CITY OF DELAND
REGULAR MEETING OF THE PLANNING BOARD
MARCH 16, 2022 AT 5:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

VERBAL REPORT ON CITY COMMISSION MEETINGS

MINUTES

1. Approval of the minutes from the February 16, 2022 meeting.

VARIANCE OLD BUSINESS

VARIANCE NEW BUSINESS

PUBLIC PARTICIPATION PROCEEDINGS

PLANNING - OLD BUSINESS

PLANNING - NEW BUSINESS

1. Applicant Name: Kelly Kazmierczak
   Project Number: SE22-024 – Special Exception
   Project Location: +/- .264 acres located at 515 W Florence Ave
   Project Description: Accessory Dwelling Unit

OTHER BUSINESS

1. Appointment of 3 members to the Joint City-County Coordinating Committee.

ADJOURNMENT

CITY OF DELAND
PLANNING BOARD REGULAR MEETING
MINUTES
WEDNESDAY, FEBRUARY 16, 2022 -5:00 P.M.
CITY HALL

CALL TO ORDER

The meeting began at 5:01 p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance – Ms. Comella, *Chairperson*

ROLL CALL

Nora Lewis	Present
Don Liska	Present
Buz Nesbit	Present
Dan Reed	Absent
Albert Neumann	Absent (Emergency – out of state)
Jeremy Owens, *Vice Chairperson*	Present
Virginia Comella, *Chairperson*	Present

Quorum: Yes

Present – Mike Holmes, Planning Director; Rick Werbiskis, Community Development Director; Darren Elkind, City Attorney; Kendall Story, Senior Planner; Caroline Turgeon, Senior Planner; Belinda Williams-Collins, Senior Planner; MarLa Ivey, Community Development Coordinator; Vivian Ford, Administrative Coordinator; applicants; and members of the public.

VERBAL REPORT ON CITY COMMISSION MEETINGS

None.

MINUTES

Mr. Owens moved to approve the January 19, 2022 Meeting Minutes. Ms. Lewis seconded the motion. The motion passed unanimously.

VARIANCE OLD BUSINESS

None.

VARIANCE NEW BUSINESS

None.

PUBLIC PARTICIPATION PROCEEDINGS

Ms. Comella read the Public Participation procedures.

PLANNING – OLD BUSINESS

1. Land Development Regulations Changes to Address Housing and Nonconforming Conditions

Mr. Owens moved to continue the item to a March 9, 2022 Planning Board special meeting. Mr. Liska seconded the motion. The motion passed unanimously. (The item was moved to the end of the meeting after New Business.)

PLANNING – NEW BUSINESS

1. Applicant Name: Michal Wojtuniak – Engineered Permits Inc.
   Project Number: Z21-057 – PD Change of Zoning for DeLand Toyota
   Project Location: 2.36 acres located at Plumosus Park Dr
   Project Description: Amended and restated PD to add additional parcels

Public Participation: Applicant spoke and answered questions from the Board.

Mr. Owens moved to recommend approval to City Commission. Ms. Lewis seconded the motion. The motion passed unanimously, subject to meeting conditions by staff and fire department.

2. Applicant Name: Angel Rauber, HWH Law
   Project Number: SE21-219 – Special Exception for Vehicle Sales
   Project Location: 7.15 acres located at 2308 S Woodland Blvd
   Project Description: Allow vehicle sales in C-2 and expand existing site

Public Participation: Applicant spoke and answered questions from the Board. Members of the public spoke against. Applicant responded to the public's concerns and additional questions from the Board.

Mr. Owens recused himself from voting due to a conflict of interest. Voting Conflict form on file.

Ms. Lewis moved to recommend approval to City Commission with the following recommendations. Mr. Nesbit seconded the motion. The motion passed unanimously.

Recommendations:

1. Limit light poles to 20 feet with a 5 candle-feet maximum illumination outside of the hours of operation on new parcel;

2. Stormwater shall be at the Volusia County standard;
3. Impervious surface shall not exceed 50 percent;
4. Maintain natural buffer shown on plans and enhance it as needed to comply with buffer standard C;
5. Group existing trees where practical within the parking area;
6. Loading hours shall be limited to 7:30 a.m. – 8 p.m. on Monday – Friday, and 7:30 a.m. – 7 p.m. on Saturdays;
7. 6-foot vinyl fence shall be added along the west perimeter; and
8. 6-foot-tall precast wall shall be added along the south perimeter.

3. Applicant Name: Mark Watts – Cobb Cole
Project Name: PDC21-247 – PD Concept for Stonekirk
Project Location: 28.5 acres located at the SE corner of MLK and Cassadaga Rd
Project Description: Rezone property to PD for single unit multi-family development

Public Participation: Applicant spoke and answered questions from the Board.

Planning board provided the applicant with comments.

4. Applicant Name: Lisa Mason - Florida Veterinary Rehabilitation
Project Name: Z22-027, Land Development Regulation Amendment
Project Description: Land Development Regulations Changes to Address Allowed Uses for P-1 in Commercial and Industrial Zoning Districts Table

Public Participation: Applicant spoke and answered questions from the Board.

