



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, October 23, 2025

Time: 5:30 PM

Location: Council Chambers, City Hall
1000 City Center Circle
Port Orange

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

B. DISCUSSION/ACTION

3. Consideration of Minutes
4. APPLICATION: Variance/801 Phaasant Run Court
CASE NO.: VARC-25-0004
APPLICANT: Peter and Leticia Ferreira
STAFF CONTACT: Suzette Cameron, Senior Planner, (386) 506-5676/scameron@port-orange.org

A request for a variance from the Land Development Code to reduce the minimum secondary front yard setback along Hensel Road from 40 feet to 32.49 feet to allow for the construction of an addition to an existing single-family home.

C. OTHER BUSINESS

5. Commissioner Comments
6. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

NOTICES – PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



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FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 25, 2025

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chair Thomas Jordan at 5:30 p.m.

CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

DISCUSSION/ACTION

3. Consideration of Minutes

Motion to approve the August 28, 2025, meeting minutes was made by Commissioner Maria Mills-Benat and Seconded by Commissioner Stan Schmidt. Motion carried unanimously by voice vote.

4. APPLICATION: Large-Scale Comprehensive Plan Amendment/Vintage Acres
CASE NO.: CPAM-25-0001
APPLICANT: Storch Law Firm
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request to amend the Comprehensive Plan Future Land Use (FLU) Map for a total of ±56.53 acres, located on the west side of Airport Road, north of Charles Street, to change the FLU designation of ±52.96 acres of Volusia County *Agriculture Resource* (1 dwelling unit per 10 acres) and ±3.57 acres of Volusia County *Urban Low Intensity* (0-4 dwelling units per acre) to City of Port Orange *Rural Transition* (0-2 dwelling units per acre).

5. APPLICATION: PUD Rezoning/Vintage Acres
CASE NO.: PRZA-25-0003
APPLICANT: Storch Law Firm
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

A request to rezone ±56.53 acres, located on the west side of Airport Road, north of Charles Street, from ±52.96 acres of Volusia County A-1 (Prime Agriculture) and ±3.57 acres of Volusia County A-2 (Rural Agriculture) to

City of Port Orange Planned Unit Development (PUD) and to establish the Vintage Acres Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to allow the development of 113 single-family residential lot subdivision.

Items 4 and 5 were opened together.

Motion to approve Large-Scale
Comprehensive Plan
Amendment/Vintage Acres CASE NO.:
CPAM-25-0001 was made by
Commissioner Maria Mills-Benat and
Seconded by Vice Chair Bo Bofamy.

Motion to approve the PUD
Rezoning/Vintage Acres CASE NO.:
PRZA-25-0003 was made by
Commissioner Maria Mills-Benat and
Seconded by Commissioner Scott
Steger.

Commissioner Stan Schmidt read into the record Form 8B, a Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers, into the record, stating he will be abstaining from voting on these items due to a conflict that is financial in nature.

Penelope Cruz, Planning Manager, introduced the item, providing details on the request and answered the Commissioner's questions.

Commissioners expressed their concerns and asked for clarification on the impervious area requirements and traffic analysis, and commented on stormwater.

Joseph Posey, attorney for the applicant, provided a presentation, and answered the Commissioners' questions.

Jim Paytas, Developer and owner of Paytas Homes, touched on some of the details on the site.

Commissioner Mills-Benat asked Mr. Posey to clarify the elevations of the property, which he did.

Commissioner Bofamy asked about the volume of water that could potentially affect the area. Mr. Posey clarified.

Harry Newkirk with Newkirk Engineering, clarified stormwater standards and increased standards to move forward in conjunction with the new ways coming. He also clarified the grade elevation and the stormwater system design, which will include dry retention

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and wet detention areas to help minimize the amount of water that will run off the property. He also touched on the removal of phosphorus and nutrients that could be harmful to the creek and answered commissioners' questions.

Several surrounding residents expressed their concerns on the development in the area; flooding, stormwater, rainfall, water pollution, drainage and procedures in place in case historical artifacts are found.

Commissioner Schmidt asked Ms. Cruz to clarify what we are here to vote on for the understanding of all and asked if Port Orange's zoning is similar to the County's.

