



Closed Captioning Will Appear Here.

SPEAKER:

We are working on sound issues right now.

SPEAKER:

Ladies and gentlemen need as you can see we are having a little bit of technical difficulty. Please have a little patience with us. We have people who have registered to speak virtually, and we cannot start until we can hear them. We will get there and that we will make sure that we have full testimony from everyone who wants to participate. Thank you for your patience.

SPEAKER:

Mr Frank, can you hear me?

SPEAKER:

Yes, I can. Can you hear me?

SPEAKER:

Yes, sir.

SPEAKER:

Mr Fallen, can you hear me?

SPEAKER:

Can you hear me?

SPEAKER:

Yes, sir. Thank you.

SPEAKER:

If I could, could I have everyone please silence any audible devices they may have this morning. If you would join me for the Pledge of Allegiance.

I pledge allegiance to the flag of the United States of America. And to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

SPEAKER:

Good morning everyone, we had a little bit of technical delay but we should be able to move on now. I would like to thank everyone for joining us this morning and the chambers and on the PLRDC webinar. If I could, can I have the rollcall?

(Rollcall)

SPEAKER:

Thank you Ms. Summers. We do not have any minutes for discussion this morning so we will move right into comments and I will asking all motions to be voted on to be done by rollcall and if I could remind her commissioners at home to place silence their microphone when they do not

want to speak.

That is the way I can tell still want to say anything. After the staff has presented your case, and the staff has the opportunity to ask any questions of the staff,

This will answer any questions that commissioners have about your case. We do also have a request to speak for and against the cases being heard today. When it's time to have public participation for those of you who are joining us in chambers, I will ask you to come forward so you could be recognized and for those of you joining us on the webinar, Ms. Sommer will engage your Mike so he could be recognized.

At that time I would like for you to state your name and address for the record, we will be limiting the time limit. And I will give the commissioners the opportunity to ask any questions. After the comments have been heard, I will give the applicant an opportunity to address any concerns. The speakers and answer any questions the commissioners might have.

This time I would like to turn it over to legal comments.

SPEAKER:

I would just like to remind the commission the complicated send members of the public that decisions by this body on special exception cases and cases will be have one class application for another, is a recommendation only to the County Counsel and do not constitute a final hearing. No evidence might be introduced. This constitutes final action subject to appeal County Counsel. No new evidence may be presented at the time of the County Counsel public hearing on the appeal.

Hearings by this body on rezoning, special exceptions and variances - meaning that this body acts more like a core and must take into account all world, written or demonstrative things.

Thank you Mr chair.

SPEAKER:

While we are on this, at which any vote is to be taken on any cause I do just so matter, so I will start with Mr Steve Costa to my right.

SPEAKER:

None.

SPEAKER:

Brief discussion.

SPEAKER:

Brief conversation with Attorney Storch.

SPEAKER:

None.

SPEAKER:  
Mr Young?

SPEAKER:  
I have had communications with Bruce that lives in Esther, he is also living over that way. You shall have copies of them.

SPEAKER:  
Mr Frank Costa?

SPEAKER:  
Attorney Starch.

SPEAKER:  
I also did have that. We will go into the first order of business.

SPEAKER:  
Application of Glen the storage for Barbara individually and as trustee of the Everett Blair Revocable Trust and as trustee of the Barbara Blair replicable trust. Lawrence Wood, and Michelle, and John - requesting a zoning from commercial arena be seven mobile home park MH1 and rural agricultural A2 aggregations to the zoning classification with a business of the classification.

SPEAKER:  
Thank you, Ms. Smith you will be taking this case this morning?

SPEAKER:  
Trish Smith, this is a request to rezone 89.36 acres to a PUD with sub classification. It's a design from hurricane damage. It is the parcel to the south, and the parcel east of Jungle Dan Road and you can see that on your screen on the right-hand side.

Photographs can be found on pages 134- 138 of your packet. The properties of variety of zoning, B7 which is the old bait shop and H1 which is the mobile home. and H2.

The applicant wants to redevelop the motel, the general store the Marina and RV resort. The conceptual plan can be found on page 11 of your packet. He is proposing a maximum of 460 total spaces for RVs and cabins.

Proposing hundred 99 total boat slips and that's governed by the Manatee protection plan. It cannot have any more than that. A combination of wet and dry boat storage. There will be daily, weekly, and seasonal rentals. Not full-time residents.

The applicant held a community meeting to share their plans with the neighbors. I would like to talk just a minute about the existing mobile home area. They leased the land and on the units at this facility.

According to the act, a study has to be done on whether adequate housing is available before local government can improve of that. That was done and could be found on pages 42 – 1 33 of your packet. Some of the highlights there are 53 mobile home dwellings, there are 22 full-time residences in the applicant has purchased over half of the units and continuing to work with the residents to purchase more and applicant when they do the presentation I having more updated numbers for us. They may have more updated numbers. The study shows adequate capacity to relocate remaining residents within a 50 mile radius in Volusia County will decide whether to accept or approve the study when they hear the item.

He will remove all infrastructure including derelict in the commercial area, there's an old wastewater package plan, dilapidated docs and will remove all debris and canals and this is very important, they will add stormwater controls and that is going to do wonders for cleanup St. Johns River and the canals.

Applicants redeveloping commercial area with restaurant, potatoes, field dog and other RV amenities and a game room and some buildings in the commercial area may be reused and will brought up to current building and fire codes. The existing developed area on the west side of your screen – the left side of the screen includes a commercial area and mobile home area and are very confined areas not conforming to the zoning code and we allow reduced building setbacks and accommodations for parking and landscaping and the new section of the park will be current zoning requirements and the project will connect to St. John's River utilities for central sewer and portable water and the applicant is putting conversation easement over 121 acres of wetlands over the southern portion of the property and that will be a buffer for the homes to the South as well.

Access will be via Jungle Dan Road same as existing AccessNow and traffic: analysis shows minimal increases in trips allowed and on State Road 40 and Shingleton Road...the applicant is working with DOT, the county and Google maps and how to work signage and directions to get people of crossroads to the facility.

Traffic engineering staff confirmed the road network is an experiencing level several constraints in this area and we believe this project will increase ecotourism opportunities and is consistent with comp plan and on six and seven of your packet the comp plan policies we are talking about and we brought you our coastal element comp plan and as part of that we need to look at sea level rise and climate range as we review projects in this project is in the coastal high hazard area and prone to resurgence the rise and evacuation will occur in the RV Park is considered a higher and better use for the property when considering loss of life and property damage from storms so recommendation is three for the zoning to County Counsel for final action with recommendation of approval with staff recommended conditions which are on page 9 of your packet and the applicant has a presentation and we would be happy to answer any questions.

**SPEAKER:**

Hearing none I will bring Mr Storch forward and if I could get your name and address for the record.

**MR STORCH:**

d morning my name is Glenn Storch and I represent – my address is 420 S. nova Road Daytona

Beach and I represent the applicant and the contact -- contract purchaser is Randy Neff and I cannot have a better client. And in some ways a worse client because as you will see the condition of this place as it is right now is abysmal and when I look at this and I told him this and he told it to the committee meeting and I told him to walk away.

Is just so many things that have to be fixed in order to solve the problems on this site but he made a mistake, he fell in love with the place, fell in love with the land, fell in love with over and now as a result of the community meeting he fell in love with the community master so we will find a solution and we are moving forward and I can tell you how much I appreciate everyone's input, the steps input and communities input and we are going to make this work.

Let me start with the project. This is 89 acres on the St. John River and the main part of Jungle Den is clustered together in these mobile home and commercial sites and that's about 35 acres when we had the initial contract of only the property it was obvious you could not do anything with the 35 acres because of storm order issue and right now everything flows into St. John's and there is no storm order issue and the sewer plant is so close to the level of service that it just flows into St. John's so that is what we're looking at right now and there's nothing we could do and we had to expand and provide additional land so we were able to purchase additional properties around the site that will allow us to build the storm water about 10 acres or so -- 10-15 acres of storm water on the site just to provide for protection of St. John's.

And then on top of that we been able to preserve large areas of buffer which you can see from the original site you had no preservation whatsoever, so one of the things that I love about this, and I am sure that Randy fell in love with this is a history of.

This is been around since the '40s and is something really cool about West Volusia and I got this from the archives, this picture from the archives. They see this as an historic treasure, the fact that this is actually there, it was there, that it was part of the original things happening in Esther and discontinued on during the 60s and 70s and it was expanded, you have the hotel, you saw there was a hotel that was built.

The pictures on the right show the hotel and the restaurant and the store and the bait and tackle shop that were on the river at that time and so at the same time as those were taking place on the river there was an RV Park and a mobile home park behind all this area, so you had about 212 units of mobile homes and RVs on the site and then you had all these things to keep them busy during that time.

People would come down to the residence, they would enjoy the frontage, enjoy the river, the arena that was there, this was a great place to be. And I talked to so many of the residents as we purchase the properties and they tell me how wonderful this must've been when they first got there, and of course they have all seen the decline.

Again, as you can see, it has always had a motel, it's always had RVs, like about 212 units. But, unfortunately, recently in the past couple decades we had massive decline from storms and Mr Blair passed away and the entire area has declined massively and everything is falling apart. The RV park is closed, the motel is close, the RV Park and the restaurant is closed. Nothing to be open again.

The mobile home park has been deteriorating drastically on top of everything else and went from 128 to 53 homes and as of yesterday is reduced to about almost 10. That is a good thing, right?

We have been looking to purchase things for the folks and we will continue to work with them is Randy has done so graciously during this period, but it was just a matter of time anyway. It wasn't us doing this. It was just a matter of time. You cannot live in a place with abandon mobile homes with sewer plants on the site and the sewer plant – I will get to that in the second – but this shows some abandoned homes and as you can see it is just getting to be real bad. I missed some of the abandoned homes.

Everything falling apart. That is what we are dealing with so as you can imagine when you have the sort of situation and have major storm events are major floods everything goes into the river and that is one of the things were going to stop and we have to bill to deal with that. Every one of these sites is on that antiquated septic plan. And that is what we are dealing with. It is rusted out.

It is currently in violation with the EEP. We just worked out a deal to allow us to mandated, patch it up to get us to the rest of the process but that is as far as it can go and you can do this without basically putting a whole new system in the system that you should put in, which is the expensive system, which is to bring municipal water and sewer to the site and that is what we are doing.

We have worked with St. John's utilities and they have more than sufficient capacity so we will pay for the piping and everything necessary to get municipal water and sewer to this site to clean up this area that is going to be a major undertaking.

One of the advantages, by the way, I should point out to St. John sewer is overcapacity. They have way too much and they need additional customers to make the system profitable and to allow for it to happen, so this is a godsend to them as well.

As I indicated before the weight it was designed in the '70s or '60s the pipes were way too close to the surface and so everything goes into the woods and folks tell me about the smells they have to deal with during a regular basis that has been awful for them especially those people who live close to it.

One of the ladies that we bought the property from I think we may be in violation with the County as well but we're working again to deal with this and to move this along to get these last remaining mobile homes. There's no flood protection. There's nothing to protect the residents or the jointing property that would be a result of the system. Field degradation is the fact that the whole place is crumbling. And crumbling into the water itself. The docs that used to be there are supposed to be falling into the area. You have all of these areas in the canals like this. You can see how choked this is with vegetation and everything else that has fallen in there. We are going to basically have to redo them to maintain them. As you could imagine, when you're looking at these things - pressure-treated wood going into water, that's arsenic. That's what's also going into the St. Johns River at this point. As it continues to fall apart. The 10 roof, you

can see that has happened. On top of that, this is probably one of the prettiest areas I've ever seen on the St. Johns River. It's right on this curve. It has a beautiful view but rather than utilizing it for eco-tourism, which is what we should be doing, this is a dead zone. This is absolute blight along the river. Everything is fenced, everything is crumbling. This is what people see when they are boating along the river. That is not what we want to see in this particular place. I think you can begin to see the problems regarding how this is going to be difficult to deal with. I always look at things as options. I look at things as this or that. If you make a decision to do something, this is what happens if you do something if you make a decision not to do something this is what happens. In this case, if the decision is to not allow for the PUD, this is your option. It will continue to be a rundown trailer park. Because we now own those trailers, you are now looking at the cost of low-cost rentals until they collapsed. You can't afford to do all of that without having a business model that will support it. You have no environment protection from the river, no flood control, a continued operation at least for the next several months of dilapidated sewer plants. I should point out when we are looking at this, we are looking at providing not just buffers and protections. We are looking at placing those in conservation so it could be perpetual conservation of those areas forever. And of course, this dead zone which is part of the area will remain along the river and no economic development. Let's look at option B, that's what we are thinking of. That's to reopen the restaurant, a general store, everything old Florida style. Remove all used trailers and replace with eco-terrorism. Guests would only be allowed to stay up to six months. What that means from a hurricane standpoint, all of these RVs can be removed immediately. At the same time I should point out, when we are redoing the restaurant hotel and everything else, it's a major flood zone. We are actually raising things to provide for that because of the damages taking place in the past. On top of that you will have removal of the sewer plant which I think is a godsend to everyone and we will connect St. John's utilities. We will preserve 21 acres of habitat with an perpetual conservation easement that provides 200 and 500 buffer between the adjoining neighborhood and of the resort. We are going to create a stormwater system that meets the current standards of today and protects water quality and we will rebuild the docks in the marina. This is what we are looking at. You saw what we've got. This is what is currently there. That's how this looks now because it has just been decimated. The one on the left is what it is going to turn into. By the way, it is out of the foot plan. That shows the hotel on the left. We are redoing that with the massive deck area that will allow us to really have guests to come in and enjoy the waterfront, the marina allowing for folks to come to the restaurant, the restaurant and general store in the center with a deck area that goes out next to the restaurant. The restaurant will be on the top floor. The general store will be on the bottom store. And additional hotel rooms and areas for the RV resort that will have access to the river as well.

