

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MARCH 28, 2019

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chairman Jordan at 5:30pm.

Pledge of Allegiance

Silent Invocation

Roll Call

Present: John Junco
Maria Mills-Benat
Darrel "Bo" Bofamy
Lance Green
Newton White
Thomas Jordan, Chairman

Absent: Joe Fazzie (excused)

Also Present: Shannon Balmer, Assistant City Attorney
Shelby Field, Assistant City Clerk

DISCUSSION/ACTION

4. Consideration of Minutes

Motion to approve the meeting minutes from February 28, 2019 as presented was made by Vice Chairman Mills-Benat and Seconded by Commissioner White. Motion carried unanimously by roll call vote.

5. Case No. 19-90000002 VARIANCE/5807 CLOVER LANE

Variance from Chapter 16, Section 3(b)(2)(f) of the Land Development Code (LDC), to allow a 6-foot, 7-inch-tall fence constructed in a secondary front yard to remain in lieu of the required 20-foot setback.

Staff Contact: Penelope Cruz, (386) [506-5671](tel:506-5671) pcruz@port-orange.org

Penelope Cruz, Planning Manager, discussed the details of the variance and answered questions from the Commissioners.

Mark Belyus, Applicant, believes due to having a pool it is safer to keep the fence as is rather than replace it with a shorter 4-foot fence. Mr. Belyus responded to Commissioner comments regarding why it took so long to receive a permit for the reconstruction on the fence, stating that they live out of state and it took a while to get the survey back.

Commissioners inquired about the required fence location to be compliant with the Land Development Code. Mrs. Cruz explained the heights and locations allowed in the LDC.

Larry Baker, 5812 Clover Lane, spoke to the history of the home and fence, stating there were no complaints about the fence in the 30+ years he has lived next door until now.

Commissioner Junco sought clarification on the code relating to the size and placement of the fence and stated he does not believe a 4-foot fence around the pool is safe for children.

Motion to amend the application to allow a 6-foot fence to include the fence being moved to 30 inches off the pool deck on both the Wales and Clover Lane frontages was made by Commissioner White and seconded by Vice Chairman Mills-Benat. Motion carried 4-2 by roll call vote with Commissioner Green and Chairman Jordan voting no.

Mrs. Cruz advised the applicant can amend their application to match the amendment approved by the Commission or appeal the decision by submitting a request in writing to City within five business days and no new evidence can be submitted. Mrs. Cruz asked Mr. Belyus if he agreed with the amendment. He said no.

Commissioner Green asked the Assistant City Attorney if they should vote on the original application. Shannon Ballmer, Assistant City Attorney, believed it would be appropriate.

Motion to approve case 19-90000002 was made by Commissioner Junco and Seconded by Commissioner Green. Motion failed 6-0 by roll call vote.

C. OTHER BUSINESS

9. Commissioner Comments

Commissioner Green questioned Tim Burman, Community Development Director, about the commercial development at Williamson Blvd. and Airport Rd. Mr. Burman

responded the City just received site plans for it and has begun to review them. Commissioner Green also inquired about the dangling pink lights at that intersection. Mr. Burman replied that he can get with Public Works and see which ones they can work on.

Commissioner White asked Mr. Burman about the trees cut down on Nova Road and if that opens the option to connect the parking lots there. Mr. Burman responded that there is currently an FDOT drainage project going on and that is not in their permit. Commissioner White inquired about the property at Williamson and Madeline. Mr. Burman stated the site plan and building permit are moving forward and need to be approved by May 31, 2019.

Commissioner Junco asked to evaluate the attendance of the absent member and believes the position needs to be filled by someone that can attend the meetings. The Board agreed to add the topic to the next agenda.

Chairman Jordan asked about the 4-acre property on Ridgewood. Mr. Burman responded that there is a residential project proposed there and it will eventually come before the Planning Commission.

10. Staff Comments – there were none.

D. PUBLIC COMMENTS – there were none.

E. ADJOURNMENT – 6:51pm



Chairman Thomas Jordan