

**New Smyrna Beach Planning and Zoning Board
July 12, 2021**

Board members Stephen Snively, Sandra Smith, Steve Danskine, Thomas Wheeler, Kip Hulvershorn and John Causey were present. Susan Neylon was absent. Motion to approve the May 2, 2021 minutes as corrected was unanimous. No one spoke during Public Participation.

New Business:

V-8-21:1050 Freemont Street (South of Turnbull St. between the East Coast Railroad and North Dixie Freeway)

Request for variance to Land Development Regulation Section 803.03 for the maximum height of fence allowed for non-residential properties. Due to numerous complaints from nearby residents, the request is to install an 8-foot-high solid white vinyl fence on the south property line to help alleviate noise, dust and excessive visual impacts caused by a concrete crushing operation on this heavy industrial property. Current industrial fence height is limited to 6 feet. After members discussed the five criteria for a variance, it was determined that the request met all five criteria. However, four members of the public expressed concern that the fence would fail to solve the problems of excessive noise, poor air quality, air-borne particulate matter, and long hours of operation. Board members expressed concern that these serious issues need to be addressed and that the fence is a small step in addressing citizen concerns. Brian Fields stated that the City will be bringing in a consultant to determine any code violations. **Motion to approve the variance was unanimous.**

V-9-21: 605 Art Center Drive (1.04 acres on the south side of Art Center Drive between Nordman and Glenwood Avenues)

Request for a variance to allow a previously approved accessory structure. In 2006 the City issued a permit to construct a garage that exceeded the allowable size of no more than 60% of the size of the primary structure (the garage was planned to be equal to 78% of the size of the primary structure.). Since the 60% rule was in place at that time, it is not known why the permit was issued. The owner started construction and had the slab installed and inspected. Construction was halted due to unforeseen personal circumstances and the permit expired on July 18, 2007. The property does not qualify for an exemption under Ordinance 96-20 for a structure that exceeds the 60% maximum. Keith Peck, the property owner, stated that he had bought and has in storage a special kind of building to fit the existing slab. After discussion by the Board, it was determined that the request does not meet 4 of the 5 criteria for a variance.

Motion to approve the variance failed by a unanimous vote.

V-10-21:2803 Westwood Avenue (0.149 acres on the northeast corner of Westwood and Exeter St.)

Request for variances to reduce the second front yard setback by 2.5 ft. and to consider the nonconforming lot a buildable lot. Turnbull Shores subdivision was platted in 1925 when no zoning requirements were in existence. Existing homes built prior to 1991 do not meet current setbacks. Brian Fields stated that the property is a buildable lot, and the variance would be for the setbacks. One board member stated that the lot should meet all set back requirements while another stated that it's in a grey zone and needs to be clarified. The developer stated that he should be able to build a larger, nicer home to beautify the community. One resident stated that we should expect a buyer to know existing codes and the City should not grant variances for construction. One Board member stated that the owner bought the property in 1991 and has had 20 years to sort this out.

Motion to approve the variance passed by a 3 to 2 vote with Causey and Smith voting NO and Wheeler recusing himself because the applicant is a former client.

ZT-6-21: Pole Signs-Four Year Extension to Remove Deadline. At the June 8, 2021 meeting, the City Commission directed staff to implement a four year extension to the Nov. 29, 2021 pole sign removal deadline. There are 173 pole signs in the city that are in violation. Signs approved as vintage by the Historical Preservation Committee are exempt. At this point, it appears that no one has applied for an exemption. Board members pointed out, however, that first, there needs to be a definition of "vintage"; second, any sign that's destroyed by

more than 50% needs to be replaced; and third, signs must maintain compliance with LDR and City codes. A resident stated that she doesn't feel people will just magically comply in the next four years, and the extension penalizes people who did what they were supposed to do. Brian Fields stated that public outreach is needed to inform businesses that this is coming.

Motion to approve the extended deadline implementation was unanimous with the addition of staff consideration of the three points mentioned by the Board.

Discussion Item: Strategic Planning for Management of Western Growth. The City's 2020 Strategic Plan includes a priority task to "Proactively manage western growth through comprehensive planning, LDR amendments and partnerships between the landowners, the city and other agencies." Brian Fields stated that they're looking for the P&Z and Economic Development Advisory Board for leadership and asked if the P&Z would like to take a leading role in this strategic task. The task involves getting to know what's out there and meeting with property owners and stakeholders as well as identifying types of developments that are desired and the changes that need to be made to make that happen. The goal is to complete this task by the end of 2021 through separate workshops or at each board meeting. Every member stated that this is a project the P&Z should be involved in, preferably sooner rather than later. At the August meeting, the Board will look at maps and the area both as a whole and as a starting point.