

please stand by.

>> The meeting will begin shortly, please stand by.

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>> VolusiaSt. Louis

The March 182021 hearing for the planning and land development regulatory commission is now called to order. Can everyone please silence their audible devices and please join me for the pledge of allegiance.

Good morning. I would like to thank everyone for joining us this morning. Who is in the chaum numbers and also those joining us in the webinar. There are formings the the rare of the -- by the doors that ifmbers and also those joining us in the webinar. There are forms the the rare of the -- by the doors that if anyone wants to make comments they can fill it out and provide it to miss Cushingg. Jshg Steve Costacost Can I have a roll call?

>> Steve Costa. He sent an e-mail this morning saying he was unable to make it. Member Jay young?

>> Present.

>> Wanda Van Dam. Jeffrey bender? Frank Costa? Edith Shelley? Share mills.

>> Here. Wshgs whefb We have minutes from the fement 18 meeting. Any discussion on the minutes? Hearing none I will entertain a motion.

>> Motion to approve ad submitted.

>> I will second that.

>> I have a motion to a proifb the minutes from February 18 from Edith Shelley and a second from Mr. Jay young.

For those of you joining us through the webinar after the staff has presented your case and the commissioner has had the opportunity to ask questions of staff Ms. Somers will engage your mics.

>> We forget to vote on the minutes.

>> Sorry. Here I am starting the day off right. All of those in favor of the motion sill fchl by saying aye. Opposition? Motion carries man nously.

ly unanimously.

>> gnify by saying aye. Opposition? Motion carries unanimously.

>> For those of you joining us through the web bar after the staff presents your case. Ms. Somers will engage your mics and I will ask you it state your name for the record, this will give you an opportunity to add pertinent information and answer questions that you may have -- (background noise)

Okay I knew I should have stayed home today. We may have requests to speak for and against the cases being heard today. When the case is heard and it is time to have public participation for those of

you joining us in the chambers I will ask you to come forward, so you can be recognized and for those of you who are joining us through the webinar, Ms. Somers will engage your mic so you can be recognized. At that time state your name and address for the records and we will be limiting you to a three minute time limit and I will give the commissioners opportunities to ask questions. After the comments are heard I will give the applicant to address concerns the speakers have and address concerns the commissioner may have. Mr. Soria for legal comments?

>> Thank you I would like to remind the members of the public that decisions of the body on special exception cases and cases which we zone real property from one classification to another pursuant to the zoning ordinance are recommendations only to the council and don't constitute a final hearing. Skis Decisions on various ones made by this body institute final action subject to appeal to the council. What this means is no new evidence may be presented at the time of the county council public hearing on the appeal and an aggrieved party that appeals such a decision is confined to the record made by this body. Hearings by this body on rezonings special exceptions and variances are quasi judicial in nature. Their decisions on the cases must be based on competent substantial evidence in the record. Competent substantial evidence is defined as that evidence that a reasonable mind would accept to support a conclusion.

>> Thank you and I would like to ask the commission to disclose for the record Ex Parte communications they have that have occurred before or during the public hearing at which a vote is to be taken on any quasi judicable matters judicial manner.

>> We don't have items to be continued or withdrawn? And so we will start in with the new business. Ms. Van Dam if I can get you to read the case.

>> CPA21006 application of Dianne Kaed agent for -- Jennifer F Prevatt. James C Waters Daisy Irene Waters Kenneth and Nancy Becker and Lal Huffman owners requesting a large scale future land use map amendment from the forestry resource and agriculture resource to the rural designation.

>> Staff report on this please?

>> Is this an amendment for 57.19 acres from forestry resource and agricultural resource to the rural designation. There will be a companion rezoning case heard after the case that will be a commensurate rezoning to match what is going on with the land use request. The location of the property as seen on the screen is the South Side of Lake George road one mile west of the intersection with highway 17.

So the total project properties is 57.19 acres and it is comprised of 11 parcels ranging from size from 1.28 acres to 11.68 acres. Four of them contain single family homes and the rest of them are used for agricultural purposes. So the majority of these properties, I think only one property, the one - can you see my. . . . Can you see that? Yes only this property here, meets the future land use density requirements and the lot size for the zoning that is assigned to the property. All of the other ones don't meet the standards for the land use or the zoning.

And it is likely that it is a historic pattern of development out in this area. It is a rural agricultural area. The parcels could have been created when the zoning regulations for A1 were different and we did not have land use. Back in the day.

So -- what we are trying to do with this land use and zoning is to employ provide it, a comprehensive plan future land use designation that matches the historic lot pattern of the property better than what is currently assigned to the property. So the current future land use is AR that requires a dense taem of one dwelling unit per ten acres and the proposed future land use is rural. It allows the density of one dwelling unit per five acres but it can go to one with dwelling unit for one acre if it is in proximate yitivity to other propertyies like that and on the north side of the road it is D.C. astronauted rural and these propertyies are less than the five acre minimum. So the area would be able to maintain the current land use pattern that has been in place for quite a while and be compatible with the keflment patternPatkefl development pattern around it as well.

I think it is important to point out that there is a little piece of eco or normala that a norma over the southwestern corner of this lot. That will remain in place and it will continue to provide the protections that Norma overlay provides.

With regard to the density issue, based on the size of the property and on the proposes zoning this we will discuss in the next case. We could get up to 55watts out of of of the property based just on the property size. However. Zoning requires a minimum lot width on a public road or a paved road. And given the size of the property along lake George road there are no roads that go dmun the property. down into the property.

Given the size of this it could not be split much further than it is now. The parse yols parse yolsceles would have to be reconfigured and I could I believe they could only split it to a maximum of 12 lots tland is 11 there now.

So the lots, it is a history yuck lot pattern and the acquiesce is through easements over other propertyies but we don't allow that under current land development and zoning regulations so that would not be alonellowed to happen.

They would have to have frontage on here so that will control the amount of -- nuls unless a developer were to come in and spend money on infrastructure to buld a road here it is very unlike Timothy that will happen. So when we review this in regard to the criteria with a comprehensive plan amendment we find it is xat yubl with the compatiblexat compatible with the surrounding uses and consistent to the plot on the north and it doesn't encourage urban spral sprawl and the impact on concurrence monitored public facilities will be diminimus. They will not be significant it is pretty much developed or kept in agricultural uses and that is not anticipated to change so with that staff recommends that the board find this future land use amendment consistent with the comprehensive plan and forward the information to the county council with the recommendation of approval to transmit to the Department of Economic opportunity and the growth management council for certification.

>> Thank you questions for staff? Is the applicant present? Would you like to come forward please ma'am?

>> Please state your name and address for the record.

>> Dianne kaed --

>> You have heard the staff report anything you want to add to that?

>> I think they were pretty accurate.

>> Okay anyone have questions for the applicant? Cade --

>> You have heard the staff report anything you want to add to that?

>> I think they were pretty accurate.

>> Okay anyone have questions for the applicant? You may have a seat and we will see if folks want to speak to this case. Participation in this case?

>> No sir.

>> Anyone here want to speak to the case. Open up for commission discussion.

>> Question for staff if I could, understand the regulations regarding the 150 foot frontage and all of that and how that should limit the number of times the land can be split but understanding the possibility of 55 homes, if the land is sold and divided, we know there are no regulations regarding the sale of property, if it is sold, and someone ends up with 75 feet on the road. What would the process be for them to get a building permit to build on the property?

>> We don't process variances to lot width requirements of the zoning code. What Volusia county does is require a variance to separate lots and in that case we recommend denial because it would obviously be -- it wouldn't have been a mysticist historic situation that we are trying to correct it is something that is created now and created with the knowledge that it is not permitted. So I don't think that we would be able to grant a variance to separate that lot and it would not be considered buildable.

>> I believe the property owner would need to come in for a rezoning for the parcel to meet the appropriate width and have to deal with any future land use issues for whether or not that rezoning is consistent and compatible with the existing future land use that may result in another future land use amendment before the commission. So there is a potential path forward. It takes a legislative action and a potential rezoning if they split the property in that way. ,

>> Any other questions? Any discussion? Can I get a motion. Anyone need more coffee?

>> I will be glad to make had a motion. I make a motion that we approve the future land use amendment consistent with the plan and forward the application -- to county council with the recommendation of approval to transmitt to the Department of Economic opportunity for expedited review and to the Volusia growth management commission for certification.

>> Thank you Ms. Shelley. Do I have a second?

>> I second that.

>> Any discussion?

>> Could I ask legal -- there is nothing that we could put in here in terms of conditions to try to make sure that this doesn't turn into 55 individual lots?

>> It would have to go through prot success for a process for a site specific amend meantment and it would be a policy change to these parcels. Because it is haven't MIT al we have to craft a site specific limitation on the parcels based on the number of existing dwelling units involved. This is an ordinance it is not a position. We would condition we would have to redo the notice and note that there is a site specific limitation that is included in the plan change.

>> So that would have had to be done prior to this notice?

>> Yes it is a significant change to the ordinance. The order naerns itselfinance itself would have to specify there is a site specific limitation.

>> Any discussion on the motion hearing none all of those in favor say aye? Any opposed.

>> Motion carries unanimously. Can I get the next case please?

>> Next case Z21038. (Reading directly from screen)

>> Thank you Ms. Jackson can I get the staff report on this one?

>> Yes, sir this is the companion can you say to the competencivee case to the case you just heard.

The property is 57.19 acres and the rezonezoneng is through the forestry resource and A1 designation to A3 designation. The property is located on the South Side of lake George road one mile from U.S. lawyer 17.

Begun the propertyies have been split -- they range from 1.28 acres to 11.67 acres four of which tin single family residence and the rest are used for agricultural purposes. As with the future land use the majority of the zoning is A1 however there is a small portion of the zoning that is FR and you can use that in the sz southwest corner of the map. The darker green color. That will change, subject to approval of this rezoneing reths request that changed to A3 along with the majority of the property zoned A1. So the historic zoning maps show that this area has been zillioned A1 ho ed zone zoned A1 but before 1980 the zoning designation a loerped 20,000 edllowed 20,000 scare foot lots square,000 square foot lots. Demand 1984 with the adoption of the comprehensive plan, A1 was changed to a ten acre minimum.

So it is likely that several of the parcels split before the zoning regulations changed for the A1 district. As we talked about with the comprehensive plan amendment, again, if it splits to A3, A3 allows a one acre minimum lot sues with lot size with 150 foot lot width. The property could be split into 55 lots based lot size. But based on the lot width requirement it would be only allowed to split into a maximum of 12 lots with frontage on lake George road.

That equates to approximately a dense taem of 4.76 units per acre so almost at the five dwelling units per acre and as it is currently split it meets that requirementity of 4.76 units per acre so almost at the five dwelling units per acre and as it is currently split it meets that requirement. So when we compare the different zoning classifications as you can see in the table on the bottom, the A3, although the actual lot size is quite a bit different than the A1. The set backs and so forth are not that much different. They both require 150 feet of frontage on a road.

The front set back for A1 is 100 feet and for A3 is 40 and the side set backs are 50 and 25 and the rear 50 and 40 and the building height is ten feet higher with A3 than with the A1. But the numbers are different but they are not significantly different as if it were changing to more of a residence shall red shall residential type of zoning classification. The uses are still agricultueal in purpose. A1 and A3 use allow single family homes and all agricultural pursuit s including the processing and packaging and sale of agricultural products raised on the premises.

When we review the criteria we find it meets all criteria snd and is consistent with the comprehensive plan subject to approval of the previous comprehensive plan amendment. A3 is compatible with the rural future land use. It is not likely to have a greater impact on natural resources. The property is

already developed with single family and ag uses and it is not likely to increase significantly due to the lot width requirement remaining stable at 150 feet on the road and it is not likely to have a significant impact on the economy or the value of the area. Its impact on governmental services are not considered to be significant and we don't consider it to be injurious to the health safety and welfare of the public so staff recommends that the board forward the reskwoenzoning application to the county council for final recommendation of approval. Happy to answer questions.

>> Thank you miss Jackson. Questions for staff? Hearing none. Ms. Cade can I get you to come forward please? 2111 McBride fs railroad in S road in Seville. I have lived there for 52 years and I know every family out there and I know they use it for agricultural purposes and I have lived in Seville for 52 years and a lot of these people have been there that long or longer so I hope you approve it.

>> Thank you ma'am questions?

