

>> Mr. Younger Mike is hot. Would you like to say something?

>> No.

>> Hearing none I will entertain a motion on the minutes.

>> I move we accept the minutes as written.

>> I will second.

>> I got motion to approve the May 21 2020 minutes. With a second, all those in favor – I am on duty roll call by each individual because we do have those on the webinar I will start out with Ms. Shelley.

>> Yes.

>> And then we will go to Mr. J young?

>> Yes.

>> Mr. Steve Crosstalk.

>> Yes.

>> Ms. Rhonda Van Dam?

>> Yes.

>> Mr. Frank coaster?

>> Yes.

>> Mr. Jeffrey Bender.

>> Yes.

>> And Ronnie Mills is also a yes. Will go to the second one June 18, 2020 minutes also to consider also this morning. Is there any discussion on those minutes? Okay.

>> Motion to approve?

>> Okay. I do have a comment this morning. On page 11/13 online 36 where it says I was clarifying that was more of a question than a clarification I was trying to get it understood from Mr. Scott actually that we could receive a building permit, agriculture building permit without agricultural exemption and it stated as I was making that comment. That is a question rather than a statement.

>> We can make that change.

>> All right. I'm good with everything else on that. Saying that, have a motion from Ms. Shelley to approve the minutes. Drive a second?

>> I will second.

>> Motion to approve and we will take a roll call . Ms. Shelley.

>> Yes.

>> Mr. Young.

>> Yes.

>> Mr. Steve Costa?

>> Yes.

>> Miss Wanda Van Dam?

>> With the change, yes.

>> And Mr. Frank Costa?

>> Yes.

>> Mr. Jeffrey Bender?

>> Yes.

>> My self also with the change, Ronnie Mills. All right. For those of you joining us this morning through the webinar, after staff has presented your case today in the commissioners haven't had an

opportunity to ask questions of staff, Ms. Summers will engage your microphone at that time I will ask you to state your name and address for the record this will give you an opportunity to add pertinent information and answer questions the commissioners may have. About your case. We also may have request to speak for or against the cases being heard today. When the case is being heard and it is time to have public participation for those of you joining us in chambers, I will ask you to come forward so you can be recognized. For those of you joining us through the webinar Ms. Summers will engage your microphone so you can be recognized and at that time I would like for you to state your name and address for the record. We will be limiting you to a three minute limit this morning and today, because of the length of the agenda and because of the webinar, we don't want to extend this further than need be. I will give the commissioners an opportunity to ask any questions they may have of you. After the comments have been heard, I would give the applicant an opportunity to address concerns these speakers have an answer any questions the commissioners may have. I will be asking all motions to be voted on to be done by roll call at this time, I would like to turn it over to Mr. Soria for legal comments.

>> Good morning. Thank you, Mr. Chair. I would like to remind this committee and anyone who is listening decision by this body and special exception cases and cases that rezone property for one classification to the other our recommendations only and do not constitute a final hearing. Decisions on variances made by this body constitute final action subject to an appeal to County Council. This means no new evidence may be presented on the appeal. An aggrieved party that appeal such a decision is confined to the record for this body. Hearings on this body for rezoning and variances likewise a traditional in nature meeting this body is acting like a court and must take into account oral, written or demonstrative evidence presented decisions must be based on evidence on the record competent evidence has been defined as evidence a reasonable mind with except to support a conclusion. Thank you, Mr. Chair.

>> Thank you Mr. Soria. I would like to as a commission to disclose for the record any X partake communication that have occurred before or during the public hearing which vote is to be taking on any cause like traditional manner I will start with Ms. Shelley.

>> Nothing to report.

>> I will go to Mr. J young.

>> Non-\*CUSTOM\* and Mr. Steve Costa.

>> Brief discussion with Mr. Storch.

>> Mr. Frank Costa.

>> Had a consultation for the owner of V- and a brief conversation with PUD-2701.

>> I had a conversation with Mr. Storch on PUD-20-074.

>> Thank you, Mr. Bender. I also had a conversation with Mr. Storch on PUD-20-074. That being heard we will move on to new business. Ms. Van Dam can you get us started?

>> I have a question.

>> Sure.

>> Yes, on the item regarding Mr. Storch, who requested a continuance that item do we need to make a motion and continued to date certain?

>> Yes, Ms. Shelley. I missed that because it was added recently. We do have a continuance request from Mr. Storch on PUD-20-074. Thank you for bringing that to my attention and Ms. Jackson we give us the information.

>> The applicant has requested a continuance to the August 20th PLDRC board hearing in order to

complete some additional research they need to do.

>> Okay. So we will need a motion to continue this if I can get one, please?

>> I will move to continue case number PUD-20-074 to the August 20 planning commission Volusia planning commission meeting.

>> I will second.

>> I have a motion to continue PUD-20-074. For the next meeting in August. I also have a second. And Ms. Shelley if you will start us off with a vote?

>> Yes.

>> Mr. Young.

>> Yes.

>> Mr. Steve Costa.

>> We are going to go on . Ms. Van Dam?

>> Yes.

>> Mr. Frank Costa?

>> Yes.

>> Mr. Jeffrey Bender?

>> Yes.

>> And myself was also a yes.

>> Yes for Mr. Costa.

>> All right. Thank you very much the motion carried unanimously and now we will move on to new business, Ms. Van Dam.

>> First case S-20-047 application of Mark Watts attorney for Mark and Maria Adelina requesting a special exception for recreational area on a-one and resource quarter RC zone property.

>> Ms. Jackson could we have a staff report on this please?

>> This is a fun project this is a special exception for recreational area and prime agriculture A 1 purpose for the recreational area is for a dog sports facility is located in the Eastside of tater Road with Clover Crest Drive, Clover crest drive interested with state row 44 on the west side of state – south of State Road 44 on the west side of State Road 415. A1 requires 10 acres and 150 foot lot with the that is eight .87 acres it is nonconforming that they have submitted a good nonconforming letter it is within the normal overlay. The current owners purchase a property in 2013 and build a couple of pole barns without permits and begin doing dog sports as a personal hobby and found they would like to expand on that they would like to do dog training and hold sanctioned dog events. The best fit for that and that property would be what we call a recreational area and that is allowed as a special exception in the A1 there's a track on the north side of the property. If you can see my cursor it's up in the north side here, Barnhart said dogs go hunting for rodents that is safely held in little tubes so they don't get hurt, wait pulling which would be held in this barn here in a future sport for dock diving in the pool is proposed to be in this area here if you can see my cursor. The location of the property as you can see on the screen now it is relatively remote and heavily treated. If I move back up to this property, it is relatively remote here is Clover crest drive and tater Road there are 1500 roads accessed off this property and this is the 47,000 acre conservation property owned by Volusia County. If you look at the property itself, this western portion – this is the eastern portion is a house in some assess rebuilding located over here. This is sort of the middle third, if you will, with these ponds in the middle and the sports area is planned for this area. Just a small portion of the 10 acre lots toward tater Road. Access of course is off tater Road and Clover crest drive, those are private unpaved roads and as I said they provide

access to about 15 other properties. The applicant have met with the neighborhood. They had a neighborhood gathering at the sports facility to fully disclose what they plan to do there. And to talk about the road maintenance. The owners have committed through a statement of intent to provide additional funding toward the road maintenance. The neighbors, we have six letters of support, all pretty much mentioning that they are in agreement and impose no opposition to the use of this property for a dog sports facility. Traffic impact have been assessed at approximately 30 cars during the week and possibly 80 cars on the weekend it is unlikely all the cars would be on site at any one time. Typically, the events would be staggered in the attendees would come in and attend while they are running or their event is going on and then they would leave after that but they are providing for up to 80 parking spaces, the spaces meet minimum criteria so drive aisles are placed as such because this site did go through our staff review process prior to formulating the special exception and so they basically revised it around what was suggested to them. As you can see – let's see if I can use a drawing tool here. As you can see right here, they show a tree, they are to stay out of the drip lines of any existing trees in the parking area in order to protect those trees on site there's another tree, there is one here that might be the canopy but in any event, they will have to adjust the parking to ensure they are not impact any of the trees. And so far, they are doing just that. Transportation analysis concluded that the impacts occur primarily during off-peak hours. It would only potentially create up to 12 peak hour trips. Transportation engineering reviewed the analysis and found it will not negatively impact the level of service on the area roadway network. We talked about the parking. They are providing for 80 spaces based on our close is fit for a parking requirement is what we call outdoor recreational uses open free play, and that requires eight spaces per acre being a 10 acre site they are providing 80 spaces. Hours of operation are proposed from 6 PM come to 9 PM Monday through Thursday for training classes. And then, on weekends, Friday, Saturday and Sunday from 8 AM to 10 PM for sanctioned events and/or training camps. They are proposing approximate the 37 sanctioned events per year although that might not equate to 37 weekends because you can have more than one sanctioned event on a day and also per weekend. Training classes and camps may occur on nonevent weekends and during the week. In order – it needs to be explained that in order for the special exception to be approved there are variances required, to both the special exception criteria and zoning criteria. This property is encumbered by ingress, egress easements on all sides and therefore it is considered front yards adjacent to all sides that has to be dealt with from a zoning standpoint. The special exception criteria requires a 50 foot setback from the property line from anything associated with the recreational area. The pole barns were built with out permits and prior to discussing the plan if they have those plans at that time. And so, they don't meet the setbacks. Those issues are the subject of the following case a companion variance case 20 – 048. When we review the special exception criteria for this meets all of the following criteria except it doesn't need the 50 foot set back issue. It means a lot covered it is less than 15 percent. It is approximately one percent at this time. There are no additional living quarters besides the owner's home which is at the rear of the property here. There are no loud speakers they will use handheld radio systems if they need to communicate. Lighting will be downward direct did away from adjoining properties. There are no waivers needed to the parking landscape requirements and it does not meet the 50 foot set back and that is the subject of the following variance request. It makes a special exception criteria and is consistent with the zoning ordinance and comp plan and find it will not adversely affect the public interest makes the express criteria subject to the outcome of the variance. It can will meet all federal state and county requirements. It should not generate excessive traffic and should not pose a hazard or adversely affect

the surrounding property values for the environment. With that, staff does recommend this case be forwarded to County Counsel for final action with a recommendation of approval subject to condition. I'm happy to answer questions in the applicant is in the audience as well for a presentation.

>> Thank you, Ms. Jackson. Do you have any questions for staff? Ms. Shelley do you have a question?

>> No, I do not. For staff, no .

>> Anyone else? Ms. Jackson, are any dogs going to be housed on this property?

>> The owner has personal dogs but to my knowledge they will be – they are not providing like a kennel, to my knowledge.

>> Okay.

>> Is the applicant present?

>> Mr. Watts can I get your name and address?

>> Good morning. Mark wants to 31 North Woodland Boulevard in Deland. I want to say thank you to the applicant, I want to thank Susan for her hard work on this. I think we've met, I don't know how many times, we would go through all technical aspects and would share pictures of our dogs invariably. We are appreciative of staff's efforts, one of the attorneys of our office has worked on it as well want to recognize her for the work she's put into it. The presentation in front of you relates to the variance cases coming up next but with regard to special exception we are in agreement fully with the staff report and conditions outlined in the staff report. I can simply say, thank you for the time. I will be happy to answer any questions about the special exception we can get into the variance.

>> Do we have any questions for Mr. Watts? Mr. Frank Costa?

>> How are you. Has is operated at all prior to this meeting?

>> It did. Basically they have agricultural zoning so they went in with the understanding they would be permitted under agricultural zoning but stopped once they learn they needed to go through a special exception. The buildings were typically under under ag zoning you are not required to meet those setbacks they proceeded with the development of the site with that understanding they could fit under the ag zoning and at the time that staff informed them they were outside of what was permissible under ag because you're dealing with dogs I think horse shows fit under ag dog shows . Because of that we had to stop doing any operations or events on site and we been went through this process.

>> During the time they were running those on site, where their complaints from neighbors?

>> No complaints from neighbors. We did a Saturday afternoon cookout invited all the neighbors, we had about two dozen, 18 people or so, we spent three hours going through the various events they do giving tours around the property. I ended up on a golf cart and somebody else's property looking at easement issues. We meandered a little bit so we had a good discussion. We do have letters of support in your packets. They are from the surrounding property owners that actually touch this parcel as well.

>> Are these events going to be open to general public or by invitation only?

>> They are open to public AKC sanctioned events. There are a lot of folks involved that would be particular folks we would expect to come up be part of the events.

>> As I live on a private road as well, one of my concerns is the maintenance of additional traffic. How many folks currently maintain that stretch of road? .

>> everybody contribute there is an informal arrangement with contributions. The next gentlemen to the north also parcel Kind of the northwest corner there. Everybody calls him the mayor he is in charge of everything with maintenance . We spoke with him what he wanted from the standpoint of additional

material. He's – the road out there is fantastic. I grew up under roads that the best maintain dirt road I've ever been on. We asked him what additional material he wanted to make sure he had extra to fill in any damage asked for about 500 dollars more to spread throughout the year so we have certainly read to that is there is additional need Mr. And Mrs. Avellino have agreed to step up.

>> It's got no teeth what what we are doing here today that is a gentlemen's agreement?

>> The total road agreement is a gentlemen's agreement and I believe you have in your materials a copy to the agreement.

>> I'm looking at worse case scenario.