Ms. Cruz answered the question and that the Planning Commission members are here to vote on the Future Land Use and Zoning of this property.

Mr. Posey clarified some of the details brought up during public comment.

Commissioner Steger thanked everyone for attending and sharing their concerns. He expressed his appreciation for the input and reassured the public that their voices are being heard, acknowledging that this is a complex and challenging issue for everyone involved.

Commissioner Bofamy echoed Mr. Steger's remarks and asked Mr. Posey to provide clarification regarding how the bond would function, as well as details about the proposed 25% water reduction and its potential impact on surrounding areas.

Commissioner Mills-Benat addressed the evolving requirements related to stormwater management and engineering standards over the years and took a moment to clarify the Board's role, to evaluate all aspects and determine the most responsible path forward.

Chair Jordan echoed Commissioner Mills-Benat's comments about the Board's responsibilities. He further stated the board reviewed traffic and engineering reports, particularly as they relate to the water analysis concerns raised by the public. Lastly, he noted that the board reviews the facts provided from the experts, but they also take the residents' concerns seriously and factors them into their decisions.

Motion to approve Large-Scale
Comprehensive Plan
Amendment/Vintage Acres CASE NO.:
CPAM-25-0001 carried 4-1 with
Commissioner Stan Schmidt abstaining.

Motion to amend the original motion for
PRZA-25-003 was made by
Commissioner Maria Mills-Benat and
Seconded by Commissioner Stan
Schmidt. Motion carried unanimously

roll call vote.

Motion to approve the PUD Rezoning/Vintage Acres CASE NO.: PRZA-25-0003 to add the language regarding the covenant text acknowledging the existing airport and flight path for Spruce Creek Fly-In and bond for the development's stormwater maintenance in the MDA, to be reviewed by staff before scheduling for City Council review, was made by Commissioner Maria Mills-Benat and Seconded by Commissioner Scott Steger. Motion carried 4-1 with Commissioner Stan Schmidt abstaining.

6. APPLICATION: LDC TEXT AMENDMENT / CHAPTER 9
CASE NO.: DCAM-25-0004
APPLICANT: City of Port Orange
STAFF CONTACT: Penelope Cruz, Planning Manager (386) 506-5671/pcruz@port-orange.org

An administrative amendment to Chapter 9 of the Land Development Code (LDC) related to water-dependent use, such as a finger pier width for a non-residential marina, and updates to the residential dock standards for setbacks, platform area, and boathouse height, as part of the City's ongoing effort to modernize the LDC.

Motion to approve the LDC TEXT AMENDMENT / CHAPTER 9 CASE NO.: DCAM-25-0004 was made by Commissioner Maria Mills-Benat and Seconded by Commissioner Stan Schmidt.

Ms. Cruz advised this is a clean-up item, provided details, and answered Commissioners' questions.

Robert Reinhausen, resident, asked for clarification on residential finger piers.

Ms. Cruz answered the question.

Motion carried unanimously by roll call vote.

OTHER BUSINESS

7. Commissioner Comments

Commissioner Maria Mills-Benat thanked staff for their due diligence and expressed empathy for the residents.

Commissioner Bo Bofamy commended staff for a job well done.

Commissioner Scott Steger echoed the previous comments, stating it's important to hear the residents and take their concerns into consideration. He also mentioned he is proud to have the opportunity to serve and has a high level of trust in the staff.

8. Staff Comments

There were none.

PUBLIC COMMENTS

Russell Ramsey, resident, advised he chose to live in Port Orange and has been attending the Special Magistrate Hearings, City Council Meetings, and now the Planning Commission Meetings. He is thrilled with the quality of staff and knowledge they have. Mr. Ramsey further thanked the board members and recognized their tough decisions.

ADJOURNMENT - 7:53 p.m.

Chair Thomas Jordan



STAFF REPORT

CASE NO. VARC-25-0004

Variance from LDC, Chapter 17, Section 27

REQUEST: Variance from the Land Development Code (LDC) to reduce the minimum front yard setback from 40 feet to 32.49 feet to allow for the construction of an addition to an existing single-family home.