I should point out, one of the nice things about this feature, as we have sufficient room in order to provide a substation for the shares office, but it is one of the things that was talked about with the community. As you can see, the expanded plan will allow everything green to be in conservation. That's about 21 acres. The large area to the right in the blue is the storm water system that will utilize the entire site. It will all be piped into entire site into the storm water system. The areas in yellow will mostly be the RV Park areas. And of course, the canal area. You will have RV sites next to the canals and the areas along the river will be the commercial areas and that's the one we showed you before. There was question if we have sufficient parking coming into the restaurant. yes, we will be required to provide parking. there will be up to 199 docks. The docs are based on the existing docks. This place already had a bunch of



docks on the site. So you had docs along the St. Johns and you had docs along the canals as well. The staff worked with us. They counted up all the existing docks that met the Manatee protection zone and that's why there's maximum. We haven't decided where those docks are going to be yet. We will have probably have boardwalks along the. But that is the maximum number of docks we can have We will design around that. For instance, the area along the canal, we will probably have water walks along them. We want to make sure that's an amenity for everyone. We will allocate the docks. That's the maximum number of docks we can have given based on what was already there. Was that me or someone else? I will point then! That's OK. Again, our goal besides the general store and everything else is a first-class ecotourist resort. Turn this into an RV resort. When I say a resort, I mean just that. Not just a place to camp. A place with amenities, pools and everything. The waterway will be clean, walkway and docks will be reconstructed for safe use. walkway's and docks will be reconstructed for use. This will thing will be a system in itself. There will be recreational centers, there will be the restaurant, boat ramp. There will be a boat ramp just for the use of the RV members. It will not be open to the public. Packing trails, docks, game rooms, all the things that will encourage people to enjoy their stay at the resort. I don't know if you've noticed this, but since the pandemic RVs have been going crazy. Many, many people, especially my age, seem to think that this is a wonderful thing to do. To go and commune with nature, but doing it in a socially distanced manner that is safe. So there is a huge demand right now for something like this. The economy of this, and by the way, there's a picture there that shows something that we are looking at. To get into the site, you will have to go through a gated access. You will have to be checked in. They will check to make sure you are, and your background. You're not going to allow everyone to come in except for the restaurant. The restaurant will be open to the public. The investment at this point looks like it's going to be well over \$30 million. To make this happen. That includes utilities, and the storm water reconstruction. Based on the current millage, it would would be about 633,000 per year. As a result of that. That's about 10 times what you are currently getting. More importantly for the community of Esther, it's also going to create 40 – 50 new jobs. The restaurant, the general store, everything. That something that we are very happy with. There will be parking for any employee that will be provided for. It's not like anyone will have to park on State Route 40 and walk in. You're going to have a great facility. We did hear of neighborhood concerns. We heard about this because apparently there were two ladies that were walking around and sending out this official notice. Which I thought was pretty interesting. What it basically said, if you look at it, there's too much traffic impact. There's too much business for local stores. That's a new one for me. The local residents will not get into the local stores. There's too much business for local restaurants. The local residents owned be able to get into the local restaurants without reservation. There's too much ecotourism on the St. Johns River. There will be too much business for the gas stations, therefore, they won't be able to get gas. And there will be an increase in criminal activity. So, we thought it was appropriate to work with the community. I should tell you, this is the first meeting that was able to be had at the Astros Civic Center since the pandemic which we greatly appreciate We worked closely with everyone to make sure that we did it in a safe manner. We were able to talk to everyone regarding these and all the other issues. I have to tell you, it was a terrific meeting. I greatly enjoyed it. It was last Saturday. A lot of the which we things that we already knew what was going on. As a result, I had brought some letters in case anyone felt like they would provide support. I would like to submit the letters of support. I only had 25 forms. They filled in about a heartbeat. On top of that, they kept asking if there's any more forms. I'm going to provide these as part of the evidence. I'm also going to provide no objection letters to many of the residents of the mobile



home park that we already bought. Everyone is filled out as a letter of support. On top of that they kept asking is there any more forms. Of course, sorry, so I will provide these to support the evidence. I'm also going to provide no objection letters from many of the residents of the mobile home park, that of course we already bought, so they had no objection.

**SPEAKER:**

Give those to Ms. Somers.

**GLENN STORCH:**

if anyone from that meeting is here I want to let them know that we followed up one thing was traffic crime. There was concern that Alice Drive was going to be affected in the first line down at the bottom is where Alice drive is in the sign is one solution to do with this so they are concerned there is a curvy road down Alice drive that would be utilized for people to get in and that is there concern.

We solve these issues in a number of ways. By the way, right now everyone comes into Jungle Den Road into Valley Pritchard and that is a standard but we are going to better. One thing we are going to work with DOT to place directional signs at Alice Drive will say do not turn here. Go straight. That is where your turn is then when you get to Raleigh Pritchett the redirections to turn left or right and on top of that right at State Road 40 we know we will be required to do a right turn lane and potentially a left turn lane and that's up to the DOT but we know that is where the improvements will be and that will be the goal to show this is where this is.

On top of that our traffic engineers informed us we are able to go to Google maps and all the other web services and tell them how to get into the site and they will put that in their programming, so we are going to do that, and we have agreed that.

On top of that it is something important to note we have zoning on the site, we have all the commercials only read, Marina zoning, mobile home zoning etc. etc. With our zoning versus a PUD we are putting in we are only increasing the amount of traffic by two trips for PMP power and that is it. So what we're actually doing is minimal as far as a change in the PUD but we're putting a lot of improvements in because you want to make sure this is done right.

We talked about improvements and State Road 40 and signage and we will add additional signage and Alice Road like local road signs etc. and a gentleman from the area was to make sure we encourage people to go from the resort and not down Alice so what we're going to do is provide requirements that when people come out of the resort at our driveway they are not supposed to go down Alice but go down Jungle Den.

So we are going to work on those issues and let us go into the other should we double. Too much business and eco tourism and I have never heard an investment will create too much business and too much jobs, sorry it is bad. OK. We're going to have a general store on the site, so it is not like we are all going to be running to the existing stores in Esther and I'm hopeful the rural people who use those sorts of all but there will be a general store on the site so there won't be a need for it.

About the fact we're going to use of all the tables in the restaurants that are there now. Again,

were building our own riverfront restaurant and that is I think a wonderful thing. That will be part of the resort and it will also provide an opportunity, an option for the residence of Esther and they are worried about the people taking up their gas station so we will have guest at the marina, and it will be a clean Marina state of the art and so we will have that available.

As far as too much ecotourism, this is what we are supposed to be doing and what the comp plan says we are supposed to be doing so that is what we are doing and it creates 40/50 new jobs for the community. thank you.

Some additional stipulations we worked out and when you have a community meeting you listen to people so we talked about design for the exit from the resort traffic down Alice Drive and there was one big issue which was interesting and it appeared to be the violations of the no wake zone in St. John's and drunken revelry and everything else, but they were very concerned about what was going on and Randy, who is a big supporter of law enforcement said we can offer dock space and amenities for the sheriff or wildlife services to insist in the enforcement of the no wake zone and on top of that they said no wake zone is too small, they said we will review evidence to expand the no wake zone to ensure it is a safe environment and we will do that and we already started doing that.

I have already been in contact with the Sheriff's office and we are now getting – they love the idea because right now they have one Marine vehicle/1 boat, that has to go between the intercoastal and St. John's. Very difficult enforcement and if they had a base, sub station there we could do more they said so they told us the requirements they are looking for for a substation.

We can provide that with no problem whatsoever so we anticipate also providing a substation for the Sheriff's office on this location and a dock dedicated to the Sheriff's office to help with enforcement along St. John's.

**SPEAKER:**

Maybe I will be able to talk.

**GLENN STORCH:**

I will keep on going. (Laughs). Some other stipulations or the design, design lighting to maintain another site and apparently there are some licentious blast across the river because they were done in the '70s and '60s I guess but existing outlays will be removed and delays will be designed to be on the site itself because if you think about it if you are in an RV resort you want soft lighting as you are going around. You want some lighting but you want safety.

There were concerns whether some locations where they have music blasting out along the river all into the night and we are engineering music to remain on-site and not broadcast across the river and I'm sure we will have roles when that will be allowed and this is not intended the honky-tonk River but work with the site itself.

Option a is continue the ramshackle trailer park until it falls to the ground and Option B

Is to redesign the restaurant, hotel, marina and state of the art premier RV resort in any manner

that addresses the community concerns which I hope we have done and those are the options and what we're here for today, for the recommendation.

Right now the PUD itself as I indicated to folks this is a contract as to exactly what we're going to do and how we're going to do it and this is a contract to how we will do it, setbacks and area of buffer and stormwater so the PUD you're looking at today allows for the development of jungle that hotel, Marina and restaurants with specific requirements and allows for environmental protection but allows for ecotourism and is consistent with the master development and the concept plan we provided you and is consistent with Volusia County Comprehensive Plan and you have a full staff recommendation of approval for this PUD.

And that is about it. I made the bottom line is that this is one of those rare projects that is just a tremendous win for everyone. Is a tremendous benefit for the community, it develops and revitalizes a historic area, and it approves the ecosystem for the St. John's River.

I don't know what more we can ask of Randy at this point, so we're obviously available for any questions and I got our engineer and Randy here and I am here. I would like if there's any comments during this process I would like the opportunity to come back and address any comments.

**SPEAKER:**

Do you have any questions for the applicant? Mr Steve Costa.

**SPEAKER:**

Good morning Glenn. In your presentation you mentioned the St. John's utility and that is not the St. John's County?

**SPEAKER:**

No. It is close to the St. John's River though.

**STEVE COSTA:**

when I quickly googled the only information I could find information on the St. John's County and is a different company.

**GELNN:**

It is actually utility and has capacity and would serve some neighborhood areas but they chose not to.

**STEVE:**

in your presentation you said St. John's did not have capacity because I needed more customers.

**GLENN:**

they have enough capacity...and you can't have too little flow otherwise it stagnates and you basically have to keep cleaning it and flushing it out and everything else, but the ideas they have more than enough capacity, they have lots of capacity and are anxious.

SPEAKER:

I'm located at 536 N. Halifax Daytona Beach

My name is Mark and we had extensive discussions with the utility company and are very anxious to sign up customers and they built a plan some time ago and expected to sell more capacity as an earlier date that did not happen so obviously we have to pay impact fees and those impact fees are a major source of revenue to the company so they are very much looking forward to...it allows them to do more expansions, more improvements and so forth.

So they indicated they have capacity both for the sewer and for the water and currently the existing Jungle Den Road is on water so that would expand to new system and currently nothing is on sewer but on that decrepit land so we can take everything off that and remove the plant and moved to central utilities. The best thing we could do is to treat the sewage how it's supposed to be removing the nitrogen and phosphate and not having it go into the water resources.

SPEAKER:

My understanding is the plan is a fairly modern plan.

SPEAKER:

It meets all of the EEP standards and they have to do the regular report both for water and sewer monthly.

SPEAKER:

It's interesting you say that, because if the current... Tank, plant fails at Jungle Den and no one can afford to fix it, you have two options. The County coming in and providing the service or you have the option of assessing all the remaining residents to build a new plant there. There would be no options. That's why this option here and what Randy is able to front the money for to make this happen is so spectacular for everyone.

SPEAKER:

I have another follow-up question, you mentioned the treatment of water in your presentation. this is probably another question for Mark. In the PD agreement it contemplates credits for the existing impervious services and I was wondering how you anticipate those credits being awarded?

MARK:

when typically happens is when you have stormwater, there are two things that happen. we want to improve the water quality of the river. Water quality and pre-and post discharge. We want to capture all the pollutants - the second is, we don't want the rate of water increase to increase over what it is today. The credits that are referenced in their our credit for the rate of discharge that's currently there. Anything that's increased has to have mitigation for it and even if it's paid now like in the commercial area there's a lot of paving. We will pull that out and reconstructing it. Anything we you reconstruct has to have the storm water and have water quality which is the most important thing at this location.

SPEAKER:

This is for my own education, but in loud uses there is a marina, docks, and the last one is the yacht club. What's the difference between the yacht club and the Marina?

SPEAKER:

I'm interested in that too.

SPEAKER:

I think that was one of the uses that you proposed...

SPEAKER:

I would guess the only difference would be the yacht club would be private. You could have a little private club area. That's about it. In fact, I want to make sure come the something staff need to look at, and the county attorney, I do want to make sure that as we are going through this and if we have a substation for the Sheriff's Office, that there's no problems as far as the actual uses. Do we have to add that to the use?