>> Worst-case scenario there is no formal written maintenance agreement.

>> Thank you.

>> Ms. Shelley, did you have a question?

>> Yes. As a point of clarification, the hours of operation, he says 6 PM to 9 PM for training sessions. Is there a reason it is at night for training sessions?

>> Primarily because it is for after work so something people can do in the evening. The way they are approaching the training session you may have eight or 12 people come up with their dogs to work the dogs to the various events, the various facilities on the property. They are trying to provide that time period for doing that after working hours . That was something discussed in our conversations with the neighbors to make sure everybody was comfortable with those time frames and hours of operations.

>> Thank you.

>> Mr. Young?

>> I just wanted clarification that question was brought up. I've been involved these with my own dog. Other going to be any overnight or kenneling operations plan in the future?

>> No, sir. Kenneling would require a special separate exception so we are not proposing kenneling or overnight.

>> There won't be any caging for an extended period of time?

>> Correct.

>> Thank you.

>> Okay. Ms. Shelley, if I could get you to silence your microphone, please. Ms. Van dam?

>> Staff recommendation number not the applicant shall continue to participate in the maintenance and provide additional monetary contributions as committed to in the statement of intent. The statement of intent actually becomes part of this special exception, is that correct?

>> That is our understanding and agreement with staff when working through this.

>> Mr. Bender?

>> I was curious about that as well whether this board had any legal standing or accounting to enforce that particular thing once it is approved and if they decide they are not going to do it, I don't see where the County would have any legal standing to force them to do it. That is an agreement so I didn't think that needed to be in this document.

>> I will defer to your legal counsel with regard how they want to advise you it was something we were comfortable stipulating to with at the very least the additional money contributed because the concerns Mr. Costa raised being on a road we have to deal with private in bank . We were fine offering that condition and stipulating to it. Enforcement may be tricky for the County down the road and I understand that . We are fine putting on record we are agreeable to the condition.

>> Mr. Chair, this is County attorney the enforcement mechanism of that condition would actually affect the special exception permit. If they fail to maintain the County's authority is not to force them to



participate, it is to temporary cc paren until we have evidence they are participant in good faith on the maintenance aspect is not we are forcing them to enter into a contract but it is tied to your special exception permit you are granting and because there is concern raised with the access issue if they fail to maintain in good faith the road, that puts their permit in jeopardy.

>> Okay. Thank you, Mr. Soria. Mr. Bender?

>> This is for staff. You are recommended existing vegetation within 15 feet of the property lines be maintained by recommended that it will be done in a notice it contradicts what is in staff recommendations because then it becomes part of, so do they need to extend the same thing in the front part, you say "recommend" in the backside it says they will?

>> The staff recommendations of the stronger language and that is what the intent is is to hold them to maintaining those landscape buffers in their natural vegetative state and 15 feet of the property lines.

>> In the meat of the document we are recommending that they do it –.

>> We are requiring it.

>> You are not requiring it in the front part of the document I guess I am saying.

>> That's okay.

>> I think ultimately becomes a requirement so that is formalized by condition 7.

>> I was trying to see both of them kind of meet up.

>> Mr. Soria did you have further comments?

>> No, sir.

>> I saw your microphone it was on. Any other questions?

>> One other thing.

>> Go ahead, Mr. Bender.

>> There is a 15 foot buffer requirement but then in the document is says the lighting could be within 10 feet of a property line. Why would it not be 15 feet from the property line for that – for the lighting?

>> I believe it is a special exception criteria that allows it to go within 10 feet they could put up a light pole and not disturb the vegetation if they wanted, they discuss lighting on their fencing they have rope lighting it appears from the pictures. That is not disturbing any of the vegetation because on those fences there is not the vegetation, it is in the front. I am not sure exactly – I do not think those two things necessarily conflict.

>> Okay. It kind of did to me, but – I'm saying if you tell them they have got to be 15 feet offer on the property line and then turn around and say you can put your life within 10 feet for some reason it doesn't seem like you need a 15 foot buffer to me.

>> I think the intent is we maintain the existing vegetation n that 15 foot area but may install a pole light within 10 feet of the property line also that we are not disturbing existing vegetation . There are areas where it is clear that other with the existing vegetation if you look at the aerial pictures so we have thinner vegetation you room to install those lights.

>> Thank you, Mr. Watts.

>> A quick question. Does this event facility have a name yet?

>> I don't think it has a formal name yet. We are open for suggestions.

>> I didn't see it mentioned.

>> I'm not aware of a name yet . I think the trend for Avellino's are pretty known within the AKC.

>> Any other questions? Hearing on. Ms. Summers, do we have any public participation?

>> No sir. During that we don't we are going to close to public participation open for commission comments, discussion or a motion.

>> If there is no discussion I will make a motion we approve or forward the special exception to County Council for final action with recommendation and approval subject to staff conditions given the neighbors have.

>> I will second that.

>> I have got a motion to approve. Special exception S-20-047 with staff recommended condition send it to counsel for recommendation and approval and have a second. Any discussion on the motion? Hearing then, roll call I will start with Ms. Shelley.

>> Yes.

>> Mr. Young? Mr. Young?

>> Yes.

>> Mr. Steve Costa?

>> Yes.

>> Ms. Wanda Van dam?

>> Yes.

>> Mr. Frank Costa?

>> Yes.

>> Mr. Jeffrey Bender?

>> Yes.

>> And I am also a yes.

>> Thank you, very much. I will stay here.

>> Ms. Van dam? Next case V-20-048 application of more Watts attorney for Avellino owners and resource core door RC zone property.

>> Thank you, Ms. Van dam. Ms. Jackson, staff report, please?

>> This is a record number of variances I've ever done in a report. I think there are 10 variances associated with this property all to the minimum yard requirements for A1 property as well as special exception. This is a companion variance case to S-20-047 for the recreational area for a dog sports facility. I have a chart that helps us keep track of what these variances are end up here you will see an aerial that points out what structures we are talking about with regard to the variances and over here is a graphic that shows you what the set backs would be required to be. We will list out the various variance requests. For structure number one, which is this, can you see my cursor? I'm going to try to make that bigger. Over here, is structure number one, it is the barn where barn hunt activities will be taking place. There are two variance, variance want and to associated 1 is to reduce the special exception requirement from 50 feet to 30.8 feet to the property line. And variance 2 to reduce the zoning requirement from 100 feet to 0.8 feet. I probably need to start out by saying in the A-1 district the front setback is 100 feet and in this case it is not to the property line because there are 30 foot easements, ingress easements on this property lines and up here it is 20 feet easement and no easement right here but up here it is 20 feet. That requires 100 foot front set back measured to the easement line not to the property line so it pushes it further into the property 130 feet. That is why these numbers seem weird, but because the special exceptions measured the property line and zone is set backs measure to the easement line. Continuing with listing the variance. For structure number two variance three is to reduce the special exception requirement from 50 feet to 48.9 feet. And variance four is to reduce the zoning setback from 100 feet to 18.9 feet. Structure three is an observation platform a small structure 10 by 10 feet right back here on the north side of the property. So variance 5 is to reduce special exception requirement from 50 feet to 23.9 feet and variance 6 is to



reduce zoning requirement from 100 feet to 3.9 feet . Variance 4 is for fast Track that is a fence area and goes along here. That is where the dogs run but the structure is so is basically a fence. So variance 7 is to reduce the special exception criteria from 50 feet to 34 feet, and variance 8 is to reduce the zoning requirement from 100 feet to 14 feet. variance structure 5 which is the proposed dock diving pool and platform which will be located right here would be located 55 feet according to their conceptual plan they have it post at 55 feet. It does not need a variance to the special exception criteria however at that location and variance nine is to reduce the zoning criteria from 100 feet to 25 feet. Variance 6 is for a carport which is back here that has been there for about 20 years but we thought we would capture it all we are taking care of all these other variances to legitimize its location and does not require anything for the special exception because that is not used in the special exception but does require a variance from the zoning requirement from 100 feet to 7 point eight feet that is variance 10. In reviewing the criteria for these variances, for variances 1 through 8 we have to recommend denial, because they fail to meet two of the five criteria. They don't need there are special circumstances with properties or structures, we recognize the easement along all the properties provide incredible encumbrance upon this property but never the less had the property owner come to the zoning department and discussed what they were wanting to do ahead of time, we could have alerted them to the setback issues and there is room on the property to provide the structures they are requesting variances for. And therefore, criteria 2 the circumstances are the result of the actions of the applicant however we find it meets criteria three, four and five little interpret patient we believe would create a hardship would require removal or removing of the structures, customary structures found in agricultural areas they are pretty unobtrusive where they are located. There is a lot above her area down here there is quite a bit of vegetation on this property line and discussion this issue with the property owner he is trying to encourage it to grow and not trying to minimize that buffer but to enhance it as best he can. The observation platform on the north is basically a very small platform, it is underneath that, it is very small and is adjacent to what is behind it, there is a small dirt – basically a driveway it is listed as a road but is a driveway that goes to this property back here which would be this house right here and there is a fence between it and that driveway even though it is on the applicant's property it is still fenced off and there is a mess of Woods behind that. it's basically a strip of fence and that is the track the dogs run down. Also given the property is zoned A-1 these are – well, the barns are, these are customary structures you would find in agricultural area if it was modified ag these were used for agricultural purposes they would not need permits therefore we find it would possibly create a hardship to require moving of these structures. Also, if they had to move them that would impinge on the area they have designated for parking in the parking is located because that is what was suggested by various staff that reviewed conceptual plans as it was going through the review process. Criteria 4 we find it's a minimum variance to allow use of the existing structures and 5, we find is not injurious to the area involved, the applicants have all met to discuss the situation and what is going on, on the property. They have submitted letters of support for use as well as the road agreement and those are in your packet. They are all located on the road. With that, staff does recommend approval – has to recommend denial of those first eight variances. But we do find there are situations where they do meet the criteria . For variance 9 and 10 staff recommend approval of those two variances as they successfully meet all five criteria should PLDRC find there is substantial evidence to support variances one through eight have provided conditions for consideration.

>> Thank you, Ms. Jackson. Any questions for staff? Mr. Bender?

>> Ms. Jackson, can you explain why this property or any other property in the county would be

encumbered with such stringent ingress, egress easements? That virtually rendered this piece of property unusable without having to come before the board to do anything. What is the purpose of such stringent easements help me understand that.

>> I'm not really sure that would have occurred a long time ago when they were plotting out these properties. Maybe with they were trying to figure out any possible contingency in the future what another road go through there I don't know when these were parceled out that is not a plat. I don't think I have a good answer for you why they are there but they create quite an encumbrance on this property.

>> (off Microphone).

>> Ms. Van dam?

>> Understanding there is a difference between zoning easement and special exception should these buildings be destroyed, at that point the applicant would be able to come in and ask for the 50 foot easement and relief from the 100 foot easement, correct?

>> No, they would –.

>> They would be able to come in and request a variance let me put it that way to be relieved from the 100 for the 50 foot.

>> You mean if the bearings is approved and then they got destroyed and came back?

>> Yes.

>> Do we have a condition on that?

>> I don't see a condition.

>> We don't have conditions, were not suggesting any conditions that way. At staff level with had a big discussion about this issue of these conditions we are placing. When a variance is granted it typically then effectively changes the setbacks for that property. In cases where they are asking permission, we would not put those types of condition on a piece of property we've effectively changed the setbacks associated with that particular piece of property. In this case they are not asking for permission they are asking for forgiveness that is normally where we would place – we would put that condition if it is destroyed it has to meet the current requirements of the zoning classification but in this case because it is also a special exception situation and a business use in a sense, that we did not include that recommendation. As well because it is in agricultural property. They can come in any time in claim those are agricultural building use for an agricultural purpose on an agricultural piece of property and do not need to get variances for that.

>> Okay. Understanding that, but right now they do not qualify for the agricultural exemption. So my question is, if these variances are approved, and then the building were to be destroyed would at that point before they rebuild with the applicant be able to come back to PLDRC and request a variance to go to the 50s feet special exception easement versus the 100 foot zoning easement?

>> I'm going to ask for legal counsel to weigh in on that.

>> If you grant the variances that changes the setbacks for these particular structures. There is not a condition on the structures if they are destroyed or removed they have to comply with the existing zoning standard. I believe the way it is currently written they can put them back on the way it is to dictate on their proposed map associated with the variance and special exception. Because that essentially is the primary use, the structures are part of the use you are granted and they are specifically laid out, so if they are destroyed the way it is currently written they can put them back I believe, Ms. Jackson, correct me if I'm wrong I am not seeing a condition if they were removed they would have to comply to the existing zoning.

>> We do have a condition, condition 4 that says any reconstruction – if damage is in excess of 50 percent any reconstruction shall thereafter comply with the applicable requirements of the zoning ordinance.

>> Okay let's flip to the other page. That's why I didn't see it. If they are destroyed they would have to comply that does give them an opportunity to come back to put, replace essentially the structure. That does not invalidate their special exception they can still use any of the remaining building that were approved if the commission approves them. But yes, if any of the buildings are removed or suffered or 50 percent more damage they would have to comply with the 150 essentially foot setback from the property line unless they come back to this commission and get another variance to replace that structure.

>> So they can come back and request the 50 foot special exception easement versus the zoning easement?

>> Yes they can come back with a variance to request a location of the structure as long as they justify it.

>> Okay. Thank you.

