

**CITY OF DELTONA, FLORIDA
SPECIAL PLANNING & ZONING BOARD MEETING
WEDNESDAY, SEPTEMBER 26, 2012**

A Special Meeting of the Deltona Planning and Zoning Board was held on Wednesday, September 26, 2012, in the 2nd Floor Conference Room, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

Since Chairman Burbank was absent, Vice-Chairman McKnight assumed the role of Chairman.

The meeting was called to order at 7:00 p.m. by Chairman McKnight.

2. ROLL CALL:

Chairman	Tom Burbank	Excused
Vice-Chairman	David McKnight	Present
Member-Secretary	Heather Mulder	Excused
Member	Adam Walosik	Present
Member	Noble Olasimbo	Present
Member	Victor Ramos	Present
Member	Michael Kiepert	Present

Also present: City Attorney Becky Vose; Planning & Development Services Director Chris Bowley; Planning & Development Services Assistant Director Ron Paradise; and Administrative Assistant II, Pauline Shattuck.

3. APPROVAL OF MINUTES:

A. Minutes:

1. Meeting – August 15, 2012.

Motion by Member Ramos, seconded by Member Kiepert, to adopt the minutes of the Planning & Zoning Board Meeting of August 15, 2012, as presented.

Motion carried with members voting as follows: Member Kiepert, for; Member Walosik, for; Member Olasimbo, for; Member Ramos, for; and Chairman McKnight.

4. PUBLIC COMMENTS: None

5. OLD BUSINESS: None

6. NEW BUSINESS:

A. Ordinance No. 23-2012, Nonconforming Structures.

An Ordinance of the City Of Deltona, Florida, amending Section 110-600, "Types Of Nonconformity," of Article VI, "Nonconformity," of Chapter 110, "Zoning" of the Code of Ordinances of the City of Deltona; providing that certain dimensional non-conformities can be continued after damage to a residence; providing for conflicts, codification, severability and for an effective date.

Mr. Bowley stated that after a Commission meeting staff was directed to consider reviewing Deltona's Zoning Ordinance concerning minimum floor areas. Many existing Deltona homes do not conform to the minimum floor area requirements of the R-1 zoning which is a 1,200 minimum sq. ft. living area requirement. This housing condition is not unusual in Deltona, as the City has numerous such structures throughout the community dating back to its early history. The 1,200 square foot minimum floor area requirement for dwelling units within the R-1 zoning was adopted by the City in 2003. The City's minimum floor area requirement is similar to standards within the Codes of Volusia County, Port Orange, DeLand, Ormond Beach, etc. These legally nonconforming structures have been grandfathered in. The proposed amendment would allow for the reconstruction of a single family dwelling unit that has been destroyed in excess of 75% of its replacement value, by no fault of the owner, to the original square foot area, but no less, even if the living area is less than what the requisite zoning requires.

Ms. Vose said the impetus was a concern if someone owns, for example, a 900 sq. ft. house that they would need to build to 1,200 sq. ft., but their insurance coverage would not pay for all of that. The homeowner would not be able to get insurance coverage for the cost of a 1,200 sq. ft. house if all they have is a 900 sq. ft. house. There was a request that the City would allow, as long as the destruction of the property is not the fault of the owner, the owner to rebuild a house, regardless of the percentage of destruction, to the same square footage that it had, or higher.

Member Walosik asked whether there was such a situation in the past where the house burned down and had to be rebuilt. Ms. Vose said the issue that came up was for a contract on a house that was below 1,200 sq. ft., and the potential buyer could not get a mortgage because it was nonconforming. Chairman McKnight asked if this is most likely happening because the mortgage companies are becoming stricter. Mr. Paradise said staff did not know. Ms. Vose said staff was told that someone was turned down for a mortgage because of the house being nonconforming.

Discussion ensued regarding nonconforming house provisions in other cities. Mr. Bowley and Ms. Vose said this ordinance would provide extra protection to people who own smaller homes.

Chairman McKnight opened the public hearing.

Jean Armstrong, 1801 Giles St., Deltona, FL, Century 21 Team Realty, supports the Ordinance because now there are issues with mortgages and nonconforming appraisals, because if the home burns down the insurance company will not pay for rebuilding it to 1,200 sq. ft. The problem is potential buyers cannot get a mortgage and insurance on these smaller homes.

Ronna Janssen, 1961 S. Woodland Blvd., DeLand, FL, Watson Realty Corp., supports the Ordinance because, by law, realtors are required to disclose the nonconforming status of the house. When banks don't want to lend, and people cannot buy, it hurts both the client and the realtor business.

Paul Hutton, 283 Pine Springs Dr., DeBary, FL, Watson Realty Corp., supports the Ordinance because his contracts are affected. No one was aware of this nonconforming issue until now. It affects a quarter of Deltona, it is serious, and needs a solution.

Chairman McKnight closed the public hearing.

Motion by Member Kiepert, seconded by Member Olasimbo, to recommend that the City Commission approve Ordinance No. 23-2012, Nonconforming Structures.

Motion carried with members voting as follows: Member Kiepert, for; Member Walosik, for; Member Olasimbo, for; Member Ramos, for; and Chairman McKnight, for.

B. Ordinance No. 24-2012, Accessory Uses and Structures.

An Ordinance of the City Of Deltona, Florida, amending Section 110-827, "Accessory Uses and Structures," of Article VIII, "Supplementary Regulations," of Chapter 110, "Zoning" of the Code of Ordinances of the City of Deltona; amending regulations regarding accessory buildings and structures; providing for conflicts, codification, severability and for an effective date.

Mr. Bowley said the City currently has a provision that allows two accessory structures of 120 square feet or less to be built on one lot totaling 240 sq. ft. Ordinance No. 24-2012 is to allow for only one shed of no more than 200 sq. ft. on residential lots of 20,000 SF or less. In talking with the Building Inspector it was suggested that the shed square footage be brought up to 240 sq. ft.

Ms. Vose said it was her understanding that the reason for this Ordinance is that people can have two sheds right now. Most residents buy one shed and later buy another that does not match, and it can be unsightly. This takes care of that issue. This Ordinance is for 200 sq. ft., but she recommends this Ordinance should go to the Commission with a recommendation of 240 sq. ft. It is more of an aesthetic issue.

Chairman McKnight asked about other cities. Ms. Vose said it depends on what city. She has been the city attorney for eight cities and it's all over the board. Discussion ensued regarding other accessory structures, design, and restrictions.

Chairman McKnight opened and closed the public hearing.

Motion by Member Kiepert, seconded by Member Olasimbo, to recommend that the City Commission approve Ordinance No. 24-2012, Accessory Uses and Structures with the condition that the shed square footage be changed from 200 sq. ft. to 240 sq. ft.

Motion carried with members voting as follows:

Member Kiepert	For
Member Walosik	Against
Member Olasimbo	For
Member Ramos	For
Chairman McKnight	For

7. MEMBER COMMENTS:

- A. **By the Board:** None
- B. **By the City Attorney:** None
- C. **By Planning & Development Staff:** None

8. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:35 p.m.

ATTEST:

Tom Burbank, CHAIRMAN

Pauline Shattuck, RECORDING SECRETARY