SPEAKER:

We would be happy to add that into the PUD agreement.

GLENN STORCH:

I appreciate that, I think it's important to bring it up now.

MARK:

Thank you for answering my questions. Any more questions for the applicant?

SPEAKER:

In reading through the letters that were submitted there were concerns about hours of operation of the restaurant. Are there going to be things going on after 11 o'clock?

SPEAKER:

As I indicated, this is not going to be the honky-tonk that some might think might happen. We are not doing this after 11, correct.

RANDY:

My business address is 361 Denton Avenue. To address the restaurant, we would be operating breakfast, lunch, dinner. We would not go beyond 11 o'clock. We are engineering our sound so that it's directed directly at the deck or the inside. the intent would be music that would create an ambience not blaring out into the waterways.

GLENN STORCH:

Rather than attracting in people into that music.

RANDY:

That's right.

SPEAKER:

You made record to assisting. There are was also concerned expressed about being homeless.

How are you all addressing that? When you said you were assisting them in relocation, what are you doing?

SPEAKER:

There is a statute for leases that are terminated. The statute says that if you cannot move your mobile home you have to pay X amount of dollars. We got around 40 or 50.

SPEAKER:

We are down to 10 and we have six that are permanent and four that are very seasonal.

GLENN STORCH:

First of all, we pay for the mobile home itself. We have been buying, and negotiating the mobile home cash. They didn't have cash to work with as far as finding another location. Secondly, we have helping to direct we have old one lady that had a problem finding somewhere that allows her to come in with her pet. We have another lady that wants to stay close because she works in Esther. We are trying to find a solution to every one of them and give them more and on top of that, we have been giving free rent. During this period of time, up to six months free rent as part of the purchase price. To allow them to stay and have plenty of time to move their stuff and relocate and find a relocation, so that's how we have been treating it.

SPEAKER:

The free rent is on the home and the lot?

SPEAKER:

That's right, because we already bought the home.

SPEAKER:

Any other questions for the applicant?

SPEAKER:

A couple of questions on the boat slips. It states that there are allowable wet slips on the private canal that is short slips, 162. Are these going to be individual docks? How does this work because we have had issues with docks in that area in the past.

SPEAKER:

The problem is that there are docs there now. They are all dilapidated. Someone have perpendicular docs along the St. Johns like there used to be and division along the canals, currently, you see a lot of roofed over docs. The division would be linear along the walkway, along the bulkhead. You could walk or tie a bow along that. We don't envision any covered slips at that time. We went to open the waterways up and make them accessible for docking but also make it accessible that you could walk along the canal because it's really pretty. We think it's going to be pretty once you clean all that stuff out of there.

SPEAKER:

Also improve the water quality.

SPEAKER:



If they are individual docks will they meet the county standards for separation?

SPEAKER:

These are not individual docks for any owners. This is the community. All these docs are owned by the community. If you are renting a space, you get to use the dock. the docs are also limited to the people who rent the space. Unlike single-family lots, you have to have a separation from the riparian line. This is all single ownership. You don't have the same type of constraint. Because of the number of docks, we don't see any reason to have perpendicular docks in the canals like we do now. We think the linear boardwalk is the way to go. The Manatee plan restricts us to a certain number and there'll be signage and railings where we aren't allowed to dock.

SPEAKER:

There won't be individual docs? It's going to be one continuous...

SPEAKER:

The vision is now a linear connected dock. That doesn't mean we couldn't do separate pieces. we haven't gotten down to the final design. We've done 17 or 18 layouts. We are still refining the concepts to see what makes the most sense.

SPEAKER:

This also has to go through St. John's and EEP. Because, they are going to tells what we could do as far as the docs on the river. That will determine how many docks we can place along the river, and then we can see how many we have left to place along the canals and the dry stack area.

SPEAKER:

There is reference in here in addition to RVs, site built cabins without plumbing, cooking, or sanitary facilities are allowed. is it part of the agreement that it's not going to happen. Is that part of the development agreement? Those are not going to be allowed?

SPEAKER:

The park models are allowed...

SPEAKER:

Abbott they are not (inaudible). The site built cabins, we are not proposing to do any of that. We would have RVs and some park models in there. The park models, in our submittal package, there are some pictures of what they'd look like.

SPEAKER:

They look like good cottages.

SPEAKER:

Is it into development agreement that there are not going to be any of these 220 ft.<sup>2</sup> site built...?

SPEAKER:

If it's not, I think it's already in there, but if it's not I don't think we would object to stipulating. No

objection to that.

SPEAKER:

OK...

SPEAKER:

We have no objection to that.

SPEAKER:

How do you prevent permanent residence? If it's six-month, how do you prevent them from going back and?

SPEAKER:

As you can imagine, we have a massive system of how you take these people in. And regulate. They have to check-in. Everything is said, you can only stay up to six months.

SPEAKER:

We will have documents that is completed for approval to come in as a guest and the duration is very plainly spelled out. They cannot stay longer than that period. We have language in the documents that also provide for emergency services if we have the threat of a pending storm in Volusia County or a federal emergency system wants people to vacate. That will be covered in this form as well.

SPEAKER:

Someone can't go for six months and walk back into the office and re-up so to speak?

SPEAKER:

It would be six months on an annual basis.

SPEAKER:

Very good. What are we talking about here with accommodation wise?

SPEAKER:

If you look at the overall exhibit, I'm going to show you what this area is. The existing property is this, this, and a piece on the side. This part is very constrained because these canals which were done years ago are in place and we are not really able to do much to them.

If you went out there today, these buildings are pretty much right on the water if you are doing it today, you would have to setback further. If you meet current setbacks here you would not be able to redevelop the property. That's the accommodation. We feel that we can do everything here. It's just this piece of property here that has the special accommodation which is the core redevelopment part.

SPEAKER:

A setback in terms of the space from the water front. If you were doing it today you would have a setback further. If you meet current setbacks here you would not be able to redevelop this property, so that is a commendation and the accommodation is limited and we reduce it and it is

just this piece of property here that has a special accommodation, which is a core redevelopment card.

SPEAKER:

It is setback in terms of the space from the waterfront or this the canal?

SPEAKER:

That is correct.

SPEAKER:

Miss Shelley you had a question?

SPEAKER:

Yes, in one of the letters there was a concern expressed about phasing and what is your plan how the project will be developed? Are you doing it in phases?

SPEAKER:

It has to be done at the same time. Because otherwise you would have construction during the operation and you can't do that so everything has to be on the same time, and completed and open at the same time.

SPEAKER:

Just wanted clarification for the audience. Thank you.

SPEAKER:

Doesn't look like we have any other questions. Mr Storch did you see copies of the emails?

GLENN STORCH:

I saw some this morning.

SPEAKER:

I will have you come up after if you want to look at this and it is totally up to you.

SPEAKER:

We do have some public participation forms and I believe we have someone on the webinar who is wishing to speak and what I will do, is ask participants in the chamber to come forward first and we will be limiting you to three minutes, and also, I know a lot of you have some of the same concerns, duplicating information, we would rather not hear duplicate information and we will allow three minutes so I will start out with Miss Delin Stroup. I apologize for Ms. Prowse.

SPEAKER:

My name is Delin Stroup and most people know me as Dede and I live in Esther but I'm on the Lake County side and I have own property at Jungle Den as far as a rental plot and my parents owned it when I was quite young and it was lots 74 and as of about one month ago there still a manufactured home my parents brought from South Florida and my father brought up live shutters, minnows and worms that I counted in the morning before I went to school for Jungle 10 so go back a long ways and I am my 23rd year as a real estate broker and my concern is

that the people who are in the community have a place to live in a safe place to live.

And when you drive back to Jungle Den you can certainly say it is not safe and I don't think I would live in the trailer my parents brought back at this point in time. I've communicated with some of the people that have places they need to stay when they move their homes and I've offered my services for free of charge to them if they decide they want to purchase something.

There is a manufactured home park just south of the library called Eagles Nest I spoke with the owner and he has eight lots that he is willing to sell and I told him people need a home and he said he would sell them to them for \$12,000, these lots, and I said I will offer my services to help them get this done and then there are eight lots and the water department told me there are many lots in Esther, about 90, that people have vacated for many reasons in the water, sewer and electric is already connected so they would have minimal cost however we just have to find the right places so we are diligently trying to service those who are still looking for a place. That is one concern.

The other concern for me is crime. But right now it is a little anxious as a woman driving back in Jungle Den and I don't think I would spend the night back there and you know there is a substation back there is exciting and we do have a substation across the bridge and I can walk to Jungle Den from my home and there are a lot of people who do the job and this is incredible opportunity.

As far as the real estate in Esther is a plus because right now it is an eyesore for anybody who lives along the river are down there and it is an eyesore not just for their sewer system, but also the rodents, dilapidated structures and like you said, if we have a flood again, and it will happen that stuff goes into the water, which is not already going in there now, so I wasn't sure by the water department that they can handle this for the redevelopment.

And so that may be feel-good because I call the water department and said I'm calling you as someone who lives here, someone who cares about the people who are being displaced and can we handle it? I was assured that they can handle it so it would myself to any further questions.

SPEAKER:

OK. Thank you. We have questions for the participant? Hearing none. Thank you very much. Our next participant is Mr Randall Alan.

SPEAKER:

Hello my name is Randall Ellen I live at 1631 Spring Garden Drive and that is one of the closest houses to this project and my concern is nobody said a word about the state course surrounding this property on the one side by the dining or property that road is Allstate forest and where it runs to Murphy Road the proper they propose to change from agricultural to residential that is a conservation area which is hunting for people and nobody said was going to happen with that area because of the proposed agricultural area that is going to be changed from agricultural to the commercial area.

I also own property on Alice Drive and many, many boats and trailers come down that road and

you can say there will be access but there will be people and the noise that will be created making and running it. We live one-hot of the river and I see everything that happens on the river and when it is nighttime that river is shut down and there's hardly traffic at all and my concern is if the places open until 11 at night you will have all kinds of people on the river at night, which is very, very unsafe and people go to the no wake zone full speed at night.

We have what we call the swamp right across from our street, which is wetlands. We've had flooding, very bad in our area, when we had flooding on a road for seven weeks when the garbage truck would not come and pick up our garbage, in 2017 that happened and you can have a stormwater pond but what happens is once that fills all the water go somewhere else.

The dry storage proposal of the building that is going to be three stories high and the area that they are going to use, the pond area, for a boat ramp, nobody talked about the boat ramp that's already existing on the St. Johns River where they can put the boats right into the river there but they want to take the little lagoon area and turn it into an area I guess they can drop the boat into the water from the dry storage and come out from the little canal right near our three houses that are on that side, so those are some of my big concerns.

SPEAKER:

Thank you sir. Does anyone have any questions for Mr Allen? I've got a question. Under the current conditions if they were to renovate what is existing there what would be the difference in the impact do you if that wasn't operating – full operational motel, restaurant and everything that is there today?

MR ALLEN:

the noise. The noise is the biggest thing I think will happen from this project and nobody uses the lagoon or the little canal area right now, but we will have all the traffic from the RV people that bring their boats in their plus all the traffic from all the people with the dry storage, so what my concern is early in the morning people want to come in and start loading their boats into the water and stir coming down the canals and my other concern is the amount of people going up and down the river that will stop in to patronize his place, you have that amount of people also added to the people that are already staying there.

SPEAKER:

OK. I think my point is if it is an operating facility today, up and running, the impact would not be the same as what is currently there?

MR ALLEN:

The Jungle Den property is rental so much because of people who own it did not put money into it but there's no activity at all basically.

SPEAKER:

Our next participant is Mr Glenn Porter.

GLENN PORTER:

My name is Glenn Porter at 1662 River Road. I appreciate you taking time to listen to both sizes morning. I would like to speak in behalf of it and right now the county and community of Esther

has a residential and environmental mess and it did not happen last night, it is happened over time, but is something doesn't change it is going to get worse.

So I'm not going to pick on different issues this morning. I first stated Jungle Den 52 years ago and my grandparents brought me there and they love to fish and we were raised from planet city in Hillsborough County and they started coming there 52 years ago with me. As a result I live there today so I love the area.

Back in the early days it was still Jungle Den and Mr Blair came along and folks refer to him as the rich businessman from Jacksonville and I know that because that was my grandmother and when his plans began to unfold people did not like those because he was tearing down old little fish cabins, the motel was going to be destroyed and what we refer to as a big house, the one my grandparents rented to take all the grant kids to every year was going to be torn down but what ticked off my grandmother he would have the nerve to tear down the wooden dock she fished on every and he was taken the pool out her grandkids swam in and she did not like that.

However, we continue to come to Jungle Den and when it was finished by grandparents said it turned out pretty nice to the level they purchased one of the mobile homes there so our family had the enjoyment of over 15 years of coming to Jungle Den than as a result my wife and I built our home and at that time Jungle Den was going great and I could go to the restaurant, bring my boat up, it was great. Awesome memories. We can't remember the last time a rotted boat dock fell into the river.

**SPEAKER:**

I hate to cut you off, but we are at the end of time.

