

## Planning and Zoning Board Meeting

August 1, 2022

Video can be found [HERE](#).

Board members present: Kip Halvershorn, Stephen Yates, Susan Smith, Susan Neylon and Carl Hodges. Absent: Larry Wheatcraft. The minutes of the July 11, 2022 regular meeting were approved as corrected by a unanimous vote.

**ZT-14-22: FLAGLER AVENUE SPECIAL PARKING DISTRICT EXPANSION Vacant Lot located at 214 Columbus Ave. (0.19 acres north side of Columbus and west of South Pine St.)** The applicant requested inclusion of this lot into the existing Flagler Avenue Parking District. The property is zoned Mixed Use with a Commercial Future Land Use designation like most properties currently located within the Flagler Avenue Special Parking District. Staff stated that installing a parking lot on this property is currently a permitted use, and inclusion in the Flagler Parking District would allow for two more parking spaces (making 20 available). Since the request meets one of the goals of the City's Comprehensive Plan, staff has no objections to approval.

The applicant stated that a private investor is purchasing the property from the Methodist Church. The lot is currently not associated with any business. The old home that was on the property was demolished by the church and the lot cleared. Engineers have been hired. The lot will be gated or have an attendant and will not be open when businesses are closed. The applicant does not have a specific plan for implementation, and the investor may decide to do something totally different with the property.

Three adjacent property owners/community members expressed the following questions and concerns:

- What is the plan in terms of traffic flow, security, landscaping buffer, drainage, and lighting?
- With increased traffic congestion there is a concern for the safety of the children in the neighborhood.
- Have there been traffic and environmental studies?
- The larger trees need to be maintained and there are concerns about erosion.

Board member comments:

- Increasing the parking district affects residents.
- The applicant is asking for rezoning without a commitment as to what will go on the property. They're asking us to approve something that may or may not happen.
- How will the neighbors know when the final application is up for approval with the City staff?

The applicant replied that they will make it all clear as they move forward.

**The motion to approve ZT-14-22 passed by a 3-2 vote with Hodges, Halverson and Yates voting Yes, and Neylon and Smith voting, No.**

**V-9-22 107 N. RIVERSIDE DRIVE (River Deck Tiki Bar and Restaurant)** The property is zoned CM, Commercial Marina and includes the River Deck Bait and Tackle, Marina, and Restaurant. The applicant requested two variances:

1. A 5' variance to allow a 0.0' setback for a new monument sign. NOTE: The request includes future approval from the City Commission to allow the sign to be located 5 feet into the City right-of-way (ROW) via a License Agreement.
2. A variance request to allow nine business signs on the parcel.

Staff stated that according to the Building Department records, there are currently seven (7) signs on the property. The two variances would allow two more signs, one of which would be in the right of way. Staff also stated that the City Engineering department does not support signs placed in the City right of way since they might impact the potential for future underground utilities and set an unwanted precedent. Correspondence

had been received from two Captain's Quarters residents opposed to the signage. Staff does not think the property needs more signage, just better signage that more accurately informs people that there is a restaurant on the property. The applicant responded that their biggest hurdle is showing people **how** to get to the restaurant.

One city resident commented that the bigger question is the clutter and perception of the community. A board member stated that it would be nice to reach a compromise with signs being removed and a 48 SF monument sign put up that would consolidate the existing signs and become a design element. The applicant responded that the current sign above the marina and the free-standing sign will be removed.

Staff indicated that there could be some wiggle room in terms of the 5' setback. They also stated that replacing any uprooted vegetation must be included.

**The motion to approve V-9-22 with a variance for the 5' setback, taking down two marina signs, installation of a new monument sign, and the replacement of vegetation was unanimous.**

**A-9-22: BOLTON ROAD (0.27 acres located on the west side of Bolton Rd. between Pine Island Dr. and Live Oak St.)** The applicant requested Voluntary annexation, *Comprehensive Plan* amendment, and rezoning **From** Volusia County Future Land Use (FLU) designation of Urban Low Intensity, and Volusia County zoning designation of R-1, Urban Single-Family Residential with an "A" attached for Airport Overlay Zone **To** City Future land use designation of Low Density Residential, and City zoning designation of R-1CO, Single Family Residential with an "A" attached for Airport Overlay Zone.

