

MINUTES
SOUTH DAYTONA
PLANNING AND APPEALS BOARD
Regular Meeting

February 24, 2021

6:00 P.M.

South Daytona City Council Chambers
1672 South Ridgewood Avenue
South Daytona, FL

PURSUANT TO SECTION 286.0105 FLORIDA STATUTES, if an individual decides to appeal any decisions made with respect to any matter considered at a meeting or hearing, that individual will need a record of the proceeding and will need to ensure that a verbatim record of the proceeding is made. The City does not prepare or provide a verbatim record of the proceedings.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in the proceedings should contact the City of South Daytona's Deputy City Clerk at (386) 322-3011 for assistance at least 48 hours before the date of the meeting.

I. CALL TO ORDER AND ROLL CALL

Members Present

Abe Agront, Chairman
Phil Trimarchi, Vice-chair
David Beery
Marian (Sam) Buckman
Ari Morse
Rick Jackson
Jerry Masters

Staff Present

James L. Gillis, City Manager
S. Laureen Kornel, CDD
Wade Vose
Lauren Rizzo, Recording Secretary

II. ADMINISTRATIVE ITEMS

A. Election of Chairperson and Vice-chairperson

Ms. Buckman nominated Abe Agront to continue in his role as Chairperson. Mr. Trimarchi seconded the motion. There were no other nominations for Chairperson. The motion passed unanimously (7-0).

Ms. Buckman nominated Phil Trimarchi to continue in his role as Vice-chairperson. Mr. Beery seconded the motion. There were no other nominations for Vice-chairperson. The motion passed unanimously (7-0).

B. Approval of Planning and Appeals Board Rules of Procedures

Vice-chair Trimarchi made a motion to approve the Planning and Appeals Board Rules of Procedures. Ms. Buckman seconded the motion. Hearing no objections, the motion passed unanimously (7-0).

C. Acceptance of the Planning Board Calendar

Ms. Buckman made mention of the change to the February meeting date from February 17th to February 24th. With the exception of the noted change (included in attachment), Vice-chair Trimarchi made a motion to approve the Planning Board Calendar. Ms. Buckman seconded the motion. Hearing no objections, the motion passed unanimously (7-0).

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF THE MINUTES: December 16, 2020

Ms. Buckman made a motion to approve the December 16, 2020 meeting minutes. Vice-chair Trimarchi seconded the motion. Hearing no objections, the minutes were unanimously approved (7-0).

V. DISCLOSURE OF EXPARTE COMMUNICATION

None disclosed.

VI. PUBLIC HEARINGS

A. VAR 2021-03: 560 Brook Circle Fence Variance (side corner setback).

Ms. Laureen Kornel, Community Development Director, presented the item explaining that the Variance request was a request by Sheila Anderson, property owner of 560 Brook Circle. The property owner seeks to replace a 6' high wood fence in the side corner yard with a 6' high wood fence with a 0' setback. Section 5.6(E)(2)(c) of the Land Development Code requires a side corner setback of 10' for fences. The applicant is seeking a side corner variance of ten (10') feet to reduce the required setback from ten (10') feet to zero (0') feet. Ms. Kornel made note that the fence would be vinyl, not wood, as wood is stated in the Staff Report. The property is zoned R-1C and the City's Land Development Code requires single-family residential corner lots have a side corner setback of 10' for fences. The intent of this regulation is to ensure that there is clear line of sight at the intersection of a right-of-way which is also required by the Land Development Code. The request is for a 0' fence setback in the side corner yard from the required 10' side corner yard setback for a 10' side corner setback variance. Ms. Kornel stated the applicant is proposing to replace the fence at the existing location. The fence is located well enough back behind the front plane of the house that there is no obstruction to vision at the road intersection. The applicant has requested the variance to replace the fence as a matter of maintenance and as an improvement to the property, and wishes to maintain use of their backyard as it currently exists. If the variance were not granted and the regulation strictly imposed, the applicant would lose the use of a portion of their back yard. The applicant is not asking for anything more than exists today; their wish is to replace their fence at its existing location with the desire to maintain reasonable use of the backyard where there is no impact to line of sight at that intersection. Staff believes the applicant meets the variance criteria. The additional layer of regulation to protect triangle area of vision at street corners does not

obstruct visibility since the replacement fence lies well behind the front plane of the house. As such, staff recommend approval of the variance.

Ms. Buckman stated she saw in the report that signatures of surrounding neighbors had been obtained but did not see the signatures included in the report. She wanted to know how many signatures had been obtained. The applicant, Sheila Anderson, was present and stated she had received four signatures from her neighbors. Ms. Kornel also stated she had spoken with one of the applicant's neighbors who supported the variance and had no objection. There were no known objections to the variance. Ms. Kornel stated she would include signatures in future Staff Reports for the Board's review.

Ms. Buckman motioned for approval, and Vice-chair Trimarchi seconded the motion. Hearing no objections, the motion passed with a unanimous vote for approval (7-0).

VII. OTHER BUSINESS AND DISCUSSION ITEMS

A. Sunshine Law and Ethics Training - Wade Vose, Esq., Vose Law Firm LLP

City attorney Wade Vose presented a PowerPoint presentation outlining information regarding Sunshine Law and ethics. See attachment for the presentation.

VIII. MEMBER COMMENTS

Mr. Beery commented that the presentation by City Attorney Vose was very helpful.

IX. ADJOURNMENT

Chairman Agront asked for a motion to adjourn. A motion was made by Vice-chair Trimarchi, and Ms. Buckman seconded the motion. The meeting was adjourned at 7:12 PM.

Respectfully submitted,

Lauren Rizzo, Planning Technician

ATTEST:

Abe Agront, Chairman

Minutes transcribed by Lauren Rizzo