>> Mr. Young, you have a question previously?

>> Part of it was answered with that, but I will ask another one just offhand on variance 9 maybe I misunderstood, but when Ms. Jackson spoke she said 25 feet instead of 55 feet, it is 55 feet? Variance 9 the proposed is 55 feet I thought I heard her say 25 feet and she put on her presentation.

>> I did say 25 feet is 100 feet from the easement line. Even if the building is within 55 feet of the property line, that structure – that is the dock diving, variance 9 is for the dock diving pool it is proposed that 55 feet from the property line so it doesn't need a variance from the special exception criteria it needs it from the zoning criteria the zoning is 100 feet from the easement line not the property line that is why that number is weird.

>> It is 55 feet is right on this statement?

>> It is proposed to be located 55 feet from the property line, yes.

>> Okay. Thank you.

>> Okay. Ms. Jackson this is more a comment than anything and you can correct me if I am wrong. If these were horses they wouldn't need any of these variances, correct? Just because it's a horse and a dog?

>> The code does allow for equestrian facilities to be allowed in A-1 so it has a lot to do with not being horses.

>> That is just a comment, not being horses than dogs. Is the applicant present? Mr. Watts.

>> For the record Mark Watts, 231 North Woodland Boulevard Deland you stole my opening line. What a difference the animal makes. If you look at the property I'm going to walk through a couple of slides. If you look, we put this together to give you a sense of the overall layout. Your point is very well taken. To the northwest you look at the property that touches the northwest corner of our clients property they have a lot of the exact same structured right up against the property line and roadway because it is else instead of dogs. As we related to before if this was an equestrian or show facility structures would not have to be required to pull permits and required to meet with the setbacks. We understand there is a little distinction because this is an special exception not included under the ag exemption. We put this together to walk you through what each of these structures are. Here is the overall location structure one, the pole barn for the barn hands, structure number two existing structure for the pole I will show you these in more detail he basically got it elevated platform for telephone poles

that is structured three and structure four is construction fencing between several polls in the ground for the 400 yard stretch and structure five the proposed docking facility that is one that meets the special exception or would meet the setback requirement but because you have all of these front yard set that's required because of the configuration of the driveways we will cost the variance in the front yard setback requirement for structure five and structure six is asking to legitimize the carport in the back corner that is been there for 20 years. Yolanda, do I control or do you have control? The clicker is not working. Here's a better view of structure one. This is something you would typically see in an ag area it is something, the goat from across the street the cattle operation further down the road but it is an open pole barn. Structure number two this is variance three and four very typical pole barn type structure would see in most agricultural areas throughout the county. This gives you a better view of structure number three that elevated platform to your right where you see the orange fencing that is the area where the dogs run it's like 100 yard dash for dogs, so the elevated structures how they control the timing equipment and everything related to that operation in the fence next to it is considered a structure under the code, structure number four is a fenced area that runs down the length of that side of the property that running to the to occur. To give you an idea of the pool area added some point down the road that is structure five and the existing carport in place since 1999 you see that on the bottom. Looking at the overview of what we are asking for, if this was all allowed under the ag use which was the initial intent we would not be here asking for any of these but because we have had to go through the special exception route it does require each variance listed. I'm pretty appreciate the effort staff has help us put this together we've agreed to the conditions listed. I will discuss position number four. As we look through on variance one through eight staff determine the two were not met by the conditions here. We think you can find they were with regard to that criteria number one, that the special conditions are peculiar to the land sign building involved in a not applicable to other land and structures Mr. Bender you hit the nail on the head how this set back extraordinarily limits this property. Of the setbacks on North and South side the setback off of tater road to pinch things further to the east any of the existing pond areas to confine you to that area so it really does limit physically the area available for these things to be included or constructed as a are considered nonagricultural when you have to respect those setbacks. Here, I think the combination of the layout, the setbacks required based on those driveways and existing ponds and topography do justify and present special circumstances and conditions that would authorize the approval of the variance. To put that back in front of you, that is the overall impact of the setbacks that apply. Because we have on three sides those driveways essentially, I think the purpose and intent of that front yard setback under A-1 is satisfied by the setback off of tater road I think that is where it was originally intended to of the property apply but we the code is currently written have to measure off the other side and I think that creates whiny limitation on usability you see the special exception but we think there are conditions that would satisfy the criteria for the variance. The special conditions and circumstances don't result from the actions of the applicant where those first eight don't meet but if you look at what of the condition and circumstances, the presence of those roadways impose the set back requirement so is the present of those roadways how the code is written that imposes that 100 foot setback. That is not the applicant's action that was how the property was developed and laid out and how those easements were put in place. I think you have leeway to find that second criteria is satisfied because the applicant did not impose or create those conditions. And pointing out if this was a different type of animal being used on the property of these events were serving we would not be here talking about any of this. We provided you with letters of support I wanted to just give me a graphic depiction

where the neighbors were. The stars are for each letters we received of support those of the location of those properties and most importantly the folks located on each side where the houses are, are the ones that offered their support for special exception application and variances associated. I appreciate your time this morning and the time staff has put into this. Ms. Van Dam you did raise that question, and I think where you were heading with your question and correct me if I am wrong, with condition number four, if I can get to it, we would have to come back and apply for all the variances ever again if you were trying to reestablish those may be complying with the special exception 50 foot setback and that is something we would be agreeable to a modification of that condition that we wouldn't have to come back for the Sony setback because we got that hundred foot setback it is severely limit the property I will toss that out and I think that is where you were heading with that. But I think that makes sense.

>> Mr. Bender?

>> How long ago, you don't have to be exact, where those three buildings erected? About how long?

>> Over several years I would say two or three years ago is when they started developing the property more to formalize the events they were doing. I think they bought the property 2013, I want to say 2016 to 2018 is when they started building some of the structures for the events.

>> I was wanting to make sure they didn't bill them after the notice of violation, it said recently built, I'm trying to find out.

>> When they received the notice of violation they stop receiving, they engaged us and we been working with staff to get them good with the County.

>> And I want to weigh in on the animals conversation I think the reason you see different house, goats, horses and dogs those other three don't work and raise a lot of hell..

>> Certainly understand.

>> Mr. Young, you had a comment?

>> I've been to several of these events that I've seen a picture of the pool and something just dawned on me is there going to be any signage, particularly since they are attracting some of the public I noticed there was a picture in the pool where there is signage and I've been to events before their assigns all over telling with dogs and people should go. Is there going to be any signage around so the public knows that hasn't been addressed?

>> We have not propose to do anything other than what would be provided or approved by your land development we would have to address that as we go through the site plan review and pull permits. I don't have a specific plan for Mark client at this time for signage but we would have to go through and add that approve by staff by –.

>> Is my understanding that was a small sign was going to be on the fence?

>> I believe the intent where going to have a sign on the fence saying this is the location of the facility but not the sponsor signage and things of that nature unless permitted as a temporary sign.

>> That is okay according to the code?

>> Yes, but internal directional signage as long as it is not visible external to the site were not going to regulate that, that will be fine.

>> Thank you.

>> Ms. Van Dam?

>> Question for the attorney I don't know if you want to do that now or wait.

>> We would. We don't have any more commission question for you, Mr. Watts. If you would have a seat will ask for public participation. Ms. Summers, any public participation on this case?



>> No, sir.

>> Hearing none, we are going to close the board to public participation in open to commission discussion, Ms. Van Dam?

>> Do we have the authority and condition four to change the requirements of zoning ordinance to read requirements of special exception?

>> Yes, you do.

>> Okay. Thank you.

>> Okay. Any other comments? I do not hear any. Going back to your point of making a part of the special exception for the set if it's destroyed more than 50 percent, if their current use, what is the reason we don't strike 40 together?

>> It's time special exception if there special exception ceases and the structures are destroyed because they are no longer using the special exception we have to comply with the zoning ordinance so you tie it to the use that you are granting so it's not just any use they cannot swap it for some other non-agricultural use that would require compliance with the zoning code.

>> Let's say if we keep it in because it is tied to special exception, can we increase that percentage for more than 50 percent?

>> Yes you can increase the percentage.

>> That is the point I am making, because if they were to lose big portion of the building due to a hurricane they would be back in here requesting a variance to the special exception if it was more than 50 percent –.

>> Not necessarily if it is more than 50 percent they have to comply with any reconstruction would have to comply with the requirements of the special exception.

>> Which is the 50 feet?

>> Yes, the 50 feet.

>> The point I'm making we are applying these variances is if these buildings are being used and have been use that percentage I would like to see higher, this is a comment, they are using them rather than having to come back – they can go to 50 feet but then would have to relocate them altogether from where they currently set have to come back to put them back where they are.

>> You are correct if the commission determines the threshold is too low because this is a primary use tied to the special exception they can increase that percentage.

>> Do you ever recommendation on that?

>> 75 percent is the default for nonconforming structures so that is a good threshold. I think the commission used 50 percent historically so you can go 75 percent or go higher, 75 percent is our standard threshold for nonconforming structures.

>> Okay. That is my comment. I would like to see that 50 percent raised to at least 75, if not higher as long as it is within the special exception and if it was tied to the special exception if it was destroyed in putting this as part of the special exception quite frankly I think it should be replaced regardless of the damage.

Mr. Frank Costa do you have a comment or question? All right. Does anyone else have a comment?

>> I don't have a problem changing that to 75 percent I was trying to come up with a way we could get them to be more in compliance with out them having to come back to request a variance but if we make it 75 percent make it a requirement of the special exception rather than the zoning ordinance that protects them that way so I'm good with that.

>> Mr. Frank Costa?



>> I would like to make a motion on case V-20-048 variances one through 10, to approve all 10 with staff recommended condition and condition number four, removing the 50 percent and in place putting 75 percent of the damage in excess damage.

>> Okay. do I have a second?

>> Second.

>> if it is destroyed it would comply with the special exception criteria?

>> That would make it the 50 foot, Mr. Costa.

>> Would that be standard? Without be assumed?

>> No, you would have to state it in condition number four to change the zoning ordinance to the special exception.

>> So 75 percent destruction?

>> You would raise the threshold to 75 percent and if it is destroyed more than 75 percent they comply with the special exception which is the 50 foot criteria instead of the zoning ordinance which I believe is the 100 feet measured from the easement, I think.

>> Instead of saying comply with the applicable requirements of the zoning ordinance you would say comply with the applicable requirements of the special exception criteria.

>> So we are going to strike 50 percent for 75 percent and zoning ordinance for special exception.

>> And I will second that.

>> I have a motion and a second to approve variances one through 10, and staff recommended conditions changing number four from 50 percent to 75 percent and change in requirement to special exception rather than the zoning ordinance. Any discussion on the motion? Hearing none, I will take a roll call with Ms. Shelley.

>> Yes.

>> Mr. Young?

>> Yes.

>> Mr. Steve Costa?

>> Yes.

>> Ms. Wanda Van Dam?

>> Yes.

>> Mr. Frank Costa?

>> Yes.

>> Mr. Jeffrey Bender?

>> Yes.

>> And myself is a yes motion carries unanimously. Ms. Van Dam could we get the next case?

>> Next is S-20-053 application of Michael Woods attorney for requesting special exception for recreational area on OCR's own property.

>> Thank you, Ms. Van Dam . Ms. Jackson, Stafford work?

>> Ms. Trish Smith will be giving staff report and following variance case.

>> Planning and development services committed to bringing you a variety of unique cases today. This is special exception for recreational area we have a companion variance we would hear afterward project is on state road 450 in hosting, 117 acres in the posting cluster residential zoning classification and part of the hosting local plan this is a site use to store maintain test and practice maneuvers with World War II weapons and vehicles and run by a not for profit group that includes veterans in World War II veterans to it is not open to the public historical reenactments for general public are performed

off-site four or five times per year there are several large buildings on site and World War II items are Activities on site include tanks and other World War II weapons live ammunition is not used. There is gated access and camera surveillance the site is surrounded by single-family residences. The facility hours are eight to 6 PM an applicant proposes to limit firing of large caliber weapons between 8 AM and 3 PM once a month for practice events. There is a noise study in your pocket and I will tell you some levels exceed 60 decibel levels for short period of time the County ordinance says one cannot exceed more than 10 percent of any measurement period and it cannot be for less than 10 is measured from the receiving property so in summary it is loud but does not violate the noise ordinance neighbors are notified prior to firing. We have letters of support from David they are included in pages 44 through 60 your pocket I believe the applicant has additional letters, the applicant does have the right to apply for special permit to exceed noise ordinance up to 4 times the order choosing it as time to operate within the noise ordinance. We find the application meets the criteria for special exception it can meet criteria for recreational area with variance to parking for large vehicles you have seen displayed on your screen and that is specific to Osteen local planning area because this is such unique project a variety of staff have an outlook at the property, fire department, code compliance environmental to ensure they can be in compliance with County codes. The applicant has been working closely with community, sheriff's department, veterans group and all interested, our staff recommendation is to forward case S-20-053 for final action with recommendation of approval subject to staff conditions pages 10 through 12 of your pocket. The applicant is here for a presentation and we are here to answer questions we have in the audience additional County staff if you have environmental or code questions.

>> Thank you, Ms. Smith. Any questions of Ms. Smith? Okay. Mr. Bender?

>> We do have one of opposition we need to be recognized.

>> I do apologize. One came in last night, yes.

>> Is the applicant present?

>> Yes, sir .