**SPEAKER:**

I am in favor this.

**SPEAKER:**

Thank you, sir. Our next participant is Georgia Turner.

**SPEAKER:**

I am Georgia Turner. I'm the executive director of the Volusia County at 116 W. Avenue right up the street. I was just at a opening of our new holiday in in town. I just wanted to come before you today in support of this project. We had our West Volusia advertising authority meeting yesterday we had been keeping them posted on this project for several months now and they asked me to come today in support of this. We believe this will be a welcome addition for our region. We represent the 14 counties all the way down to Daytona. We understand there will be more than the 400+ RV units as well as the 30+ hotel rooms. All the other amenities that they are talking to you about today like the swimming pool, campus store, restaurant, lazy river, whatever else happens there are definitely going to attract a lot of tourists from all over the state first of all, which is what we represent and we promote. I think it can also be a national and international destination. Who originally introduced us to Randy was a fisherman who runs a croppy tournament that comes here and December that has been here for the last couple of years and they definitely see it as something they can do. They are the guys that go to bed at 6 o'clock at night. They aren't going to be up until 11. This project I think will definitely contribute



to our economic development in the County and West Volusia will actually benefit ourselves because we will get 3% of the lodging tax that's collected that comes directly for us to and be able to promote the destination and promote the resort itself. That's always fun to have something new. Other part of our tax goes back to that lodging center. This is a worthy endeavor. I would check these folks out when they first started telling me about it. I talked to my colleagues over in Polk County and they say they are a class act and I think they can bring something really special.

SPEAKER:

That does it for who is here today. Do we have some people in the webinar?

SPEAKER:

Yes, sir. Miss Lori Johnson. It shows that she is unattending.

SPEAKER:

Unattending? And that was Mrs. Johnson?

SPEAKER:

Yes.

SPEAKER:

Do we have anyone else?

SPEAKER:

Kevin. It also shows he's unattending .

SPEAKER:

Hello, I'm actually here to listen in for the 109 project. I don't actually have any comments.

SPEAKER:

OK.

SPEAKER:

Roy Crumpler?

SPEAKER:

A lot of these folks might be just listening and is that correct?

SPEAKER:

Do they specifically mention this case?

SPEAKER:

Mr Crumpler has been involved in this project.

SPEAKER:

Is he online?

SPEAKER:

He is. Miss Kami French? Those are the only ones I have online.

SPEAKER:

We are going to move on and answer any concerns that the participants had or make any comments.

SPEAKER:

I heard that most of the folks were supporting this project. I can certainly understand why. There was Mr Allen that said he was concerned because of the restaurant is over there will cause him to have some noise etc. I need to be clear, the zoning that we are doing is not allowing for that restaurant, hotel and everything else. It reiterates it. That's already aloud. It's already allowed on the zoning of the site. So all the uses that are on there, the marina, the hotel, the hotel, I can build that tomorrow. You wouldn't build it to the same standard but you could build it tomorrow and if you don't have the money coming in from the RV resort you could build it in such a way where you basically have a honky-tonk and you would have some issues. That's logically what would happen if you think about it, but all those things are already allowed. The only thing we are doing here is giving you a contract indicating how we are going to do this. The right way. How we are going to develop this the right way. Everything is very specific on this. I did hear the one comment regarding, I can't wait to see when the hotel falls in. That picture shows the hotel about to fall in. That's what we're looking at right now. We are trying to do our best to save all this stuff and deal with these issues now. If you have any questions, I think we have done a great job. I'm so proud of this project. This is something that's one of those rare cases where I don't see a downside at all.

SPEAKER:

Miss Van Dam.

WANDA VAN DAM:

To reiterate for the folks that have expressed concerns, what does this plan allow that is not currently allowed?

SPEAKER:

It probably allows the RVs opposed to mobile homes. The current zone is mobile home one which is a mobile home park and RVs are typically not allowed in mobile home parks .

WANDA VAN DAM:

We are not talking about a massive influx of additional RVs versus what was originally allowed mobile home wise? We are talking about the same number, just a different type?

SPEAKER:

There was originally 35 acres that allowed for 212 units. That would be mobile homes and RVs. 42 RV spaces. What we are asking for is up to 416 but over 86 acres. Not 35 acres, so we are providing for additional areas and we are increasing the number of RV spaces to make this financially feasible. But yes, by doing that we are also allowing ourselves to provide for these conservation easements and buffers. And Mr Allen's property, if he's on Spring Garden Road, you will not see anything. All of the woods right now will remain and they will remain forever

because I'm putting conservation on it and the PUD requires us to do that. That's what the PUD does. If this was zoning, you would have none of that requirement.

SPEAKER:

I will close the floor for public participation . I will open it up for counsel discussion. Personally, I think it would be great for the remodeling. I'm kind of in favor of it.

SPEAKER:

Given what's already loud, and that's something that's easy to forget because it's been abandoned for so long. Given what's already aloud, the additional impact here seems to be minimum and cleaning this up definitely seems to be a huge win.

SPEAKER:

Mr Bender.

MR BENDER:

I'm prepared to make a motion to approve submitting their application to the County Council with the recommendation of approval.

SPEAKER:

I will second that.

SPEAKER:

Does that include the staff recommendation?

MR BENDER:

Yes.

SPEAKER:

Still second.

SPEAKER:

I have a motion to forward this to the Council PUD...074, and with the staff recommended conditions with also the Sheriff substation and... What else was there?

SPEAKER:

Would the maker of the motion and second have any additions -- objections to having the site built, the 220 feet site built is also prohibited?

SPEAKER:

That was a stipulation.

SPEAKER:

Thank you.

SPEAKER:

Are you good with that Mr Bender?

MR BENDER:  
Sure.

SPEAKER:  
Mr Costa?

MR COSTA:  
Sure.

SPEAKER:  
A we will move forward with more discussion on the topic? Hearing none, I will ask for roll call.

(Roll call - all vote yes) Steve Costa, Mr Young, Wanda Van Dam, Frank Costa, Mr Bender, Edith Shelley, Mr Mills.

SPEAKER:  
Motion carried unanimously. We will move onto the next case. Miss Van Dam, can we get that please?

SPEAKER:  
The next case is CPA – 20 – 005.

SPEAKER:  
Can I get you to take the conversation outside please? Folks in the back? I apologize for that.

SPEAKER:  
I will start over. Applications owner requesting large-scale future land use map amendment from the agricultural resource to rural designation.

SPEAKER:  
Do you have a staff report?

SPEAKER:  
This is a comp plan amendment from the agricultural resource designation to the rural designation and there is also a companion rezoning that goes with this case that we will hear directly after that we will request a rezone from A1 to A2... And about three quarters of a mile southeast of the Pearson city limit. The current agricultural resource allows a maximum density of one dwelling unit per 10 acres and the commensurate A1 zoning classification requires 10 acre minimum lot size. The owner of the property would like to be able to subdivide the property into two lots for family members. Therefore, in order to achieve that we need to change the future land use designation to allow a density greater than one dwelling unit per 10 acres and also zoning that will allow lot size that's less than 10 acres in size. Prior to 1994 this property was actually zoned A 3 and it will allow parcels as small as 1 acre in size. To the north of the property, you will see a subdivision just north of this. That subdivision is already designated rural, and it is for acre lot sizes. In 1990 the comprehensive plan designated this areas agricultural resource and then in 1994 was rezoned A 1

So when we review the criteria for the comp plan amendment defined is compatible with surrounding uses, parcels to the north are already designated role, is consistent with the comp plan and there are several policies in support of it, it does not encourage...and its impact on concurrency monitored public securities are de minimis so staff recommends the board find this future land use consistent with comprehensive plan and for the application with County Counsel with recommendation of approval to transmit to Department of economic opportunity and Volusia growth management for certification.

Happy to answer any questions.

SPEAKER:

Thank you Ms. Jackson. Any questions? Ms. Sandy and.

MS VAN DAM:

Understanding there are a lot smaller than the 4 acres and that would love this one.... I understand they are allowed to do one-five and what do they need to do down the road if they decide they want to do less or is this a given?

SPEAKER:

I think you're asking if they want to subdivide into less than 5 acre lots?

MS VAN DAN:

Correct.

SPEAKER:

The minimum size of a two is 5 acres if they want to result in less they have to ask for rezoning to allow less than 5 acre lot sizes. And let me also clarify you cannot drop below the 5 acre density limitation unless you are within a proximity that are of smart lot sizes, so maybe they would be able to go to the 4 acre lot size but not less than that because they aren't within proximity of, for example, 1 acre lots.

VAN DAM:

it is limited to one dwelling unit per 5 acres with the exception of the one dwelling unit per acre if located within 660 feet of an existing subdivision with a density of less than one per five, but you are saying because the existing is one per 4 they would not be allowed to go lower than one per four...?

SPEAKER:

The policy in the comp plan said they cannot go below that and it doesn't specify that, but our recommendation for a commensurate lot size is what they are adjacent to.

MS VAN DAM:

thank you.

SPEAKER:

Any other questions for staff? Hearing none is applicant present?

SPEAKER:

Yes.

SPEAKER:

If you want to state your name and address for the record.

SPEAKER:

I am Mrs. Judith Parks... South US Highway 17 person Florida.

SPEAKER:

You heard the staff report and comments made by commission to have anything you'd like to add to that?

SPEAKER:

No. Sounded good to me.

SPEAKER:

We do not have public participation forms and anyone on the webinar Ms. Summers?

SPEAKER:

No sir.

SPEAKER:

Thank you Miss Sparks and we will close public participation

SPEAKER:

I make a motion to approve CPA 20 – 005 large-scale future map amendment from agricultural resource to rural designation be approved.

SPEAKER:

I will second that.

SPEAKER:

Alright Ms. Shelley has made a motion to find the land use amendment consistent with the comprehensive plan and for the application of CPA 20 – 052 County Counsel recommendation of approval to Department of economic opportunity for expedited review and Volusia County management and recommendation from Frank Costa. Any discussion on the motion?

SPEAKER:

Yes.

SPEAKER:

Mr Steve Costa?

STEVE COASTA:



I was thinking long and hard about this case when I read through it and I'm morally opposed to increasing density in rural areas where we do not have water or more importantly sewer available to service the areas and just knowing what the septic tanks do to the environment and our water supply I cannot support increasing the density in our rural areas of our county.

This particular property is on the edge. If we just keep expanding the edge to get the next guy, the next guy, where do we stop? At some point we have to have some boundaries and, you know, until there's a system in place to support density with a sewer treatment facility I just can't supported.

I understand the property owner because of the situation with zoning and the history of the property might be in a bad position but there was a reason those ordinances were passed in the past and I am not going to be able to support this.

SPEAKER:

Alright. OK. I kind of have to disagree with you on this septic tank situation because there are systems addressing the nitrogen reduction and phosphorus to allow this kind of development in the areas and currently the DEP isn't regulating anything – anything over 1 acre and above so they did their studies and the impact and everythingone and if you bring public utilities, sewer and water in an area it seemed the density is a lot greater then what we are trying to do here so I understand and respect your opinion but I strongly disagree with it. Anybody else?

Alright. Any other comments and I will take a motion?

SPEAKER:

A motion was made and seconded.

SPEAKER:

I'm sorry. We're going to ask for a commission vote for summer's.

SPEAKER:

Mr Steve Costa, Mr J Young, Miss Wanda Van Dam, Mr Frank Costa, Mr Jeffrey Bender, Ms. Edith Shelley, Ronnie Mills. Motion passes 6-1.

SPEAKER:

Mr passes 671 Mr Steve Costa Indus

SPEAKER:

20 – 088 Samuel and Judith a Parks Junior owners requesting rezoning from the prime agricultural A1 classification to roll agricultural A2 classification.

SPEAKER:

rezoning to the land-use amendment case just voted on rezoning for 10.19 acres from anyone requiring tenant minimum and A2 requiring eight minimum acres deltas 800 feet southeast of the intersection with Dickey Lane and three quarters of a mile southeast of Pearson city limits and same story. They want to be able to subdivide the lot into two lots and when we review the criteria and analysis we find both of the zoning classifications preserve the value of rural,

agricultural lands both allow for agricultural pursuits.

I thought I had – in your package you have a chart that shows the difference in the zoning classifications, their dimensional requirements. As you can see the minimum lot width for both zoning classifications is the same at 150 feet. The minimum front yard, however, is less, for A1 is 100 and A2 it is 50 and for the side yard for A1 it is 50 N A2 is 50...when we review criteria we find it is consistent with comprehensive plan subject to approval of future land use amendment and is not likely to have a greater impact on natural resources, on the economy or the value of the area. Is in packed and governmental services are de minimis and we do not find it injurious to the health, safety or welfare of the public so staff recommends it gets forward to the County Counsel with recommendation of approval.

SPEAKER:

Thank you Ms. Jackson. Is Ms. Parks still with us, Ms. Summers work

SPEAKER:

Yes.

SPEAKER:

Ms. parts can I get your name and address.

SPEAKER:

Judith a Parks. 1311 S. Highway 17 appears in Florida.

SPEAKER:

Would you like to add to it?

SPEAKER:

No I think Ms. Jackson spoke for about.