LOCATION: 801 Pheasant Run Court

OWNERS/APPLICANTS: Peter and Leticia Ferreira

STAFF RECOMMENDATION: Approval

STAFF CONTACT: Suzette Cameron, Senior Planner, (386) 506-5676

PLANNING COMMISSION: October 23, 2025

INTRODUCTION

The subject property is a 1-acre lot located at 801 Pheasant Run Court, on the north side of Pheasant Run Court, east of Hensel Road. The property owners are requesting the variance to reduce the secondary front yard setback along Hensel Road, from 40 feet to 32.49 feet to allow the construction of a 20-foot x 53-foot, two-story addition to their existing single-family home. The subject property is a corner lot and according to the Land Development Code (LDC), a corner lot has two front yards, with Pheasant Run Court being the primary front yard and Hensel Road the secondary front yard. If approved, the variance would allow the addition to encroach 7.51 feet into the 40-foot secondary front yard building setback.

Figure 1. Location Map



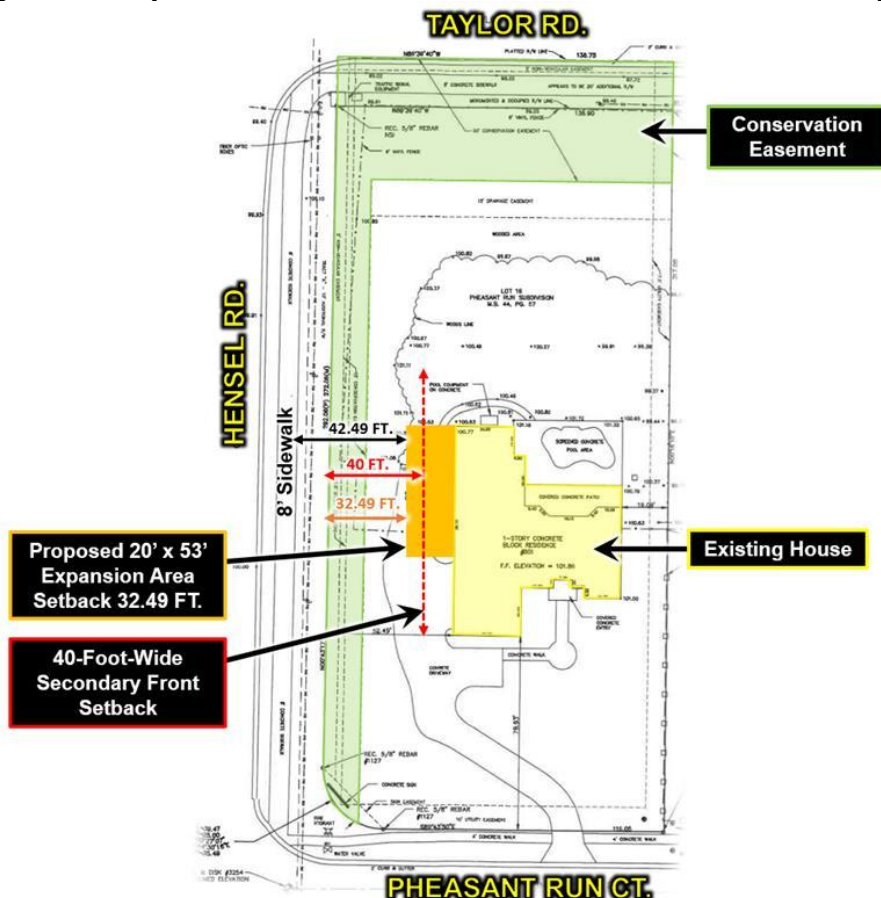
DISCUSSION

According to the property owners, the requested variance is to allow a 20-foot x 53-foot addition to be built on the west side of their home, at a distance of 32.49 feet from the west (Hensel Road) property line. According to the LDC, a 40-foot setback is required along the west property line adjacent to Hensel Road (See Figure 2). The property owners state that the proposed addition to their home is to accommodate the long-term needs of their family, including the potential need to care for their elderly parents within the home.

The subject property is zoned Rural Residential (RR), a Single-Family Residential Zoning District and is Lot 16 of the Pheasant Run Subdivision; a residential subdivision platted in 1992. The subject property is a corner lot and abuts the Pheasant Run Court and Hensel Road right-of-way and according to the LDC, this lot has two front yards. The home on the subject property is oriented on the lot with the front of the home facing Pheasant Run Court and is considered the primary front yard, and Hensel Road is the secondary front yard.