>> State your name and address for the record.

>> Good morning, Michael Woods, law office to 31 Boulevard. Every now and then I get to come forward with something pretty cool it's unique has some benefit that is not to say we come before he for subdivisions or commercial box or shed variance, this is been a fun project to work with with staff. It's unique to figure out how do you fit pieces into the regulatory structure the County provides for and try to be sensitive to the applicant need, neighbor need and staff needs. It's been about a year we've been working on and off with his going back to discussions with code enforcement and I think we have provided a release mechanism for how this property can continue to operate and provide good measures and guidelines for all involved. The applicant, the entity that operates on the property is known as WWII armor I don't know if you have the opportunity to go on to their website but it is the educational wing of the operation but the collection itself, the gentleman behind everything is name Rabbi Rob Thomas a former Navy that is a rabbi and started collecting World War II armory and is collection has grown to the point now that the equipment stored on premises here and now is the largest private flexion of functional world or to armor in the US we think Western Hemisphere and the point of that is functional. His desire to have this equipment and share with the public and will talk about how that happens is to bring history alive. It started as a one-man collection and has turned into a mobile museum. The location serves as HQ for the armory collection and that includes tanks to 7 or eight and varies forms functionality that comment I've heard from folks that work on the tanks is there

are no him to types of tanks in the world those that are broken and breaking down so there is the repair work for the folks on volunteer and staff but there is also heavy trucks, jeeps and motorcycles. They also have an inventory of vintage and reproductive small arms to the World War II era and uniforms. There are details and they are resources and they open up for people to contact from historical research they have a vast collection of period original source manuals for the equipment, vehicles for the operation stuff for reference and citation. From this location in Volusia County that equipment gets transported along the eastern seaboard to the great lakes periodically throughout the year five or six times two varies we enact it's that is where the vehicles are operated for the general public kind of civil war reenact. It is kind of a traveling armored version with the civil war reenact its. I think if you have familiarity, the closest they operate locally is near Mount Dora, the armor is coming from our client for that and the biggest one I think is in Ohio there is a D-Day reenactment, obviously with COVID 19 all schedules have been canceled out. The message and the passion for Rabbi Rob this is the tool liberation of Europe and the vehicles that were relied upon by the soldiers at that time and making sure you really understand what it was like to see those vehicles move how they move in the thick is of the armor when you are at these events they have vehicles staggered and stayed you can ask questions, touch the vehicles and tanks and put yourself in the shoes of what was it like to be an 18 year old soldier and it brings home a very visceral element. What I've seen this equipment in action the two things that always surprised me is the speed with which these tanks can move in going through their inventory of uniforms how small the uniforms were anything why is it as small as they are? But you realize we were smaller people back in the 1940s, and two was a lot of young kids and something you don't get from the text books but it's that passive information you pick up on that so it's not a glorification of war but a very visceral tactile experience. From what we interact with we referenced we have a lot of volunteers that is of various conflicts and warriors to help out. You are not open to the public special exception does not ask us to do events on site. Where people from the public recently would be the Boy Scout, you are not going to the facilities were firefighters train for rescue. At that point nothing is moving are being demonstrated but you can see the equipment. What is done on site? On premises the equipment is maintained and repaired that includes vehicles, small arms and I think they even have a seamstress working on uniforms. Volunteers prepare equipment for them to go, before they go to a location to reenact there is effectively a dress rehearsal one we talk about condition that is that monthly event so once a month. They do that to practice have to understand how the equipment works for safety and rehearsal make sure everything is working right. Basically looking at one weekend a month kind of like the National Guard commercials, you know? What we are doing in this was the first couple of weeks talking with staff bring everybody up to speed is the bogeyman, what is going on long term? Were not looking to stage anything on site for the public. This isn't going to be this deal version, were not looking to bring out the public we control access to the property very tightly Trish reference some of our security measures and I'm happy to go into detail typically speaking with 8 to 10 staff members. Day-to-day it's a very small footprint. It is important to how we will approach this because first question is how in the world do you permit an operation like this? Break it down to small components figure out how does this fit into existing codes? The main point I want to make where coming to for special exception to self regulate ourselves to give enforcement capacity to step but individual components of operation we are doing don't really violate any code provisions but want to give a mechanism to allow for certainty. The approach and why we are coming for special exception now as we know with an operation you will get a phone call, if neighbors are not familiar with it there is noise you can hear what is happening we are doing the dress

rehearsal. What is the mechanism, how we look at that and control it? As I said, you've got a couple of components this is a collection of equipment to store on the property there is no problem, if there was a collection of Harleys or model T's, Trish did reference were going for the variance that is because in the OCR overlay there is an outdoor storage parking design Sunni traditional residential neighborhood you are not parking a tractor trailer we do have 117 acres of property, you saw some of the photos, the tanks and heavy armor are all within warehouses. We do have some trucks parked outside you do not see them from the street they are up against the building we are looking for the variance we are not obligated to build additional storage facilities if the variance is denied we can still put those into storage, we are okay with that. But if we need to have a vehicle outside we are trying to be 100 percent transparent . This was an issue brought up by staff nine, 10 months into this, but the variance seems to fix it pretty well for us but we can talk about that next application. We have discussion about environmental conditions it is on 117 acres and we are utilizing five percent. A good portion is wetlands. We've done a geological study I have been working with Keith office for many months and what we had to do to accommodate there were historic trails on premises from prior ownership, and analysis was leading up to the wetland buffers so we close down those trails and have begun doing rehabilitation so we have tightened and constrained ourselves furthermore. We look at the photo shown you can see that little teardrop pond in the center and go to the self there is that sandbox that is where the operations typically go to for maneuvers and testing and there is various trails to get there. We have close the majority on the perimeter because that gets into the wet area but have brought that into compliance with environmental. Nothing we are doing with the special exception will modify or change that. We been working in anticipation to bring the property into full compliance. And then the analysis of operating vehicles on premises the equivalency of that it will prevent you from – it's a little tongue in cheek but this is a heavy ATB but as long as we are not infringing upon neighbors property or hitting any environmental concerns. And then the issue that got the most focus was a test firing of the weapons. There is two elements I want you to be aware of on a day in day out basis and this is what is anticipated with special exception there is the ability of small firearms as they are working on a handgun, pistol, rifle to make sure everything is working we want to go out and test fire. These are all blanks do not do live rounds but you have to make sure weapon still fires properly and that requires firing. Were not terribly concerned not even like the noise ordinance which we will address, that is not a common occurrence on that area for folks to fire weapons. That is never been a major concern from the get go, we have condition and hours of operation in place and Mr. Costa has led a reference that I will pick up on that to be clear when they can and not go out fire a grease gun or the M1 something to that effect. The other issue is the load of the tanks, that does create a bigger noise. I will totally what we tested with what we operate on premises is a lower load then utilized on-site it is not color they fire for demonstrative purposes they need to drill know how to unload and load safety on premises with reduced power capacity then when they go off-site it has little more of a boom. With all of that even with the firing of the tank in the middle of a 117 acre property you do not violate the noise ordinance we will discuss that below. Figuring out where the ability to do what we wanted to do our analysis did not stop which brings us to the special exception structure. We wanted to make sure parts could be allowable and everyone is clear as to what can happen and cannot we want to stop phone calls coming in nobody internally at the county getting crossed messages, let's all get on the same page. And avoid the bogeyman, that is what they are doing today, what happened tomorrow. What if they want to expand? What we are talking about now is not expanding operations we've been conducting these tests over the last couple of years were notified of a cold violation about a year ago and we

started working through this and since that time we have ceased the big tank fire to make sure we come into compliance will want to make sure politically understanding moving forward. The special exception, it codifies actions taking place on the property. We assess impact of the surrounding area that is on a legal and courtesy level. Noise ordinance we are in compliance we are still reducing our hours of operation and self limiting what we are doing because though we had a legal right who want to be considered and do not want the disruption of the neighborhood to the fullest extent we can avoid it. And that helps provide clarity and certainty for phone calls that come in and I think we have worked out a structure acceptable to staff. Why do we do the special exception versus other options? Why is this not a PUD, we are not looking to be entitled or create new entitlements for the property. We believe we have the right to do these individual components as is NPD opens a whole can of words. Keep this with the existing zoning don't make it special other than for use in special exception. The other element was special events permit that Trish reference, that is if we wanted to exceed the noise ordinance. There is the ability to go to the County manager and give that issued I think it is limited to four times a year. Two reasons why we want to approach that, that is more tied to like the Oktoberfest kind of stuff in there is reason why the policy has been drafted and adopted in consideration of that event we did not want to get tied into that, two, four times a year does not work for what we need for practice and did not want to ask the County manager to exceed that are come up with a belabored attempt to get additional authority just coming from the managers office is better to lay it out here nice and clean. It makes more sense to have everything written down and documented. As to the noise ordinance, how is it that we are able to do not create a problem I will have Hutch, to answer specific questions. But the noise ordinance got adopted across the nation and we started wearing about boys and impacts of noise back in the '60s in '70s and a lot is to deal with to, continuous machinery working we cannot allow that to happen, it doesn't get rid of the noise we are still aware there are highways. The way the code enforcement and noise ordinance works is for continuous noise in the individual kind of shots and intermittent operation is what we are dealing with doesn't get captured with that noise ordinance. That being said, we are still putting in methods to minimize and reduce the impact of that. I think the most telling thing because we did the noise samplings we wanted to know exactly what was going on. We know that spikes and there is noise. He wanted to know the full impact if we did violated what did we have to do? We don't violate it, our main concern because we bump up against Deltona what is happening along 415 and the interesting thing across the board with our testing whether it was small arms or tanks to time our finding we could get clear readings because the traffic going by exceeded the levels we were picking up with the noise we were generating. Technical complaints but it courtesy compliance that noise is going through infield and practice there is a distinction. If you have specific questions about environmental unhappy to talk to you about that as well but conditions of special exceptions by staff are acceptable to us we work with them, and the way this is supposed to work out, and I would like to talk about the letter Mr. Conseil sent in seem to be concerned about an expansion of usage focusing on the 8 to 6 every day of the week operation. The intention is we can be on premises doing our day to day operations on a regular basis. This is going back to conversations, Mr. Bender, only had the excavation operations, operations started at 6 AM but are they mobilizing ahead of time, being clear we can be on the premises between 8 PM and 6 PM pretty much doing anything but finding out the big tanks because that causes the issues the only time we fire is the once a month, that is limited to 8 AM to 3 PM and part of that is past 3 o'clock it is too hot so we are trying to give ourselves a small window with that. That is it in a nutshell and that is throwing a lot at you and Hutch was on site when we did the sound testing with the report so you can see how we were



operating with the output of that. But it's okay we can call Chris up now.

>> Chris Hutchinson. I was present for all but one of the testings they conducted for the sound, for the noise. What Mr. Woods did say and is accurate as we had to literally post people to walk traffic so we could get a clear reading, and we had to relate to the operator of the ordinance to fire so we could get a reading because the traffic on 415 drowned out any attempt to try to record the noise coming from the weapons being fired. That happened pretty consistently, it wasn't just trucks but automobiles was the higher noise would drown it right out. They are not firing that often and doesn't last for 10 and is that is pretty much my observation with everything and from my ears, my own personal ears it was the smaller firearms that created the most noise the nine millimeters.

>> From what you observed would anything violate the noise ordinance?

>> No, because it did not last 10 minutes or more.

>> Thank you, very much. We've been working hard to try to come up with this structure it is a very unique asset something we should be very proud of and happy to get feedback or input or concerns you have to address them but with that I would take any questions.

>> Inc. you, Mr. Woods. Ms. Van Dam?

>> Regarding the letter of objection as stated I fear with the daily schedule of discharging weapons and testing heavy weapons and machinery is a misconception, the heavy machinery is a monthly basis in daily small firearms?

>> To be very clear, when they are moving the vehicle on premises with the heavy machinery is like a dully, is the firing that the gun we are trying to limit. I think on the letter there was a statement basically saying the current situation is fine I have no problem. Out. That is the misconception trying to paper up the current situation>

>> Mr. Young, yet a question? What I do. I've seen your audio levels and I am familiar with that since I work with the power company but on page 55, the bottom picture you have an aerial piece looks like about a four inch cannon from what I remember. I don't see anywhere you show an aerial cannon being shot off, is that weapon fired on site? That is one of the two question. The other question is, is the small arms equipment capable of firing real ammunition? Those are my two questions.

>> The question on that photo with the artillery piece, we do not have that equipment when the test was done the test was done about a year ago this piece has come in since. The same limitation on the powder and making sure we are in compliance will still apply. What we did test was our biggest in loudest.

>> That I have heard fire in a piece similar to that since my father was in the military that would be a concern to me and the other thing was about the small arms.

>> I believe they can be converted but we do not keep live rounds on premises and are not utilizing it for that purpose.

>> The only one I would be concerned with would be that big aerial piece Mr. Frank Costa?

>> Good morning. A couple of questions you mentioned this is not open to the general public?

>> Correct.

>> Will not operate as any kind of museum?

>> The answer is no, that is not the intent we had conversation with staff because once you go there and see it you need to share this with everybody.

>> Because I would like to see it.

>> Where we do accommodate is individual visitation for like a Cub Scout the real reason why we did not fully pursue it you get into the full use and now we get into parking and restrooms and they are



doing work so it is not geared to host that I think the real potential is coordinating to maybe come out and bring the equipment to a parade or VFW. The client is open and eager to meet with that but baby steps and we need to get this paperwork in place first and making sure it can be done and see if there is a way to revisit the issue.