>>

>> I do -- you are a realitory Realtor correct? Is the property under contract?

>> Ys -- Yes -- there is one -- the C shaped 010 they want to break the house off and I do that that under contract.

>> This property has been like this forever. What spurred the changes.

>> Let me explain this. The couple that owned the property and the house in the location there, the husband died many years ago, the wife died I think in 2019 and so it is elsestatelse estate. The son has a (indiscernible) on the western border and they did not need a house with the foundry so the family wants to sell the house off so they can move on. And so -- that is why and the owner, the people buying the property I have disclosed to them and given the letters from the county explaining the situation so that is the reason because of estate.

>> So primarily it will remain agricultural it is to break off the house?

>> The house and 1.3 acres the rest will remain agricultural with the son owning --

>> Thank you.

>> It is directly behind of the house 0132 and 0132 so he will have the firmly on ly -- on the remaining portion -- there is a house in the middle 0131. That was owned by the same owner. That owns the ferneryies but him and his wife had a divorce and she has the house so that is why the house is split off. There are four other homes on the portions of property being discussed.

>> Okay. Ms. Van Dam.

>> I am sorry what you are saying is the o 0131, 0130 and 0132 are different owners so we can't combine them to get to the five acres? The three smaller ones you referenced are owned by different people?

>> Currently the 0110 is owned by the Madeleine estate. Her son being one of the heirs has the fernery on there but it is not in his name. It is still in the estate. And then the 0132 a small fernery is owned by Tammy Prevatt and 0131 is owned by Tammy.

>> So they are all in the agricultural business, but independent owners of the parcels.

>> Well 0132 and 0131 are the same owners Timothy Prevatt. And there is a house between twot ferneryiesy the two ferneryies

>> Different owner?

>> Yes

>> Thank you.

>> Any other questions? Okay you may have a seat. Any public participation on this case?

>> No, sir.

>> Anyone in the audience like to speak to the case? Okay we are going to close it to public participation and open it to commission discussion or motion. Ms. Van Dan?

>> I will make a motion to forward zoning application case Z21038 to county council with a recommendation of approval.

>> Second.

>> We have a motion to forward the rezoning application to county counsel with recommendation of approval from Frank Costa and second from Edith Shelling. Discussion on the motion? Shelling Shelley? Discussion on the motion. All in favor say aye. Any opportunity disposition? Motions carries unanimously. Can I get the next case please?

>> V21034 (reading directly from screen)

>> Thank you and miss Jackson with I get the staff report on this?

>> Yes, sir so this is a variance to increase the maximum dock size from 750 square foot to 1065 square feet for an expansion of an existing dock on the west side of south peninsula drive west of the intersection with Carolyn better yis and the Dantona beach shores area. The property runs a 10,000 square foot lot and the property exceeds this it is 27,000 square feet with 100 foot lot width.

So a bit of background the existing dock has been expanded a couple of times without building permits. In 2006 from approximately 155 square foot finger pier was added. The light blue color was added and an additional boat lift that increased the size of the dock to 905 square feet. The applicants purchased the property after that. They purchased it in 2013 and in 2020 they added approximately 160 square foot platform that you can see here in green.

And that increased the overall size of the dock to 1065 square feet. They were given a notice of the building without a permit in April of 2020. When they came into apply for a permit they were denied due to the dock size issue. And the purpose according to the applicant of putting that platform out there is because it is a long dock it is the longest dock out there.

And apparently there is a family member that has difficulty walking the whole distance and they wanted to provide a platform closer to not so much walking distance so they can enjoy the dock.

When we evaluate the request we have to recommend denial because it fails to meet three of the five criteria. It doesn't meet criteria one two and three. Nothing peculiar about the structure. It is long but the walk way itself is not counted towards the dock cause. The applicant causes the variance in part because they added additional square footage and the dock could be reconfigured. They could be portions of it removed in order to meet the dock size.

We find it meets criteria four and five it is the minimum variance to allow, the current dock configuration to be permitted and we find it would not be injurious to the area. The

dock does not impede traffic and it meets set backs and the previous expansions that occurred, there were no issues with the expansions.

So with that, we have, if the applicant is able to provide substantial evidence for the board to consider approval for the variances we have provided the three conditions for your consideration.

Happy to answer questions.

>> Thank you miss Jackson questions for staff? Hearing none is the applicant present? If you could come forward sir? If I can get your name and address for the record.

>> I am Donald Moore the President of PSP dock voters and I am the agent for the applicant. Address 65 wood born. If beach Florida. This came to us in August as staff stated the homeowner was violated for construction without a permit and one thing we do is facilitate and navigate through the government in these situations. Mr. Francis contacted us and we started working on this. One thing I would like to be point out is , the three criteria, it says here, on page 4, little interpretation of the provision the ordinary naens instance would ordinance would detriefbprive the applicant of rights enjoyed by other propertyies. The staff made note the criteria was not met. The literal interpretation doesn't take into consideration the age or disability of the applicant's family member.

The dock is excessively long it was that way when he purchased the property. I think he did what any reason reasonable person would do when their 91 year old moth wants to mother wants to go fishing and can't walk the 185 feet they shorten the distance. We are asking that you approve this variance and the applicant completely understands the conditionst set sts set forth on page five. Staff recommendations, the three conditions, he understands that and if there was damage to the dock of 50% or more, we would be happy to bring that within the guide yanlines of the county. To reduce another issue in here staff recommended that he could reduce the dock, that would be substantially cost prohibitive yufb because there is a massive roof and in order to shorten this all of that would have to be demoed when all he did was add 160 square feet closer to the shore line so his mother would not have to walk the 385. As staff stated, it meets all set backs.

It does not create a visual hindrance to the a joining propertyies and so we would ask that you would approve this variance. Based on what I stated. Jshg thank you sir questions fof for the applicant?

>> I have a question, on the platform that was added for the mother, are there pilings on the platform?

>> Yes.

>> And I know you did not do the work, but I was just concerned with the, whoever that was, who they hired to do the work they might want to consider --

>> That was another concern. When we are contacted, the first thing we want to know before we take anything on is, what was done to the Florida building -- in those standards. Because a lot of times it costs a lot more money if it is built to the Florida standard codes and we know we are not going to have issues win inspections we will take on the project and navigate the homeowner through the process.

And the permitting process so we did inspect it and it is build built to standard building codes and we feel comfortable with what is being constructed. And would not have an issue going forward after this variance and getting his permit and handling all of that.

>> Any other questions? Mr. Brender?

>> Bender?

>> Four foot walk way

>> Is that safety rails on it?

>> It has piling with rope.

>> What I was trying to think is, is there another remedy instead of bulding off the building the small platform if they could have just built -- if there was a safety rail, lowers it so she could fish in the area without building that so created a scenario that would allow her to do that.

>> Possibly but with a four foot walk way, and with her chair, it is really not enough room.

>> It would have impeded other people going by?

>> Yes, sir.

>> Thank you.

>> Any other questions for the applicant? Okay thank you sir you may have a seat. Public participation?

>> Any public participation for the case?

>> No, sir.

>> Okay anyone in the audience like to speak to the case? Okay we are going to close it for public participation and open it up for commission discussion or motion.

>> I will make a motion that we approve variance case Z2103 had with staff recommendations.

>> Second.

>> I have a motion from miz Van Dam to approve V21034 with the staff recommended conversations eded conditions and second from Edith Shelley. Discussion on the information motion? Hearing none. All those in favor signify by saying aye. Any opposed. Motion consider carries unanimously. Next one please?

>> S21036 application of (reading directly from screen) kwa

>>

>> Thank you miss van Dan. Miss Jackson staff report on this one?

>> This is a special exception for a fixed wing landing field on prime agricultural zoned property A1. The location is on the north side of strawberry rain in the local area, 130 feet west of the intersection of strawberry rain with the Samsula drive north. The property is comboened A1 that requires a minimum of 10 acres with 150 foot lot width the property exceeds the minimum standards. Almost 20 acres with 659 feet of lot width. The parcel is developed with a single family residence. There are three barns a storage building and a detached garage on the property. It has an agency exemption azg exemption for a dairy feed lot. The owner operates a crop dusting business and he would like to move some of the operation to this property nchlt order to do so he needs FAA approval and to get FAA approval he needs zoning approval and therefore the special exception.

There is minimal development of the site expected. There is a site plan on the left-hand side of the screen. They plan on putting the run way on this side of the property and it will meet the required set back of 50 feet to the side property line. You can see there is a building in the way that is supposed to

be removed.

He will be required to go through the site plan approval process before this is, before he can utilize the site for the purpose. You can see the picture on the right is what the property currently looks like. So when we evaluate this we find that it is consistent with the intent of the zoning ordinary and the comprehensive plan. A fixed wing air craft landing field and helipad is a permitted special exception and it is within the local plan -- and it supports agricultural uses and therefore we find it consistent with the local plan. It will not affect the, adversely affect the public interest it is a small praug. There will operation. There will be no other users to the site with the exception of the company which is a relatively small company for the crop dusting and believe he takes aerial photographs of ag propertyies as well. It will meet all agency requirements and not generate excessive traffic and it is not expected to create a public nuisance or be dangerous to the public and it won't materially alter the character of the neighborhood or the environment.

With that staff does recommend that the special exception case be forwarded to the county council for a final action of approval subject to four conditions as you can see on the screen. Happy to on answer questions.

>> Thank you questions for staff?

>> Yes. You have a question. I noticed on in the staff recommendation of conditions, number three, says that it should be limited to the private use of the applicant and agricultural related business operations. Does that still allow for the comment he makes in his written petition for a variance that he will allow law enforcement and mosquito control to use it. Would that disqualify him from being able to do that?

>> Good catch. Would we have to amend that condition?

>> You can amend it for official use only -- government use as well. Or required emergency uses and for those types of emergency landings obviously we would, we would not come to Mr. Spring Spreng with a notice of violation. Those are accomodateing governmental uses and emergencyies. I don't believe it is necessary but if the commission wants to account for official government use there is no issue with putting that in as a condition.

>> Thank you I wanted to make sure that would not be excluded thank you.

>> Any questions for staff is the applicant present? Is he on the way? Scott Simpson? Online?

>> Hello can you hear me?

>> Yes we can hear you can I get your name and address for the record?

>> Scott simpleSimpson 494 western boulevard -- beach Florida and I am the attorney for the applicant.

>> You heard the staff report would you like to add to this case?

>> The only comment I have is that, I was not involved in the discussions but I had been e-mail from my client with the staff conditions and he said he talked to Susan, and that they greed to leave the conditions except for the one they agreed to pick up that he would be the only one allowed to use the facility. The landing strip. I don't have the details of that discussion but that was an indication he sent.

He is out of the country and sent an e-mail indicating that is one condition the county agreed to take out. I am not sure who the reference to Susan is.

>> That is miss Jackson -- would you like to.

>> I spoke with him prior to being haeshd heard today and we talked about that condition. The condition three limits it to the use of the applicant in his agricultural related business operations not just to him. So his employees can utilize the property and what I pointed out to Mr. Spreng is that he had put that in the application that it would be just used for his business, that it would not be open to the generally public rar or on together business to use so it is my understand thaeg based on thating that based on that me he was fine with the condition as written.

>> Okay I was not privy to the conversation so the restriction is his business not him personally but an employee or someone affiliated with the praugss?

>> operations?

>> Yes they would be permitted to use the air skrip.

>> Okay no other comments I will answer questions.

>> I notice, I know you can't see it but on the aerial there appears to be a help home on the bottom left. Which would be very, appear to be close to the landing strup do you know if efforts have been made to communicate with that property owner regarding what is going on here? ip do you know if efforts have been made to communicate with that property owner regarding what is going on here?

>> I don't know I see the red dot. I am not familiar with the discussions. I am not aware the applicant may own that. I know he owns more than this parcel that that is being applyied for. I think he owns the property to the east and possibly the south of the property. It is more than just the site for the application is my understanding.

>> Okay.

>> But I don't know if someone lives there or if there has been discussion. Jshg okay maybe staff knows?

>> Well I will point out all of the property owners are provided notice and the property was provided notice and we have not heard from the property owner.

>> No feedback from them?

>> No feedback.

>> From frank Costa

>> I have a question for staff, called abutting owners only? Those are the folks contacted?

>> Yes we are required to notify the abutting property owners?

