange City; Parcel Number(s): 8004-01-09-0380; +/- 7,500 square feet.

**V-21-127** – Application of Arun Reddy, owner, requesting variances to the maximum fence height and the minimum yard requirements on Urban Single-Family Residential (R-3) zoned property. The property is located at 2124 John Anderson Drive, Ormond Beach; Parcel Number(s): 3227-03-02-0040; +/- 17,650 square feet.

**V-21-129** – Application of Jessica Flowers, Agent for Justin Flowers, owner, requesting variances to the maximum fence height and the minimum yard requirements on Urban Single-Family Residential (R-3) zoned property. The property is located at 2695 Palm Drive, DeLand; Parcel Number(s): 7923-03-00-0850; +/- 16,736 square feet.

**V-21-130** – Application of Nika Hosseini, Attorney for Sharon Clark, Trustee of the William Clark Junior Trust, owner, requesting a variance to separate nonconforming lots and variances to the minimum yard requirements on Prime Agriculture (A-1) zoned property. The properties are located on the north side of the intersection of Apaloosa Trail and Courtland Boulevard, in the Deltona area; Parcel Number(s): 8102-00-00-0011 and 8102-00-00-0052; +/- 5 acres and +/- 6.5 acres, respectively.

**CPA-21-016** – Application of James Eric Barnhill, Trustee of the Terri Lynn Barnhill Family Share Trust, owner, requesting a small scale comprehensive plan amendment from the Agricultural Resource (AR) future land use designation to the Rural (R) designation. The property is located at 4285 Marsh Road, DeLand; Parcel Number(s): 6037-01-00-0100; +/- 20 acres. ***This case is tentatively scheduled for the November 9, 2021, County Council hearing.***

**Z-21-131** – Application of James Eric Barnhill, Trustee of the Terri Lynn Barnhill Family Share Trust, owner, requesting a rezoning from the Prime Agriculture (A-1) zoning classification to the Rural Agriculture (A-2) zoning classification. The property is located at 4285 Marsh Road, DeLand; Parcel Number(s): 6037-01-00-0100; +/- 20 acres. ***This case is tentatively scheduled for the November 9, 2021, County Council hearing.***

**V-21-133** – Application of Jordan Draper, Agent for WMG Acquisitions, LLC, owner, requesting a variance to the maximum parking requirements for a proposed medical office on Planned Unit Development (PUD) zoned property. The property is located at 3775 Roscommon Drive, Ormond Beach; Parcel Number(s): 3137-15-00-0040; +/- 1.55 acres.

**V-21-135** – Application of David Dunbar, owner, requesting a variance to the minimum yard requirements on Urban Single-Family Residential (R-3) zoned property. The property is located at 5230 Park Avenue, DeLeon Springs; Parcel Number(s): 6940-04-00-0040; +/- 30,000 square feet.

**O-21-138** – Proposed Ordinance 2021-34 amending Chapter 72, Article II pertaining to Home Based Businesses. ***This case is tentatively scheduled for the November 9, 2021, County Council hearing.***

**C. OLD BUSINESS**

None.

**VIII. OTHER PUBLIC ITEMS**

None.

**IX. STAFF ITEMS**

None.

- X. STAFF COMMENTS**
- XI. COMMISSION COMMENTS**
- XII. PRESS AND CITIZEN COMMENTS**
- XIII. ADJOURNMENT**