>> This is primarily owing to operate as a maintenance depot in private collections center? So the other question is regarding the firing you said they are all blanks?

>> Yes.

>> There is no ordinance of projectiles flying through the air on any of this equip?

>> Correct.

>> Small arms, same thing applies?

>> It's blanks.

>> But you could I think under current zoning you could find it?

>> And our neighbors do. We didn't really have a focus or discussion on that during the process. Hutch kind of reference did the grease gun had the highest pitch signed of like a roofing gun. It is not out of sorts with the surrounding area but we are not looking to have live rounds.

>> On the special AA staff recommendation number 18 I know he helped write this can you define small?

>> Is it number 18?

>> Small educational gatherings.

>> I think the idea was not to preclude the ability for Cub Scout or VFW are veterans or their kids to come out. We are open for whatever conversation we can keep it to 15 or 10 I don't think there is a strong feeling either way we want to distinguish we are not open to the general public.

>> We put it at any On that you will be okay.

>> I think so.

>> My final question is your hours of operation as a resident on five acres on very aware hour and it is all legal on page 4 are proposing a to 6 with occasional firing anything below 50 Cal that same timeframe if it was amicable I would like to see exclude any heavy artillery on Sunday altogether. I'm looking at the one person who wrote in the letter of opposition regardless of how far you are you are going to hear and feel it especially about 50 Cal on any given Sunday give them downtime you will hear generic small arms fire, and I don't have an issue with that but we can limit the big course issue started 10 o'clock give people a chance to sleep in on Sunday and limit heavy artillery altogether on Sunday.

>> The Sunday issue, is that a problem? We don't do training on Sundays. The other issue when we are doing mobilization the once a month thing the 8 AM is necessary because by the time it is 3 o'clock the heat is pretty bad that is why we are looking to start at 8 o'clock.

>> I don't have any problem the only issue is Sunday and he answered the question you don't operate on Sunday.

>> We can amend the conditions.

>> Mr. Chair, I would caution the commission on regulating on the basis of caliber and ammunition statute 790.33 preempts the entire field of regulation of firearm and ammunition to this state so while regulatory authority of the construction and zoning standards of shooting ranges are under the jurisdiction of the county when you get into restrictions based on caliber, ammunition, definition of small arms fire we tried into the preempted field of regulation. My recommendation and advice is to not condition it based on distinctions of caliber and ammunition type.

>> Okay. Thank you, Mr. Soria.

>> Would you be in agreement if we excluded Sundays altogether all weapon firing? Is that within the realm of our scope?

>> I think you can clarify as long it is it is agreed they can operate on the maintenance aspects but not produce any noises which include the firing of firearms that exceed the noise ordinance, I believe that is permissible to do. You just can't section off the ammunition type but you can state what the permissible use is on the day, so on Sundays you can say no test firing of the equipment.

>> The way it is written is is practice events with heavy artillery is ... I just want to add Sundays I want to give the resident who has an issue one day's piece who has an issue . Any guidance on where that would be great.

>> You can state the practice events and those practice events may not occur on Sundays that is a permissible mitigation because you are not trying to distinguish between small arms fire which is what we are precluded against. The heavy artillery goes toward the use itself rather than trying to directly regulate the firearms.

>> I don't want to regulate the metal want to give the one neighbor one free pass one day a week, at least.

>> You can add a condition that specifically states there will be no test firing of any firearms on Sunday?

>> You can amend condition number eight for practice events of heavy artillery and exclude Sundays.

>> I think Mr. Costa's desire is to have the other small arms as well? Yeah. We may need to on that out before commission to make sure we do not run afoul. Really good question but you see?

>> Absolutely.

>> I do not want to hamstring you but I want to show the resident we are trying to give her some kind of peace and quiet.

>> And I don't want to hamstring the County, either.

>> I don't want to fall into that hole.

>> Is difficult to enforce that because of the fact you can do it regardless of the small arms, as long as you don't violate the noise ordinance.

>> That's right.

>> It's a little difficult to enforce or could be.

>> I think we can work out something.

>> Mr. Young?

>> I was going to throw in could we put a thing that would be no firearms operation on Sundays? That is all we are talking about is firearms. I don't see we restrict the equipment we can say no firearms being discharged on Sundays.

>> Mr. Chair, I think that becomes too close to the preemption because we are directly banning firearms which this property can use small arms by right, they are not operating as a public shooting range. That directly implicates the use of firearms, someone can use it on a recreational use or for hunting purposes or something like that which are protected under state statute.

>> I hate to see a four inch gun shot off 10:30 in the morning on Sunday.

>> That was my point previously I think it is something not legally enforceable to limit.

>> If I could, on page 4 bottom paragraph. Is a special exception approve will be used day today from 8 to 6 moving vehicles occasional firing etc., etc. what if we just add except Sundays made a part of the special exception rather than a condition, can we do that? You already said you don't mobilize

Sundays.

>> Correct. Let me say this and I don't want to legislate at the podium I can commit we hear the message about trying to give relief on a Sunday but we were on the language that will grant that but not put the county in the crosshairs of other enforcement agencies.

>> Good enough.

>> All right. Any other questions?

>> I'm happy to answer any other questions.

>> Ms. Summers any public participation for this?

>> No, sir.

>> Ms. Van Dam, he had a question?

>> Just a common.

>> I am going to go had to close out to public participation open to commission discussion.

>> Two quick comments you cannot live in Osteen without hearing firearms on a daily basis and to me, this keeps very much in line with the historical values of the community. We have a world war one monument in Osteen which community takes an active part in maintaining even though it is a county property and we have a very active Civil War the in act group that makes it their goal to find and maintain the graves of all civil war soldiers from the area. To me this is furtherance of the existing values of the community and do not have a problem at all.

>> Thank you, Ms. Van Dam . Any other comments? Mr. Young?

>> No.

>> Okay, hearing no other comment I would like to make a comment. I'm not in favor of restricting firearms of any sort. I cannot support anything that does restrict it on any day. I will entertain a motion.

>> Can I ask a question? The existing recommendations you are okay with?

>> Yes, I'm okay with that.

>> Then motion that we forward the special exception case S-20-053 to the County Council with final action of recommendation for approval and does the special exception – including the staff recommendations, yes.

>> Okay.

>> I will second.

>> I have a motion from Ms. Van Dam to forward this special exception to County Council with recommendation staff recommended condition and a second from Mr. Frank Costa. Any discussion on the motion? Hearing on, I will take a roll call. Ms. Shelley? Yes.

>> Mr. Young?

>> Yeah, okay . Yes. I do think we ought to note to the county council where concerned about the Sunday noise.

>> All right, sir your comment is taking into consideration. Mr. Steve Costa?

>> Yes.

>> Ms. Wanda Van Dam?

>> Yes.

>> Mr. Frank Costa?

>> Yes.

>> Mr. Jeffrey Bender?

>> No.

>> And myself is AES. Motion carries – with a six-one, sister Bender descending. We will move on to

the next one Ms. Van Dam.

>> Next case is V-20-055 application Michael Woods attorney for house requesting variance to exceed weight limit for vehicles on Osteen cluster residential OCR zone property.

>> Thank you. Ms. Smith?

>> This is a variance to exceed the weight limit on trend or OCR zone property the applicant does need a variance to obtain the special exception is in the Osteen local plan. We just approved a special exception which has a condition meeting the variance the applicant meets specific criteria for the recreational area to park oversized vehicles and we look at the photos page 16 to 24 you can see the size of the vehicle and also on your screen section says no tractor, semi trailer commercial, bus cutaway van, Jesse, Truck or any truck with gross vehicle weight greater than 10,500 pound can be part in the OCR zoning classification and is there associated with a bona fide agricultural use. They could be stored in the building they just can't be part on the property. OCR is typically associated with single-family residential development not legal staff opined – an abundance of caution the applicant is requesting the variance. The applicant has assembled 117 acres for his project and if you look at the site plan you will see there are many small parcels along state Road 450 they purchase to act as a buffer. That provides for privacy and sound suppression that is on page 26 of your packet. The facility provides a secure location and as existing large buildings to accommodate these World War II vehicles they have a robust outreach program with the neighborhood and letters of support on page 9-15 of your packet. Without the variance the applicant we need to find another location to park the vehicle outside her need to put up another building or they will have to jam all the tanks into the existing buildings which would make it difficult to work on them. We find the applicant meets all five criteria in our recommendation is to approve case V-20-055 as it needs all five criteria for granting a variance subject to one condition on page 6 in your packet.

>> Thank you, Ms. Smith. Any questions for staff?

>> Mr. Young, your microphone is on you have a question?

>> No.

>> All right. Mr. Woods, you want to present, please?

>> For the record, Michael Woods 231 North Woodland Boulevard we are familiar with the property this was 1/11 hour discovery about the OCR policy with the side. There is exemption for the ag and that is the intent against the bigger vehicles but in a single residential context maybe not having semi tractor-trailer your front yard this is not the case here. In the global sense with the vehicles outside every now and then it is not the tech but if you look back three or four side he basically had the do's and I have on the right-hand side that is the one that weathers the storm outside it's okay to accommodate. The idea is not that we are keeping them outside on a regular basis but we don't want to be in violation let's make it above board and if we can keep them outside that's great and if you have strong feelings against it I'm happy to have that conversation but I think it's a minimal ask considering 117 acres I don't think any garage equipment will over 100 feet away from the property line so you are not able to see from the roadway.

>> Any questions high hearing on, any public participation? Ms. Summers?

>> No, sir.

>> Hearing on, we will close to public participation open it to commission discussion or a motion.

>> I will make a motion we approve case number V-20-055 to include the single staff recommendation.

>> Second.

>> Second.

>> Okay, motion to approve V-20-055 with the single staff recommended condition for Ms. Van Dam and a second from Mr. Frank Costa, sorry Michelle, he was first.

>> That's quite all right.

>> I will take a roll call at this point, any discussion on the motion? Hearing none, I will take a roll call with Ms. Shelley?

>> Yes.

>> Mr. Young?

>> Yes.

>> Mr. Steve Costa?

>> Yes.

>> Ms. Wanda Van Dam?

>> Yes.

>> Mr. Frank Costa?

>> Yes.

>> Is to Jeffrey Bender?

>> And myself as a yes motion carries unanimously. Ms. Van Dam, next case, please.

>> Next case is application of all covert agent for can Manderville Junior requesting variance is to the minimum yard requirement on urban single family residential R for zone property.

>> Ms. Jackson? There are two variances associated with this variance one is to reduce the north side yard from required eight feet to 5.9 feet for existing single family residence variance two to reduce the north side yard from eight feet to 5.7 feet for an attached second-story deck. Property located on the south side of Aaron dunes Drive 1100 feet east with its intersection of John Anderson in the hour the area zoned R 4 requires 7500 square feet of lot area is 75 foot lot width is conforming 17,350 square feet and 77 in lot width. The background of the situation the current owners purchase the property in 2019 and applied for a permit to fix this deck they wanted to replace the deck and extent it over the back porch area, extending it over the rear of the house. In doing so, it was found the house itself in the deck do not meet set backs as they currently exist so variance 1 is associated with the house. The house was permitted in 2001 and was permitted to be 11 feet from the north side yard but was constructed kind of crooked along the property line, you can see in the survey it is constructed somewhat as an angle and therefore it encroaches into the side yard where this should be eight feet it is five point nine feet. It has existed as that since 2001. In the deck was permitted to be candidly and because this is at an angle it extends a little bit further into the set back so that is requiring if they want to replace it as it is currently located and build it requires a variance from eight feet to 5.7 feet. In reviewing the variance request, we find variance 1 meets all five criteria and recommend approval. For variance 2 we find fails to me one of the five criteria and after recommend denial we find that little interpretation of the ordinance does not deprive the applicant of commonly enjoyed right if they are rebuilding they could switch it over to meet set back but we find it needs criteria one, two, four and five there are peculiar circumstances because it has existed for the past 19 years as it is currently built. The applicant is not responsible for building the original deck, it is the minimal variance needed to legitimize the existing location of the deck and is not injurious to the era is visibly buffered you can see the fence and vegetation that has existed for over 19 years and there are letters of support from that affected neighbor. Should the commission find the applicant has provided substantial evidence, we have provided conditions for consideration if you wish to approve the variance. Be happy to answer

any questions.

>> Any questions for staff? Ms. Shelley.

>> No question.

>> Okay. Hearing none is the applicant present? Would you like to come forward, sir? State your name and address for the record.

>> The addresses one 50.

>> Deferred staff report recommendation would like to add anything?

>> I would like to add we are not expanding the size of the deck it will remain the same size. It was a misprint on the proposed survey was going to be bigger it's going to be built exactly where it was that is what I have to say.

>> Any questions for the applicant?

>> All right, sir. I want to be a public participation for this case, Ms. Summers?

>> Yes, we have Angela and Jean Cawley online.

>> All right. If I could get them to come online and state the name and address for the record. Other microphones hot, Ms. Summers?

>> They are online I did send them a message they have not responded yet.

>> A state they have no questions.

>> All right. We don't have any other public participation I will at this time close to public participation open to commission discussion or motion.

>> I will make a motion to approve case V-20 - 064 with the staff recommended conditions.