>> Postings on the road?

>> Yes.

>> Where?

>> On strawberry lane probably one posting.

>> Not at the intersection --

>> No we are required to post in front of the property.

>> So unless you are driving by the property you would never see the posting.

>> That is correct.

>> Can you repeat your name? The attorney?

>> Scott Simpson the attorney for the applicant.

>> Scott Frank Costa I am a resident and I drive that sector, quite often actually every Saturday to the feed store and looking at the location, the map does not justify it but I am looking on Google map. You are right within proximity of Hinkling farm feed store that boards horses goats and sheep and allows children to work as field hands and learn the trade.

And to the west of the landing we have -- Marcody ranch a riding stables for challenged and disabled children. So my question, being a land owner and farmer out there as we, is the impact of the landing and take offs of single fixed wing and/or helicopter. For either or both, to the surrounding area and animals.

And the reason I am saying this is, there is no participation here and I think one of the problems is the posting for this did not go out far enough. The think the folks from Hicklung could be here and I want to say I want to approve your request, but that the owners absence is preventing me from asking detail questions from him specifically. He's Has he reached out to Ra Ra Marcody ranch and the Volusia feed stores which houses animals? Has he reached out to the individual neighbors or affected propertyies before the application came in?

>> I don't know the answer is to that I can try to reach him right now u him right now but I can't answer that question.

>> With that response I can't give you my support support on this one.

>> Mr. Chair?

>> I have a couple of comments I drove drove out there and drove down stafrp berry number strawberry lane and I did research on the short landing areas but my big concern is, a couple of things, one is the house there because most short distance landing and take offs, and I did a lot of reading on it, the biggest problem is the landing and taking off and that is where most of the accidents happen and too, the other thing, my concern is about the noise in agricultural land area. Because he is going to have to drop that plane in fast being an ex-pilot myself, he is going to drop that in and take it off so he is going to make a lot of noise in the bringing in and taking off and I thought about the agricultural and the other animals in the area and I was concerned.

Plus at the end of that run way that house is close to make a turn and bank into that and not other those bother those people. I have concerns about it myself. So I did go down there and look at it personally. So I have concerns for it.

>> Thank you --

>> If I could respond. Just -- the issue here, is for, is the use appropriate? Anything regulating the take off and landing and the actual location of the run way and proximate yitityies to other uses has to go through FAA approval. And there is, because it is an ag exemption use, we are we already have a letter from the county allowing for the run way to be used for the dusting of his propertyies.

So, really the request here is the special exemption, exception is just to have the run way for other propertyes, the business he does for other people. There is still going to be a run way there and there

are things taking off there. That already has been permitted under the ag exemption.

Let's see -- I just got a text from the client. He will have to notify all of the surrounding property own yrs once he makes the FAA application. So they will get notice of the FAA application. But -- I think -- the most important point is the runway is going to be there.

And -- he has the legal authority right now to spray his own fields so the take off and landings are going to occur.

Really the special exception is so he can continue to provide his business where he sprays other propertyies and does aerial photography that he can take off and land from this site and not limit it to husband own personal use of spraying his crops.

>> Mr. Frank Costa chent comment or question?

>> I agree with you sir with the one exception now we are going from a private airstrip to commercial and the take off and landings will increase ten fold assumeing he has five other clients biez besides his fields. The fact he has to reach out to all of the surrounding neighbors after the fact because of my position and where I live I can't give you support at this time.

>> He indicated he talked eded eded to an individual with the last name Shave?

>> Okay another any other skwez questions? We are going to move on and see if there is public participation for this and if so I will give you an opportunity to come back and answer questions they may have.

>> None sir.

>> Anyone in the audience who would like to speak to the situation case? Mr. Simpson we are going to close this to public participation now and open it for commission discussion any last comments you would like to make snshgs

>> No chairman.

>> Thank you closing the floor for public participation and opening up for commission discussion.

>> May I ask legal a question objection he has the? ? He has the right to have the airfield currently but for private use no business endeavor that correct?

>> Yes we were provided a letter it falls under -- there is agriculture agricultural classification on land, and if it is part of your agricultural business and you are not using it to for larger commercial purposes we would allow private agricultural use if purposes related to that person's agricultural business such as crop desking your dustingk crop dusting your own fields it is the issue of transitions to crop dusting other's fieldes that takes it out of the agricultural exception.

>> And that increases the amount of flight tomb involved thank you.

>> One of my concerns is the that fact, the applicant wanted to remove staff recommendation three and if it is only for his operation, it seems to me he wants to extend the price operation to the poibt point of having other people use it his employees or whoever whatever agricultural use of spraying the fields.

I am an agricultural advocate but I am concerned with the fact that the planes coming in and taking off -- if we are going to have problems, we will have people complaining because of the surrounding uses such as the horses and things like that and we know that horses have been issue with air craft when

they fly a lot.

The applicant may be an experienced pilot but that doesn't mean the employees or anyone else using this would have the same time of experience. So -- that is where I am at. Jik I am in the same place as you are. Other people using it, in particular employees, he can't have commercial landing and take off but he is, he can extend his business to other air craft and employees and there is going to be more landing and taking off. Than if he was using it for his own use that is my concern.

>> I think these are excellent points that my fellow commission members have brought up. I have an a question for you Scott. A think a lot of the concern -- the mrubt is not here and as you have said you have been brought in here at this end. Would your compliant client be willing to postpone this?

decision? Until he was back in the country and could be here in person so we can ask the questions and have the ability to contact the surrounding entitiyes that have been brought up by Mr. Costa?

>> I just texted him that question,

>> My concern is -- is it it is leaning towards us denying. And as someone who has been before boards before and you are seeing possible wayss that you might be able to work with the board you know some of our concerns, the board's concerns perhaps if he would be willing to do that we might come to something more amenable to everyone.

>> This is a recommendation that we are doing today. We sending it to county council. And he would have been opportunity to speak again at that meeting. So whatever the decision we make today is not an enall. He has been opportunity to readdress concerns at the county council meeting. Mr. Bender?

>> I tend to agree with miss Shelley. That is what I was going to suggest. We continue this until the next meeting to give him an opportunity to come back to the country and meet with the neighbors to find out and gib them an give them an opportunity to come here and address the issues. I would ask legal to weigh in on this with cha chairman mills what chairman mills suggested. If he went before the county council and if there was a denial here he would not be able to say he talked with the neighbors. He would able be only be able to permit what is submitted to us correct?

>> No that is -- because you are the first look. So if you raise issues, such as a lack of additional public participation the county council meeting is the additional public participation. So unless it is something that -- you know -- a failure to meet procedural requirements. It has to go back to the commission. But you know you are providing this commission's opinion on the compatibility and consistency and raising concerns that should be addressed before county counselsil and if the application is not being amended the applicant can address the concerns raised by the commission such as the lack of public participation and the lack of outreach.

The county council can address it and deny it on the same grounds this commission denied it on or approve it or approve it with additional conditions.

>> It is my position here today, in order to gather support from me on the issue it would need to be continued to the next meeting and the information from the adjoining property owners and the horses and kids all have a chance to weigh nchlt that would be my position.

>> Miss vanVan Dam.

>> If I can ask legal we have gone down the road where we have stated an applicant should not be

asking for a continuance when it appears that the vote is going against them. Are we as a board audible to do this? I would like to see this continued to give the folks additional people time to make sure --

>> I don't think there is prohibition for an applicant that sees the concerns of the commission and wants to address the concern to the commission but requires additional time to do it. The commission has done that before, where there were concerns raised and unanswered questions and the commission can't make a determination on compatibility because they are, you have not heard from the surrounding neighborhoods so there is no prohibition on a continuance of this type. You are expressing your opinion but it is not a formal vote yet.

>> And I believe it would give the applicant who unfortunately as case is, is out of the country so is having to confer with his attorney in text messages. It might allow him to bring a different case that is not coming through to us in this manner.

>> I would much prefer rather than feel like I needed to vote denial based on the fact that there are situations we were not aware of I would rather see this continue.

>> Yes. We need -- chair -- we need to make a motion to that effect?
(Overlapping Speakers)

>> I would -- ask the applicant if he was willing to continue first but Mr. Soria my question is, is there a way before the next meeting if we continue it that we require or ask, I guess we can ask but require additional advertising on a major thoroughfare in that area?

>> You can ask but the requirement is for due public notice this is a mail out to adjacent properties with the posting of the sign and the advertisement. So those are the legal requirements. You have made your opinions known. And your concerns raised that you don't feel based on this use, and wide spread especially potential effects of the use that there remains compatible issues with the use of the surrounding neighborhoods that are more than the adjacent properties.

>> Thank you any other commissioners like to have an opinion on that.

>> I think the continuance is based on if the applicant wants to continue it. So we have made our case to Scott Simpson. If the client does not want to continue then we won't continue.

>>
(Overlapping Speakers)

>> I am going back and forth -- my client said there is no impact let's continue it so he can answer the questions.

>> Mr. Simpson I am going to ask the question, it doesn't mean one way or the other. Would you be willing to put an advertisement on a major thoroughfare so everyone can see what is going to be put there.

>> I would have to have my client -- obviously -- we need to do whatever the legal notices are to get the notice out. If, that is technical all that my client is required to do. I can't commit to doing notices without my client authorizing. We are reviewing it and we are having delays in the text area, when he is

back in the country and he talks to staff and they are willing to do notice that is fine. But I can't commit without his authorization. I understand the concern and issue and I don't know what notices have been sent out. I don't know the exact property own yrs given the notice and if these include the propertyies that raise the concerns.

>> All right sir.

>> But -- so hard for me to say yes without my client's authorization.

>> Mr. Bender?

>> The organizations that you spoke about, are they continuous to -- the property. The subject property that we are talking about? The uses?

>> No because in the larger aerial, I am not sure if I can work this thing or not let's see here.

This right here, that is Hukling farms and this is Marcody ranch.

>> It is not showing.

>> Not showing tlup? Still no?

>> There you go.

>> That is the Hikrlin farms and this is the Marcody ranch area so when you say are they touching no. You have sod farms all of the way around so if they posted that as you can see on the picture, this is sod farm.

So there is no one there they are not going to care. This is a sod farm and I believe these are sod farms so the only ones that may have been alerted that may have had an issue is those folks and I can not say they were or were not.

This is the edge of the ranch here and of course Hicklings is here. And you have horses, you can see the staubls in the aerial here. Stables here and here. This is agricultural horses and cattle for the most part.

So I just think, and I am surprised -- I saw this package when I got this on Tuesday or Monday of the past week. Last week. And I did not look at it until Monday if not I would have asked that question at the feed store on Saturday. It is the general store and telegraph central for everything that goes on. No one brought it up to me that tells me no one else knew about it.

>> So Mr. Simpson my thing is, if you could convey to your client, that that would be something I would be interested in is to know what the two organizations that have the kids, feel about it. So if he would make contact with them. Just to give them a chance to weigh in. That would be most helpful.

>> Yes I will do that. And do you know who owns the adjoining sod farms?

>> We can research that and provide that information to the applicant.

>> Okay well the only question, reason I ask is I know my client owns at least some of the adjoining sod farms. So my question would be, if when you say give notice to adjoining property to be golf go to the adjoining property beyond that yoin yoen owned by the applicant?

>> Nope.

>> I know some jurisdictions do that and I don't know what the county regulations are. So if someone owns ad juicement property to the application so effect yufbly no one gets notice which is what you are saying here.

>> You have seen jurisdictions say if the applicant owns the adjacent property it goes to the next property owned by an independent third party independent property third property.

>> I got clarity from Yolanda that we give notice outside of the ownership. So if he owned adjacent property as adjacent property we noticed beyond his property.

So that goes property the strip. The property that is the strip. He owns I believe -- significantly more than that.

>> Mr. Bender?

>> I don't know if those are adjacent to the ranch, if it is adjacent to the sod farm and if they got notice I don't have answer for that.

>> I think we have beat this horse long enough. Do we need to make a motion on if we are continuing this or how we need to proceed?

>> I think the applicant is, he is going to request it --

>> Well I think he -- he did.

>> He said it is okay so I recommend the council notice to a time certain of the April meeting. What is the date of the April meeting.

>> The 15th I think. April 15.

>> I make a motion that we continue the issue S21036 continue the April 15 meeting.

>> I will second that.

>> Any discussion on the motion?