Mr. Owens moved to recommend approval to City Commission. Ms. Lewis seconded the motion. The motion passed unanimously.

OTHER BUSINESS

None.

ADJOURNMENT

The meeting ended at 8:44 p.m.

PLANNING DEPARTMENT STAFF REPORT
TO
THE CITY OF DELAND PLANNING BOARD

March 16, 2022

A. APPLICATION #: SE22-024

B. APPLICANT: Kelly C Kazmierczak ,

ADDRESS: 515 W Florence AV, DeLand, FL 32720

REQUEST: Special Exception to approve the existing accessory dwelling unit (ADU) to a lot with an existing primary residence.

APPLICABLE ORDINANCE: Article 2 - Section 33-18 1 Special exceptions – ADU, Sec. 33-25. - Standards for accessory dwelling units (ADU), Article 12 - Sec. 33-134 Procedures for special exceptions

C. SITE FACTORS

Zoning of the site is R-1B (Single-family)

SURROUNDING USE: **SURROUNDING ZONING:**

North	Single-family residential	R-1A (Single-family residential)
South	Single-family residential	R-1B (Single-family residential)
East	Single-family residential	R-1B (Single-family residential)
West	Single-family residential	R-1B (Single-family residential)

D. ANALYSIS:

The applicant is seeking a Special Exception to permit the interior modification of an existing 777.7-sf structure on the lot containing their primary residence in a residential neighborhood. The size of the unit has been determined based on the overall size of the lot (*for lots in excess of 10,000 square feet, an ADU may be up to 800 square feet*). Nothing will change on the outside; the structure is an existing open work area with a car port. The applicant seeks to remodel this open area to create an Accessory Dwelling Unit.

The land development regulations permit ADUs for a number of different reasons as outlined below:

Sec. 33-25. - Standards for accessory dwelling units (ADU).

33-25.01 *Purpose and intent.*

(a) To provide homeowners with a means of obtaining, through tenants in the ADU or the principal unit, **rental income**, companionship, security, and services.

(b) Add affordable units to existing housing.

(c) Develop housing units in single-family neighborhoods that are appropriate for extended family living.

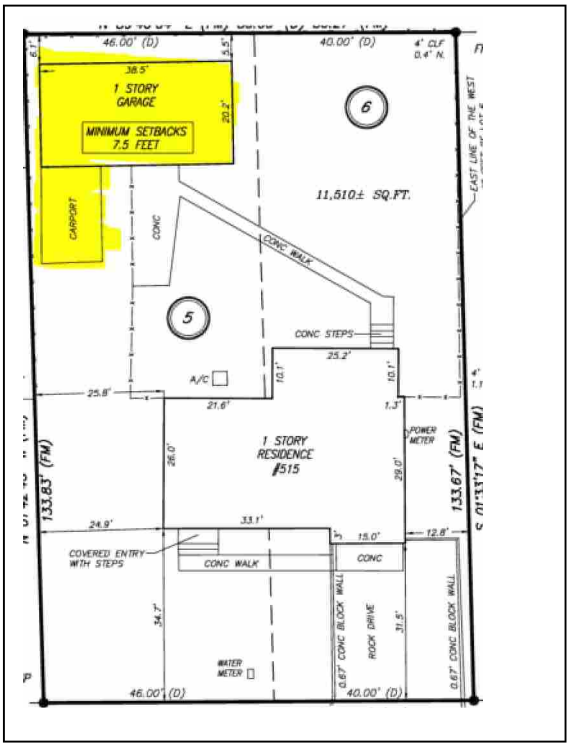
(d) Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of these regulations.

The land development regulations also permit the ADU in this zoning district as a special exception subject to a number "General regulations and restrictions" and "Design standards" that must be met by the property. The majority of those standards deal with the physical parameters that must exist for the ADU, however, the ADU must initially be permitted for the site as stated below:

33-25.02 *General regulations and restrictions.*

(a) No one shall establish or operate an ADU without a special exception that specifically identifies the ADU. Granting of a special exception for an ADU does not constitute the granting or creation of a zoning designation other than the existing underlying zoning.

The intent of this review is for the board to determine if this use is acceptable at this location. This area is a single-family neighborhood comprised of similarly sized homes located on local and collector roads and as such the proposed use is compatible with the area. The proposed structure is located at the extreme northwest quadrant of the primary residence (built in 1949).



The general regulations for this use are as follows:

Sec. 33-25. - Standards for accessory dwelling units (ADU).

33-25.02 *General regulations and restrictions.*

(a) No one shall establish or operate an ADU without a special exception that specifically identifies the ADU. Granting of a special exception for an ADU does not constitute the granting or creation of a zoning designation other than the existing underlying zoning.

(b) No ADU shall be permitted except where a principal single-family residential dwelling (hereafter principal unit) exists on the lot or will be constructed in conjunction with the ADU.

(c) The floor area for ADUs shall not exceed five hundred square feet for lots between 5,000 and 7,500 square feet. If a lot exceeds 7,500 square feet, an ADU may be up to 640 square feet and, for lots in excess of 10,000 square feet, an ADU may be up to 800 square feet. In no case may any combination of buildings occupy more than 35 percent of the required rear yard for the zoning district in which it is located.

