

AGENDA

PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION PUBLIC HEARING JULY 12, 2016

COMMISSION MEMBERS

Frank Severino II, Chairman
Jeff Gove, Vice-Chairman
Wanda Van Dam, Secretary
Jeffrey Bender
Jay Young
Ronnie Mills
Joseph Alleva

STAFF

Jamie Seaman, Deputy County Attorney
Scott Ashley, AICP, Senior Zoning Manager
Susan Jackson, AICP, Senior Planning Manager
Danalee Petyk, Planner II
Sara Payne, 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.

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I. Call to Order - 9:00 a.m. County Council Meeting Room, Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida.

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II. Roll Call

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III. Minutes

June 14, 2016

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NOTE: Items to be continued or withdrawn (IV.A) 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 chairman can be advised. It is requested that applicants attend the hearing to answer any questions, which may arise.

CHAIRMAN'S COMMENT: Chairman 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.

LEGAL COMMENT: Ms. Seaman 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 rezonings, 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.

Disclosure of Ex Parte Communications

Members of the Volusia County Planning & Land Development Regulation Commission Board 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.

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IV. PUBLIC HEARING

A. ITEMS TO BE CONTINUED OR WITHDRAWN

None

B. NEW BUSINESS

PUD-16-011 – Application of Darcy Unroe, PE, agent for Mike Davis, Lisbon Holdings, LLC, owner, requesting a rezoning from Urban Single-Family Residential (R-4) zoning classification to Residential Planned Unit Development (RPUD) zoning classification. The property is located on W. Lisbon Parkway, DeLand; ± 3.86 acres; 7020-11-00-0010. ***Tentative County Council Hearing Date – August 18, 2016.***

V-16-056 – Application of Eric Olsen, agent for Terry and Kathleen Schrum, owners, requesting a variance to the minimum front yard requirements for a proposed single-family dwelling on Transitional Agriculture (A-3) zoned property. The property is located at 213 Vista Della Toscana, Ormond Beach; ± 1.08 acres; 3240-04-00-0250.

V-16-057 – Application of Michael L. Anderson, owner, requesting a variance to minimum yard requirements for a single-family dwelling on Urban Single-Family Residential (R-5) zoned property. The property is located at 1206 Olen Drive, Daytona Beach; ± 10,428 square feet; 5237-01-00-0030.

Z-16-060 – Application of Robert Wojcik, agent for Christopher Wojcik, owner, requesting a rezoning from Rural Agricultural Estate (RA) zoning classification to Rural Residential (RR) zoning classification. The property is located at 821 Deerfoot Road, DeLand; ± 4.93 acres; 7029-00-00-0250. ***Tentative County Council Hearing Date – August 18, 2016.***

C. OLD BUSINESS

V-16-003 – Application of Alex Ford, Esq., attorney for The Estate of John A. Bollman III, owner, requesting a variance to the side yard requirement for an accessory structure (dock) on Urban Single-Family Residential/Indian River Lagoon Surface Water Improvement and Management Overlay Zone (R-9W) zoned property. The property is located at 6750 Turtlemound Road, New Smyrna Beach; ± 7,200 square feet; 8505-01-49-0210.

Z-16-052 – Application of John Wine, agent for Cornelius B. Prior, Jr., owner, requesting a rezoning from Urban Single-Family Residential (R-4) zoning classification to Urban Two-Family Residential (R-6) zoning classification. The property is located on the south side of Starlight Drive, Ormond Beach; ± 3.87 acres; 3227-00-02-0090; 3227-02-00-0140. ***Tentative County Council Hearing Date – August 18, 2016.***

S-16-053 – Application of John Wine, agent for Cornelius B. Prior, Jr., owner, requesting a special exception for multifamily standard or manufactured dwellings on proposed Urban Two-Family Residential (R-6) zoning classification. The property is located on the south side of Starlight Drive, Ormond Beach; ± 3.87 acres; 3227-00-02-0090; 3227-02-00-0140. ***Tentative County Council Hearing Date – August 18, 2016.***

D. OTHER PUBLIC ITEMS

Spring Hill Community Redevelopment Area (CRA) Amendment

Arleen Smith, Business Specialist, Volusia County Economic Development
Tentative County Council Hearing Date – August 4, 2016.

E. STAFF ITEMS

F. STAFF COMMENTS

G. COMMISSION COMMENTS

H. PRESS AND CITIZEN COMMENTS

I. ADJOURNMENT