>> Harg none -- Hearing none. All those in favor say aye? Any opposition. Motion considers unanimously. Mr. Simpson this case will be continued until the meeting of April 15 or 16?

>> 15.

>> Tax day.

>> All right thank you sir.

>> Thank you.

>> Can I get the next case.

>> V21048 application of Charles Smith (reading directly from screen),

>> Thank you miss Jackson can I get the information this case?

>> Yes, sir. It is a variance to reduce the minimum rear yard from 50 feet to 15 feet for a detached garage. The property is located on the south west side of equestrian's way. 4 #0130 feet west of state road 15. The property is split zoned A1 and FR. A #16k requires ten acres. FR requires 20 acres and the lot width is required at 150 feet.

The property is 10.2 acres a non conforming lot but considered lawful. And the reason for the variance is because you have to provide the set back to the internal zoning line.

So as you can see in the picture here or the aerial where the yellow line is that is the zoning line. The property, the house is located here and they want to put a garage located here and they want to put the garage to the house. He can't make the set back to the internal zoning line but it more than makes up the distance to the rear property line and they meet all other set backs.

The parcel is in the Ashby cove estate subdivision approved in 1990 and the parcel was zoned

A1. In 94 the county county rezoned the area and that krooted the split zone.

The property is ed created the split zone. The property requires a 50 foot buffer from onsite wetlands so staff recommends that the variance be approved as we find it meets all five criteria for granting vierns variance subject to two recommended conditions that are attached in your staff report. And I am happy to answer questions.

>> Thank you miss Jackson can we get the annotation cleared on this? Any questions for staff?

>> Do we have questions for staff? (Too far from mic)

>> Any questions for staff? Hearing none is the applicant present? Name and address for the record.

>> I am the owner of the property, the co owner -- and we live at 360 equestrians way and we are excited about building a garage and super excited about not touching our beautiful forests that is why we bought the house because of of the animals and deer -- and we wanted to say the staff did an amazing job on the report. When we read it we are like oh my gosh this is so good thank you so much that is all I have to say.

>> All right let's see if we have questions for the applicant? Miss Van Dam

>> One question I want to make sure it goes on the record. You are stating the location you are putting it in is one of the decide deciding factors so we did not need to cut down additional trees.

>> Absolutely.

>> Thank you.

>> I second that I agree was I out there and it is in a good location I can't see a problem in it.

>> Participation Public participation in the case kn

>> ? case?

>> Opening it up for commission discussion or motion. I will make a motion that we vshgs V21048 be approved.

>> Second.

>> I have a motion to approve V21048 staff recommended conditions? With

>> Can the two staff recommended conditions

>> With my second.

>> With the two staff recommended conditions. Any discussion on the motion?

>> A comment, that was a quick jump to go from 50 to 15 -- but okay with it.

>> Any discussion on the motion all in favory? Aye? Opposed. The motion carries five to zero. Mr. Bender stepped out.

>> Okay. Could I get the next case please? Next

>> Z21049 application (reading directly from screen)

>> Thank you miss Jackson can I get the staff report on this one?

>> Yes, sir another case of split zoning. So -- this is a rezoning of a 2.23 acre portion of a 2.51 acre parse Yalecel and they want to rezone it to be a uniform A3 across the entire parcel rezoning it from R3 to A3.

The location is on the north side of van chief Cleaf road one half mile east of the intersection with

grand avenue. The total parcel is 2.51 acres and the western.28 as you can see in the graphic. Is zone A3 and this portion is zoned R3. This property was sub divided in 1982 via the Vanclefaf unrecorded sub divisiondivision and it contains a single family house detached groj eded garage and two sheds and a stable for horses. I think we have an aerial?

Nope. Well you can see there is development in the lot. If this zoning is on roved, there will be variances needed to legitimizeateize the location off the structures on the site. They do meet current set backs but if it is, the rezoning is approved, they will not. Meet the A3 accessory structure set backs.

So, in terms of the zoning comparison, the A3 and R3 are significantly different in size. I did not seem to put the slide in here. But R3 requires a 10,000 square foot lot the A3 requires a one acre lot and the R3 years requires an 85 foot lot and A3 requires 150 #00 foot lot width. And what is important most important in the case is the uses. So the property owners have a horse and want to maintain the ability to have horses and they thought the property was all zoned A3 and they did not raelisz it was not so they want to be able to maintain the ability to have horse horss and ares and are requesting it be rezoned to allow that

The other up issue is with regard to the accessory structures in R3 accessory structures can be less than 500 square feet of size and can within five feet of a property line. When zoned agricultural they have to meet the minimum structure set backs so that is a question for the next companion variance case but it is -- it is a consequence of the approval of the rezoning request. When we review the actual rezoning we find that it is consistent with the competenciee comprehensive plan. A3 is considered conditionally compatible with the ULI future land use in place on the property. It is not likely to have greater impact on the natural resources it is already developed as a single family home and it is not likely to have a significant impact on the economy or the value of the area.

There are no additional impacted anticipated on governmental services and it is not injurious to the health safety and welfare so staff recommends the case be forwarded to the county county council with a recommendation of approveal. Happy to questioner questions.

>> to answer questions.

>> Questions for staff? Is the applicant present? Please come forward sir.

>> State your name and address for the record.

>> James Mitchell. 1635 van Cleaf railroad

>> You have heard the staff report anything you want to add?

>> We purchased the property in October of last year with the understanding that it was not going to be an issue as far as changing the zoning. The impact obviously going from R3 to A3 with the variance -- the buildings have been on site suns the late mid 80s and now it is, we are stuck between a rock and hard place if you go to A3 we are out of the compliance with the buildings that have been there for 30 years. The buildings can't be relocated and as far as the A3, the set backs are 25 to the west and 40 from the north the buildings would be on top of the current structure. There is a 1000 scare square foot building that is there. I worked with Mr. -- and I was walk aek the property with him and three alternatives I believe were take down the structures, move the structures or relocate to another part of

the property and I don't want to do that. The buildings would not survive to be moved because they are so old. So -- our neighbors reached out to us.

We have the posting out there and certified male. No grievances from the neighbors with anything we want to do. It prompted them to do the same thing we are doing because of the split zoning Ute there out there and the zoning to the east of us. All we want to do is rezone to A3 and keep the buildings in place and I know that is another topic -- the next one -- for the variances there so that is the case we are pleading today.

>> Thank you sir questions for the applicant. Okay. If you would have a seat we will see if there is public participation?

>> No, sir.

>> And anyone in the audience that wants to speak to the case and we are going to close the floor to public participation and open it to commission discussion for a motion.

>> No discussion I will be happy to recommend that we forward the rezoning case Z21049 to the county council for final recommendation with action with the recommendation of approval.

>> I will second.

>> Thank you. She beat you too it. Okay we do is a motion to forward the rezoning application Z21049 with a recommendation of approval to the county council from miss Van Dam and a second from miss Edith Shelley. Sdulgs Any discussion on the motion?

>> Hearing none all in favor say aye. Any opposed motion carries unanimously.

>> Can I get the next case?

>> Next is V21059 (reading directly from screen)

>> Thank you staff report please?

>> There are four variances associated with any case. Variance one is reduce the north rear yard from 40 feet to 5.3 feet for an existing 125 square foot shed. Variance two is reduce the west side yard from 25 feet to 12.5 feet for the same existing shed.

Variance three is to reduce the north rear yard from 40 feet to 9.2 feet for an existing 260 scare foot stable and variance four reduce the north rear yard from 30 feet to 31.1 feet to an existing 83 square foot well pump house. The location is on the north side of van cleaf road one half mile east of the intersection with grand avenue and the property is zoned A3 that requires a 1 acre lot size and 150 foot lot width subject to zoning approval. The property is 2.51 acres and 376 feet in width so it exceeds the standards of the A3 zoning classification.

I should have -- so sheer a picture of the variance site plan and where the uses are located. As I explained in the previous case the structures all met the requirements when the property was zoned R3 because they were allowed a reduce accessory structure set back. Subject to approval the rezoning -- the accessory structures in agricultural zones that don't meet the agricultural exception situation must meet principle structure set backs and that is the case here.

They don't don't have an agricultural exemption on the property so they have to meet principle structure set backs and the existing structures do not. So when we evaluate the variances, we have to recommend denial. As the variance fails to meet one of the five criteria. They are responsible for the

variances because they are responsible for requesting the rezoning but other than that we find they meet all of the other criteria.

There are unique circumstances associated with the split zoning and all of the structures previously met the R3 standards. It may be an unnecessary hard ship to require they move the structures because of the rezoning request. It is the minimum variance to allow the structures to remain in the current location and we don't find it to be injurious to the neighborhood.

So if the applicant is able to provide competent and substantial evidence to support your approval of the variance we have provide two conditions for consideration. Happy to answer questions

>> Any questions?

>> I want to clarify -- if they want to keep a horse they have to change the -- zoning correct?

>> Yes horses Yes horses are not allowed.

>> But if they did not have the horse the sheds would be okay?

>> It is not if they did not have the horse, if they maintain the R3 zoning.

>> If they did not have the horse and kept the other zoning they would be okay?

>> Yes.

>> So -- I see they are caught. But I don't see a problem with that. Thank you.

>> Any other questions for staff? I have a question, in miss Jackson is the horse considered a bonafied agricultural use?

>> It could be but I think they need to apply for that through the property appraisers office and it has not been done.

>> I am not talking about the agricultural exemption. You don't have to be the exemption if it is bonafied agriculture use.

>> I don't know I can answer that because I don't know how they evaluate a horse that is a pet. Versus a horse that is, some other commercial agriculture purpose. And I think that is what they typically concern is the carry is the commercial agricultural purpose to get the exemption. Jk okay that

>> Okay that was my question this has been brought up before and they are mislead that they have to have the agricultural exemption but it has to be bonafied agricultural use.

>> Yes

>> Okay. Could I get the applicant to come forward again?

>> Name and address for the record.

>> James Mitchell address 1635 van Cleef railroad road.

>> You have heard the staff record.

>> We are in a -- because of the changing of the property. It is a split from R3 to A2 #3 and we don't meet the variances because of the zoning. We are not wanting to change the property we want a horse. A pet. Family pet and we did not want to change the buildings. Our neighbors, where the buildings, it shows the buildings, in the northwest corner there is acreage and woods around the area so it is not going to hinder or bother anyone. The neighbors we have made friends with quickly are in support of what we do and they have reached out to us via phone or text I am looking for a variance to keep the buildings in place so we can have the cover for the horse and have the shed for a tack room

that is all we are trying to do.

The actual existing building for the pump house to move that doesn't make sense, it has been there since day one to cover the pump.

>> Okay any other questions for the mrubt?

>> Okay the applicant flibt applicant? Thank you sir. Public participation on the case? Anyone in the audience want to speak to the case. We are doing going to close the floor for public participation and open it for discussion

>> I will make a motion I don't see a problem with it. So I make a motion that we approve the V21059 with the two conditions, staff conditions.

>> Second.

>> Okay a motion to approve variance V21059 with the staff recommended conditions, from Mr. Young and a second from Ms. Van Dam. Any discussion on the motion? All those in favor say aye. Any opposed? Motion consider carries man nous unanimously.

>> V21051 (reading directly from screen)

>> The variance to reduce the north front yard from 25 feet to 12 feet for a new single family house the location is at the south west corner of the intersection of Massachusetts avenue south and east Walt avenue in the Deland area the property is zoned R4 requiring a 7500 square foot lot area and a 75 foot lot width. This property does not meet the standards it is 7250 square feet in lot area. But it is considered a legal conforming lot eligible for building permits. The property is also a corner lot so it is subject to two front yard set backs. Adjacent to the rights of way and two side yard set backs. When you apply all of the set backs to the property it leaves a buildingable area of 17 feet wide by 108 feet long.

And so -- the applicant would prefer to be able to build a 20 foot wide house 30 foot wide house and in order to do so we even pushing the house to the side yard set back needs a variance from the required 25 feet to 12 feet on the side adjacent to east Walt avenue.

As you can see in the photograph on the South Side here, the side that he wants to -- is requesting the variance to is the east Walt avenue and that is a dirt road. You can see it is dirt tracks. It is not a, it is maintained for emergency purposes only. The primary road that the house will face is Massachusetts avenue which is a paved county maintained road.