>> I will second that.

>> Is that 1 and 2?

>> Yes Mr. Young?

>> I said I will second.

>> I have a motion to approve variances 1 2 from the- 20-064 from Mr. Frank Costa and a second from Mr. J Young was staff recommended conditions, any discussion? Hearing none, I will take a roll call. Ms. Shelley?

>> Yes.

>> Mr. J Young?

>> Yes.

>> Mr. Steve Costa?

>> Yes.

>> Ms. Van Dam?

>> Yes.

>> Mr. Frank Costa?

>> Yes.

>> Mr. Jeffrey Bender?

>> And myself as a yes motion carries unanimously. Our next case Ms. Van Dam?

>> Nexus V-20, 065 owners requesting a variance to the minimum requirements on transitional agriculture no A three.

>> Can we get staff report.

>> This is to reduce the north front yard from 40 feet to 29 feet for a proposed carport. The location of the property is the West side of Hayes and road 680 feet self of its intersection with West Plymouth Avenue in the the land area of the property is zoned A 3 requires one acre hot – lot area the properties



one – it is conforming. It is considered a corner lot it fronts on Hayes and road and on the north side there is a 15 foot ingress, egress easement and within that is been there is a shell road that provides access to three other houses, if you can see right here, the road is on this side. It provides access to this house in these two properties as well. I'm not sure if there is a house there. The applicants want to construct a carport over this pad, that is a concrete pad that is off there driveway and they currently Park there are be you can see in the photograph on the screen the RV is on that path, and in this location because of the easement that easement requires a front yard setback they have to request a variance. It is in an area shielded from the road, I am sure you can see it coming up the driveway for the most part it's shielded by existing vegetation. However, technically there are other areas on the lot where this could go. It could be fit back in here on the property. And not require setbacks. When the staff reviewed this variance request we found it failed to meet three of the criteria, there are no special circumstances associated with the property the applicant is responsible for the proposed location of the carport literal interpretation of the ordinance does not deprive the applicant of a commonly held right but we find meets arterial four and five to allow the existing concrete pad to be utilized for the carport and to cover the RV as its existing been part we don't find it is injurious to the area and is visibly buffered from the most effective property owner and I believe today you got something from that property owner that states they have no issues with the variance request. I'm happy to answer any questions.

>> Any questions for staff, Ms. Van Dam.

>> The only property owners are the three that live along the outside world?

>> Yes.

>> Is not visible from the main road?

>> Yes. I hope I'm right, to my knowledge, I'm going to say that.

>> I don't see any other questions for staff. Is the applicant present? Would you like to come forward, sir? Can I get your name and address? My name is Edward Dunstan 730 Hazel Road. As you know our street has a lot of RVs on a particular road and what we wanted to do is to the right thing and go through this process and variances not like someone else down the street did recently. We feel with the way the property since if you look, I call it a private road, you identified it as a corner lot with a shell road, the neighbor and I maintain that thing, we invest a lot of money and have reached an age where we travel we want to protect our RV and cover it. Just to prolong the life because the sun is awful. We have lived in this house 20 years where the first on the street and communicate and work well with the community and our area. That is basically it I won't take the three minutes but we appreciate your consideration and anything you can help us with. If I was to put that RV on the east side the way the house is built the pool has an elevation with a belt that I would have to dig out a lot of land to make that work if anyone is driven in RV you can't turn that particular place to put it that is why I come down that road up this way.

>> The applicant has more than three minutes to state his case. You are fine. You have any questions for the applicant, hearing none you may have a seat.

>> Every question.

>> Go ahead, Ms. Shelley?

>> I noticed you had installed an electrical service for your recreational vehicle and understand you will get a permit to maintain that. My question is, is someone living in that recreational vehicle?

>> No. And to answer your question I do have a permit and waiting on the County to inspected but I have a permit issued this past week.

- >> Thank you.
- >> Thank you.
- >> Any other questions for the applicant? Hearing none – we are going to ask Ms. Summers if there is any night.
- >> Now, we will close for public participation open for commission discussion or motion . Yes, Mr. Bender?
- >> I move we approved 20-065 with the staff recommendation.
- >> Second.
- >> I have got a motion in a second from Ms. Shelley. Any discussion?
- >> I have a quick question for staff. Does the existing concrete deck also need to be included or is it exempt from the setback?
- >> It does not require have a setback so existing concrete slab is not required to have a setback.
- >> Any other discussion on the motion? Hearing none – Mr. Young, Jeff face question?
- >> No.
- >> Ms. Shelley? X yes.
- >> Mr. Young?
- >> Yes.
- >> This to Steve Costa?
- >> Yes.
- >> Ms. Wanda Van Dam?
- >> Yes.
- >> Is different Costa?
- >> Yes.
- >> Mr. Jeffrey Bender?
- >> Yes.
- >> And myself is a yes also. Mr. Costa evidently stepped out motion carries.
- >> Motion carries unanimously next case application of Justin requesting variance to minimum yard requirements.
- >> For propose garage and variance 2 to reduce the South side yard from the acquired 25 feet to six feet for the same as opposed garage property is located on East side of one person wrote 360 feet north of its interception – – Responsible for the proposed location. Literal interpretation of the ordinance does not deprive the applicant of the joint rights. It is not the minimum variance to make reasonable use of the land. We do find however that is not injurious to the area, the applicant has submitted a letter of no objection from the property owner to the east. To the north, it would be most impacted by the location of the garage. So should the PLDR C find it competent and substantial evidence, we have provided to conditions for your consideration.
- >> I'm happy to answer any questions.
- >> Thank you Ms. Jackson, any questions for staff? Mr. Young, did you have a question?
- >>MR. YOUNG: No, sorry.
- >>MR. MILLS: Thank you. Ms. Jackson, this is a 93 piece of property, if it was zoned residential, this is transitioned, that is a 5 foot setback, is that correct? If it was residentially zoned.

>> If it was residential zone, the structures that are under 500 square feet in area, can go within 5 feet of the side or rear. If it is over 500 square feet it testimony principal structure setbacks.

>>MR. MILLS: That was my question. All right, is the applicant present?

>> Yes.

>>MR. MILLS: All right, he is on the webinar, is that correct?

>> Yes, sir.

>> All right.

>>MR. MILLS: State your name and address for the record, sir.

>> Justin Fleming, 2163 Willem Hearst Road, Deland.

>>MR. MILLS: All right, you heard the staff report on this and the recommendation, do you have anything to add?

>> No, sir. Other than the existing building that is already in place, that will be removed if variances is granted for the new proposed shed. That existing one will be removed and within time of the new one being built, I can put everything from the old building into the new one. Then it will be taken down and removed.

>>MR. MILLS: All right, sir. Any questions for the applicant? Hearing none, do we have any public participation? Yolanda Somers?

>> No.

>>MR. MILLS: All right, we will close public participation and open up for commission discussion.

>> Ms. Jackson, given that condition to states that the existing garage will be either demolished or get building permits within 90 days, is the applicant going to run into trouble if he does not have the new building completed in 90 days? Is there an extension that can be obtained for that? I just want to make sure he's not locked into the 90 days in case it takes in 120 days or 150 days to get the new one.

>> This actually doesn't apply to the existing garage, there is other structures on the site that haven't been permitted. Is that what you mean?

>> Condition to?

>> That is not for the existing garage, that is for another structure. If he doesn't have that dealt with in 90 days I'm sure we would grant a condition or an extension, subject to and working in good faith towards that otherwise it goes to code enforcement.

>> The existing garage that he has stated is coming down is not the condition.

>> That is not a condition. There's other structures on the site that haven't been permitted and I think this 1 back in this area, there are some well covers over here. Those need to be permitted and they

haven't been.

>> There is no condition stating that he needs to demolish the existing garage, he is voluntarily stating that he will do that.

>> Yes.

>> Thank you.

>> Any other questions? Any other comments or a motion?

>> I have a question, if there's not a requirement for him to demolish this, does he have an opportunity to change his mind once we approve this? If we are not requiring it?

>> It's not a requirement of this that he demolishes the existing garage that's been legally permitted, there is no requirement. That is up to him if he wants to do that. There is no limitation on the amount of accessory structures for the site, he does not exceed that and he can maintain both garages. We are not making it a criteria.

>> I guess my question is, why is number 2 even here then?

>> Because there is other structures on the site that have not been permitted. They need to be permitted or removed from the site. Those apply to 2 other structures. Can you see my cursor up there?

>> I see it and understand, can we make that a little clear in number 2 then, that it applies to something other than this share because I was under the impression that is what we were talking about, the shed.

>> We will strengthen that. Yes.

>> I will entertain a motion.

>> I will make a motion that we approve variance 1 and 2 in case number V – 20 – 066 with staff recommendations.

>> I will second that.

>> I have a second, does that include Ms. Van Dam then concern Mr. Bender had about making that staff recommendation number 2 applicable to the shed?

>> I believe Mr. Bender intent was to clarify that it did not cover the shed, but covered 2 other buildings. Am I correct?

>> Yes.

>> Just want to clarify that he doesn't have to take down that shed if he so desires.

>> All right.

>> Yes, I didn't have a problem with that.

>> All right. I have a motion from Ms. Van Dam to approve variance 20 – 066, variances 1 and 2 with the staff recommended additions with the adjustment to variance, the recommendation number 2 that Mr. Bender presented to us. Also, a second from Mr. Young. Is there any discussion on the motion? Hearing none, Ms. Shelley?

>> Yes.

>> Mr. Young?

>> Yes.

>> Mr. Steve Costa?

>> Yes.

>> Ms. Van Dam?

>> Yes.

>> Mr. Frank Costa?

>> Yes.

>> Mr. Bender?

>> Yes.

>> 8 yes from me also. The motion carried and we move on to the next case.

>> Next is V – 20 – 069 application of Luke Remick owner requesting a variance to separate nonconforming lots on rural agricultural age – 2 zoned property.

>> Ms. Jackson? Yes, this is a variance to section 72 – 2061 of the zoning ordinance to separate 2 parcels from a third parcel. The property is located on poinsettia Drive approximately 940 feet east of old Tomoko Farms Road. It is zoned A – 2, 8 – 2 requires 5 acre lot areas and 150 foot lot with. This property does not meet those standards, it is 1.47 acres and is 138 feet in lot with. They cannot

provide a good nonconforming lot letter. Therefore, they need to go through this process. The history of the property is that in 1983 they were all under common ownership. If you can see my cursor, this lot here was kind of like the primary lot and at a single-family home on it. What we understand is that this property owner built another single-family home over here, and it was utilized for a family member. There is also on this back parcel here, some agricultural buildings. Anyway, in 1983 these 2 parcels were sold together to another owner. They were sold again in 91 and in 1999, the current owners purchase these 2 parcels. The current owners wish to replace the existing home that is on this portion of the parcel. In order to be able to do that they need to formally separate their 2 lots which are these 2 from this 1. That is what the variance is for. As part of the whole as part of the whole program they have to formally combine the 2 lots that they own into one lot. When we review this variance request that we find it meets all criteria and to recommend approval of the variance.

>> Okay, thank you, any question for the staff?

>> Mr. Young, do you have a question?

>>MR. YOUNG: No.

>> Hearing none, is the applicant present? Is the applicant present on the webinar Yolanda Somers?

>> If I can get your name and address for the record sir.

>> --.

>> Sir, you heard the staff report on this and the recommendations. Do you have anything to add to it or would you like to make a comment?

>> No, sir. Everything sounded good.

>> Any questions for the applicant?

>> Hearing none, do we have any public participation Ms. Somers?

>> No, sir.

>> Hearing we have no public participation, we will close it to public participation and open up for commission discussion or a motion.

>> Mr. Chair I would like to make a motion to approve case B – 20 – 069 with I don't think there's any condition on this 1.

>> I believe there was to combine the 2.

>> To combine the 2 parcels with staff recommended conditions.



>> Okay. Do I have a second?

>> I will second.

>> Okay, there are a few seconds but I will take the first 1. We have a motion from Mr. Frank Costa to approve B – 20 – 069 with the recommendation from staff. Also, we have a second from Ms. Van Dam. Any discussion on the motion? Hearing none, I will take a roll call with Ms. Shelley?

>> Yes.

>> Mr. Young?

>> Yes.

>> Mr. Steve Costa?

>> Yes.

>> Ms. Van Dam?

>> Yes.

>> Mr. Frank Costa?

>> Yes.

>> Mr. Bender?

>> Yes.

>> Myself as a yes, the motion carried unanimously. Next case please?

>> Next case is B – 28 – 070 application of Richard and Nancy Homan, owners requesting a variance to the minimum yard requirements on urban single-family residential R – 3 zoned property.

>> Thank you Ms. Van Dam, Ms. Jackson can we have the staff report?