According to the LDC, the minimum building setbacks for a corner lot zoned RR are: a front yard setback (Pheasant Run Court) of 40 feet, a secondary front yard setback (Hensel Road) of 40 feet, a side yard setback (east side of lot) of 15 feet, and a rear yard setback of 30 feet.

Figure 2. Proposed Home Addition Location & Current and Proposed Side Setback

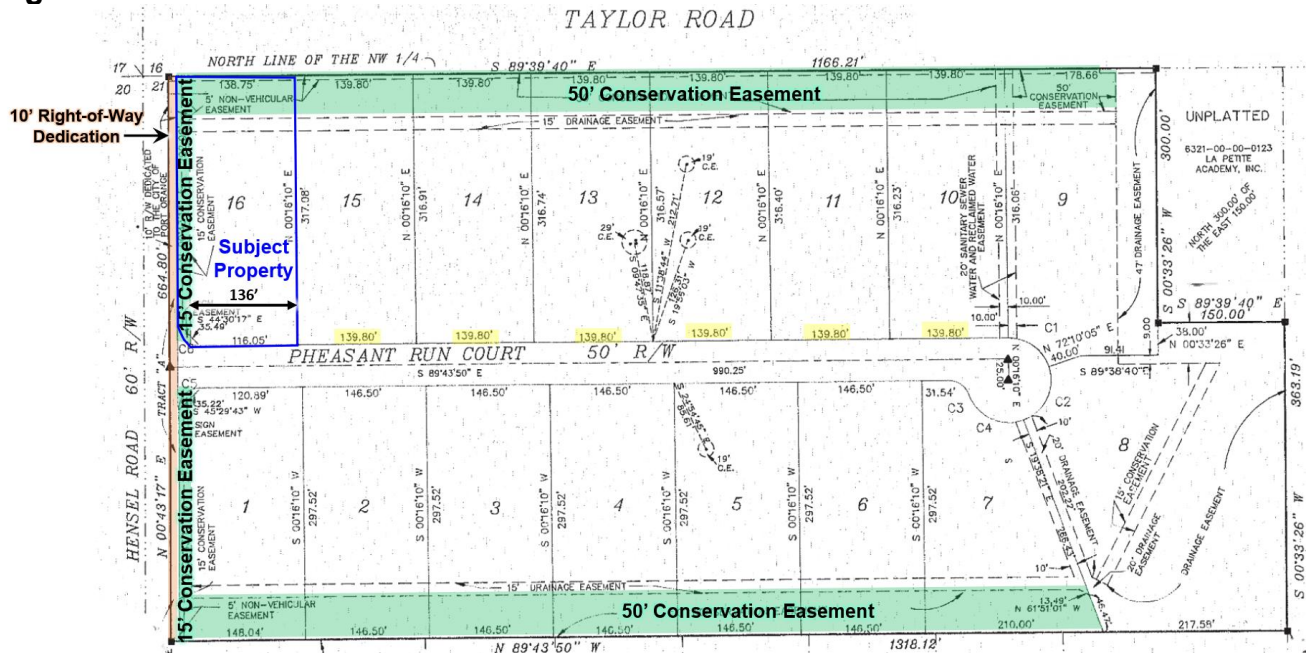


The Pheasant Run Subdivision was platted in 1992 with 16 lots (see Figure 3). The +1-acre interior lots on the north side of Pheasant Run Court were platted at a width of ± 139 feet and a length between approximately ± 316 feet, and the +1-acre interior lots on the south side of Pheasant Run Court were platted at a width of ± 146 feet and a length of ± 297 feet.

The LDC requires corner lots to be fifteen percent (15%) wider than standard lots to accommodate the larger secondary front yard setback. The RR zoning district minimum lot width requirement is 100-feet-wide and a minimum of 115-feet-wide for corner lot. While the lot width for the two corner lots in this subdivision are greater than the required 115 feet width, they were platted at the same width of the interior lots.