So during review of the variance request it was discovered there is a six foot high fence that has not been permitted and it is within the front yard so a six foot fence is not allowed there. The applicant stated it will be removed. When we review this variance request we recommend denial and we find it fails to meet one of the five criteria technically it is not the minimum variance it could be redesigned to be a thinner house and reduce the variance request.

However we find that it meets four of the criteria and there are unique circumstances with a 50 foot wide lot it is supposed to be 75 feet. This area is an old tract and plat and this is two lots that have been combined and many properties are similar or combined more lots to meet the current zoning standards. The applicant is not responsible for the lot size.

It may be an unnecessary hardship to require full standards on a smaller lot of this sort. And we find

that it would not likely be injurious to the area. It will allow development of a lot in keeping with the style and character of the neighborhood should the applicant area. Should the applicant provide the board with competent substantial evidence to support your approval of the variance we have provides one condition for your consideration. Happy to answer questions.

>> Thank you miss Jackson questions for staff? Miss Van Dam.

>> Just curious bottom of page three the applicant explained the fence would be removed but is it not one of the conditions. Is the applicant's word on this sufficient for the purposes of this or should that be one of the conditions.

>> He would not be able to get a building permit it would have to be fixed during the permit process. Fixed or he has to get a variance to keep it.

>> Okay.

>> Okay any other questions for staff?

>> Hearing none is the applicant present? Yes, sir could I get your name and address for the record.

>> Christopher brown 328 south -- the fence is going to come down. We just need the variance.

>> Okay. Would you like to say something sir?

>> Okay.

>> All right. Let's see if we can we have questions for you okay?

>> Questions?

>> From traffic Costa? cost frank Costa?

>> What size house do you plan to o building.

>> 30 foot wide house.

>> About 1500 square foot?

>> 2015 square foot.

>> Okay. So your main entrance is going to be off Massachusetts?

>> Yes, sir

>> And the dirt road is basically, technically your side yard for the most part?

>> Yes.

>> All right thank you.

>> Any other questions for the applicant? Let's see if we have other comments from, and we will get back with you and if we don't we will move forward thank you sir you can have a sit?

>> Public participation in the case?

>> No, sir.

>> Anyone in the audience like to speak to the case.

>> Hearing none I want to close the floor for public participation and open it for commission skuths discussion

>> I make an a motion to approve case V21051 can with the one staff recommendation on here.

>> Second.

>> I have a motion to approve V21051 with the one staff recommended condition for Mr. Frank Costa

and a second from Jeffrey bender. Any discussion on the motion? All in favor signify by saying c aye?
Opposed in motion carries man nously ly unanimously. Can I get the next case?

>> V21053 (reading directly from screen)

>>

>> Thank you miss Jackson staff report?

>> Yes, sir. So, there are six variances associated with this request. Variance one is to reduce the west side yard from five feet to 2.6 feet for an existing covered carport. Variance two is to the west side yard from five feet to 1.51 for an existing 120 square foot shed. I am going to show the suit plan while I am talking about then them. Variance three is to the east front yard from 25 feet to 25 feet for an existing pool and variance four is to the east front yard from 24 feet to 5 feet to 14 feet for existing pool deck and variance five is east front yard from 25 feet to 14 feet for a replacement screen enclosure and variance six is increase the maximum fence height from four feet to six feet in the front yard.

The property is located at the southwest corner of the intersection of north Alabama avenue and Kensindgton road and is zoned R6 that requires a 7500 squire foot lot area with 75 lot wutd. The property is 10500 square feet in size and 150 feet in lot width.

The background of the situation is the property was doing great and a tornado hut in 2020.

And the current property owners had purchased the property in 2016. All of the issues -- items were in place with the exception of variance two the existing shed. Which is this item. This structure here.

There was a smaller shed and I believe it was located here, it got damaged in the August 2020 hurricane. They replaced it with a shed larger and they put it here.

And apparently they did not know they needed permits for that.

So they came in, the screen enclosure was damaged in the hurricane and they came to get permits for that. And that is when all of this stuff was found. So the previous screen enclosure was permitted but apparently permitted in error we can't find records of variances or anything for the existence pooling pool and pool deck.

So trying to get the permit for the screen enclosure they had to get variances for all of the existing structures there in place when they purchased the property. The pool, pool deck, the car poortport here.

So when we evaluate these variances. And recommending on the individually, because depending on the variance requests there is swo different criteria that they meet. So variance one, which is the variance to the west side yard for the existing carport here, we find that it fails to meet two of the criteria and have to recommend denial. There are not special circumstances associated with the lot because it exceeds the minimum standards and it is not a common right to put in an accessory structure encroaching into the side yard. We do find it meets three of the criteria. It is not due to the actions of the applicant because it was put there by the previous folks. They purchased the property with it in place.

It is the minimum variance to allow continues use of the carport as it is located and it is is not injurious

to the area. It has existed since 2009 with no complaint complaints.

Variance two to the west side yard for the shed, from five feet to 1.5 feetfuls to meet three of the criteria. This is due to actions of the mrubt because applicant because they place tide there and itd it there and it is not a common right to put the accessory structure in the side yard. It meets two on criteria it is the minimum allowed to be able to obtain a permit for the shed as it is currently located and we don't find it injurious to the area. There are letters of support from the property owner that is most affected by the shed location.

Variance three and four, this is the pool and the pool deck. Rerecommend de We recommend defile as it fails to meet one of the five crueta there. re no special circumstances but we find it meets four to the of the criteria. The pool and pool deck have been in place for the past 23 years tland has not been an issue.

Requiring removal or movement of the two structures could be would n be an unnecessary hard ship. It is the him variance to minimum variance to legitimize the structures and they are located and it is not injurious to the area there are letters of support from the neighbors. Pashs variance

Variance five, we find that fails to meet two of the five criteria it is not considered a hard ship to have a pool without a pool enclosure and it is not the minimum variance to make reason use of the land but we do find that it meets three of the criteria. There are special circumstances because this enclosure was previously permitted.

The action residence are not due to the applicants because it was permitted by the previous owner and it is not injurious to the area. It has existed there since 2014 without complaint.

Variance six which is the fence. What they want to do is put a fence along the pool area here to replace some trees that were taken out with the hurricane. That used to provide privacy to the pool area so they want to replace that with a six foot fence in the front yard.

That variance we find fails to meet four of the five criteria. There are no special circumstances and it is due to the actions of the applicant wanting a higher fence and it is not a common right or the minimum variance to make reasonable use of the land. However because there are letters of support from the neighbors we find it wouldn't be injurious to the area.

Should the applicant provide this board with competence and substantial evidence to support the approval of the variances, we have provided three conditions for your consideration and I would be happy to answer questions.

>> Thank you miss Jackson. Questions for staff. Mr. Frank Costa.

>> I have a question -- several but I am going to limit it. Do we have a picture of what is enclosure looks like currently? Has the debris been removed from the tornado so it is an open pool deck? The question for staff is, why did it take six months to get to us if they put this in in September?

>> It is up to the applicant when they apply -- once it was --

>> September and then from there -- okay all right. It was not that the paperwork has been sitting on our side since September thank you.

>> Any other questions for staff?

>> Miss Van Dam

>> Susan can you put up the site plan that shows all of the variances. The bottom left shed is that still there?

>> This shed -- it meets set backs so it is not part of the issue.

>> That meets set backs?

>> Yes hchlt

>> Corn.

>> Corner lot --

>> I can't read it.

>> Okay I am sorry I was --

>> It meets set backs otherwise we would have folded it in. It has to be five feet -- this is a corner lot.

>> I was looking at the entire square thank you.

>> Any other questions for staff?

>> Can I get the mrint applicant to come forward please and state your name and address for the record.

>> Tricia Hartew and 130K ef nsington road --

>> Anything you would like to add to that?

>> Well none of this would have been necessary if not for a tornado. We got hit August 18, at 3:10 p.m. and it was scare aye as the devil and it just -- I did provide pictures of the screen house torn down. Pictures of it with it up.

I provided pictures of the side yard. Where we are asking for the variance for the six foot fenceing. There were trees on the county property that stuck out eight foot further than where the fence would go. So they literally blocked the view. The fenceing would not block anyone's view and I have pictures of that.

The shed that was torn down was in the corner on Kensington road on the right side of the pool to the bottom and it was a very small building and it was blown into the whole neighborhood. So we replaced it with the one we are asking for a variance for.

And it is, kkd not be put in the small corner so we put it on that side against the neighboring yard because she didn't care that we put it there. And the rest of it was existing when we bought the property. In 2016. We moved here to retire I am a 41 year teacher. Just finished my cancer. And this has just been a nath night mare.

>> We sympathize with you I am sure. Any questions for the applicant?

>> Okay. You may have a see let's see if anyone has public participation for the case?

>> No sir.

>> Anyone in the audience want to speak to this case? We are going to close the floor for public participation and open it foup for commission discussion or a motion.

>> A comment for future reference, you are aware that anything you do you need to get a permit. So no more sheds without permits. Eventually it would have come to light with or without the tornado. I understand I am saying now you know. Thank you.

>> Can I get a motion please or comments?

>> I will make a motion to approve case V21053 with staff recommendations.

>> Second.

>> For all six variances.

>> I have Rae motion to approve variance V21053 with the staff recommended conditions from Frank Costa and a second from Edith Shelley. Decision on Discussion on the motion. Hearing none all in favor? Any opposed. Motion carries unanimously.

Next case Miss Van Dam snshgs?

>> V21054 (reading directly from screen)

>> Thank you Miss Jackson staff report on this one?

>> Yes, sir this is a variance to reduce the South Side yard from 25 feet to eight feet for a proposed carport. The property is located on the west side of Hazen 900 feet south of the intersection with Wealth Preliminary Plymouth. The property is zoned A3 that requires an Ann one acre lot area. The property is 1.08 acres and 158 feet in width it meets the standards.

So the applicants want to build a carport over an existing slab they park the RV on. They want to build a carport to protect the RV. There are no requirements for the slab but the carport being zoned A3 must meet principle structure setbacks and therefore, they can park the RV there. They can put the pad there putting an accessory structure on the existing pad is what is creating the need for the variance. When we evaluate the request we have to recommend denial because it failed to meet four of the five criteria. No special circumstances associated with the lot or structure it is due to the desire of the applicants to want to cover the RV and protect it from the elements.

Although the location is not ideal it could be moved in another location on the property, in front of the house it would be more visible to the road way and it could be moved to an area but there is a septic tank. And situations going on in the front yard too. Or it ends up interfering with, you can see the property is fairly treed and they are putting it in a location where it is obviously already cleared.

They could put it some place else and have to remove trees by the but it could be relocated to a different area on the lot. And we find it is not the minimum variance to make reasonable use of the land. We do find that it is not considered injurious to the area and there is heavy vegetation that buffers where this is located to the property on the south property line and there is a letter of support from the property owner to the south.

And there has been a similar variance granted tonight property to the north for their carport. Is closer to the property line than A3 zoning would require. So with that if the applicant is able to provide competent and substantial evidence to the board for you to support the variance, we have provided two comments, conditions for your consideration. Happy to answer questions.

>> Thank you questions for staff?

>> Hearing none is the applicant present? Good morning sir can I get your name and address for the record

>> James Baker 8728 Hazen railroad.

>> You have heard the staff report. Anything you want to add.

>> On our property and street a lot of us have RVs and I am the odd man out without the cover and anyone tells me I made the big investment and not covering it and now I am ruining the opportunity and the way our property goes, we have a required drive we can't use the entire property for the driveway so when you come to that section of the house to get an RV in we would have to go over the septic tank if we move it to another location. It puts location. All three of our neighbors wrote letters in support of it and didn't have other issues.

>> Okay. Any questions for the applicant? Miss Van Dam

>> You commented in your report, the report commented I should say that it is now where the location, the pad is behind trees so it is not visible from the road way?

>> Yes you can see it from the road but there is a pretty good tree coverage from the road. It is very treed and you would be able to see it it is on the side of the house but it is an open carport but there is a lot of tree coverage there that could hang over the carport and the RV is already sitting in that space.

>> Any other questions for the applicant.

>> All right sir you can have a seat and we will see if we have public participation.

>> No, sir.

>> Okay anyone in the audience like to speak to the case hearing none we are now going to close to public participation and open it for commission discussion or a motion.

>> I will make a motion to approve variance case V21054 with both the staff recommendations.