>> There is one variance associated with this case. The variance is to reduce the north side yard from the required 11.2 feet to 9.1 feet for a combined side yard of 17.9 feet for a single-family dwelling. A new single-family dwelling. The location of the property is on the west side of John Anderson Drive, approximately 40 feet north of its intersection with Kathy Drive in the Ormond Beach area. The property zoned R – 3 requires 10,000 square feet lot area and 85 foot lot width. The property is 12,870 square feet and a 94 foot lot with that is conforming. It is also considered in the North Peninsula, local plant area. On the background on this 1, is that the applicant's purchased the property in 1986 and

were living in the home that was built on that property. In 2017, Hurricane Irma damaged the residence and have made that residence uninhabitable. The owners found that when they were going to draft plans for reconstruction, doing a survey, they found it was constructed below the base flood elevation. So they want to rebuild their home meeting all current codes above the flood elevation and since the insurance issues have been resolved, they are ready to go forward and do that. With our code, reconstruction of a nonconforming structure I guess we should mention they want to put their house basically following the same setbacks that were there for the house that existed prior. So the reconstruction of a non-forming constructor if the house is damaged more than 75 percent or if it is damaged more than 50 percent, if it is in a coastal high hazard area which this is most likely within. The house has to meet current zoning setbacks, current zoning code. Our current zoning code for this property is the combined setback meaning both sides together have to equal 20 feet with a minimum of 8 feet on one side yard. They do have 8 feet on the south side yard here, it looks like it is 3.8 feet but the previous existing house was only 9.1 feet here. I would like to point out however, I did a bit of additional research that this previous house built, was built a long time ago in 1969. It was built at that time, it met the setback requirements in the North Peninsula area. At that time, it was 8 feet of side yards for a two-story house and 6 feet for a one-story house. This is a two-story house which required an 8 foot setback which this house met those setback requirements. Anyway, when we review this particular variance case, we find that it fails to meet 2 of the 5 criteria, there is no special circumstances associated with the property or the structures, all structures that are being rebuilt are required to meet current code and the applicant is responsible for the proposed floor plan and location of the new house. We do find that it meets criteria 3, 4 and 5. Little interpretation of the code would deprive them of the same setbacks that have been used for this property and have been in place for the past 50 years. It is the minimum variance to allow continued use of the existing setbacks and we find that it is not injurious to the area, it's been so located since 1969. There was a, I don't say it's a letter, but a text or some capture of somebody saying that they supported it. That was in the staff report package. With that, staff does recommend denial but we have provided a condition should the board find it competent and substantial evidence to approve this variance. I'm happy to answer any questions.

>> Thank you Ms. Jackson, any questions for Ms. Jackson?

>> Hearing none, we will open and ask the applicant to come forward please.

>> Good morning.

>> Good morning, good afternoon by now, I don't know.

>> Can I get your name and address for the record please?

>> I am Nancy Homan, the house is at 2150 John Anderson Drive. My husband, Richard Holman would be here but he is a Marine and right now about off the coast of Alaska somewhere. He sends his support. I do want to say that my husband and I were in our 60s and we never thought we would be in this position of having to build a new home at this stage of our life. But after Hurricane Irma hit our house was substantially damaged, that was in 2017, it took us all this time over 2 years to resolve

it with the insurance company, it has not been fun. To have to go through all of that, we looked at all of our options and decided we never wanted to go through that hellacious nightmare again. So the prudent thing would be to demolish the house and build it up. The house was originally within, above the base flood elevation when we bought the house in 1986. But since then, the government has changed the base flood elevation and we are now a foot below because the hurricanes are so much stronger now. That is why it flooded in 2017, never flooded before. But the government has now said chances are it is going to flood again if we don't raise it up. We made a difficult decision of coming to that demolishing our house. It's a beautiful home, we raised our 2 kids in there and there's tons of memories. It is a well-built home and such a shame, but we just don't want to take the chance of having it flood again, we are going to demolish it and rebuild it. As Ms. Jackson stated very well, the house we are currently on is 76 feet wide and we are asking for the setbacks to be no more than it is currently now. The reason we are asking for those, for the house to be the same with that is now is for 2 reasons. One is because we are getting up in age and this will be our forever home. We are going to live in this house, until we die. We want to prepare for that so we want to make it handicap accessible just in case we need that as we age, that is the first reason. The second reason is that my husband being a merchant Marine for over 40 years, he's been away from us for half of his life, half of our lives. He missed everything, I think he deserves to be able to do his hobbies when he retires and I'm thankful he's retiring next year. His hobbies are working with his hands, he likes to build cars, repair cars and boats, fix things in the house. His dream was always to have a workshop where he could do this. We want to put up 2, 2 car garages which is very common on John Anderson, almost everybody has that. We are not asking for anything out of the ordinary but in order to fit the width of the house that we are planning to build to make it handicap accessible, with the 2 car garages, we need as much with as possible. That is why we are asking for exactly what is there now. We actually got support from both neighbors on the north side and the south side, we got an email from the Martins who are on the north side, then the south side neighbors Mr. and Mrs. Brown just bought that house a month ago. But they said they are fine with it, in fact he was even going to come here and support us for the hearing but I told him I didn't think it was necessary because he's pretty busy. I didn't bother. Anyway, we are figuring that if our neighbors are in support of it, we are hoping you are too. That wraps it up.

>> Okay. Any questions for the applicant? I don't hear any, let's see if we have any public participation, Ms. Somers is the public participation on this case?

>> No.

>> All right, hearing we have not I will close the floor to public participation to open up for commission discussion or emotion.

>> All right guys.

>> I will make a motion, I am familiar with this house. I live near there and am a little surprised since John Anderson is normally flooded during the hurricane, but I will make a motion that we approve the 20 – 070 with I think it has one condition.

>>MR. MILLS: Okay.

>> Second.

>>MR. MILLS: And I have a second. I've got a motion to approve variance 20 – 070. With the staff recommended condition and from Mr. J Young and a second from Ms. Shelley. Do we have any discussion on the motion? Hearing on, I will take roll call. Ms. Shelley?

>> Yes.

>> Mr. Young?

>> Yes.

>> Mr. Steve Costa?

>> Yes.

>> Ms. Van Dam?

>> Yes.

>> Mr. Frank Costa?

>> Yes.

>> Mr. Bender?

>> Yes.

>> I am a yes also, the motion carried unanimously. You are welcome.

>> Good luck! It will be flooded anyhow.

>> Next case is PUD – 20 – 071, application of Catherine Slade John agent for South Moon Road LLC, owner requesting a rezoning from the rural agricultural estate a – 2 classification to the planned unit development, PUD zoning classification.

>> Thank you Ms. Van Dam, Ms. Jackson can I have the staff report on this?

>> So this application has actually been circling around in the office for well over a year. We are finally to this point and I'm so excited. This is a rezoning of 14.42 acres from a – 2 to the planned unit development with the business sub classification zoning classification. The purpose is for 88 additional RV sites or campground sites, the location of the property is on the north and south side of Camp South Moon Road approximately 1 mile west of its intersection with Riley pigeon Road near the Astor area. The current zoning classification is a – 2, the current future land use and will still be in place is the rural recreational area that is part of the Paramore rural recreational area designated in our

comprehensive plan. Paramore fish camp is, has been there and that is this area here. Where my cursor is running around in. That has been there since the nineteen 50s from aerial photography, photographs of the earliest signs of that being there are the nineteen 50s. It contains several RV sites, rental cabins, a camp store, bait shop, Marina and a boat ramp and there is a pool and other amenities as well. There is new owners of the fish camp and they also owned the property to the north. These 3 parcels appear or 3 separate parcels, the fish camp parcel the Paramore fish camp parcel is this whole parcel here. It is actually split zoned and I don't think I actually show that on anything. There's several different steps that have to occur here besides the PUD rezoning, they are going to have to reconfigure the parcels. As you can see the yellow line goes like this, this piece will become its own separate parcel and then this will become one parcel here, this parcel down here will be split in half. There's a little sliver here, the subject of the next case for zoning that goes along with this, that will be currently this is zone B7, that little sliver that will be created when this parcel gets split needs to be attached to this parcel and rezoned to be – 7. There's a lot of moving parts and it's taking us a long time to get here. Everything is moving in the right direction. So the actual proposal for this PUD, 88 new RV campers spaces, also includes an office and clubhouse, bath houses and a pool amenity, the clubhouse is in the pool amenity will be located on the north side, there is a bathhouse on the north side over here in the one on the south side, these are the RV sites, the development agreement also provides for the use of park trailers and they have a specific definition or a maximum of 14 feet wide and a maximum of 500 square feet in size as long as they are built to HUD standards. They are designed to provide seasonal or temporary living quarters only. The RV site needs the standard dimensions of our code they are 30 feet wide and 1500 square feet in area. All the sites will be strictly for transient guests only, they are not to be rented on a permanent basis. There will be no permanent residence if daily, weekly or seasonal rentals. There shall be no accessory structures permitted on any of the RV sites. One of the issues with the existing Paramore site is many of these as these RV campsites along the side road here have grown accessory structures that are pretty permanent. It's causing issues with regard to this situation however, it is not the subject of this but it makes the recommendation that we have learned from our experience that no accessory structures will be permitted within the new PUD. Setbacks and buffers, the standard setbacks for RV parks are 30 feet between a space and the perimeter of the project. In this case, on the north and the east side, we are requesting a 10 foot setback, because it is adjacent to conservation lands on both of those sides. Looking at this photograph here, this property over here is all in conservation owned by the St. Johns River water management District and so is this. Because of that, there won't be any conflicts with neighbors so they are requesting to reduce the standard setback to 10 feet. It will be landscaped within the 10 feet and contained, looks like an agricultural fence and it is one of the last attachments to the development agreement, just to memorialize what that will look like. The picture to the south here or to the bottom of the screen, this is what it looks like along that edge, as best as I could tell when I was out there, so the trees kind of in the background on that picture or what it will be adjacent to. We don't find that that will cause any particular conflicts. The setbacks and buffers along Camp South Moon Road here, those will be standard setbacks and that will scroll back up. These are standard setbacks. Adjacent to the roadway on both north and south sides 25 feet in width with 10 foot wide landscape buffer. The landscape buffer on Lot 1 here, this will be considered Lot 1, the landscape buffer to this piece will be 25 feet wide with a 10 foot landscape buffer in it, there is portions of this that are existing wetlands and will be, an existing pond here that is going to be enlarged to provide for the stormwater. There won't be any actual additional landscaping required within that area. For Lot number 2 down

here, the setback will be 30 feet from the common property line to any site which makes code but there are proposing a 5 foot landscape buffer here. It will be natural vegetation, this area here on the side that is going to be connected to the existing Paramore site is developed as part of it. In the piece that we are carving out to attach their includes a 30 foot buffer from the existing Paramore RV sites and it is heavily wooded and I have a picture of it. It looks a lot like that. It is thickly vegetated. Parking of course each site will have their own parking spaces. But then they have 89 parking spaces along this side of the roadway to provide for overflow parking. There is also some RV sites over here, I should mention that. That will provide overflow parking if they have guests for people accessing the office or camp store utilities will be provided to the site and will be provided by St. Johns River utilities. Access will be camp via South Moon Road and 2 driveway connections on the north side here and here, one on the south side here. This will be the plus up which is on the north side that will plus up with the driveway to the existing Paramore. An important canoes consideration is the environmental considerations that have gone into the site. They will be into a wetlands management plan over Lot 1 this area here. This is technically wetlands and has historically been, they have been compromised due to the agricultural activities that have historically been on the site. So the condition of this PUD is that they do some restoration of those wetlands and will be in the wetlands management plan that will be worked out between the applicant and environmental folks. Also the conservation easement will be required, this portion of the development planned unit development is going to remain zoned RC. It is part of this lot. There will be a conservation easement required over this, the wetlands associated here and the 50 foot buffer associated with them. When we reviewed the zoning criteria, we find it meets all of the criteria for rezoning this to a PUD that is consistent with the plan, not anticipated to have any negative impacts on the environment or natural resources. It will meet concurrency requirements, we find that it will likely support the economy of the area with the expansion of the ego-based tourism use. It is not anticipated to have any negative impact on the public health safety and welfare. With that, staff recommends forwarding this case to the County Council with a recommendation of approval and subject to the staff recommendations. Right here. I'm happy to answer any questions. The applicant's are representative or in the audience to provide their side of the story.

>> Thank you Ms. Jackson. Any questions for staff?

>> I have a question.

>> Mr. Costa?

>> Real quick, the partial 00 50, what is that on the bottom corner of the picture? Those structures right there?

>> I know there is a pole barn, a small pole barn structure and these are trailers that have been parked there and they are overflow from here. That needs to go away, they are aware of that and the pole barn we have stated that that can remain unless, there is a condition associated with that.

>> Does the applicant on the parcel to the left of 50?

>> Yes, this 1 here? Yes, they own that.



>> Perfect, thank you.

>> Any other questions? Ms. Van Dam?

>> Yes, Ms. Jackson, the overflow parking that you pointed out, is that going to be totally impervious, or is grass allowed in that area?

>> I don't know that that is finally been figured out, I assume it's going to be paid, they have to go through final site plans. Following approval of this PUD. That will be finally determined during that time, they might be able to best answer what their plans are for that area.

>> All right, then the portion is 050 that Mr. Costa was asking about, is there any type of an easement over that? Do we know what the plans are for the remaining part of that parcel?

>> The remaining part of that parcel will remain zoned A – 2 and meet the five-acre criteria and it has the correct amount of lot with. It's my understanding that it may be used to build a single-family home on it.

>> Then the last question, on the PUD, I saw that the historic trees are all going to be preserved which is great. Is there any type of tree preservation I'm thinking in particular of the 031 parcel that is heavily treed now, is there any type of tree preservation that is part of a PUD?