The Pheasant Run Subdivision was platted with a 50-foot-wide conservation easement along the rear property lines of the lots on the north side of Pheasant Run Court, including the subject property. In addition to this rear conservation easement, the subject property also includes a 15-foot-wide conservation easement along the secondary front yard (west property line) adjacent to the Hensel Road right-of-way (see Figure 3). These conservation easements were established to meet the City's 15% tree preservation requirement at the time the subdivision was platted.

Figure 3. Pheasant Run Subdivision Platted Lots



The majority of homes built in this subdivision were laid out to maximize the width of the lot, including the home on the subject property, and the interior layout of the homes were built in a way that any addition to the home would most likely require to be built toward the side compared to the front or rear. The combination of lot width, home layout, and side setback requirements often allows for additions or detached garages on interior lots, which are only subject to a 15-foot side setback. However, corner lots in this subdivision are required to meet the 40-foot secondary front setback, which limits expansion opportunities. As a result, a corner lot with the same width as an interior lot faces greater

restrictions, making similar additions difficult. If the home on the subject property were located on an interior lot, the proposed addition would not require a variance.

According to the property owners, the addition was designed to avoid encroachment into the 15-foot-wide conservation easement adjacent to Hensel Road, while keeping the appearance of the home compatible with the other homes in the neighborhood. The conservation easement areas on the subject property contain a substantial number of trees, providing a dense buffer that effectively screens the existing home and proposed addition from the Hensel Road and Taylor Road rights-of-way.

REVIEW OF VARIANCE CRITERIA

Chapter 19, Section 1, of the LDC, lists the review criteria that shall be used to determine whether the variance requested should be granted. These criteria, accompanied by staff analysis, are as follows:

- a) *Special conditions and circumstances are peculiar to the land, structure, or building involved and not applicable to other lands, structures, or buildings in the same zoning district.*

According to the property owners, a special condition exists due to the way the lots on the north side of Pheasant Run Court were platted. Although these lots share similar widths, only their lot is subject to a 15-foot east side yard setback and a 40-foot west secondary front yard setback. In contrast, the other lots on the north side of Pheasant Run Court, which are the same width as their lot, are only required to meet a 15-foot side yard setback on both sides.

The property owners acknowledge that their lot exceeds the minimum required width for a corner lot in the Rural Residential (RR) zoning district. However, because the existing home was constructed with a horizontal orientation across the lot, the west side of the home is the only location for the proposed addition due to available space and based on the interior layout of their home. According to the property owners, efforts were made to design the addition within the required 40-foot setback, but in order to meet their family's current and future needs, the proposed addition reflects the minimum size necessary, which requires the requested variance.

According to the property owners, the home was built in 1995 and is setback approximately 19 feet from the east property line. If the home had been placed at the minimum required setback of 15 feet on the east side, more space would have been available on the west side of the lot for a future addition or detached structures, given the limited area for expansion due to the secondary front setback. The property owners acknowledge that even if the home had been shifted 4 feet toward the east lot line when it was built in 1995, the proposed addition would still require a setback variance, instead of 7.5 feet, it would have been reduced to 3.5 feet.

As part of the subdivision approval in 1992, the dedication of 10 feet of right-of-way was required along Hensel Road. While this area is technically right-of-way, it is not currently utilized, as the necessary intersection improvements at Taylor Road and Hensel Road have already been completed. These improvements

support existing and future development south of Taylor Road and include the construction of left- and right-turn lanes onto Taylor Road as well as an 8-foot sidewalk along the west side of Hensel Road. Based on current traffic counts and projected traffic counts for the area south of Taylor Road, no additional improvements at the Taylor Road and Hensel Road intersection are anticipated that would require use of the 10-foot right-of-way. As a result, the 10-foot right-of-way dedicated through the Pheasant Run Subdivision plat, provides additional space between the home and the sidewalk/road, which is typically not available for other corner lots in the city (see Figure 3 – Page 3).

- b) *The special conditions and circumstances are not the result of the applicants' actions.*

The special conditions are not the result of the current property owners. The lot was created in 1992, and the existing house was constructed in the current location in 1995. The current property owners purchased the home in 2016.

- c) *Literal interpretation and enforcement of the development code regulations would deprive the applicants of rights commonly enjoyed by other properties in the same zoning district under the terms of the development code and would work unnecessary and undue hardship on the applicants.*

A literal interpretation of the LDC would not deprive property owners of rights commonly enjoyed by other properties within the same zoning district. As part of the development approval process, all new structures or addition to an existing structure are required to comply with the current development requirements of the LDC or obtain a variance from the requirements of the LDC.