>> Second.

>> Okay I have a motion to approve V21054 with the staff recommended conditions from Frank Costa and second from Edith Shelling. Any discussion on the motion? Hearing none all in favor? Any opposed? Motion carries unanimously.

Miss Van Dam

>> Next can you say V21057 (reading directly from screen)

>> Thank you Miss Van Dam Miss Jackson can I get the staff report?

>> This is a variance to reduce the north front yard from 20 feet to ten feet for a proposed single family residence it is located at southwest corner of the intersection of South Atlantic Avenue and Kingfish Avenue in the new Serena Beach area. The property is zoned V-8, required -- the property is 4500 square feet in lot area and 45 feet in lot width so it exceeds the minimum standards.

In 2015 the lot was created as part of the unrecorded subdivision. The subdivision combined five non conforming lots to create three buildable lots that conform to the V-8 standards for single family dwellings.

This property is a corner lot subject to two front yards of 20 feet and two side yards of five feet.

So after all of the setbacks are applied, it is left with a 20 foot by 75 foot buildable area. The applicant wants to build a 35 foot wide home. When we review the variance request we have to recommend denial it fails to meet five of the five criteria. There are no special circumstances associated with the lot it exceeds the minimum standards and it is due to the desire of the applicant for a 30 foot wide house and it is not the minimum variance to make reasonable use of the land however

we find that it meets criteria three and five so it may be considered an unnecessary hardship to require the full set backs on the property, it is challenging, in this area to design a house that fits the scale the characteristics and the value of the area with a 20 foot wide house. The house on the north side of kingfish avenue directly across from this is a 30 foot wide house and was granted a similar variance to be within eight feet of the common property line along kingfish avenue.

There is also a 15 foot right of way between the north property line and the the actual traveled way on kingfish so it will appear that the house will sit 25 feet from the road.

We don't find it to be injurious to the area necessarily, reduce set backs on side streets are not uncommon on the in the area on smaller lots.

We have in the area on smaller lots.

We have received e-mails and opposition I believe you have been provided those this morning or sent them last night before the meeting.

So with that, should the applicant be able to provide the board with competent and substantial evidence to support approval of the variance we have provided one condition for your consideration.

Happy to answer any questions

>> Thank you miss Jackson questions for staff?

>> Hearing none is the applicant present? , v

>>

>> good morning sir.

>> Good morning. Can I get your name and address for the record. Robert Vega and I live at 7211 turtle mount railroad at Smyrna reach, representing Joanna -- front line worker relocating here to build a home.

>> You should have heard the staff report anything you want to add to it.

>> I would like to show you the plat of the property here she is looking at purchasing lot A. Lots B and C are 40 foot lots and have five foot set backs so it allows for a 30 foot home to be built on both lots on the south.

So we are asking for the same thing to build a 30 foot lot. I have been a builder here for 30 years and have an architecture degree so I sign a lot of my homes and designing something with 20 foot wide is very trying. If you go to the drawing that I have for the garages, --

>> It is in the same --

>> Yes keep scrolling. Keep scrolling please. Right here stop. If I only have 20 feet to design from the north garage -- the normal garage is 16 foot wide and I have a 20 foot front all I have is a garage in the front. I need an entry there is no front door to the house. You need 30 feet. The majority of the homes are on 30 to 35 feet wide. I drove up and down Bethune beach and looked online and I could not find one home that is 20 feet wide. The majority are 30 feet and some of the on the variances you came to were 30 foot wide that is the minimum you need to create a garage and front entry way. If you are doing anything different you are injuring the client if the design of their home to have a continuity with the rest of the homes in the neighborhood.

Just addressing the special conditions and stuff that the staff said they did not we did not meet.

They said the house can be redesigned, if you have the garage facing forward here you have to walk to the back -- the side of the house to enter it and that means putting stairs on the outside which is, em periods impeding to the set backs and stuff.

Let me grab my notes here. If you scroll further up please. Stop right there. And building -- building the rooms in the house you have to stagger the booms rooms stacked through there. It is like a shotgun house. I grew up in New Orleans and I lived in a shotgun home and you have to walk from room to room to get to it. It is not a good lay out and would be injurious to the client to have that lay out. Next slide please?

I can put 12 by 12 bedrooms and bath rooms side by side and it is more conducive to the type of homes built in the area here and then go down -- another slide -- if you see that is the lot directly across the street. The house across the street got an eight foot set back and I am asking for a ten foot set back. The house was there since 1986 when it got its variance all I am asking is to do the same thing to facilitate building a home that is 30 foot wide. You have 25 feet from the house to the street which is typical. Same thing with the house across the street there and I will be glad to answer questions. Jshg thank you

>> Thank you sir questions from the applicant for the applicant?

>> You are the builder do you own that parcel?

>> No I don't -- (indiscernible) owns it.

>> So you don't own the three parcels side by side.

>> No I am representing, the lady hired me to sign and build it and when she wanted to do something conducive to the neighborhood I was told -- 30 feet is the norm I can't find anything 20 feet.

>> Single or two story?

>> Two

>> That is why you have the two letters of nonsupport. I am trying to figure out why they are not supporting it they are considering it the private back yard to the beach.

>> If you scroll down one more please? This is Paul who owns the property and Paul, actually split this. He is a long time resident there. They could easily sell this for a hotel or condo that will block --

>> For the zoning --

>> So he was concerned about this and that is why he split it so you are going to have set backs in between the homes and the people will have views in between the homes like that. If he puts a condo or hotel there it is going to block it completely.

>> Yes. All right thank you.

>> Okay do have opposition so the case. So after we have heard it I will let you come back and address any concerns that they have okay?

>> All right sir thank you. Okay is miss McGregor love? Love?

>> Name and address for the record.

>> Good morning my name is McGregor love 215 north -- drive in Orlando here on behalf of the ocean club at turtle mound. That is the property that abuts the subject property at the western border.

The ocean club has been at its location for 23 years. And they are concerned about what is being asked today.

And I will start by saying what staff made clear in the report recommending denial is that the applicant has not put forth competent substantial evidence to support variance approval. I won't go through all of the criteria I will highlight and reinforce some of them. The first is special considerations or circumstances for the property.

The reduced -- the increased set backs, the two front set backs is not a function of anything that is a special condition or circumstance it is the function of the fact that it is a corner lot.

Any corner lot in the county would have two front set backs. So the reduced buildable area for that corner result is lot is a result of it being a corner lot. And as staff noted the lot is conforming in the size and dimensions. Also the petition and I know we did discuss some of the factors here but the petition made no effort to even argue that this is the minimum possible variance. The written petition for a variance -- asked, explain how the variance you are requesting is the minimum variance that will make possible the reason use for the land or structure.

The response was having a ten foot set back would not adversely effect the current area of residential homes the variance would allow me to build a home similar in size as the majority of the homes in the area today.

So the petition describes why it would like a standard 30 foot wide home but it doesn't talk about why that variance request is the minimum possible and that is important. Because this is a substantial variance relg it is a request. # It is a 20 foot front set back and they are requesting a ten foot variance that is a 50% variance.

So the question is, is that the minimum? And we know based on what staff concluded that area of 75 by 20 is a 1500 square foot area and if you build a two story home that is a 3000 square foot home. The applicant mentioned that build a two story home that is a 3000 square foot home. The applicant mentioned that mentioned the homeowner would like to not build a shotgun style house but that is precisely what the zoning district is designed to encourage the shotgun style homes. And that goes to the central question at the heart of granting or denying a variance is whether there are, whether a literal interpretation of the code would result in an undue or unnecessary hardship or unnecessary hardship. We understand the applicant wants to build a house as wide as the other two lots in the subdivision but they are not corner lots.

And we look at what the applicant could build there. The applicant could build with a literal interpretation of the code a 3000 square foot home so we find that the, what staff said, we agree with what staff said.

That the applicant has failed to put forth evidence to support the approval of the variance and one point of order from the staff report and the applicant's presentation, the property directly across the street on Kingfish Avenue, is actually according to the zoning map is zoned R9W it is not the same zoning district.

So for purposes of showing what has within comparing what is granted and should apply to the property it shouldn't be taken into consideration.

>> Thank you.

>> Any questions for the speaker?

>> I have a question, you represent the ocean club of turtle -- what is their set back to kingfish?

>> I believe they are in the same zoning district --

>> What is the building --

>> Where does the building lie

>> ? That I don't know off the top of my head.

>> The comment we wrestle with the corner lots all of the time and I can tell you -- I believe -- this is being looked at is it not?

>> We are looking at that so -- there is an issue with the corner lots. With the two front yards. Basically this is a side yard that would normally be --

>> If it was an interior lot that is correct.

>> So I want you to know where we stand on this. It is not that we are totally -- the other question is why did the ocean club not purchase the lot?

>> That I don't know. I believe there are several mb members of the association that are here virtually? So perhaps they can provide you with more context.

>> Thank you sir --

>> Frank Costa?

>> My question is for staff.

>> Okay you can have a seat.

>> What is the maximum building height?

>> I see everything here except for Max building height.

>> It should be 35 feet

>> So they can go up three floors if they want instead of the two they are proposing you might want to consider that.

>> Okay all right we do have more public participation? If you get them on the line for me please.

>> Yes the first is Becky carpet Carpenter.

>> Hi. I am the property manager for ocean club at turtle mound and my address is 1117 matter horn street --

>> Okay you have heard the staff report --

(Overlapping Speakers)

you would like to make a comment?

>> Yes you asked a question and I am I already forgotten the question -- that I could answer for you. I am sorry I was trying to figure out how to use the Zoom, they asked a question and Mr. Love said someone on the line can answer it. In regards to ocean club at turtle mound snshgs -- hoefd oh you asked about why they did not purchase the lot?

>>

>> Yes

>> The reason is they tried many years ago -- obviously that would be a great expenditure for the value of that property. And that would require an ownership vote of 100% to spend that kind of money and they did not get the full 100% ownership vote.

>> And the question I had was do you happen to know the -- as built of the turtle mound club, if that was, what the set back is to King fish?

>> I believe it is standard 20 feet. The reason I say that is because at the time ocean club at turtle mound was built they wanted, requested a variance that was denied that would have relocated the pool. And so, I know the variances they requested at the time were not approved.

>> Okay anything else you want to add.

>> That is it thank you.

>> Okay thank you anyone else?

>> Yes miss Katherine Sykes?

>> Are you there?

>> Miss Sykes? Are you there?

>> Hello can you hear me I am sorry I was on mute.

>> Yes we can.

>> This is Katherine Sykes 6612 south Atlantic in the adjacent property to the proposed development. And my question really has to do with the environmental impact. This lot with the two adjacent lots is a heavily wooded tract we do have a number of piled wildlife species in the area including rabbits birds and tortoises. And I just wanted to understand if there would be an environmental impact study done prior to development of this particular parcel as well as the two adjacent parcels.

>> I would have to let staff answer that question?

>> It is not typical we require an environmental impact for a single family lot. It will have to meet environmental requirements and in the beach areas they are required to meet height and standards. The W doesn't have that zoning. Does it? Let me confirm. If it did that requires -- um -- it does have it. It is in the Indian river lagoon surface water management improvement. They could not have done a bigger name for the overlay zone and it is in the mosquito lagoon plan and that will require attention of additional native vegetation on the site and it has to meet some heightened standards because of that but it won't, there won't be an environmental impact statement that happens with larger developments. Not single family lots.

>> Well I mention it because we have tortoises on property on the property and tortoises on the other adjacent property to us on the other side of the building and on this property as well. The property has been there for a number of years undeveloped and it is heavily wooded so there are quite a few wildlife species in the area -- residing there and I want to make sure we take that into consideration

>> Our environmental folks will be inspecting the property. If you impact a tortoise there are -- procedures you have to go through in order to do that. You have to provide a buffer or obtain a taking permit.

>> Thank you and one other question I noticed in the original application it looked like it was going to

be a one story structure but I think I heard them say it is a two story structure so I am look aek for clarification.

>> ing for cliefks.

>> clarification.

>> The applicant said today it is a two story structure.

>> Yes I believe he said two story? However I believe when I read previously it said one story.

>> I don't know that we specify that in the staff report. But they are allowed to go to 35 feet which is ae frp allows for three storyies.

>> It says single family residence is what is says.

>> it says okay?

>> Thank you.

