

MINUTES OF THE ORANGE CITY PLANNING COMMISSION MEETING, held on Wednesday, October 07, 2020, at 6:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City, Florida.

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Chair Laputka and roll call was taken.

ROLL CALL:

PRESENT: Chair: Tom Laputka; Commissioners: Wesley Kihlmire, Amy Campbell, Gaea Nunez, Sarah Mazzie, Ted Marsolek; Staff Members: Becky Mendez, Development Services Director, Kim Reading, Senior Planner, Melani Beringer, Interim City Clerk.

ABSENT: Commissioner Vernon Stafford

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

A. Minutes Dated September 02, 2020

Commissioner Nunez requested an amendment to the minutes regarding a voiced safety concern of the adjacent on-street parking on Massachusetts Avenue, and a hardship to the resident due to a significant financial burden.

Commissioner Campbell moved to approve the amended September 02, 2020 Planning Commission meeting minutes, seconded by Commissioner Mazzie. Commissioner Marsolek abstained from the vote as he was not present at the previous meeting. The motion passed by a 5/0 roll call vote of the Planning Commission.

4. PUBLIC HEARINGS

A. NEW BUSINESS

1. VARI-08-20-2185: an application for a variance to increase the maximum height for a fence in the front yard from four (4) feet to six (6) feet on the property located at 1060 Tappan Circle (Parcel Number 80001000310) in the Residential Low Density (R-1) zoning classification.

Kimberly Reading, Senior Planner, provided a PowerPoint presentation (a copy of which is attached and becomes a permanent part of these minutes) that described the proposed variance application. She reported that the applicant, Mr. Hewitt, purchased the property in 2020, and is looking to enclose the yard. The property is a corner lot, and has two front yards per the Land Development Code definition. Ms. Reading explained the conditions of the lot, including current 6-ft wide drainage easement along the northern property line and the drain field placed in the side front yard that affects Mr. Hewitt’s ability to place his 6-foot fence in accordance with current LDC setbacks. After consultation with the Health

1 Department and various fencing contractors, it was determined that fence posts cannot be installed safely
2 over the drain field without affecting it. Mr. Hewitt is currently unable to stay within the setbacks for a
3 6-foot fence without drastically reducing the area to be potentially enclosed due to the placement of the
4 drain field.

5
6 Ms. Reading stated that City staff is recommending that the Planning Commission approve the variance
7 request to increase the maximum fence height in a front yard from 4-feet to 6-feet with the following
8 three conditions:

- 9 1. That the variance be limited to what is shown on the attached site plan received August 1, 2020,
10 and that after this approval any new sections of fence that are proposed above the maximum 4-
11 foot height limit outside of the required 25-foot front yard setback be considered only through
12 subsequent variance applications.
- 13 2. The fence in the side yard abutting Carpenter Ave. shall be set back at least 6-feet from the west
14 property line to accommodate the drainage, and may not encroach upon that 6-foot drainage
15 easement.
- 16 3. The applicant shall maintain the understory trees adjacent to the 25-foot site visibility triangle,
17 removing the visual obstructions between 3 to 10-feet above the center line grade above the
18 intersection.

19
20 The applicant came forward to state that he has resided at the home since 2008, recently purchasing the
21 home from his mother in 2020. He stated that he has spent the last two years planning his ability to raise
22 his fence, even reading up on the municipal code to length. Mr. Hewitt stated that he wants to install the
23 6-foot fence to be able to enjoy the right to privacy of his personal property to the fullest extent that he
24 is allowed.

25
26 A discussion ensued between the Commission and the applicant about the intent of the variance, materials
27 and color of the fence, gratitude from the Commission for the applicant's due diligence in learning the
28 City Code for his case, and the overall enhancement of the neighborhood with this project.

29
30 Chair Laputka opened the public hearing, seeing none the Chair closed the public hearing.

31
32 **Commissioner Mazzie moved that based upon competent substantial evidence, as**
33 **presented, the Planning Commission approves VARI-08-20-2185, seconded by**
34 **Commissioner Kihlmire. The motion passed by a 6/0 roll call vote of the Planning**
35 **Commission.**

36 37 5. DISCUSSION ITEMS

38
39 Chair Laputka asked for an update regarding the property on the corner of Rhode Island and 17-92.
40 Ms. Mendez replied that the applicant has not yet submitted a demo permit, but anticipates that they will
41 submit a revised site plan within the next few days. TRC approved the site plan with conditions on
42 September 15th. The historic tree on the property is coming before City Council for review at the October
43 13th City Council Meeting. Ms. Mendez also stated that the lot is going to code enforcement for lot
44 maintenance.

45
46 Ms. Mendez reported that last fiscal year the City issued about one hundred new single family residential
47 dwelling units with a reported valuation of roughly thirty million dollars. This fiscal year the City has
48 issued about two hundred new single family residential dwelling units with a reported valuation of about

1 sixty million dollars. And almost 350 multi-family units.

2
3 **6. STAFF/COMMISSION COMMENTS**
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5 Commissioner Nunez stated that she feels the Planning Commission minutes should be included in the
6 packages given to City Council. Discussion ensued over the benefits and importance of providing those
7 to Council. Ms. Mendez stated that the minutes are usually not available for City Council to see by the
8 time the subject property goes up to City Council for review. Chair Laputka stated that an effort should
9 be made to supply the draft minutes to City Council. Ms. Mendez stated that they would need to
10 coordinate with the City Clerk’s office on the matter, as typically the completed draft minutes are not
11 available until the week prior to the next Planning Commission Meeting.
12

13 Commissioner Kihlmire stated that he believes the recommendation for the variance request was a good
14 solution to the problems faced by the applicant in order to fully enjoy the benefits of the property.
15

16 Commissioner Campbell asked Ms. Mendez what the cost would be to remove the historic tree at the 7-
17 Eleven site if City Council approved it. Ms. Mendez clarified that the applicant is required to either
18 provide replacement stock for the removed tree, or pay into the Tree fund if they intend not to replant.
19

20 Ms. Mendez stated that there is not a penalty fee associated with it because it is a request for removal,
21 not a penalty for prior removal. Commissioner Campbell asked if the City verifies the assessments. Ms.
22 Mendez stated that as the City does not have a licensed arborist on staff, the independent arborist report
23 is relied upon for an accurate assessment. A discussion ensued regarding the replacement requirement
24 and cost to the developer to replace trees removed.
25

26 Commissioner Mazzie stated a welcome to Commissioner Marsolek on joining the Commission after
27 moving from the Historic Preservation Board.
28

29 Commissioner Marsolek thanked Commission Mazzie for the welcome, and stated that he was happy to
30 be able to understand the staff report. He also sympathized with the variance request applicant due to a
31 personal experience
32

33 Chair Laputka stated a welcome to Commissioner Marsolek as well, and wished Commissioner Vernon
34 Stafford and Frances Schwartz, who were not in attendance, well. Chair Laputka also commended staff
35 for their work in preparing the staff reports in a manner that is clear for the Commission to follow and
36 understand.
37

38 **7. ADJOURNMENT**
39

40 There being no further business to discuss, Chair Laputka adjourned the meeting at 7:05 p.m.
41

42 **RESPECTFULLY SUBMITTED:**
43

44 _____
45 Elisa Millwater,
46 Executive Assistant, Development Services

APPROVED ON

02/03/2021
Date