SPEAKER:

No public participation so we closer to public participation open it up.

SPEAKER:

I make a motion we forward's 20 – 088 for final action with recommendation of approval.

SPEAKER:

Second.

SPEAKER:

A motion from Ms. Van dam to re-forward Z 20 – 20884 recommendation of approval and invests recommended? Ms. Van Dam.

SPEAKER:

It says it on the front but there is not any in the...

SPEAKER:

Is her staff recommendations on this?

SPEAKER:

There's no conditions. It is subject to the comp plan amendment however.

SPEAKER:

OK so strike that for my comment. I have a second from Ms. Shelley. Any discussion on the motion?

SPEAKER:

I think you know how I feel.

SPEAKER:

Yes. And I respectfully respect that, sir. Could I get a roll call?

SPEAKER:

Mr Steve Costa,

SPEAKER:

No.

SPEAKER:

Mr J Young, Miss Wanda Van Dam, Mr Frank Costa, Mr Jeffrey Bender, Ms. Edith Shelley, Chairman Ronnie Mills.

SPEAKER:

Motion carries with a 6-1, Mr Steve Costa in descent. Let us move on to the next one.

SPEAKER:

V 20 – 075 Peter; requesting variances to minimum requirements and urban single-family residential R9 zone property.

SPEAKER:

To variance and one is to reduce the side yard firm required 7 feet - 3.16 feet for single-family home and variance 2 to reduce rear yard from required 20 feet to 15.5 feet for a new single-family home. the location of the property is on the north side of tour Anita Avenue 50 feet east of its intersection with South Peninsula Drive by the Wilber's area and it is owned R9 and requires 7500 ft.<sup>2</sup> and lot width of 75 feet and property is nonconforming lot, it is 6076 in size and 62 feet in lot with an applicant provided nonconforming lot letter demonstrating this lot is a lawful, nonconforming lot. There probably weren't regulations in 1920 when it was built. It included a garage that straddled the property line. You can see the garage has since been removed but the other half of the garage that is on the other person's property still exists. You can also see the house is in pretty poor condition. In March of 2018 the garage was removed and in August 2019 the applicant purchased the property. The existing house was not to the rear and side guards at the time of purchase. In October 2019 he was subsequently cited for construction without permits. He came in to the office February 2020 replication with after-the-fact permits. It was found he needed to obtain variances to rebuild the house in the same footprint as the

original house. However, he has gone through many iterations of the plan since that time to reduce the variances and what you will see in the variance site plan, the only place he's requesting to have variances are in the rear corner. The proposed house meets all the setbacks except for this corner here where it exceeds the rear at 20 feet and the side at 7 feet. When we reviewed the criteria for these variances we find staff has to recommend denial because it fails to meet three of the five criteria it doesn't meet criteria 2 and 3. The applicant is responsible for the layout of the new house. I need to point out, yes the previous house did exceed its setbacks. so much of that structure has been removed. It was a nonconforming structure. So much of that structure has been removed that all the nonconforming status of that has been extinguished. Criteria 3 that it does not meet is the literal interpretation of the code. Although it does not allow them to take advantage of the original footprint of the house, it doesn't deny the applicant of commonly enjoyed rights of R 9 zoning classification. The house can be redesigned to fit within the setbacks. We do find it meets criteria 1 and 5. There are circumstances associated with the property. Number one being that at such an irregular shape for a standard lot. And it's smaller in size than the standard lot. We also find it would not be injurious to the area. It proposed house should have less impact on the adjacent properties than the original house had because it does fit better within the setbacks.

Where the encroachments occurred in corner, from aerial photographs it appears that there is significant vegetation that should shield the adjacent property owner from this encroachment. Should the board find substantial and competent evidence of approval of the variance have provided conditions for your consideration.

SPEAKER:

Thank you, Miss Jackson. Any questions from staff? Mr Young, did you have a question?

SPEAKER:

I have some comments, but I will wait for it.

SPEAKER:

Is the applicant present Mr Zarcone? If you would step forward and state your name and address for the record?

MR ZARCONE:

I bought this place not knowing that there would have to be variance, and I reduced down as much as I can and hoping I could get by with is the total variance I need. This is my retirement home, I have worked my butt off all my life. I'm 63 years old I want to get back to the beach and retire there.

SPEAKER:

OK, sir. Any questions for the applicant?

SPEAKER:

I do, to start with. Is it possible... I've been down there. I have looked at the property. I'm very familiar with it because I spent a lot of time right across the street from you in the Wilbur by the sea. At the site across the street. Seeing your plans, it doesn't fit in the neighborhood. I was just wondering, can you bring that building forward a little bit? If you did, to start with you would not

need as much of a variance on the backside. The second thing, it looks like you can widen the house on the front and make it look more like the neighborhood. Most of the houses on the neighborhood are older, bigger and wider in the front. Looking at your design, you have a space upfront. I don't know how many feet, but you could move that a little closer to the front of the lot. I see you have a circular driveway which is unusual in the area. You could bring the house forward. At this point, after looking at the neighborhood and knowing the neighborhood having been down there a number of times - it doesn't fit to the neighborhood the way you have it built.

SPEAKER:

That's why was leaving the front section as original, shape wise. With new siding. I'm trying to keep it the same look. The neighborhood is awesome, I want to appreciate it and that's where I want to be.

SPEAKER:

I was wondering if you could move it forward and make it a little bit more fitting. I don't know, that's my opinion.

SPEAKER:

Right.

SPEAKER:

Any other questions for the applicant? When you bought this property was there a reason to believe you could go back and do remodeling on the existing structure

SPEAKER:

I have a question, could you go back and do some remodeling on the existing structure in order to make it habitable?

SPEAKER:

Yeah, I didn't think it would be a problem. I would put it back where it was originally. There was already a garage there in the back, and the concrete slab is still there. The foundations are still there. I was assuming just rebuild it. Fixed up and rebuild it to the same footprint.

SPEAKER:

So it was reasonable to think that you could just remodel it and be within your setbacks from the current?

SPEAKER:

I did not know the setbacks of the space when I got it. I thought it would be grandfathered in per se.

SPEAKER:

That's what I thought, any other questions for the applicant? If you would like to have seat you can come back up for rebuttal. We do have one person here. I'm really going to mess this name up. Elai. You can come forward, please, sir. I didn't want to butcher it up too bad.

SPEAKER:

I'm Pete's next-door neighbor. 19 S. Peninsula Drive at Wilbur by the sea. My comment is, I'm neither against it or before it. I'm just here as a concerned neighbor wanting to see what's next-door. That's the only comment I have.

SPEAKER:

Let's see if anyone has any questions for you.

SPEAKER:

You said you are neither for or against it. One impact would it have on you? Which side are you on?

SPEAKER:

I am on the side to the left of the drawing that has half the garage.

SPEAKER:

OK. You don't have any opinions?

SPEAKER:

The impact on my property should be negligible. As long as what he is planning on doing is was up to code. That's what I was here for. Some of the original plans he had had before that, it was a little bit different. I wanted to make sure that it was OK for me.

SPEAKER:

You feel like it fits in with the neighborhood?

SPEAKER:

The house has been there for 100 years just like mine. It's been part of the neighborhood for all those years.

SPEAKER:

OK. Thank you.

FRANK COSTA:

I have a question for you. In its current condition of that house, the current state, how is that impacting your property value?

SPEAKER:

The condition of the house right now I'm sure lowers the value of my property, but the plan is that he has when it's finished will be a complement to the neighborhood.

FRANK COSTA:

That's what I was looking for, thank you.

SPEAKER:

Any more questions for the speaker? Hearing none. Do we have anyone on the webinar for this case?



SPEAKER:

Yes, sir. Mr Kevin Scano.

KEVIN SCANO:

My name is Kevin, speaking on behalf of myself and my wife Sharon. We reside at 4006 Cardinal and Wilbur by the sea. In an interest of preserving time I just want to ask that the board consider the letter that I submitted in regard to our opposition of the project.

SPEAKER:

Do you want to state your reasoning for the submission?

SPEAKER:

To put it in a nutshell, this is spelled out in the letter. He's demonstrated a disregard for the neighborhood in his cutting of the mangrove across the street from the boathouse. And he is created a deterioration of the quality of property value in Wilbur by the sea in general.

SPEAKER:

Alright, sir. any questions for the speaker? Thank you for your participation. Anyone else, Ms Summers?

MS SUMMERS:

No, sir.

MR ZARCONE:

I would make a total improvement by fixing the sub. It has been a junker looking thing out there. That's the reason it brought me to a because I could probably afford it and fix it up because I'm a contractor. A general contractor and roofing contractor. I did a roofing permit. I did pull a permit on the roof. We had to do a little bit of fudging on the framing just because of the situation for the roof is what he was talking about. Not having a permit for something structural.

SPEAKER:

Any other questions? Hearing a none. We don't have any other forms for this case so I'm going to close the door for public participation and open up for discussion or a motion.

SPEAKER:

He stated that he has a contractor but one of the things in the report from our staff I speak up on this usually every time it comes before us, but I'm never a fan of after-the-fact permits. If someone would've come forward at the beginning, a lot of these problems that the staff is disagreeing with now would have been addressed. As for the record, I'm just not a fan. Thank you.

SPEAKER:

OK, any other comments?

SPEAKER:

It's surprising me that as a contractor he should've known he needed permits. That bothers me a little bit and also the fact that he has been doing some things off his property. I just don't...

I'm really not in favor of this. I think he can readjust the house a little bit and not infringe on the setbacks a little bit. That's just my opinion. He could utilize the property better. Thank you.

SPEAKER:

Anyone else? My opinion is, I don't think regardless of what he does to it, he could move it or whatever. The folks start going to be satisfied unless it's totally removed. That's not fair to the applicant. He is making an improvement to the structure. To your comment Mr Young, structure was probably there before. Before by the seas was developed. It's like taking it out of the neighborhood. So I'm a little bit sympathetic to the buyer or to the applicant. So if I could get a motion I would appreciate it.

SPEAKER:

In regards to your comment Mr Chairman, as is stays in the application and the step comments, it has nothing to do with actually renovating the home from my perspective, but what happened is, "Due to the extent of the renovations by the applicant all legal, nonconforming status has been extinguished." He would've had all of that if he would've comported. Thank you.

SPEAKER:

Thank you. Your comment is taken.

SPEAKER:

Mr Chairman, I hear all the comments and stuff but I'm just sitting here thinking you can leave it at I don't see how it benefits the neighborhood or Volusia County looking how it looks so I'm going to make a motion to approve the 20075 for staff recommendations.

SPEAKER:

Do I have a second?

SPEAKER:

I will second.

SPEAKER:

I've got a motion to approve V20-2075 with variances and staff recommended conditions... Is the recommended conditions on this one?

SPEAKER:

There should be.

SPEAKER:

Yes.

SPEAKER:

There is one condition.

SPEAKER:

And then I've got a second from Ms. Shelley and motion made by Mr Bender and second by Ms. Shelley. Any discussion of the motion? Ms. Summers, roll call.

SPEAKER:  
Mr Steve Costa, Mr J Young

SPEAKER:  
No.

SPEAKER:  
Miss Wanda Van Dam, Mr Frank Costa, Mr Jeffrey Bender, Ms. Edith Shelley...

SPEAKER:  
No.

SPEAKER:  
Chairman Ronnie Mills.

SPEAKER:  
Motion passes 5-2.

SPEAKER:  
S20-086 requesting special exception for a garage apartment on urban family single residential R4 residential property.

SPEAKER:  
This is a special exception for a garage apartment and the location is on the northeast corner of the intersection of West Baltimore Drive and South Adele Avenue in the land area and it is owned R4 requiring 7500 foot lot size and...and 4070 is a 35 foot lot with edit is a corner lot and the property is vacant currently and in the Springhill neighborhood in the DeLand area.

The owner desires to build two, a principal structure and the garage apartment and he was to provide affordable housing options in the neighborhood. The principal structure, the main house on the property, will be billed would be on the south side of the lot and the garage apartment on the north side of the lot and both houses will face Adele and all setbacks will be met all requirements for a garage apartment will be met. Is defined as an assessor building containing a storage area for one or more motor vehicles in a single-family dwelling that occupied more than 800 ft.<sup>2</sup> and the garage apartment proposed to be 700 ft.<sup>2</sup> of living area and contain a single car garage and is less the maximum height of 35 feet for the zoning district and meets all setbacks and we don't find it will adversely affect the neighborhood, character of the environment, will not generate undo traffic and applicant will meet all permitting criteria and in this case accessory structure at a lot less than 1 acre in size cannot exceed 50% of the square foot area of the principal structure and this situation will meet that requirement and the principal house is proposed at 2009 ft.<sup>2</sup>. The garage apartment, all air under roof is 1002 ft.<sup>2</sup>.

Also in R4 zoning classification maximum lot coverage is 35% and in this case the principal structure and garage apartment total 29% so with this the board recommends this criteria as well so staff recommended the board forward with a special exception to County Counsel with recommendation of approval is subject to conditions.

SPEAKER:

Any recommendations? Hearing on is applicant present?

SPEAKER:

Yes I'm.

SPEAKER:

My current address is 4105 Rickel Avenue, Miami, Florida but the property as you know is in the land.