>> Thank you ma'am. Do we have everyone anyone else?

>> Yes, sir there mr Thomas Johnson?

>> Mr. Joan son Jons son are Johnson are you there? Mr. Johnson? Make sure your mic is on.

Is he still with us?

>> He is still online. We can move forward to the next speaker.

>> I was muted --

>> Go ahead?

>> (Too far from mic) next speaker is Glenn Reha.

>> Are you there?

>> Ms. Reha are you there?

>> They are no longer online sir.

>> Okay anyone else?

>> We have one more, Hollywood achl holly --

>> Can you hear me?

>> Yes we can.

>> Great hi I wanted to introduce myself holly -- I am (indiscernible)

>> Can I get your address ma'am?

>> Sure 231 riverside drive.

>> Go ahead. And

>> And I wanted to make a personal presence on her behalf she is a front line worker and is unyaubl to a able toable to attend because of work but in terms of the continuity of the existing structures and the structures to the south, there is allowed to be a five foot set back. For the other propertyies and we are just asking for a side set back of ten feet and the sides of the other size of the other structures, for the continuity of the area, it makes sense to have that ten feet variance.

>> Okay. Appreciate your comment this morning.

>> We will move onto the next speaker.

>> We can try Thomas Johnson once more?

>> Let's do that there Johnson? This is one of the disadvantaged of doing it this way. So we do need it

move on with the case so, I am going to, --

>> Mr. Thomas Johnson is on the line.

>> Mr. Johnson? He just muted his mic. Okay -- with that --

(Overlapping Speakers)

>> No further public participation participation.

>> Okay. All right. Well I will give you the opportunity to come back up sir? Mr. Vega?

>> You have heard the concerns and the speakers this morning anything you would like to address --

>> Yes I am building for 30 years and I am doing a house right now on the corner -- the lot that is located east of this piece of property, they are getting ready to build a home and my clients are upset and wanting to know if they can do something because they are going to block the view of the new home they are building.

I understand that which is why Paul said he wanted to go to single family homes to create the channel in between the homes. It doesn't obstruct the view. This condo was there for a while and it is going to allow for views in between this.

The other thing is, the gentlemen that spoke, there are triggers in effect for lots like R9 that when you have two fronts, that if the side set back is reduced from the 25 I think to 15 automatically if they picked a front, there is a lot of can kingfish and trout, the front elevation is facing turtle mound the side yard is reduced to 15. There are triggers in place that trigger that. That is a bigger lot and it is 15 feet and it is requiring me to have 20 feet on a smaller lot.

There is a home existing, no one questions questioned the fact that the home existing there has an eight foot set back and it is not injurious to everyone. A lot of people drive there it is an open public beach people drive by and we have not had calls saying the house is too close to the street.

The house we are building is going to be further from the street from the home you granted a variance previously to. So I hope I am answering all of your questions.

>> Any questions? Okay --

>> Thank you sir.

>> We are going to close the floor to public participation and open it up for commission division discussion or motion.

>> I would like to do both first let me make a motion to approve variance case B21057. With any staff recommendations as listed.

>> Second.

>> And I would like to make a discussion if I could?

>> We will do that. We have a motion for Mr. Frank Costa, for, to approve the variance of V21057 with the staff recommended condition. And a second from miss Shelley and this time we will take a discussion on the motion. From Frank Costa?

>> For the record I want to make sure it goes on record that on page 10 and 11 of 18 is the report from the environmental specialist where they have no objections to the variance requests.

Okay?

And it do you see does state there are for theouses tortoises on the property so there will be mitigated with the building permit issues.

Secondly you know I am a loud mouth when it t comes to the corner lots and the issue keeps coming up. The front yard is A1A and the side yard is whatever that street is. Kingbird? So by the normhe normal requirements of this lot, the side yard is five feet. If in fact that was an interior lot so I see no reason to deny the variance based on the conversations and objections that I am hearing today. Most of the objections I am hearing is hey they are going to block my view. And to the point that, the lot was available it is for sale and it could have been purchased by edd by the association. I don't like - I don't like watching larger groups try to muscle or bully a smaller individual.

On what they can and can't do with their own piece of property and in that case that is why I scham upon this champion the motion for approval.

>> Any other comments miss Van Dam?

>> The two front yards is an issue but I think part of what needs to be taken into consideration with that is the, the busiyy busynessness of the second road and I think in some situations that, an extra set back is warranted. But in this case, what I am looking at is there is a 15 foot right of way. Which is helping tip me towards agreeing this is one that should be approved.

>> Thank you miss Van Dam any other comments? Okay we are going to take a vote. All those in favor say aye. Any opposed? Motion considers unanimouslyNCCAN carries NCCAN motleyss unanimously.

>> V21058 application of Steve (reading directly from screen)

>> Thank you miss Jackson can I get the staff report on this?

>> Yes sir so this is a variance to separate one parse yes, ma'amher parcels located on the west side of south Atlantic avenue 240 feet south of Marcel avenue. Zoned R9 that requires a 7500 square foot lot area and 75 foot lot width. The property exceeds the lot size starses at 8660 square foot but doesn't meet the lot standards at 70 feet so therefore is considered non conforming the. Is The parcels were mrated in ed mrat were platten in 1924. People tend to push purchase more than one and combine them to meet the current standards.

In February of 2021 the two lots were divine combined to create the existing subject parcel. The site is already developed with a 759 square foot home build in 1958 and the current property owners wish to demolish the home and build a new one that meetings the current building codes.

Because the lot is 75 feet wide it is not conforming and can't obtain a new building permit to build a new home and it is not considered lawful non conforming because the Gonano family has owned the three parcels highlighted on the area in front of you, and gifted them or through inheritance, they were transferred to family members from the parents is my understanding.

And all of the lots have single family homes on them. So the variances needed to allow dem lags and restruction of the existing house on the property when we evaluationvalevaluate the request we find it meets all five criteria and therefore recommend approval happy to answer questions.

>> Any questions for staff?

>> 22 # 1 is the one they want to demolish? Part yell 2271 last four digits?

>> Yes

>> Okay thank you.

>> Any other questions?

>> For clarity the parcel is separated from the other two but the other two are going to be combined?

>> Technically they will be. The variance is only -- as it reads it is only separating parsecel 2271 from the other two parcels so tech claelnically the other two parcels if they want to do something have to get a separation from each other.

>> If I am looking at the aerals right it looks like they are doing something on 2842. Brand new construction? Unless is it an old picture.

>> I can't confirm that and I think -- I know they all -- I don't think it would have gotten a building permit if it was a non conforming lot and it is so I think that has been there for a while.

>> Okay --

>> You have to come up there --

>> Applicant in the audience?

>> Bring the applicant applicant forward please. Can I get your name and address for the record.

>> Edward Ganano2909 south Atlantic avenue.

>> You have a comment --

>> He was talking about the separation of the lots. I bought the lot on the beach side there and I went through the variance hearing for the set backs. Same thing you guys were talking about in the previous case. Five foot set backs they were non conforming lots at that time and they went through all of the process to separate those.

I gifted the other two to my son and daughter. My daughter is completely disabled. And my son is going to --

>> That is the question with staff, they are seeing something other than that. That is why I questioned it.

>> I went through the variance hearing for that and that is one of the things -- they were not sure ufd to go through it again. I was under the impression we were already separated. There is a brand new house on the beach, and the other house was redone seven years ago and now we are going to redo the other one for my son that with the purpose of it.

>> I am going to -- I was wonder taking you recall --

>> The rest of the family lots went through the process in the 80s they have all been separated this is the last remaining one.

>> Great okay.

>> So they are not -- joined correct?

>> So Trish are -- when this is operated from the other two are those two separated from each other?

>> It was done a bit differently in the 80s. These lots as well as the one further south that you saw a few months ago with the pool that had to be reconfigured -- actually -- we wave waived -- I am trying to use the right words. Waived the non conforming requirements back in the 80s. That code has changed

and now we separate non conforming lots but it is my understanding the older variance is the same thing. And they have received building prments since then permits since them.

>> Okay can we address the issue at this time? For --

>> For 42 being adjacent to -- 40 I guess it is?

>> I don't believe so it is not advertised. Your jurisdiction is limited to the advertised parcels so if you are --

>> Can we get staff to look at that. If it was done in the 80s when it was not required to separate but yet there was a building permit issue we don't want to have the gentleman have to come back numerous times for the same thing.

>> And that is something that we are looking at -- a way to separate these lots. That obviously have structures on them already. And just so happens to fall into the same ownership. We are looking at language for that particular use case. That would not have to go before the commission.

So that particular circumstance is before us right now.

>> Well the purpose of separating the lots here, would be to establish being being able to build on both. I guess there is a building on both of them?

>> But you are going to tear down one so it is going to be two different ownerships?

>> Yes.

>> It is three different ownerships.

>> Right and that is -- we are trying to work out a process where something like this, where there are already existing buildings and they fall in the same common ownership don't have to go through the process. For this one, I don't believe this was legally separated. So that is why it is going before you as this type of variance. But as Trish mentioned. Put The process previously was a waiver to the non conforming section --

>> Make it legal spraugs?

>> separation?

>> Yes I don't think it addressed this subject property it was particular to the other propertyies.

>> Okay all right.

>> I believe that is what the applicant said we want to make sure the others are shown as separated so he doesn't have to come back again since all of this has gone on.

>> My understanding is because the variance was given, that at that time it was not a requirement to separation of lots. That would pretty much -- I

>> I think it was a different requirement it was a requirement -- you could get a variance or waufr to the non waiver to the non conforming lot provisions which does the same thing.

>> Legal separation?

>> Yes.

>> That is what we are trying to make a point of.

>> Okay.

>> All right. Other than that you have heard the staff report is there anything else you would like to add to the report?

>> I think you are doing a graduate job -- (too far from mic) I have been here many times -- the expense -- billing materials -- it is not right.

>> I understand that is why we are trying to address the other issue.

>> You do a great job -- (too far from mic)

>> Okay. All right. Do we have public participation for this case?

>> No, sir.

>> Okay we are going to close the floor for public participation and open for commission discussion.

>> I make a motion to approve variance case V21058.

>> Second.

>> We do have a staff recommendation?

>> No conditions associated with this.

>> No conversations.

>> conditions?

>> Page 16?

>>

>> Okay I have a motion to approve variance 21058 for frank Costa and the second from miss Shelley? Any discussion on the motion? All in favor aye? Object position? Motion carries unanimously. Miss Van Dam next case?

>> Next case CPA21003 proposed ordinary instance 202111 amending chapter three public school flts of the Volusia county comprehensive plan.

>> Thank you. Miss Smith? Good morning.

>> Trish Smith planning and development services we are updateing our expensive plan to the 2035 timeline all of the elements to be consistent. This element would was combieled by dir ed compiled by darren -- a planner in the office and he is unable to present because he is at the fairgrounds helping with vaccines. He is the school district liaison and worked closely with the school district. We have a letter of support in your package from the school board agreeing that this is, they are agreeing with the changes. This was sent to the municipalityies and we received no comments from them. The majority of the changes are minorchanged the maps ed. We changed put maps so they have the same numbering sequence. We found school related policies in the intergovernmental element and thought they were more appropriate in the school element. We had minor Ed ate ateedits for acronyms and miss spellingings and if up questions I would be happy to answer.

>> So no change major changes?

>> No and any changes that came, came at the direction of the school board having to do with the locations of schools or schools that became short charter schools and are no longer part of the system.

>> Okay so, charterer schools re you are a dressing issues on the charter schools?

>> I will have to wrap around to darren the way the districts work, they deal with the schools within the area I am unsure how the charter schools are handled but we can get you that answer.

>> Can you give me legal on this is this

>> Well the charter school provisions are -- regulated by statute. So our school public facilities element is bliebl I believe still an optional element and what it is -- what it is doing is kind of listing the types of schools. Whether or not charter schools you know are sedge subject to state programs and whether or not they are pursue skuntant to fair share agreements, these are taken from us and mandated and decked by statute. So ed edd by statute. So the change is saying this elementary school is no longer a public -- school.

It is now a charlter charter school that is the extent of it. But they are -- regulated by the state. And state statutes. And our determination except for citing -- we have very little say in terms of our comprehensive plan analysis of how the school district and how the state deals with charter schools.

