

LPA / PLANNING AND ZONING BOARD
MINUTES
APRIL 4, 2016

The Local Planning Agency / Planning and Zoning Board held a regular meeting on Monday, April 4, 2016 in the City Commission Chambers, 210 Sams Avenue, New Smyrna Beach, Florida. Chairperson Steven Casserly called the meeting to order at 6:30p.m.

ROLL CALL

The following members were present:

Steven Casserly
Ian Ratliff
Jamie Calkins
Pat Arvidson
Stephen Sather
Travous Dever

Kelly Azzinaro was absent. Also present were Planning and Zoning Manager Amye King; Planner Robert Mathen; Assistant City Attorney Greg McDole; Board Secretary Tammy Dickerson and members of the public.

APPROVAL OF MINUTES

Motion by Ms. Arvidson, seconded by Mr. Ratliff, to approve the minutes of the regular meeting on March 7, 2016. Motion passed on a roll call vote, 5-0 with Mr. Dever abstaining due to he was absent for the meeting.

NO PUBLIC PARTICIPATION

OLD BUSINESS

- A. V-6-16: 313 Jessamine Ave / Fernandez
David Fernandez, 317 Flagler Ave, New Smyrna Beach, FL 32169, requests approval of a variance to increase the maximum permitted driveway width from 30 feet to 69 feet. The subject property is zoned R-3A Single-Family and Two-Family (Zero Lot Line) Residential. The subject property consists of approximately 0.17 acres, and is generally located south of Jessamine Avenue and East of Pine Street, and is addressed as 313 Jessamine Ave. (VCPA # 7409-06-02-0130)

Ms. King stated that the applicant is requesting a continuance for case V-6-16: 313 Jessamine Avenue / Fernandez until the next scheduled meeting May 2, 2016 and staff recommends approval of the continuance.

Motion by Mr. Sather, seconded by Ms. Arvidson, to continue V-6-16: Jessamine Avenue / Fernandez to the May 2, 2016, Planning and Zoning Board meeting. Motion passed unanimously on a roll call vote, 6-0.

NEW BUSINESS

B. V-7-16: 528 BACIO STREET / MEYERS

Denyse M. Meyers, 528 Bacio Street, New Smyrna Beach, Florida 32168, request approval of a variance to allow an in-ground pool and screen enclosure to be located in a front yard on a corner lot with a reduce front yard setback from the required 15 feet to 10 feet. The subject property is zoned PUD, Promenade Parke and consists of 0.22 acres, and is generally located west of Luna Bella Road and south of Tesoro Circle and is addressed as 528 Bacio Street. (VCPA # 7307-07-00-2130)

Chairman Casserly swore in Mr. Mathen. Mr. Mathen stated his qualifications and educational background and he was qualified as an expert witness. Mr. Mathen reviewed staffs' findings and stated that staff recommends approval of the variance with the following conditions:

1. The variances only apply to the in-ground pool, pool deck, and pool screen enclosure showed on Exhibit E.
2. Landscaping is install outside the pool screen enclosure to shield the pool from the public road.
3. The property owner applies for and receives a building permit for the in-ground pool, pool deck, and pool screen enclosure from the City Building Department within 90 days or this variance would be null and void.

Toby Moore, 1424 Ridgewood Avenue Holly Hill, was sworn in to testify then addressed the Board. He stated that he was with the pool company and the application was submitted to the city's building department and they said that it was possible to do even before she bought the house.

George Szocs, 3439 Tesoro Circle, was sworn in to testify then addressed the Board. He stated that they were in support of the variance request.

James Powers, 3441 Tesoro Circle, was sworn in to testify then addressed the Board. He stated that he was the neighbor across the street and with shrubs around the pool enclosure he was fine with the variance request.

Mr. Sather stated that the only request he has is that the variance stay with the property permanently and that the landscape buffer is maintained indefinitely.

Ms. Arvidson stated that she would like the public road named in the conditions where the landscape buffer has to be installed on the property.

Motion by Mr. Sather, seconded by Ms. Calkins, to recommend approval of the variance with the following conditions:

- 1. The variances only apply to the in-ground pool, pool deck, and pool screen enclosure showed on Exhibit E.**
- 2. Landscaping is installed outside the pool screen enclosure to shield the pool from the public road Tesoro Circle and is maintained indefinitely.**
- 3. The property owner applies for and receives a building permit for the in-ground pool, pool deck, and pool screen enclosure from the City Building Department within 90 days or this variance would be null and void.**

Motion passed unanimously on a roll call vote, 6-0.

COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD AND STAFF

Ms. King stated that an email was sent to the Board to get a consensus on changing the meeting time and the consensus from the Board was 3:00pm. She stated that the Commission Chambers is available on the first Monday of the month at 3pm so just want to make sure the Board has a consensus for changing the time.

Mr. Dever stated that he was fine with that meeting time with the cases such as PUD's and other agenda items that involve attorney's and developers and this is their job and during their working hours. He stated that he does have a problem with variances and cases that involve a resident that will have to take off work to attend the meeting.

Mr. Arvidson stated that it also involves the public that would want to come out for or against a case that might have to take off of work for the meeting also.

Mr. McDole stated that it states in the bylaws that if the meeting is expected to last more than 3 hours the Planning Manager can divide the agenda in to 2 sections and the 2nd section would go to the second meeting.

The consensus from the Board was that they don't want to meet at an earlier time except for workshops but they were fine with having two meetings a month if needed so the meeting didn't go until too late in the evening.

Mr. Dever stated that case V-7-16 could have been handled at the staff level if we had the right language in the LDR.

Mr. Sather asked if staff could send out a letter to the HOA's letting them know they have the option to resolve this issue.

Mr. McDole stated that it would require a deed from every property owner.

Ms. King stated that she didn't think it was an easy fix but if the Board would like staff to look at the regulation and other local governments to see how they treat this they can do that.

The Board agreed that they would like staff to look in to this matter.

Ms. King stated that the joint workshop with the City Commission and the Planning and Zoning Board will be on April 26, 2016 at 5:00pm. She stated that the agenda item will be on the corridor overlay zone on SR44.

REPORTS

April 2016 Development Activity Report

No discussion

ADJOURNMENT

With there being no further business, the meeting was adjourned at 7:06pm.