SPEAKER:

Do you have anything you would like to add?

SPEAKER:

No just my family has owned this property and has been in my family over 70 years and my dad's goal is to build affordable housing in the neighborhood he grew up in and I'm here representing him to get this process completed.

SPEAKER:

Alright sir. Any questions for the applicant? Do we have any public participation on this case?

SPEAKER:

No sir.

SPEAKER:

We will close for public participation and opened it up for commission discussion.

SPEAKER:

I will be glad to make a motion. I make a motion S-20-086 special exception be forwarded to County Counsel for recommendation of approval subject to staff recommended conditions.

SPEAKER:

I second.

SPEAKER:

I have a motion to for this special exception to County Counsel with recommendation of approval S20-086 and with staff recommended conditions for Ms. Shelley and a second from Mr Bender. A discussion of the motion? Hearing none. Mr Young did you have a comment? OK. Hearing none I will ask Ms. Summers for a roll call, please.

SPEAKER:

Mr Steve Costa, Mr J Young, Miss Wanda Van Dam, Mr Frank Costa, Mr Jeffrey Bender, Ms. Edith Shelley, Chairman Ronnie Mills. Motion passes unanimous.

SPEAKER:

OK. Ms. Van Dam next case please,

SPEAKER:

V 20 – 087 requesting variance to minimum requirements and transitional agricultural A3 zone property.

SPEAKER:

Miss Jackson staff report.

SPEAKER:

Variance to reduce front yard setback from required 40 feet to 25 feet for 4200 square-foot barn and the location of the property is on the south side of Kicklighter Road 450 feet west of Summit Avenue and the late Kellan's data area and property is owned A3 requiring 1 acre in lot size and lot width of 150 feet and this property exceeds standards and is 3.21 acres in size with 342 feet of lot with an applicant wishes to construct a 2400 square-foot barn in the southeast corner - I'm getting confused which buttons to push.

There is a site plan, so the little blue square is where the proposed barn is going to be located. This property is zoned agriculture but because it does not have an agricultural exemption the barn has to be principal structure setbacks. There are no reduced setbacks for accessory structures and because it doesn't have as agricultural exemption it has to be done setbacks, so it has three runs for this property, and all the fronts require a 40 foot setback and the site, which is to the south of this picture, is a 25 foot setback.

The area that causes the need for the variance where they have proposed to locate it is adjacent to the east side yard which is actually an easement that causes it to be considered a front yard and in that case a setback has to be measured from the easement rather than the property line, and as you can see the south corner of that easement ends in a cul-de-sac, and so where the proposed barn is placed is approximately 90 feet from the actual property line but the corner of the barn encroaches about 15 foot out the maximum point into the curvature of the cul-de-sac setback.

So when staff reviews this variance against the criteria we have to recommend denial as variance fails to meet three of the five criteria. We find it does not meet criteria to because applicant is responsible for the placement of the barn. Criteria three literal interpretation of the criteria doesn't deprive applicant of commonly enjoyed rights and is not the minimum there is to make reasonable use of the land and can be used easily to move out of the easement setback.

We do, however, find it meets criteria one and five and it has three fronts and is kind of an odd thing to have this cul-de-sac at the terminus of this easement and the easement is just a gravel road and the cul-de-sac has not been developed. It is just on paper.

And we also don't find it to be injurious to the area and the barn is over 75 feet from the actual gravel road and 90 feet from the property line, cul-de-sac is not constructed and it is unknown if it will be at a barn like this is not out of character with the rural agricultural area in the Lake Ellet area and with that should the appeal find the applicant has provided competent and substantial evidence to support approval of the variance, the following conditions are provided and there is one condition associated with this variance recommendation. They feel that they need the barn

first in order to be able to do that.

SPEAKER:

Thank you.

SPEAKER:

I also have a question for staff. Before I stated my opinion on these agricultural setbacks, you keep on referring to, he doesn't have an agricultural exemption, but it's my understanding under the code that as long as it's agricultural use, he would not have to have the variance, is that correct?

SPEAKER:

I can answer that. Senior Assistant County Attorney. There are two ways to get a non-residential farm building without getting that... The other way is for a barn is to actually have an agricultural use for the zoning district. We don't have an agricultural district. It's just vacant property. Any structure that goes in there isn't an integral part of an existing farm operation. We don't need that classification from the property appraiser, we just need an existing farm operation. Then the farm building can just be built and ignore the county setback.

When we see that the building is an integral part of the farm operation go ahead and build it. At this point, it's just a vacant piece of property. We're not sure of any agricultural use that's currently going on in the property. Therefore we have to treat it as any other structure. It's a matter of timing.

SPEAKER:

That's my question because it keeps being referred back to as a barn rather than accessory project. wouldn't that be part of the process We should get the use in there.

SPEAKER:

You can get the agricultural use for prepping it for the type of agricultural use. We just don't have any evidence of that.

SPEAKER:

If the barn goes in, and it makes the agriculture use, this variance would have been..

SPEAKER:

Unnecessary.

SPEAKER:

Unnecessary, correct?

SPEAKER:

Yes.

SPEAKER:

That's my point.

Any other questions from staff? Is the applicant present? Can I get you to come forward, sir? I don't need your name and address because you are exempt. If you heard the staff recommendations, would you like to add anything to that?

SPEAKER:

When we look at this piece of property, zone 83 we can work with the zoning. You do the due diligence. Go to the county, and some of the confusion came from you have a 40 foot variance here, and there and after we purchased the property then that changed. Different staff members, different opinion.

We are just trying to follow the rule of what we would like to do and permits and all that other stuff and just go through the process, so I did talk to the folks down at the property office. They give you a quantity of animals that you are going to need to have. No problem, I can meet that but I have no place to put them. That's kind of where this came into play. To get the exemption, I have to have the animals. I have no place for them to stay, and what if someone comes out and eats them in the middle of the night. she is looking for these little tiny coats and stuff. If I have no place to put them and I put five of them out there, and I put two of them out there. I'm not trying to put the cart before the horse but I'm just trying to think about it.

SPEAKER:

(inaudible) we have the construction coming in.

SPEAKER:

For the placement that's there, in this back corner... Kicklighter Road runs across the front. We are trying to keep the wooded area across the front. It keeps them away from the roadway and puts everything back here. My neighbor that's behind me, he's actually in the process of constructing his house. Then, the other two parcels over the side, who knows whether they are for sale or whatever situation is with that. What we are talking about is the actual placement. If you see the lay of how the property is, if you look at the way they do the easement on it, you have to come back to the circle. That's a private road. it is not publicly traveled. We have to maintain that.

Us and whoever else is within... If someone else buys those two parcels but right now it's up to me and whoever owns this. We are in the process of running it with power and water. Working with Duke energy, they got that set up. they came out and ran all the pipes. They can run everything underground.

Fortunately we can get city water there. We followed everyone else's direction, so we are... This is just a starting point trying to move it forward .

SPEAKER:

Any questions for the applicant? Mr Bender?

MR BENDER:

The area looks like it's about hundred feet off kick water road.

SPEAKER:



That's where the blue spot is there. That's the proposed area.

SPEAKER:

Behind there is where we are proposing to build a house.

SPEAKER:

At a later date.

MR BENDER:

I could not make that out. I went and looked, you had the wooded area from kick liner. Then there's a clear area. is that where the cul-de-sac is going to be?

SPEAKER:

The cul-de-sac is already there. It's fenced in.

(Comment from floor) (inaudible)

SPEAKER:

I went up there and I couldn't make it out. I saw with the new construction is in the back and it looks like where the barn is going to be is almost brave where we are building a home.

SPEAKER:

These are foursquare parcels. Kicklighter Road, that comes up. If you are coming off Kicklighter you are going to take a left down this roadway here. That's all fenced in there and if you are coming in you have the cul-de-sac in front of you, you have these two parcels there. They are owned by someone else. Then directly behind us the other neighbor's actually doing construction on his house.

MR BENDER:

It just didn't look like the area that was clear. It looked like it was before that. Like you just went the full depth of the property.

SPEAKER:

It's all fenced in. This parcel, the fences all came from when they subdivided this several years ago. They called in a logging company and the logging company came in and cleared what they had and part of the deal was to fence off the four parcels. That's where the fence comes in and you have the circular driveway or private road.

Part of the fence is in the curve, so initially when I was talking to the County I said, if I'm going to build a barn I want to put over here to put it off to the side. You have an area where you do have some water flow that runs through.

If I follow basically what their particular principles are, then I'm going to be putting the barn more or less in the center where the water would flow out of the property. Natural flow. I'm just trying to keep it 15 feet just moving it to the right. You are still 25 feet off the rear.

You are 25 feet... You are actually excessive 25 feet off of the curve. As the curve goes, you

get deeper off. That's where we run into the problem because they give us 25 feet on the roadway. We went out there and staked this out multiple times. We tried to make sense of it. If I come out 40 feet this way, and 40 feet this way it puts me right in where the water is going to flow through. So that's a problem. if I push it right out into the middle then you are in the cleared area pasture. It's simple placement wise. The only thing it does, it Matches up to where our neighbors property line hits there.

MR BENDER:

What if you shifted that 15 feet to the west? It would eliminate the need to... What's over in that 15 foot area? Is that the swell?

SPEAKER:

Yeah, you have the swell. That's why it's 15 feet. I staked it out. Here's 40, here's 40 and that puts me... It actually takes it. This site is a little bit lower and elevation comes up another 2 feet or so. And that's where the water flows. If I measured it out, that raises me up on this corner and I'm going to have this sides 2 feet higher and you have water running through there.

That's why we were like, we can't really apply for the application for the animals if I have no place to put them.

MR BENDER:

I was just trying to make sense of it in my head from sitting there looking at the other day. And people watching me from being up in there like I wasn't supposed to be there like I wasn't supposed to be there. (Laughs) I didn't want to walk over in there.

SPEAKER:

That's fine, it's nice and quiet up there.

SPEAKER:

I've been going up and down Kicklighter Road for years now.

SPEAKER:

We are trying to keep it in the front. I know some of the neighbors have... There's a lot of elevation. I want to keep that out there by the roadway for privacy.

No one really likes that sprawl. I'm just trying to be less intrusive on the neighborhood.

SPEAKER:

If and when you decide to build a house on the property, which way with the front door be facing?

SPEAKER:

The idea that we are looking out right now - it's going to be catty corner. It would be facing toward the corner where kick liner is. I don't want to be stuck in the back of the piece of property and someone is coming up behind me. I want to be aware of what's going on in my surroundings.

SPEAKER:

You would be facing more toward kick liner? The front door?

SPEAKER:

Yes.

SPEAKER:

Thank you.

SPEAKER:

Any other questions for the applicant? We will see if we have any public participation. Do we have any public participation for this case?

SPEAKER:

No, I do not.

SPEAKER:

We will close it for public participation and open up for discussion or a motion. I would like to make a comment that obviously looks like he's not even going to need this once he gets established. This is where I go back and forth where agricultural use, and agricultural exemption. He keeps referring to agricultural exemption you cannot have it that unless you have a bona fide agricultural business. Uses different because you could be using a prior cultural purposes. If he's doing that, he would have to have a setback at all. So there we go. (Laughs).

Can I get a motion. Do you want to comment?

SPEAKER:

No, if there are no other comments, I was going to make a motion that we approve with staff recommendations.

SPEAKER:

Second.

SPEAKER:

I have a motion to approve the case from Miss Van Dam. With staff recommended conditions and second from Shelley. Any discussion?

SPEAKER:

One comment. This is another one of those cases where you have a property that has multiple front yards. In this case, if I'm reading the strong right, it has three front yards. Is that correct?

SPEAKER:

That's correct.

SPEAKER:

We have seen the situation over time and time again. At some point, some kind of logic needs to come into place. And narrow this down a bit. Not so much for our relieving workload but to

take the burden off the homeowner. Before getting a variance when they have three different front yards they have to deal with. I'm ready to vote when you guys are.

SPEAKER:

Alright. Hearing none. Summers can I have a roll call, please.

SPEAKER:

Mr Steve Costa, Mr J Young, Miss Wanda Van Dam, Mr Frank Costa, Mr Jeffrey Bender, Ms. Edith Shelley, Chairman Ronnie Mills. Motion passes unanimous.

SPEAKER:

Alright.

SPEAKER:

V 20 – 089 application of David and Christina Schmalz requesting fairs to separate nonconforming lots and urban single-family residential R4 zone property.

SPEAKER:

Ms. Jackson staff report please.

SPEAKER:

This is affairs to separate nonconforming lots to separate parcel 27 also we are calling parcel A and parcel 28 called parcel B located on north side of Bo rivage Drive 880 feet west of the intersection with Ocean shore Boulevard and Ormond Beach area and property zone R4 require 7500 lot area and lot with of 75 feet and both parcels are nonconforming, parcel A is 7200 with 75 foot lot with an parcel B is a 6720 ft.<sup>2</sup> with 70 foot lot width.

And these were plotted with the bow rigid subdivision in 1961 prior to R4 classification and both develop a single-family residence and A since 1969 and B since 1988 and both parcels are in the same size as originally plotted and developed and on May 2020 applicants applied for building permit to add on to their single-family home and that is when it was found there is, ownership and lots are not conforming and ownership between 2014 and 2019 and in order for them to be able to pull a permit we have to process the experience to separate the lots.