>> So in other words we have not done anything that would sueder supersede the state regulation for charter school snaez

>> No we don't have the authority and the public school element doesn't give us that authority we have policies for where the county looks at in terms of citing public schools. Our zoning districts are for if anyone wants to set up their own private schools and we don't regulate the determination of a school being that is right chartered rsh eded or how someone goes about that.

>> So why are we -- addressing charter schools in our public school facility element? Yshgs

>> We are listing the public schools and one of the schools transitioned to a charter school. So to keep up to late with date with the list. Jshg okay

>> Okay I don't want to get into a situation where we are adding more regulation to the charter school than what the state statute is and that is not the case?

>> Right we are doing the reverse. Taking a school which is now a charter school off our list. So --

>> Okay.

>> That is where I am at. Okay.

>> All right any other questions for staff?

>> Public participation for this?

>> No, sir.

>> Okay hearing none we are going to close the floor for public participation an open it for commission discussion or a motion.

>> I will make a motion on this because I read through it. I make a recommendation to approve CPA200 on003 submitted to the county council with recommendation for approval and transmitted to the Department of Economic opportunity for expedient review and to the solution Volusia county county growth management.

>> I will second.

>> Motion from Mr. Jay young to forward this to the county council with the following language and CPA21003 and a second from miss Wanda Van Dam. Discussion on the motion? All those in favor signify by saying aye? Opposition? The motion carries man nously ly unanimously?

>> CPA21004 (reading directly from screen)

>> Miss Smith you have this one. This is the 9th plan update we have brought you in the last year and we want to thank you for your patience and you have had to review thick documents in some case and

we appreciate your comments. We are going to give you a break until June when July when we will be bringing you six more elements to review. We doord Nated ed Coordinated with the county divisions and departments and municipalityies and school board and V card and got no comments on the issue. We made minor updates to the narrative and updatedated the names and dates through and moved the school policies into the school element to them make them more consistent at the request of the koez al coast yatal division -- -- for the inner coastal waterway maintenance and beach renourishment and we addressed to agreements with the city of port orange for the well fields.

We have a 2004 agreement that was in the comp plan but not mapped so we wanted to show you that in a map and we have a subsequent agreement from 2008 where they expanded the area and added more joint planning agreements to that. This area is generally west, south of I4 and west of -- if you are familiar with that area.

And I will mention on the two maps we need to make one correction. We are proposed to be in there backwards so we are going to flop figure one -- 14.1 becomes 14.2 so the 2004 agreement is before the 2008 agreement. Also there is hatching on there that doesn't define the area correctly.

Let's see -- other than that, the statutory roevens page 37 became garbled in production and if anyone needs a copy of that we have extra copies this is one of darren's elements as well.

>> Questions?

>> I just have one -- and that is that, on page 22 you said to spell out and a breefb yaugs,bbreviation and then on the next page, 24, and you say add an abbreviation and take out the words it is kind of not consistent throughout. I notice on some places you abbreviate things and some places you spell it out I was curious about why.

>> Typically, we always try to spell out the word first and then use a breefb yaugss after. bbreviations after. We found instances where there were only abbreviations and we tried to correct and that other cases where we needed to spell out the words or reduce it to abbreviations.

>> On 24 you changed is it not John's water management and put an abbreviation in there of course it is a long word.

>> Right.

>> Any other questions or comments for staff?

>> I have --

>> Miss Van Dam?

>> More of a comment probably than anything but on page 10 of 48 I am looking at 14.1.1 #30ishgs.4 Volusia county shall continue to coordinate with local governments to coordinate consistency and land planning for those adjacent to an incorporated area or county. Do we have agreement with the municipalityies to coordinate with the county when they develop land that is incorporated? edcoordinated.

>> We all participate in the Volusia growth management process so they are required to send any amendments through that. So through -- so that is one form of inner governmental cooperation and we have local agreements with them depending on what smi city. -- Trish mentioned it I think but some of your pages in both the two elements, somehow came out in Greek and there are weird symbols on the

maps. We provided you with replacement pages.

They look good on the computer screen but they print out weird. So -- we will make the changes as it goes forward I want to put that on the record that we have provided you with the replacement pages. It has something to do with the 508 and how it is printed after that I don't don't know what is going on we are going to investigate.

>> Thank you.

>> I know it is statuted in stated in here with the intergovernment coordinateion element. I know we do a lot with them on the amendments. But what about nu type any type of development and things that go on within the city? It impacts the county?

Have we addressed that to them yet or are they aware of it?

>> I think this may be a follow up from a conversation that we had last month. At the staff level we try hard to communicate with the municipalities and we have regular conditions between each other.

Okay.

>> Okay --

>> All right. Any other comments?

>> Or questions?

>> I had a quick comment I appreciated the strengthening of the language regarding echo. Using the word will. Instead of may. Thank you. Jooshgs if we don't have more questions -- we don't have public participation -- anything?

>> No, sir

>> Close the floor for public participation and open for commission discussion or a motion?

>> I will make a motion. I move we find the amendment consistent with the comprehensive plan and forward the application case CPA21004 to county council for recommendation of approval to transmit to the Department of Economic opportunity and to the Volusia growth management commission for certification

>> I will second that

>> I have a motion from miss Van Dam to forward the CPA21004 to the county council in recommendation approval and a second from Mr. Young. Any discussion on the motion?

>> All those in favor signify by saying aye? Any opposed in motion carries unanimously. All right folks it looks like we don't have old business do we?

>> No staff items?

>> I want to express my gratitude to the members we are going to have a change on the board based on the council's -- appointment.

Of board members. Wanda Van Dam is going to the Volusia forever board and therefore opening up her seat. Mr. Young who has -- has served the board for 14 years will no longer be serving on the board and Mr. Steve Costa that served for four years will no longer be serving on the board. I want to express my gratitude for all of the hard work and public service you have provided and we will miss you all.

>> I --

(Overlapping Speakers)

(Applause.)

>> Mr. Chair I would like to echo that. I have served this commission for less than a year. And it has been an honor and pleasure to serve the commission and I have enjoyed your lively debates and the questions you throw on my side always keeping me on my toes thank you.

>> So are you leaving as well.

>> I will try not to.

>>

(Laughter.).

>> I don't know who's going to replace her, but we can look at that. Let's go on with that.

>> I just want to say thank you to staff. It's an amazing amount of work that goes into each one of these meetings especially when we have agendas like today and you throw in the plan amendments on top of it. It's a marvel that you get these done the way that you do.

I appreciate the patience with a number of stupid questions. Thank you to all of you.

>> I appreciate being on the board. I've been there for a while and I enjoyed every minute of it. I really appreciated it. I enjoyed it. I think I took it seriously. I visited the sites along in my area. And I learned a lot. I have to admit, it's been... I was involved when I worked for the power company.

I get condemnations and things like that. But this has been an experience to be on this board. It's been a real education. I would probably be a terror if I ever had to get a variance so I will warn you in advance. Or if I bought property and I have to get something done.

It's been real educational and I appreciate particularly the staff and... Yolanda has been a real asset. I've asked help on a number of occasions. I've talked to the staff, Scott and those guys. The public just don't appreciate this board as much as they should. When I got on the board, we were interviewed. We were actually given book and we had to take a course. They actually ask us why we want to be on it. It's a 45 minute dissertation we had to do.

I remember the lady that interviewed me. She said, this is the most important board next to the County Counsel that was... That we could be on. I felt that she's right. That's my, and I really appreciate

everyone.

>> Any other staff comments? Any commission comments? We might be here for a little while.

>> First I want to say how much I appreciate the staff although sometimes I come by hard on you. I have two items, when they are not there, I'm irritated. Sugar for my coffee. I appreciate that. Number two, parking was not there. That was near Tatian. Number three, door passes. Can we bring that back to the forefront?

>> (inaudible)

>> I thought you had them?

>> No ma'am. We have not ever had those.

>> We don't have IDs.

>> Some of us...

>> We do.

>> Some of us before the board... There's to get your pass ID. Personally I never went and got my picture taken. I don't have one either.

>> Who does not have a? Three people. OK, we will make arrangements but you have to follow through. Deal?

>> It's a deal. We follow through the last time and they had an opening and closed it. It was at the other bank building correct? It was like 30 minutes. If you could not be there, and this particular day you had to wait.

>> We will reschedule so that you can get your idea.

>> That will prevent me from banging on the door so hard. What just happened now got brought to light. There's only three or four of us remaining. Replacements are already on the way.

>> There's two replacements that have been determined of Mr stony, they will be replacing Van Dam, and Richard Fowler will be replacing Mr Costa.

>> They have been confirmed?

>> They have.

>> I wanted to make sure there was more than just four of us. Actually, that took care of those two questions. From a staff perspective, explain the advertisement requirements on these variances?

>> We are required to advertise to provide public notice. We mail a public notice by certified mail to the adjoining property owners. He

>> And they have to touch the four corners at some point?

>> They have to have common property boundary and (inaudible)

>> In the case of today where they brought up...

>> There's two other forms. We put an ad in the paper. Who reads the paper anymore? And we also have to post the property with a poster. It has to go in front of the property. It cannot go at the intersection.

>> Is required to be posted in front of the property which is a commonplace through all municipalities but the adjacent property owners, just those that touch the property line that's in question.

>> Yes, but when you asked the question earlier today, I found out that they do take the time to ensure if the adjacent property is owned by the applicant, they advertise or provide notice to the adjoining to that property. So they are not sending public notice to themselves.

>> I'm not going to say the sign was not there, I will say that I did not see the signage on strawberry Lane.

>> We have taken over... These duties, we used to tell the applicant we needed to do them and provide them a poster and they had to post it. We post the property ourselves now. Ever since COVID, we changed procedures and we've taken on these procedures ourselves.

>> My point being, in this particular case, we have an issue where it's an aerial exception. You have planes flying overhead that are not just affecting the joint property neighbors. It will affect the people probably a quarter-mile in all directions because of the nature of the aircraft. To be placing a sign directly in front of the property itself, on a road that's not major... It's not majorly traveled. That section is only feeding those half a dozen lots that are down there.

Had it been posted at the intersection of strawberry in addition to... I'm not saying to change it but in addition to and the corner, it would be seen by all parties. The people that I mentioned today would all have been driven past the sign at one point or another during the weeks it had been posted. It's just a comment...

>> I have questions about that particular case. The Spruce Creek line is closed and that's a busy airport. How much impact does that have in the area?

>> They fly over my place all the time but they are already at 2000 feet. They are not coming in and doing landings basically buzzing the surrounding properties at under 500 feet around the two of them. Saturday morning, clockwork. They come flying out of Spruce Creek and overtop of my place.

The cows are running through the pasture like their tails are on fire. And they make their live, come all the way across and back they go. This is every Saturday and sometimes on Sunday you have the V flying squadron. But they come in a big giant V.

In this gentleman's case, and I'm not opposed to a I just want to give the neighbors an opportunity to apply on it before I vote on it. He's going... He's going to have to make the tough landing. They have to contend with the flight pattern as well.

>> I don't have any problem giving the variance but I want the neighborhood to have the opportunity to know that it's going to happen. The reason I'm on the board is because of the borrow pit on 44 next to the Speedway. Thus the reason I'm here. I did not know about it which is in my line of sight until after went through the planning commission. And I heard about it from a neighbor who had been here by accident on a different case. That's how I got here. I don't want the same thing to happen on that drive.

>> By nature, in the real community, a lot of those folks even if they had opposition, would not (inaudible). You have to take into consideration what the effect is going to be to the surrounding area. I like to try to put myself in their position. And knowing what would be going on. My biggest concern was the fact that at first it was a private (inaudible) and then his employees and then she didn't want to open it up further. My concern is where this is going to lead to. We will see. It will be heard again and we will go from there. Any other conflicts?

>> I'm done.

>> Are we done with commissioning? This meeting is adjourned. Oh! Next meeting we are going to have nominations because we will need a nomination for chair and vice chair will also be coming up.

Keep that in mind. We know how the process goes, and it seems to be going pretty smoothly. So keep that in mind when we do nominations.

>> (inaudible)

>> We did change that a while back. Yes you can. That's the way it used to be and we change that... We just need to keep that the back of our mind. We will definitely need a different secretary.

>> (inaudible)

>> If anyone would like to step up, I would definitely appreciate it. We definitely need someone in the seat over here. Keep that in mind. Some things can be interesting or I'm going to point. OK, we are done.