**The motion to approve A-9-22 was unanimous.**

**V-10-22: 2121 HILL STREET (Seafire Condos)** The property is zoned City R-6, Multi-Family Detached and Attached Residential. Staff stated this variance request is to allow a 5.0' tall aluminum picket fence east of the CDSL to replace an existing 4' tall chain link fence which requires variance approval from the Planning and Zoning Board. The applicant stated that the 5-foot fence is needed for security reasons.

Public comments included:

- People jump the fence, use the pool and cabana, and relieve themselves on the property. It is a chronic problem. The 5-foot fence would be an added deterrent.

Staff recommended approval.

**The motion to approve V-10-22 was unanimous.**

**V-12-22: 1517 LIVE OAK STREET (0.344 acres located on the northeast corner and 8th St.)** The applicant requested a variance that will allow for the replacement of an existing 28-year-old, deteriorating six (6) foot high fence. The applicant feels that the request is warranted based on claims of safety, security, and privacy since the property does have an in-ground pool and small children do visit the property and use the pool. They also stated that they would be willing to reduce the fence footprint but would like to have the additional security.

Staff felt that the application is a reasonable request but may not have met most of the criteria. The request has overwhelming support from the neighborhood. Staff recommended that if the Planning and Zoning Board did find that the applicant had met all five (5) criteria for a variance, approval should include a condition that the permit for the fence must be applied for within 120 days of the approval.

Board members stated that the requirements for fences on corner lots is confusing and requested that staff review the requirements to alleviate future confusion.

**The motion to approve V-12-22 was unanimous.**

**V-13-22 AT 2801 GLENWOOD AVENUE (0.223 acres located at the northeast corner of Glenwood Ave. and Willard St.)** The applicant requests a variance to allow a 70'-0" length of a 6'-0" fence to be located along the southern front property line; and a 15.0' length extending north to the front setback line. Currently, there is a 4'-0" tall chain link fence which is beyond repair. The immediate neighbor has no objections. Staff recommended approval.

**The motion to approve V-13-22 was unanimous.**

**V-8-22- 905 SCHOOLWAY AVENUE (0.103 acres and is the western half of a duplex, located east of the Our Lady Star of the Sea Catholic Church).** The applicant requests a variance to allow:

1. A driveway to be 27.8' feet wide on a 37.4' wide lot, or 74.3% of the parcel, a variance of 34.3% from the LDR maximum of 40% of lot width; and
2. A variance of 3.0' to allow a driveway to be 0.0' from the side property line. The owner is handicapped and needs a wheelchair. The 16' wide driveway is too narrow to get in and out of a vehicle and to get to the front door easily. The owner increased the driveway width to 27.8' without a permit earlier this year, and the percentage of coverage exceeds the allowed driveway per the City's Land Development Regulations, hence the reason for this after-the-fact variance request.

If the Planning and Zoning Board feels the variance requests are reasonable given the circumstances, Staff recommends the Planning Board approve both requests, for the applicant did have documentation confirming disabilities and stated that she didn't know that the contractor had not gotten a permit. It was also noted, however, that the owner of the other side of the attached duplex wrote a letter of objection citing code violation as well as drainage and flooding problems on their property as a result of the driveway addition. Board members asked why the applicant couldn't use her garage and why she had not simply extended the width of her sidewalk to which the applicant replied that her garage is full. Staff stated that a 17' wide driveway would be sufficient for handicapped parking.

A city resident stated that the percentage of impervious coverage on the lot already exceeds the maximum allowed and if the Board makes an exception for this, it is an exception forever and sets a precedent.

**The motion to approve V-8-22 was unanimously denied, citing the existence of the original driveway, garage, and the maxed out impervious area on the property.**

#### **COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD**

- Susan Smith stated the need to revisit the LDR's and ordinances regarding issues with corner lots. The Director of Planning responded that is one currently under review.
- Susan Neylon complimented Phil Veski, Public Information Officer, on his City website Summer 2022 Development video.