



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Planning and Zoning Board

Thursday, November 21, 2024

6:00 PM

Deltona Commission Chambers

1. CALL TO ORDER:

2. ROLL CALL:

Present: 7 - Chair Susan Berk
Vice Chair Andrea Cardo
Member Eric Alexander
Member Ron Gonzalez
Member Dr. Allen Pfeffer
Alternate Tara D'Errico
Alternate Jeffrey Zlatos

Excused: 1 - Secretary Rachel Amoroso

Absent: 1 - Alternate Steven Webster

3. APPROVAL OF MINUTES & AGENDA:

A. Minutes of September 18, 2024

Motion by Alternate D'Errico, seconded by Andrea Cardo, to approve the Minutes of September 18, 2024, as presented. The motion carried unanimously.

B. Minutes of October 16, 2024

Motion by Alternate D'Errico, seconded by Ron Gonzalez, to approve the Minutes of October 16, 2024, as presented. The motion carried unanimously.

4. PRESENTATIONS/AWARDS/REPORTS:

None.

5. PUBLIC FORUM: Time permitted, public comments shall be limited to items on the agenda and shall not exceed four minutes. Please be courteous and respectful of the views of others. Personal attacks on Committee/Board members, City staff or members of the public are not allowed and will be ruled out of order by the Chair.

Chair Berk opened and closed public forum, as there was none.

6. OLD BUSINESS:

None.

7. NEW BUSINESS:

A. Resolution No. 2024-57- granting a Variance to permit the development of a single-family dwelling on an existing 50-foot wide lot with an area of 5,000 square feet within the R1, single-family zoning district located at 3394 St. James Avenue.

Jonathan Knight, Planner I, presented Resolution No. 2024-57, requesting to grant a variance at 3394 St. James Avenue. He outlined the matters of consideration for the variance request.

Discussion occurred regarding the property size and possible encroachment onto neighboring properties.

Robert Edwards, the owner of RP Property Investments, stated he was available for questions and mentioned that he purchased the property through a tax deed sale. Mr. Edwards clarified the home would be built without encroaching onto other lots, and that a letter of intent was submitted to the City. He explained that his wife is a realtor and she placed a sign on the property for several months to attract potential buyers.

Discussion occurred regarding similar lots in the City of Deltona.

Chair Berk opened public forum.

Gary Kabinott, 2331 St. Augustine Street, stated there is the presence of active wildlife. Mr. Kabinott expressed concern that a smaller house would affect the property values. He requested that the City maintain its existing rules. He noted significant growth in Deltona and stated the neighborhoods only fire hydrant is in front of the property where the variance is being requested.

Chair Berk closed public forum.

Motion by Andrea Cardo, seconded by Eric Alexander to recommend the City Commission approve Resolution No. 2024-57, granting a variance to reduce the minimum lot size requirements to allow development on an existing 50ft wide lot within area of plus or minus 0.11 Acres within the R1 single family zoning District located at 3394 St. James Avenue within the City of Deltona with conditions stated in the Resolution. The motion carried the following vote:

For: 4 - Chair Berk, Vice Chair Cardo, Member Alexander and Member Gonzalez

Against: 3 - Member Pfeffer, Alternate D'Errico and Alternate Zlatos

B. Resolution No. 2024-65, granting a Variance to allow for an increase in maximum lot coverage to accommodate a approximate 798 square foot in-ground pool, deck, and screen enclosure on an approximate 7,209 square foot lot within the R1, Single-Family Residential Zoning Classification, located at 3469 Berkshire Terrace.

Brandon Hatch, Planner I, presented Resolution No. 2024-65, which is a variance request to increase the allowable lot coverage from 35% to 44% to accommodate a 798 square-foot pool deck and screen enclosure.

Discussion occurred regarding the 35% coverage limit applicable to other homes in the area, and concerns granting this variance could set a precedent for future requests.

Mr. Jacob, 3469 Berkshire Woods Terrace, noted that his lot is smaller than others in the neighborhood, which are approximately 38% larger. He stated that this disparity creates an unequal situation.

Further discussion occurred regarding the Land Development Code and the criteria for determining hardship when considering a variance.

Mr. Jacob expressed his willingness to collaborate with the City and the Board to reach a compromise, stating that he would be satisfied with a 40% variance given the unique size of his lot compared to neighboring properties.