And we find that this case meets all five criteria for granting a variance and therefore recommend approval.

SPEAKER:

Thank you Ms. Jackson. Any questions for staff? Hearing none. Is applicant present? Yes sir, can I get you to come forward and state the name and address for the record.

SPEAKER:

David Schmelz and Christine 107...Drive Ormond Beach.

SPEAKER:

Would you like to add to the staff report?

SPEAKER:

No sir other that the properties been sold and owned by two people. We had no idea.

SPEAKER:

If you do approve this to reapply for improvements and would be ready to add to our addiction?

SPEAKER:

Yes, if this gets approved you can go forward with the normal process of building permits and doing your due diligence in whatever.

SPEAKER:

OK.

SPEAKER:

Alright. Any questions for the applicant? OK. Seeing none. You can have a seat and I will see if there's any public participation for this case.

SPEAKER:

No, sir.

SPEAKER:

No public participation so I will close to public participation and open up for commission discussion or motion.

SPEAKER:

I will make a motion to approve V 20 – 089.

SPEAKER:

I will second that motion.

SPEAKER:

We have a motion to approve variance V 20 – 089 from Ms. Shelley and a second for Mr Young.

SPEAKER:

Mr Steve Costa, Mr J Young, Miss Wanda Van Dam, Mr Frank Costa, Mr Jeffrey Bender, Ms. Edith Shelley, Chairman Ronnie Mills. Motion passes unanimous.

SPEAKER:

Thank you we move on to the next case.

SPEAKER:

V20-091 variances to minimum yard requirements on agricultural A3 zone property.

SPEAKER:

Ms. Jackson can I have the staff report?

SPEAKER:

There are two variants associated with this application. One is to reduce the west front yard from the required 40 feet to 20 feet for an existing yard and variance to is to reduce the west front yard required 40 feet to 11 feet for an existing metal carport located on Shah Road with Pine Lane in the Pearson area and it is owned A3 that requires 1 acre and lot width of 150 feet and property is 2.13 acres and 320 lot with so exceeds minimum standards.

This came before us because in April of this year applicant applied for a building permit to install electrical service to the existing garage, that is little square that is colored yellow and the variance site plan. During the zoning review it was found there were no building permits pulled for construction of that garage so after-the-fact permits are needed and then it was found it did not meet the setbacks required in the agriculture zone accessory are required to meet principal setbacks in this case the principal structure setbacks are 40 feet for a front yard and 25 feet for a side yard and 40 feet for a rear.

In this case the structures are adjacent to an easement that goes over the property so that makes it a front yard at the front yard has to be measured from the edge of the easement line, not the property line. The garage is actually 44 feet from the property line put 22 feet from the property line and the carport sits adjacent to the garage.

The carport sits here and is only 11 feet from the easement line so in order to obtain permits for the structures these variances are being requested and all other structures all other setbacks and when we review the criteria we have to recommend denial because of variances failed to meet one of the five criteria. We find that there are no special circumstances associated with the property of the person who originally built these structures had pulled a permit they would have known I would've been able to meet them however we find a B's criterion 2 and applicants are not responsible for the location of the structures.

When they purchased the property in February structures were already in place and brought with her since 2010 in carport since 2015.

Literal interpretation of the code may cause unnecessary hardship because these structures would have to be demolished and removed or removed from the site. It is the minimum variance to allow continued use of these structures and we don't find it to be injurious to the area and they have been there since 2010 and 2015 and without issue and since the PRC find the applicant provides substantial evidence to approve the variance we do have ... For your consideration.

SPEAKER:

Thank you Ms. Jackson. Any recommendation from staff? Is the applicant present? Mr Wilder present?

SPEAKER:

Mr Davis can you unmute your microphone?

SPEAKER:

And I unmute?

SPEAKER:  
Yes.

SPEAKER:  
This is Connie Wilder. 466

Shola Road Pearson, Florida and co-owner and co-applicant with my husband Gerald Davis.

SPEAKER:  
Do you have anything you would like to add?

SPEAKER:  
No I think the staff assessment is very accurate and we purchased the property without any knowledge of these things and we have had use of a contractor to make all the improvements we have done on the house and we are trying to bring this up to code and be legal with the County because that would be our preference, and we are hoping you all could approve this variance so that could be the case.

SPEAKER:  
Alright. Let me see if I have any questions from the commission. It doesn't look like I have any so let me see if I have any public participation? Do I have any Mrs. Summers?

SPEAKER:  
No sir.

SPEAKER:  
We don't have any public participation.

SPEAKER:  
Thank you very much, sir.

SPEAKER:  
I will close the floor for public participation in open for commission discussion.

SPEAKER:  
I motion to approve V20-091 with conditions and staff recommendations.

SPEAKER:  
Second.

SPEAKER:  
I have a motion to approve V20-91 from Jay Young and a second from Wanda Van Dam. Any staff recommended recommendations and hearing none I will ask Ms. Somers for a roll call.

SPEAKER:  
Mr Steve Costa, Mr J Young, Miss Wanda Van Dam, Mr Frank Costa, Mr Jeffrey Bender, Ms.



Edith Shelley, Chairman Ronnie Mills. Motion passes unanimous.

SPEAKER:

I am going to take a five minute recess give the staff the opportunity to take a break and we will strudge through this as soon as that five minutes is over.

SPEAKER: I call things back to order. Now we will move on with our next case. Ms. Finn them.

SPEAKER: Next is Z-20-092 application of Michael Woods attorney for Gregory T and Lisa G Ramsby owners. Requesting a rezoning of the commercial Marina to the urban single-family residential or three zoning classes due to R-3.

SPEAKER: This is about 12.11 acres in size. It is split zoned the majority of property is zoned R3 and this little sliver that you see designated as the subject property is zoned B-7. Historically it has been zoned B-7 because the Packwood Oyster House was built on it in approximately 1959. That restaurant and those uses are no longer there. The property came under new ownership in October 2019 and then in January 2020 demolition permits were issued for the removal of those buildings. The new owners wish to rezone that portion of the property to be consistent with the rest of their property. As you can see a really there is one single-family house all the balance of the property. They aren't open and for any development of this trip. They simply wanted to be consistent with the rest of the property. It does meet all of the criteria for a rezoning. It is consistent. In fact, it is more consistent. The future then uses urban low intensity and are three is considered compatible zoning with the current B7 is not compatible. It correct that inconsistency. We do not find it to be likely to have greater impact on the natural resources, however the property could be subdivided into 8.7 lots but that is very unlikely given the shape of it and as said there is no plans for the owner at this time to subdivide the property. It is not likely to have an impact on the economy or value of the area. There would be no impact on governmental services and we do not find it to be injurious to the health and safety and welfare of the public. Staff recommend the board afforded the rezoning application to County Counsel for final action with recommendation of approval.

SPEAKER: Think you, Ms. Jackson. Any questions? Hearing none. Mr. Woods if you would come forward please. Let's get your name and address for the record.

SPEAKER: Mike Woods on behalf of the applicant. Every now then I could to bring up a very simple and easy one for you guys this is just a housekeeping order. Trying to clean up the underlying zoning. Happy to answer any questions you got.

SPEAKER: Any questions? Hearing none but will see if we have any public participation?

SPEAKER: No, sir.

SPEAKER: Hearing none I will close the floor for public participation in open a commission discussion or motion.

SPEAKER:

I will move to forward Z-20-092 for approval.

SPEAKER: Seconded

SPEAKER: I have a motion for this rezoning case Z-20-092... Ms. Van Dam.

SPEAKER: Z-20-093 Owner requesting a variance to separate nonconforming thoughts into minimum yard requirements a transition of agricultural a three zone property.

SPEAKER: Can I get the report, please?

SPEAKER: This is two variances associated with this request variance one is to separate parcel 25 from parcel 29... I think I have a typo. Let me confirm that. Let me reduce the south front yard from 30 feet for single-family residence located at the north side Jane Avenue intersection with West Street in the DeLeon Springs area. It is zoned A3. A3 requires a 1 acre lot size and a lot with of 150 feet. Both of the courses are nonconforming with parcel eight only 20,000 ft.<sup>2</sup> with 120 foot what with and parcel B is a 20,000 ft.<sup>2</sup> with 120 foot lot width. In 2019 the applicant purchased the property and found it was nonconforming when submitting a permit for a single-family residence. Historically, there is common ownership of the parcel to the north. In September 2019 the subject property was sold to a real estate group and then sold to the applicant and the other parcel was sold to a different party. The subject parcel is vacant while the other parcel has a single-family house on it. So that is with a garage to the nonconforming lot status. With regard to lower yard variance, the applicant is proposing to construct a 2062 ft.<sup>2</sup> home. Because it is a corner lot it is required to have two front yards adjacent to the right of ways and to side yards. Being this is zoned A3 it has large setback requirements because it is normally supposed to be 1 acre in size even though it is considerably smaller than that. It is required to have 40 foot front setback adjacent to right-of-way and the other two sides are required to be 25 feet. The proposed house meets all of the setbacks with the exception of a portion of the garage that juts out towards Jane Avenue and that portion requires a 3 foot variance in order to build what they are proposing. When we review the criteria for variance one to separate the nonconforming lots we find that that meets all five criteria for granting the variance and therefore can remake and recommend approval. For variance two we have to recommend denial because it fails to meet two of the five criteria. We find it does not meet criteria three or four. Literal interpretation does not deprive the applicant of commonly held rights. Technically the house can be redesigned to be outside of the setback requirements and setback areas. It is not the minimum variance to allow reasonable use of the land. We do find, however, that it meets criteria one, two, and five. There are special circumstances associated with the property which is about 1/4 of the size of the zoning classification criteria. A3 typically requires 1 acre. And it has different setbacks associated with a 1 acre piece of property when it's only 1/4 of an acre. The applicant is not responsible for the size of the property. Purchased this way assuming that it was a buildable lot. There are several lots in the area of the same size. And we find it is not interest to the area. Again many of homes in the area are built on similar size properties and the setback variance is adjacent to Jane Road and therefore there is a right-of-way between the proposed house on the nearest impacted house. With that should the PLDR C hat the applicant has provided competent and substantial evidence to support approval of the variance we have provided two conditions for your consideration.

SPEAKER: Thank you Ms. Jackson any questions?

SPEAKER:

Is the applicant present? Serve you state your name and address for the record.

SPEAKER:

Peter Ferrentino 1305 Jane Avenue.

SPEAKER:

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

SPEAKER:

When I purchased it from the real estate group they had appeared just as R1. House in the area is the same size. Has submitted a house which is 1435 square-foot living. Only after I put my permit in about six or \$7000 in with blueprints that I find out it was A3. No other house next-door across the street even fits the criteria of it... And move the house back as far as I could to submit -- to meet every requirement. Redoing the Prints is going to cost me seven-\$8000. Like everything else in the area if it's almost identical to every blueprint.

SPEAKER:

Let me see if any of the commissioners have a question for you? Any questions?

SPEAKER:

Who was the real estate group?

SPEAKER:

I don't have that offhand. I went back to the realtors at first and it was their MLS listing. By the time I pay an attorney I am in the same boat again.

SPEAKER:

I am just curious. Bring that up with realtors all the time just because there are family single homes around the property does not mean – it's not you. Buyer beware.

SPEAKER:

OK. I do have public participation forms and I will let you give the opportunity for rebuttal after we hear their concerns. First of all I would like Mr. French. If I could get you to state your name and address for the record.

SPEAKER:

My name is Mike French. I live at 5840 W. Street DeLeon Springs Florida. I am here mainly because I'm concerned that if you guys will allow this to happen what would do to our property. I own two homes in that very area as well as an underdeveloped piece of property and my concern is if you allow this to happen what is going to keep that from happening down the road which will bring in a lot of what I feel unnecessary development and congestion there in the area that I live in since 1995. Some of the facts that I'm hearing now I believe are incorrect. I don't need to get into that right now but I just want you to know, I'm here to say I'm against it and for those reasons right there, sir.

SPEAKER:

All right, sir. Any questions for the speaker?

SPEAKER:

You are against the variance or you are against the house being built in its entirety?

SPEAKER:

No, sir. It's in violation of the building code out there being A 3 that's not a 1 acre property. By allowing this to happen your opening the door for other people to coming into the same, sir.

SPEAKER:

OK. Thank you.

SPEAKER:

OK, sir. Thank you for your participation. I have one from Mr. Bradley. Can I get your name and address for the record?

SPEAKER:

Jim Bradley 5815 W. Street DeLeon Springs, Florida. Right down the road from the property. How big is that lot?

SPEAKER:

Is 12,000 ft.<sup>2</sup>.

SPEAKER:

100 x 120.

SPEAKER:

Yes.

SPEAKER:

And it is owned A-3. Just like my property is. I have 2.8 acres zoned A3 and the setbacks are 15 foot side to side

SPEAKER:

The sides are 25 feet and the front is 40 feet.

SPEAKER:

And he is missing the setback by 3 feet on the backside?

