

**Planning and Zoning Board Meeting
September 12, 2022
Video of meeting can be found [here](#).**

All Board members were present: Kip Halvershorn, Stephen Yates, Susan Smith, Susan Neylon, Carl Hodges, Larry Wheatcraft, and newest member, Brooks Weiss.

V-V11-22 3311 HILL STREET (0.38 acres, located north of E. 24th Avenue, between Hill St. and the Atlantic Ocean). The applicant requests a variance to allow a pool with the pool deck to be located 38' 9" east of the Coastal Construction Setback Line (CCSL), and a frangible deck on the second and third floor of the house. Staff stated that the variance includes the ability to raze the old home and build a new one. Two letters of objection have been received, one from a neighbor and the other from a citizen. The proposed variances do go into the dunes east of the CCSL impacting the dunes and some palms will be removed. The house could be scaled back and built smaller. There are active gopher tortoises on the site. The applicant is offering to restore the dunes after a storm and remove invasive plants.

The applicant's attorney presented a PowerPoint presentation stating the following:

- The pool will have pilings and tie-ins so it can't be washed away or cause a problem with the dune structure.
- This is an opportunity to have a variance that doesn't impact the coastal system.
- This is an opportunity to create dune system and habitat enhancement.
- The pool and deck are the same distance from the setback as the neighboring properties.
- Denial would deprive the owner of reasonable rights enjoyed by other property owners.

Board members asked if the decks are still part of the variance if there will be roofs over the decks and if there is a beach walkway. Staff responded that the decks which extend 12 feet beyond the CCSL, are part of the variance. The applicant stated there would be no roofs and there is a 3 ft beach walkway.

In addition to the two letters of objection, one member of the public commented that the property is covered with gopher tortoises, and there is a tremendous amount of native habitat that would be removed. She stated that the CCSL is there to prevent damage caused by hurricanes and variances are inadvisable.

Member Neylon stated that staff did thorough research recently establishing the CCSL. Member Hulvershorn stated that he is opposed to violating the CCSL and to do so sets a bad precedent. Member Weiss stated that no habitable areas, including decks, should cross the CCSL. Member Smith stated that this is a self-created hardship and that there are opportunities design a smaller home. The city has adopted the CCSL and it should be adhered to. Developers need to build within the CCSL.

Staff stated that *should the Board approve the request*, it should include the following conditions:

1. Add sand fencing east of the toe of the dune.
2. Remove the Brazilian Pepper plants and any other non-native species on the subject property.
3. Plant native vegetation where removed invasive species were located.
4. Conduct and provide a gopher tortoise burrow survey pursuant to State law and provide copies of the survey and any permit from the FWC to the City prior to application of any permits to City.

The motion to approve V-11-22 was defeated by a unanimous vote.

S-10-18 ROLLING HILLS SUBDIVISION FINAL PLAT APPROVAL (110 acres, located at the north end of Sugar Mill Dr. and Mooneyham Dr.) The applicant requests final plat approval for 182 single family residential lots, with the minimum lot size being 6,000 SF. Staff stated that there are 62 historic trees on the property, but the developer has permission to remove 8, 6 of which are diseased. There are 30 acres of wetlands. The roads will be public and ungated. There was a 2019 traffic report which is being updated.

Member Weiss asked what happens to trees that are 36" and below. Staff responded that they don't typically do a tree survey on every tree. They did survey the wetland trees to use them as replacements.

Member Smith asked about the recreation areas and if there would be mailbox kiosks. The recreation areas meet the requirements of the MDA, and there will be mail kiosks with pull out areas. She also requested that pool pumps be placed as far from neighbors as possible. Staff suggested a sound barrier for pool pumps.

Member Weiss stated that since this is a wetland dominant site, it may still need more work. What bothers him most is the amount of fill going into the site which seems like old style design and causes loss of trees, habitat, and wildlife, stating the site should determine the design. He also felt that we need to be cognizant of water quality and not disturbing the natural environment more than we have to and asked what secondary wetlands need to be mitigated and what is the landscaping plan? Staff responded that there is a dilemma with flood zones and that 12 lots had been eliminated to protect trees.

The applicant's attorney stated that the HOA can require pool pump sound barriers. He also stated that in regard to fill, this is a difficult site. To meet St John's criteria, they must take out trees, but the Utilities Commission will not allow trees to be planted over utilities. FEMA requirements also must be met.

Member Weiss suggested the only solution would be to lose a significant number of building lots.

A Sugar Mill resident asked about the road leading to Club House Blvd. The applicant stated that it's a gated emergency access. The resident also felt that they could reduce 182 to 50 homes and save trees.

The motion to approve S-10-18 was passed by a 6-1 vote with Weiss voting, NO.

A-10-22: 1777 BAYVIEW DRIVE (0.47 acres) The applicant requests Voluntary annexation, *Comprehensive Plan* amendment, and rezoning **from** Volusia County Future Land Use (FLU) designation of Rural, and Volusia County zoning designation of RR, Rural Residential with an "A" attached for Airport Height Notification Zone **to** City FLU designation of Rural and City zoning designation of RE, Residential Estate with an "A" attached for Airport Height Notification Zone. **The motion to approve A-10-22 was unanimous.**

A-0011-2022: ANNEXATION APPLICATION, PAIGE AVENUE (4.0 acres) The applicant requests Voluntary annexation, *Comprehensive Plan* amendment, and rezoning **from** Volusia County Future Land Use (FLU) designation of Low Intensity Urban, and Volusia County zoning designation of R-3, Urban Single Family Residential with an "A" attached for Airport Height Notification Zone **to** City FLU designation of Low Density Residential and City zoning designation of R-3CO, Urban Single Family Residential with an "A" attached for Airport Height Notification Zone. **Motion to approve A-0011-2022 was unanimous.**

A-0012-2022: ANNEXATION APPLICATION, 2415 GLENCOE DRIVE (1.62 acres) The applicant requests Voluntary annexation, *Comprehensive Plan* amendment, and rezoning **from** Volusia County Future Land Use (FLU) designation of Low Intensity Urban, and Volusia County zoning designation of R-3, Urban Single Family Residential with an "A" attached for Airport Height Notification Zone **to** City FLU designation of Low Density

Residential and City zoning designation of R-3CO, Urban Single Family Residential with an "A" attached for Airport Height Notification Zone. **Motion to approve A-0012-2022 was unanimous.**

V-14-22 117 6th STREET (0.187 acres, located on the NE corner of Magnolia and 6th) The applicant requests a variance to allow an eave to be located 1.0' from a side property line (east), an encroachment of 4.0' into the setback, and for the eastern wall of the house, located 3.0' from the property line, an encroachment of 4.5', to be raised from its current height. Mr. Hodges recused himself since he is the applicant.

Staff stated that they have four letters from neighbors in support of the variance. The wall of the house isn't changing nor is the house itself. The owner would like to enclose a garage and ease the drainage by putting gutters all the way around the house to eliminate flooding of the neighbors' properties.

Member Weiss commented that this will clean up the appearance of the exterior of the home. **The motion to approve V-14-22 was approved by a vote of 6-0 with Member Hodges abstaining.**

BOARD COMMENTS

Member Neylon commented that the planning department is really understaffed and asked if interviews are taking place. The one staff member in attendance responded that they are all doing double-duty.

Chair Smith welcomed the newest member of the Board, Brooks Weiss.