Motion by Andrea Cardo, seconded by Tara D'Errico, to recommend the City Commission approve Resolution No. 2024-65, granting a Variance to increase the maximum lot coverage to accommodate a reduced square footage in ground pool up to a maximum of 40% on the 16 acre property located at 3469 Berkshire Woods Terrace within the R1 single family residential with conditions stated in the Resolution. The motion carried by the following vote:

For: 7 - Chair Berk, Vice Chair Cardo, Member Alexander, Member Gonzalez, Member Pfeffer, Alternate D'Errico and Alternate Zlatos

C. Resolution No. 2024-42, granting a Conditional Use to permit a quick service oil change facility, within the C-1, retail commercial district for a property located at 3150 Howland Boulevard.

Jessica Entwistle, Assistant Director, presented a Conditional Use for 3150 Howland Boulevard, a property that was rezoned earlier this year from Office Residential (OR) to Retail Commercial (C-1). She explained the request pertains to a quick service oil change facility and not the 5,000 square-foot building. Ms. Entwistle stated the Land Development Code requires a Conditional Use for oil change facilities in the C-1 zoning district.

Vice Chair Cardo inquired about the number of parking spaces required for the retail building, specifically how the parking requirements would be calculated given that the tenant for the retail space had not yet been determined.

Ms. Entwistle explained that the parking requirement would be based on retail, which mandates 4.44 spaces per 1,000 square feet of retail space. She also noted that any overflow parking would be managed on-site.

City Attorney Good clarified that the application was for a Conditional Use, not a Variance, emphasizing the distinction. He explained that while the project was permitted under the C-1 zoning category, approval was still needed for the specific use.

Motion by Ron Gonzalez, seconded by Tara D'Errico, to recommend the City Commission Resolution No. 2024-42, granting a Conditional Use to permit a quick service oil change facility, within the C-1, retail commercial district for a property located at 3150 Howland Boulevard with the conditions stated in the Resolution. The motion carried by the following vote:

For: 8 - Chair Berk, Vice Chair Cardo, Secretary Amoroso, Member Alexander, Member Gonzalez, Member Pfeffer, Alternate D'Errico and Alternate Zlatos

D. Ordinance No. 18-2024, amending the zoning code, Chapter 70, of General Provision, amending Section 70-30 Definitions, and other terms use in Section 110-310, RM-1 Multiple Family Residential and Section 110-311, RM-2 Multiple Family Residential, to include additional standards, amending Chapter 76 Affordable Housing of Land Development Code, relating to Affordable Housing Regulations and The Live Local Act.

Jordan Smith, Planning Director, presented Ordinance No. 18-2024, known as the Live Local Act, which had previously been approved by the City Commission.

Vice Chair Cardo inquired about the expiration date. Mr. Smith clarified that the expiration date is October 1, 2033, as specified by the Florida Statue.

Discussion occurred regarding current applications under the Live Local program. Mr. Smith stated that Live Local applications would not be reviewed by the Planning and Zoning

Board, or Commission.

Further discussion took place regarding penalty pricing and the review process for applications.

Motion by Tara D'Errico, seconded by Andrea Cardo, to recommend the City Commission approve Ordinance No. 18-2024, amending the zoning code, Chapter 70, of General Provision, amending Section 70-30 Definitions, and other terms use in Section 110-310, RM-1 Multiple Family Residential and Section 110-311, RM-2 Multiple Family Residential, to include additional standards, amending Chapter 76 Affordable Housing of Land Development Code, relating to Affordable Housing Regulations and The Live Local Act with the conditions stated in the Ordinance. The motion carried by the following vote:

For: 7 - Chair Berk, Vice Chair Cardo, Member Alexander, Member Gonzalez, Member Pfeffer, Alternate D'Errico and Alternate Zlatos

8. STAFF COMMENTS:

Mr. Smith reminded the Board that the final workshop is on December 16, 2024, at 5:30 P.M. He mentioned the City's GIS representative made a map of upcoming and approved projects. He wished everyone a happy holiday.

City Attorneys Good and Torcivia introduced themselves to the Planning and Zoning Board.

9. BOARD/COMMITTEE MEMBERS COMMENTS:

Chair berk wished everyone happy holidays.

10. ADJOURNMENT:

Meeting adjourned at 7:36pm.

Board Chair, Susan Berk

ATTEST:

Board Secretary, Nelly Kerr