SPEAKER:

He is missing it for the garage, a 3 foot section of the garage only right here. So he meets all other setbacks but a portion of this garage right here, not even the whole piece, just a portion of it is where the encroachment is proposed.

SPEAKER:

I just think that is a rather small lot out there to be building a house on. And that is all my

comments.

SPEAKER:

All right, sir. Any comments or questions for the speaker? Hearing none. Thank you, sir for your participation.

Our next one is Wilkerson. Mr. Wilkerson?

SPEAKER:

Jacob Wilkerson 1265 under Grant Road DeLeon Springs.

SPEAKER:

You would like to make?

SPEAKER:

Yes, sir. Particularly the biting of the property. We are looking to bring the house in on that corner. The setback does not bother me is the fact that we are putting house where we are zoned a three. We are surrounded by big farms and beautiful lots. I have had the opportunity to speak with the people that bought the house right behind where Peter is proposing to put this house. They were under the assumption they had bought that piece of property. I will tell you it's a great family that moved in. The guy is a corrections officer. The lady I believe is a teacher. They were having some question as to the amount of property they bought. So I neighborly I said when you figure it out we will be glad to help you clean up because there is some thick brush underneath that. Looking at it, putting the house on that piece of property. Speaking for the guy directly across the street he couldn't be here today he is a family medical issue otherwise he would be here representing himself. If you look to the bottom side of that picture, so we are representing him and also the community. We have been up and down the block. These are the guys could come out here today and represent us but for the whole community moving forward nobody in our community is excited about seeing those orange signs going up and trying to put a house in there where does not fit. That is the reality of it.

SPEAKER:

OK. Any questions for the speaker? Sir, the problem we are facing here is you have different ownership of the property. It's not that you are trying to separate it. It has already been separated. It is a nonconforming lot.

SPEAKER:

Yes, sir.

SPEAKER:

And unfortunately the zoning on it is an agricultural zoning. This is where the problem lies, if a person owns it you do have certain personal property rights. You would be able to do something with it, you know. That is just our thought process sitting back here. It was the same owner trying to split this, they probably will not get away with the.

SPEAKER:

I understand. Like I said, I just wanted to point out the people when they bought that house they

were under the presumption they thought they owned all the way to the corner so not that there was any nefarious activity or not but they were still trying to figure out and I guess then since then and has been figured out and purchase but we can bring them up to speed too. All right. Thank you for your time.

SPEAKER:

Thank you. Do we have any other public participation?

SPEAKER:

No, sir.

SPEAKER:

All right. I will ask the applicant to come back forward please. I have a question. When you bought the property was 30 for sale sign on it?

SPEAKER:

It was listed in the MLS.

SPEAKER:

So anyone could've bought the property, not just yourself?

SPEAKER:

Yes.

SPEAKER:

So the adjacent property owner could about the property?

SPEAKER:

Yes, at the time we were looking out there someone was remodeling it. They were doing a remodel at the time.

SPEAKER:

OK. You are the concerns of the public participation would you like to address those?

SPEAKER:

The only reason the setback would not work is because it's a double corner. That 40 foot falls and it puts me as to fronts. I'm trying to put an attractive home there within the minimum. I did not want to go to small. That is an average home that is there. The variance, I did not realize that up until the point in time I put the permit in that it required a variance.

SPEAKER:

OK.

SPEAKER:

Thank you.

SPEAKER:

All right. Hearing no other participation from the public I will close the floor and opened it up for commission discussion.

SPEAKER:

So if I understand correctly they can build a house on the regardless of the variance or not it's just going to be a smaller house?

SPEAKER:

Yes. The variance wasn't in question though it was the actual separation of lots is the problem they are having.

SPEAKER:

That would be subject to this separation of lots.

SPEAKER:

So, I mean, how do you not separate – and I understand their concerns. Believe me, I do. I do totally. But the problem is it was up for sale and if the adjacent property owner wanted to purchase it, I'm sure they could have. You know, it just makes it tough on us protecting personal private property rights also. That is where I am at on it. The variance, I don't think is the issue. The issue is actually building on that lot. That is what they are having a hard time with. It is much as I hate to say it we see this quite often.

SPEAKER:

Mr. Chair, if I make?

SPEAKER:

Yes, sir.

SPEAKER:

The separate nonconforming lots at this point is just housekeeping. The lots have two separate parcel -- IDs apparently. They been sold separately. I am also in a rural area. We've had these cases where they occur over time but the argument that he could build a smaller house, that would actually take way more from the neighborhoods since they have these large farm style houses. I think it is an appropriate sized house for the size of the lot. We are not talking about a 25 foot variance here. We are talking about 3 feet. I understand the neighbors concerns but I don't really have a problem with this variance whatsoever.

SPEAKER:

OK. Thank you Mr. Costa.

SPEAKER:

That's right. That's what I was kind of getting that. If – we would rather build a larger house and more consistent with the neighborhood characteristics then something small and unfortunately it's on a smaller lot, but the lot is there and that we have to deal with it.

SPEAKER:



All right. I will entertain a motion.

SPEAKER:

I will make a motion to approve case V20 – 093 with staff recommended conditions.

SPEAKER:

I will second that.

SPEAKER:

OK. I have a motion to approve V – 20 – 093 with recommended conditions from Mr. Frank Costa in the second from Mr. J Young.

SPEAKER:

Let me revise that it is an approval of both variants one and two, my motion.

SPEAKER:

Yes I understood that.

SPEAKER:

OK. Any discussion on the motion? Hearing on I will have a roll call.

SPEAKER:

(Roll Call Vote) motion passes unanimous.

SPEAKER:

Thank you. We do not have any old business.

SPEAKER:

What's the point of being zone at that can happen that easy, sir?

SPEAKER:

We need a remeasurement of that property. It was not 12,000 feet. In the question is how do you put Houston at zoned A3?

SPEAKER:

Sir, staff will be happy to talk with you after the meeting.

SPEAKER:

OK.

SPEAKER:

The problem is its private ownership, the lots. That is what we are looking at. It is an individual lot. We have to do something with it.

SPEAKER:

But don't we have in a three zoning lot there?

SPEAKER:  
Understand that.

SPEAKER:  
Prevents this kind of thing happening. I have pieces of property I can separate what houses on and that's not what I'm looking to do because we value the integrity of our community.

SPEAKER:  
Understand that.

SPEAKER:  
I will be happy to speak with you after the meeting.

SPEAKER:  
Yes, ma'am. Thank you.

SPEAKER:  
OK. We do not have any old business. Do you have any other public items?

SPEAKER:  
No, sir.

SPEAKER:  
Staff items?

SPEAKER:  
We do have one staff item that we would like to bring to your attention and that is we are being requested to for one of the PLDRC to volunteer for the affordable housing committee. We passed out a little flyer on the requirements of that board and kind of what they look at and what they do. So if there are any of you that are interested, if you could please get with me or Yolanda I should say and we will provide your name to the AHAC committee as a volunteer.

SPEAKER:  
Mr. Bender express you would like to be considered for that, I think. Is that correct Mr. Bender?

SPEAKER:  
That's great. Thank you.

SPEAKER:  
If there is anyone else that would like to come forward? Nope. He will be getting with you on that. OK?

SPEAKER:  
Yep. Perfect. And then I think and I will lead this to Paolo the virtual meetings to continue?

SPEAKER:

The governor's order that allows a virtual quorum to be held expires October 1. We are not sure if the governor will renew that order. I think there is a hint that he won't so after October 1 I think the feeling is that we are going to have to require physical presence to meet the quorum requirement and to appear and participate in to vote virtually takes an extraordinary measure I in a person has to be, you know, extremely sick. Scheduling conflicts don't meet the standards set by the Attorney General opinion. I will see if I can find out more on whether or not the governor will extend that virtual public meeting order, but just to make this commission aware I think we expect we kind of have to be here physically during the October meetings.

SPEAKER: Are you saying we need a quorum physically present? Speak my guest

SPEAKER: So no one can do this virtually unless we have a reason?

SPEAKER: It is both. You need a physical quorum to act on any items. In order to participate virtually you need both the physical quorum and a virtual participants need a very good reason such as a medical emergency.

SPEAKER: OK, any other staff comments?

SPEAKER:  
No, sir.

SPEAKER: Commission comments?

SPEAKER: What regulations are in place to prevent lots from being separated and sold that do not fit with your requirements.

SPEAKER: It is a difficult thing. You get your own personal number and everything. I can sell you you a 1' x 1' piece of property. It does not mean you have a right to build on it though. So looking at the lot pattern who probably thought it was a normal subdivision. Because everything around it is built on the same size lots. Actually the lots in the area are much smaller. He will have to combine three smaller lots to make the property you saw in that picture and that is often the case. There's all these antiquated lots out there that were not built to like 45 foot lots or 55 foot lots. Their old mobile home subdivision lots often planted a long time ago. They are considered antiquated. So the development pattern is people built two 24 lots and build across them. So when you drive out there it looks like a normal vacant lot that you would build on. And that is the case that happened here. But there is nothing we can do in the planning department to prevent somebody from selling a piece of property of any size. We face this often because of that. Normally what comes before the board is they are legitimate and things have changed hands multiple times. If anybody calls, we tell them know you cannot sell that off but it is a rare thing.

SPEAKER: I have a concern that people feel we are not trying to do something or that there is something we should be able to do since the man legally bought the lot.

SPEAKER: You are put into a hard spot. Do you have anything to add to that?

SPEAKER: No. We cannot control the buying and selling of property. That is not in our purview. Over the long history of personal property rights and property being alienable. As Susan stated our jurisdiction is whether or not we are going to issue a permit. And with these old antiquated lots that predate Sony. The subdivision rules and regulations and restrictions were meant as kind of a private public control over the lot sizes. So these lots someone decided that they are going to parcel out individually in those lots and 50 x 100' strips or 20 x 100' strips or 40 x 100' strips and that predates our selling regulations which come after the fact. So we're dealing with these pieces of land that have walk in lot numbers and people can buy and sell them just by number and a reference to plat and that is a buildable lot. Because it is platted. There is no metes and bounds descriptions associated with it. The expectation is they think they can build. And they buy and sell them and then when they come to the zoning department we find that it was not divided properly. They have to be combined together so it is an issue we have we are facing. Potentially you could do more awareness but there's only so much that you can push out because people buy and sell lots and we don't really have control over that.

SPEAKER: It was interesting for me to hear in the report that we received that the owners of the home thought it was their property. Do not look at your tax roll? It is interesting to me... And I don't know how long this people have that home I thought that that was interesting. All this time they assumed it was a part of their property. Which is nothing to do that I just find it interesting.

SPEAKER: When I was out posting the property, it was a vacant lot but with a clearing in it and the tree has a swingset and stuff. So they thought it was theirs.

SPEAKER: That is interesting.

SPEAKER: To just assume that that is yours. It was confusing to me right there.

SPEAKER: This is a case of property rights, plain and simple. The people speaking against it had nothing to do with the variance. They were speaking against the entirety of doing a nonconforming lot which is already happened. And that was the entire beefier we cannot sit here and deny this journeyman his rights to build on that lot. Period. I understand it is a bitter pill to swallow. I've had to do it more than once. All these little tiny parking lots nobody knew existed until somebody popped in and said it's mine. And decided to build a fence but a tiny bar or to any house or even a mobile home. I feel for him. But I guess they're coming to you, Ms. Jackson.

SPEAKER: In all honestly this particular area is not built to A3 standards at all. It's more like an art for area and should have are for style setbacks which is 25 feet not 40 feet. It would be right for an administrative amendment. But I don't know... The people in that area, even though that is the development pattern that exists on the ground up there I don't know if they would be supportive of it.

SPEAKER: And back when the administrative amendment was done years ago there's a lot of properties rezoned that should not have had that zoning classification. Not on you Ms. Jackson but I'm going back to staff.

SPEAKER: That is very true.

SPEAKER: That's why we were running into this now. A note was pushed on as quickly and we had to meet certain criteria with the state. But there was a lot of zonings made and change that should not have been changed to the zoning classification. Ultimately you folks back on us. Maybe that should not be zoned A3 like you said.

SPEAKER: The area should probably be rezoned. It is caused because of the comp plan. That is more of a blanket layering of land use. Then they put zoning on it to match. I am not sure that happened there but that happens in a lot of areas.

SPEAKER: We had a lot beachside that happens like that for a while. I remember years ago when I was first on the board we had a whole pile of lots that were 40 foot wide lots down along the beach. They had little houses on them.

SPEAKER: I'm sure you remember when we did the Peninsula rezoning there were 2000 lots planet a long time ago. In the 1960s and 50s and there we slept are for zoning on them at a later date and they never met that 70 criteria. All those poor people have to come in all of the time and ask for variances. So we did administrative rezoning for that on a few other areas but we will continue to see these. Because that is the historic lot pattern.

SPEAKER: Those were the ones I was referring to where we need a whole pile of them.

SPEAKER: OK. Any other commission comments?

SPEAKER: I had an interesting experience while this meeting was on. I had a power glitch and for about three minutes you guys were all frozen. I think in the future we need to...

SPEAKER: Any other commission comments?

SPEAKER: Any present citizen comments? Hearing none this meeting is adjourned.