(d) ADUs utilizing alternative green construction methods causing the exterior wall thickness to be greater than normal shall have the unit square footage size measured similar to the interior square footage of a traditional frame house.

(e) The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, stormwater and any other applicable codes.

(f) Certification by the City of DeLand Utilities Department, or the County of Volusia Health Department where city utilities are not available, confirming water supply and sewage disposal facilities are adequate for the projected number of overall residents must be provided at the time of application, and must be recertified annually for each year the unit is operational.

(g) The ADU shall incorporate water conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting shower heads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.

(h) Any additions to an existing building or separate construction or existing structure modification to create an ADU shall be conforming, and shall not exceed the lot impervious surface allocation or encroach into existing setbacks, buffers, tree preservation, conservation, stormwater management or other designated limited or restricted land use area.

(i) The ADU may be attached to, or detached from, the principal unit; however, the ADU must be allocated or constructed in a manner which maintains the single-family appearance and architectural style of the primary structure and lot.

(j) Only one ADU shall be allowed per each parcel and shall remain within the parcel (not subdivided).

(k) The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, and at no time receive rent for the owner-occupied unit.

(l) An ADU may be developed in either an existing or a new residence.

(m) The ADU shall not result in excessive noise, traffic or parking congestion.

(n) One parking space shall be provided on-site for each studio and one-bedroom ADU. Two parking spaces shall be provided on site for each two-bedroom ADU. Parking for the accessory unit must be adjacent to the ADU, on the side or behind the principal unit and be constructed in addition to the required parking for the principal unit.

33.25.03 *Design standards.*

(a) The exterior design of the ADU shall be compatible with the principal unit on the lot through architectural use of building forms, height, construction materials, similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch colors, landscaping, and other methods that conform to acceptable construction practices.

(b) The exterior design of the ADU shall be in harmony with, and maintains the scale of, the neighborhood.

(c) The site plan provides adequate open space and landscaping for both the ADU and the principal unit. Open space and landscaping provide for privacy and screening of adjacent properties.

(d) The location and design of the ADU shall maintain a compatible relationship with adjacent properties and shall not significantly impact the privacy, light, air, solar access or parking of adjacent properties.

(e) The orientation and location of buildings, structures, open spaces and other features of the site plan shall maintain natural resources including historic and specimen trees and shrubs to the extent feasible and minimize alteration of natural land forms. The ACU building profiles, location and orientation shall relate to natural land forms.

(f) One and one-half to two-story structures shall limit major access stairs, decks, entry doors, and major windows to the walls facing the principal unit, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard shall be minimized. The design of the accessory unit shall relate to the design of the principal unit and shall not visually dominate it or the surrounding properties.

(g) The site plan shall be consistent with physical development policies of the City of DeLand Design Standards, zoning district overlay standards or any area plan or specific plan or other city policy for physical development.

(h) The site plan shall be situated to protect views along scenic areas and, where feasible shall restore and enhance the visual quality of visually degraded areas.

(i) Single-story ADUs shall not exceed 12 feet in height. One and one-half to two-story ADUs shall comply with the height restrictions of the underlying zoning. An attached ADU may occupy a first or second story of the principal unit if it is designed as an integral part of the principal unit and it meets the setbacks

required for the principal unit. If the design of the principal unit has special roof features that should be matched on a detached ADU, the maximum building height of the ADU may be exceeded to include such similar special roof features subject to review and approval of the city.

(j) When an ADU is adjacent to an alley, every effort shall be made to orient the ADU toward the alley with the front access door and windows facing the alley. Parking provided off the alley shall maintain a 24-foot back out which includes the alley. Fences shall not exceed three feet, six inches along the alley; however, fencing up to six feet may be considered in unusual design circumstances, subject to review and approval of the city.

33.25.04 *Deed restrictions.* Before obtaining a building permit for an ADU, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

(a) The accessory unit shall not be sold separately.

(b) The unit is restricted to the approved size.

(c) The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.

(d) The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking the conditional use permit.

STAFF RECOMMENDATION:

The proposed site meets the criteria for approval of the Special Exception. An ADU at this site does not appear to be in conflict with the intent of the regulations for this use at this site.

Staff recommends approval of the Special Exception.

City of DeLand
PLANNING BOARD
SE22-024
MARCH 16, 2022
PENNSYLVANIA AV W
FLORENCE AV W
UNIVERSITY AV W
ORANGE AV N
ADELLE AV N
SUBJECT PROPERTY
R-1B
533
529
644
647
538
536
534
645
516
542
641
640
621
535
529
525
515
513
628
528
532
510
518
602
545
529
525
511
503
545
528
512
510
508
504
502
541
540
Legend:
City Zoning
County Zoning
N
Not to Scale

City of DeLand
PLANNING BOARD
SE22-024
MARCH 16, 2022
PENNSYLVANIA AV W
ADELLE AV N
ORANGE AV N
FLORENCE AV W
UNIVERSITY AV W
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