

**Planning and Zoning Board Meeting
December 5, 2022**

Video of the meeting can be found [here](#).

Present: Brooks Weiss, Sandra Smith, Stephen Yates, Larry Wheatcraft Jr., Susan Neylon, Carl Hodges. **Absent:** John (Kip) Hulvershorn

PUBLIC PARTICIPATION

Two residents of Venetian Bay spoke. The first stated that the Temporary Building Moratorium does not go far enough as it does not address what to do about flood related issues to existing buildings. He also voiced concerns that the proposed town center area (which is currently a 6-acre open field) will make the likelihood of flooding worse. The second resident also voiced concerns about potential flooding and asked how the proposed nature trail was approved as meeting the civic use requirement as it is not even in the town center area.

SV-1-22: SOUTH MYRTLE AVENUE. The applicant requests the city vacate an unopened right of way approximately 50 ft wide and 100 ft long (approximately 5000 sq. ft) that is between two parcels owned by the applicant. Vacating the currently unopened and unused alley would allow the property owner to receive a section of the right of way that city has no plans to open. In return, applicant will dedicate a 15 ft right of way adjacent to South Myrtle Avenue. Staff recommended approval. **The motion to approve SV-1-22 was passed unanimously.**

V-16-22: 802 MAGNOLIA AVENUE (zoned Light Industrial; 0.179 acres). The applicant requests a variance of 9 ft to allow the replacement of a currently dilapidated building which is now unusable due to the two hurricanes to be located 1 ft from a side property line. The decrease in square footage for the new building (from current 1355 sq. ft to 960 sq. ft) will allow the property to meet stormwater requirements and north and south gutters will be installed. The building is necessary to successfully operate their business, which has operated from the site since 2003. A letter of support from the neighbor to the north was provided.

Member Weiss asked if the building could be 1.5 ft rather than 1 ft from the property line to allow for footings. He also asked whether trucks, dumpsters, etc. can be moved to back of property accessed by alley for aesthetic reasons to fit better into the neighborhood. The owner replied with the smaller new building, there would be room in the back for dumpsters and trucks.

Chairperson Smith noted that the property is nonconforming and already has several variances. She asked whether there is a way to redesign the building. She questioned whether another variance is even allowed by the LDR.

Vice Chairperson Neylon stated that the Board wants to support small business and suggested that the staff report could be strengthened in responding to the criteria for approval of a variance, specifically LDR Section 305.05 (b) which states that "Strict application of the provisions of the LDR would deprive property owner or reasonable rights commonly applicable to other properties in the same district or may preclude a benefit to the community in general." There was consensus that more research and information was necessary before a decision could be made. **A motion to continue the matter to a future meeting was approved unanimously.**

ZT-16-22: FENCES ON CORNER LOTS. This request by staff is to approve an amendment to Section 803.03 of the City's Land Development Regulations to allow 6 ft tall fences within secondary front yard setbacks. The proposed amendment would undo a 2010 amendment to the LDR that prohibited 6 ft fences in secondary front yards. Prior to 2010, 6 ft fences were permitted. The proposed amendment would not allow a 6 ft fence along

the entire secondary front property line, but from where the primary front property setback ends. Fence height for primary front yard continues to be 4 ft.

Many of the 6 ft fences permitted and erected prior to 2010 are now in poor shape. Property owners requesting permits to replace these are now finding out that these are no longer allowed. In the last several years, staff has received variance requests to replace such fences, and there are several pending cases.

Vice Chairperson Neylon stated that there is a lot of confusion currently. Many people are coming for variances, and there does not appear to be a consistent approach.

Member Weiss disagrees with the proposal. All fences should be capped at 4 ft. He also stated that a better definition of “fence” is needed.

Two members of the public spoke. One person has property with technically three front yards; he is waiting on the outcome, as he needs to renovate and wants to be consistent with the historic nature of his neighborhood. The other person stressed the need for the 6 ft fence. **The motion to approve ZT-16-22 passed with 5-1 vote with Member Weiss voting, NO.**

A-13-22: 2655 ANNEXATION APPLICATION, 2655 PIONEER TRAIL (3.43 acres). The applicant requests 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 A-3, Transitional Agriculture with an “A” attached for Airport Height Notification Zone **to** City FLU designation of Low Density Residential and City zoning designation of A-3, Transitional Agriculture with an “A” attached for Airport Height Notification Zone. **The motion to approve A-13-22 was unanimous.**

A-14-22: ANNEXATION APPLICATION, 645 OLIVER DRIVE (1.8 acres) The applicant requests 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 Height Notification Zone **to** City FLU designation of Low Density Residential and City zoning designation of R-1CO, Urban Single Family Residential with an “A” attached for Airport Height Notification Zone. **The motion to approve A-14-22 was unanimous.**

SELECTION OF THE 2023 CHAIRPERSON AND VICE CHAIRPERSON

Sandra Smith and Larry Wheatcraft were nominated for Chairperson. Ms. Smith was reelected as Chairperson with a vote of 4-2. Larry Wheatcraft and Brooks Weiss were nominated for Vice Chairperson. The vote was a tie, 3-3. The selection of the Vice Chairperson was continued to the January 2023 meeting.

COMMENTS BY MEMBERS OF THE BOARD

Chairperson Smith noted the resignation of Susan Neylon and thanked her for her service and excellent contributions to the Board. All members offered their thanks as well. Ms. Neylon thanked her colleagues and commended the staff for their hard work and assistance. She suggested that new Board members be provided training in relevant topics, such as Robert’s Rules and Florida’s Sunshine Laws. She noted that excellent online resources are available.

Member Weiss proposed having a workshop to facilitate more informal discussion among Board members, staff, and the City Commission. Ms. Neylon stated that workshops work best if they are subject driven so that there is a clear structure. Staff will work with the Board to organize a workshop in the new year.