>> They are providing I believe it is 20 percent that's hard to answer, this area down here will remain not clear, this area will be to put these sites in and they are going to maintain in existing vegetation along the buffers and along the 50 foot buffer adjacent to this RC portion. Then the 5 foot, this side although it is 30 foot setback are only proposing a 5 foot buffer along the side will be maintained with natural vegetation. Any historic trees will be in this area, we don't know where those are yet, we need to do a tree survey. As far as maintaining any other existing trees, we have not required that in this area. Nor in this area as well.

>> That is not part of the PUD?

>> For a residential PUD, they are required to provide 25 percent open space. For a business, the PUD, they don't need to require that. They will be required to maintain a certain percentage of trees on site. I'm sorry, off the top of my head I don't know the percentages.

>> Okay, all right. Thank you.

>> Any other questions for staff? Hearing none, I will ask the applicant to come forward please.

>> Can I get your name and address for the records are?

>> Matthew dowse, 536 N. Halifax Daytona, beach Florida.

>> Thank you, it is afternoon now, can't say morning but I'm here with Kinsey and Jordan Slade. Jordan John now. They recently got married. They purchased this property over the last couple years and have been working with us and staff for over a year now. We have done a lot more work than what we typically do in the PD process, that is why you see all the detail. We've gone back and forth and we had foresters go out there so to answer questions, we've located all the trees. Forestry states there's no historic trees on site so that would be pretty easy to meet that requirement and not taking down any historic trees. We've also done statistical analysis for those areas to make sure we meet specimen requirements and also meet the tree replacement requirements which we are preserving a large portion on the lot south of it. Typically we don't get into that detail during PUD but since we do, we are going into a site plan. We didn't want to lay out something that wasn't going to work with the trees or meet the requirements. If you have any other questions, it is kind of complex, there's a lot of moving parts but like I said we work with Susan and her team, we met with Clay multiple times. I think you are aware of Kelly McKee, we work with her intensively and she worked with the clients and is listening right now. We had a great team put together and would like to get to the site plan process where everything starts to actually get built. .

>> Any other questions for the applicant? We will see if we have public participation, sir?

>> Ms. Somers any public participation on this case?

>> Just missed Kelly McKee is online.

>> Does she want to make a comment? Ms. McGee Are you online?

>> Miss Kelly can you unmute your microphone? I know she is on there. She doesn't have anything to add.

>> All right. She is showing that her microphone is on. Ms. Shelley, do you have a comment?

>>MS. SHELLEY: No, can you hear me?

>> There she is.

>> Hi, sorry, user error. Thank you so much, 372 Heritage Estates Lane, Kelly McKee. I wholeheartedly support this project. Those owners are wonderful folks and they have done everything they can to maintain open space. They have avoided wetlands and encroachment instructors much as possible. The stormwater project, the area to the south is high and dry, not in a flood zone. They have done a lot of improvements to the area. Thank you for considering this, I hope that you support this project. The related zoning as well, thank you.

>> Thank you. Any questions for the speaker? Hearing none, we conclude to the floor for public participation and open up for commission discussion or emotion?

>> I would be glad to make a motion.

>> Go ahead Ms. Shelley.

>> I moved to approve case number PUD – 20 – 071. Subject to staff conditions.

>> Okay, do I have a second?

>> I second.

>> I have a motion on the floor to approve to forward the rezoning application for approval of PUD – 20 – 071. To the County Council. With staff recommended conditions. I also have a second from Ms. Van Dam. Is there discussion on the motion? Hearing none I will take a roll call. Ms. Shelley?

>> Yes.

>> Mr. Young?

>> Yes, I approve.

>> Mr. Steve Costa?

>> Yes.

>> Ms. Van Dam?

>> Yes.

>> Mr. Frank Costa?

>> Yes.

>> Mr. Bender?

>> Yes.

>> Myself is a yes, the motion carried unanimously. Next case please.

>> Next is Z – 20 – 072 application of Catherine Slade John, agent for South Moon Road LLC owner requesting a rezoning from the rural agricultural a – 2 classification to the commercial Marina B – 7 zoning classification.

>> Thank you Ms. Van Dam, Ms. Jackson do you want to comment on this zoning request?

>> Yes. This is the rezoning of that little sliver that I spoke about, you can see the tiny little red piece

right here. Currently, it is .069 acres and currently, it has historically been built up as part of the Paramore fish camp. The road sort of didn't go straight, and angle and the units there, alongside their kind of where they sort of crossover the existing zoning line. You can see that here, this is how except for this sliver this is how the existing zone, the B – 7 portion is here. The other side of the parcels owned a – 2 in this zone is ARC. In doing the PUD, we are carving out this portion and attaching it to this portion of the B – 7 existing Paramore and this portion will become the PUD. It is kind of straightforward situation, it is a cleanup type of thing and we wrote recommend approval that this be forwarded to the County Council with final recommendation for final action. For approval, we don't have any particular conditions for this. I'm happy to answer any questions.

>> Thank you Ms. Jackson, any questions for staff? Mr. Young did you have a question?

>>MR. YOUNG: No. Hearing none, can the applicant come forward on this please, sir? State your name and address for the record.

>> Matthew and Mark and Associates, 536 N. Halifax, Daytona Beach, Florida.

>> You heard the staff report, anything to add to that?

>> It's just the cleanup, we work with Susan, Clay, Kelly, it's one of those things that the zoning lines came after probably Paramore and the windows are drawn back in the day. We didn't have the intense aerials we have these days and have survey data, stuff like that. It's an overlap issue that we caught as staff and the team, we figured to rezone that sliver .069 acres wasn't a big deal but the easiest way we could go about it for the PUD process.

>> All right, any questions for the applicant? I don't see any, Ms. Somers I assume we don't have any public participation on that?

>> Just Kelly McKee. No, not other than Kelly.

>> Thank you, she said when she addressed the issue, she was making her comments to include this also. We are going to move this on and close it to public participation. Open it up for commission discussion or emotion.

>> I'm ready to make a motion.

>> Go ahead, Ms. Shelley.

>>MS. SHELLEY: Thank you, I move that case number Z – 20 – 072 be approved and sent to the County Council for final action.

>> All right. Do I have a second?

>> I will second that.

>> I have a motion to forward the rezoning case Z – 20 – 072 2 the County Council with

recommendation of approval. From Ms. Shelley and a second from Mr. Young. Any discussion on the motion? Hearing none I will take roll call. Ms. Shelley?

>> Yes.

>> Mr. Young?

>> Yes.

>> Mr. Steve Costa?

>> Yes.

>> Ms. Van Dam?

>> Yes.

>> Mr. Frank Costa?

>> Yes.

>> Mr. Bender?

>> Yes.

>> I am a yes also, the motion carried unanimously. All right we are on the home stretch. Ms. Van Dam.

>> Last cases V – 20 – 072 application of John Gedney owner requesting a variance to the minimum yard requirements on transitional agricultural a – 3 zone property.

>> Thank you Ms. Van Dam, Ms. Jackson would like to tell us about this case?

>> Yes, sir. It is one variance and that is to reduce the front yard setback from the required 40 feet to 7 feet for a 960 square foot structure basically, a garage. The location of the property is on the north side of middle Circle approximately 2000 feet north of its intersection on North Taylor Road and the New Smyrna Beach area. The properties owned a – 3, requires 1 acre lot area 150 foot lot width. The property is conforming its 2.54 acres and 152 feet in lot width. It is within the airport protection overlay and the natural resource management overlay. I don't know if you can tell but by the serial here, there is a lot of wetlands on this site and all this area is considered wetlands. It has a 50 foot buffer. There are some restrictions even though it is a big piece of property, it is fairly restricted, the billable area is reduced because of those wetlands, the wetland situation on there. But the history is, in 2019 in September of last year, the applicant applied to replace what was a garage located on this concrete pad here. You can see the concrete pad here with a boat parked on it. There was a garage permitted

on that pad in 2010. Hurricane Irma who has had a big impact on our variance caseload this week, this year, this month, destroyed the existing garage. What we have found in doing research, was that that garage was permitted, however it appears to have been possibly permitted in error and didn't meet the correct setbacks that it should have. To add to that, that it was built in the wrong place. It wasn't built where it was actually permitted. It ended up being located where you see it. Because this property has this middle Circle is an easement that goes over the top of the property, again as we have dealt with today, the setback, a front setback is measured to the easement line, not to the property line. When we review this particular variance request, we find it fails to meet 2 of the 5 criteria and therefore has to recommend denial. It does not meet criteria to or for, the applicant's are responsible for the proposed location of the new garage. It is the minimum variance to allow the existing concrete slab, it is not the minimum variance to make reasonable use of the land. There are other locations on the lot where the structure could be located. If you look over here, this area is where the septic tank and so forth are. If you consider this area over here, it is possible it could be located over here. There happens to be some structures over here that are unpermitted and we have discussed that with the applicant who is aware of needing to get those permitted. But if those were removed, it is possible that the garage could go there. It does have to maintain a 50 foot setback to any of the on-site wetlands however. But we do find it meets criteria, one, 3 and 5. There are special circumstances associated with the property. One is that the previous location of the existing garage that was damaged by the hurricane and the extensive wetlands. 3 that literal interpretation may cause undue hardship as it would deprive them of the use of the existing slabs where the previous garage was located. That it would not be injurious to the area, the garage has existed there since 2010 and is a heavily wooded area and there is only a few properties that would have any visibility to it. I believe there was an email of support and I think we just got something today in support of it. Is that right? Right here. We got this email in support of it as well. With that, I'm happy to answer any questions.

>> Thank you Ms. Jackson. Any question for staff?

>> Yes, chair.

>> Okay, Mr. Costa?

>> There was a previously permitted garage on that pad?

>> Yes.

>> In my misunderstanding, maybe I am missing something. Did the setback change from when that was permitted to now?

>> No, it appears that the permit was shown that the location of where it was going to be constructed a little bit differently. So we think it was permitted in error and as well, it didn't get built where the permit plans said it would be built. But it got built and got COP.

>> That was my next question, he got CO where it was built?



>> Yes.

>> Thank you.

>> Any other questions for staff?

>> Mr. Bender? what is the building you said that is not permitted in front of the home?

>> I think it is a shed, I'm not sure what it is but I think it is a shed.

>> Any other questions for staff? I have a question Ms. Jackson, how far from the property line, it is hard for me to see on their, is the actual slab there? I know we are talking a variance and pertaining to the easement, what is the actual setback to this in the easement also, is it close to the area there? Correct?

>> It ends in a cul-de-sac here so it has to be 40 feet back from here.

>> That is the 7 feet we are setting back from?

>> Yes.

>> Do you know how far it is to the property line?

>> I thought I had that information.

>> It looks like 48 feet.

>> The actual property line?

>> We will move on to the applicant to get the information from him.

>> The staff report says 45.6 feet from the property line.

>> Is the applicant present online, can you state your name and address for the record?

>> Yes, John Getty, 2011 middle Circle, New Smyrna Beach.

>> Sir, you heard the staff report. Do you have anything to add to it? I think we have had the question answered as far as this setback from the property line.

>> I would like to thank you and your staff are taking care of everything, for this variance, you've done very well, thank you very much.

>> Any questions for the applicant?

>> I have a question.

>> Ms. Shelley?

>>MS. SHELLEY: Is this garage going to be for automobiles?

>> The garage is going to be for storage of the boat and a tractor, agricultural equipment.

>> I guess my question will then be, will it be higher than a standard garage?

>> It will have a 13 foot door opening so the boat fits under it.

>> Thank you.

>> No problem.

>> Any other questions for the applicant? Hearing none, do we have any public participation on this case Ms. Somers?

>> No.

>> We will close the floor to public participation and open up for commission discussion for a motion.

>> I would rather see a variance in additional trees come out. I will make the motion that case B – 20 – 073 be approved and include the staff recommendations.

>> I will second that.

>> I have a motion from Ms. Van Dam to approve V – 20 – 073 with staff recommended conditions. A second from Mr. Young. Any discussion on the motion? Hearing none, we will take a roll call. Ms. Shelley?

>> Yes. Mr. Young?

>> Yes.

>> Mr. Steve Costa?

>> Yes.

>> Ms. Van Dam?

>> Yes.

>> Sorry. Sorry about that. It's getting late in the day. Mr. Frank Costa?

>> Yes.

>> Mr. Bender?

>> Yes.

>> I am also a yes, the motion carried unanimously. That will wrap it up for new business for the day. It's time. Do we have any old business to take care of?

>> Yes.

>> Any other public items?

>> The last one.

>> Any staff items?

>> No.

>> Any staff comments?

>> No.

>> Mr. Chair, I would like to say thank you for toughing it out today. The Governor's Executive Order allowing virtual meetings, my reading technically expires August 1. We are watching it and we think that he's going to extend it at least another month. So the next August PL DRC we may be able to do virtually and have a virtual courtroom. We will check on that and informed the PL DRC if that should change and need to have at least 4 members physically in attendance at the auditorium.

>> All right, I appreciate that comment. I would appreciate it if I would be informed, that way we can help prepare for it also. Because it is kind of a and B now, rather than all A. It helps to know ahead of time what we are going to be doing. Any other staff comments?

>> I would like to see those paws considered on (inaudible).

>> We will do additional comments now. Go ahead?

>> I would like to see the dog pause on dogs can be considered horse hooves so we don't have to worry about dogs in the future.

>> Any other commission or comments? Any citizen comments? This meeting is adjourned. TESTING  
7/16/20

1:19 P.M.