Although not the property owners' preference, there is space in the rear yard of the subject property for an addition that meets the building setback requirements for the subject property. However, according to the property owners, the proposed house addition is to expand the rooms located on the west side of the house, so expanding the house towards the rear would not accomplish the intent of the expansion and would require significant interior alterations to reconfigure the home to address their family's current and future needs.

According to the property owners, the requested variance is necessary based on the constraints of the corner lot along with interior layout of the home. The property owners state that expanding the existing house in the proposed location, set back 32.49 feet from the west property line in lieu of the 40 feet, will not impact adjacent homeowners as the west side of the subject property borders the Hensel Road right-of-way and their lot is screened from the Hensel Road right-of-way by the dense 15-foot-wide conservation easement along the west side of the subject property.

- d) *The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.*

The proposed location for the addition is approximately 7.51 feet into the 40-foot-wide secondary front yard setback along the west property line, providing a 32.49-foot setback from the Hensel Road right-of-way. The proposed expansion avoids encroaching into the 15-foot-wide conservation easement along Hensel Road and there would be over \pm 40 feet of separation between the addition and the Hensel Road travel lanes & sidewalk.

- e) *Granting of the variance request will not confer on the applicants any special privilege that is denied by the development code to other lands, buildings, or structures in the same zoning district.*

All properties developed or structures on property redeveloped or expanded that are zoned RR within the city are required to meet the building setback requirements of the LDC or a secure variance. According to the property owners, if the proposed addition is approved, the impact to the surrounding areas will be minimal because of the 15-foot-wide conservation easement along the west side of the subject property along with the additional right-of-way that was dedicated to the City in 1992 that abuts the subject property.



At Pheasant Run Court and Hensel Road Facing North



On Hensel Road Facing South

- f) *The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.*

The intent of the building setback requirements in the LDC is to provide adequate separation between buildings to minimize the visual appearance of the structures from adjacent properties, ensure adequate separation between structures for air movement, and provide room on the subject property for maintenance and necessary repairs.

According to the property owners, proposed location of the house addition will be in harmony with the current residential structures in the area and will not be

injurious to the surrounding properties. The proposed addition will be setback 32.49 feet from the Hensel Road right-of-way line and \pm 56 feet from Hensel Road travel lanes and buffered by a dense 15-foot-wide conservation easement along the west side of the subject property adjacent to Hensel Road. Therefore, the intent of the building setback requirements in the LDC will still be met if the variance is approved as the requested setback will still provide adequate separation between buildings, minimize the visual appearance of the structure from adjacent properties, ensure adequate separation between structures for air movement, and provide room on the subject property for maintenance and necessary repairs.

- g) *The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has unreasonably burdened the applicants' property, based upon the recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act.*

The variance requested is not based upon a claim brought under the Bert J. Harris Private Property Rights Protection Act.

PUBLIC NOTICE

Public Notices regarding the variance were posted in the *News-Journal* and mailed to adjacent property owners and the property was posted with a public notice sign, as required by the LDC. As of October 17, 2025, staff has not received any phone calls regarding the proposed variances.

RECOMMENDATION

Based on the findings of this report, staff recommends approval of the variance from Chapter 17, Section 27 of the LDC, to allow a 32.49-foot secondary front yard setback (Hensel Road) for a home addition.

ATTACHMENT

Exhibit 1 – Applicant's Request Letter

Exhibit 1 Applicant's Request Letter

Peter and Leticia Ferreira
801 Pheasant Run Court
Port Orange, FL 32127

9/26/2025

Subject: Request for Variance – Home Addition at: *801 Pheasant Run Court*

Dear Members of the Planning Commission,

We are writing to respectfully request a variance of 7.51 feet into the front setback (Hensel Rd. side) to allow for the construction of an addition to my residence located at 801 Pheasant Run Court in Port Orange. The proposed addition will measure 20' x 53' and is designed to remain fully outside of the existing conservation easement on the property.

The purpose of this addition is twofold:

1. To accommodate the long-term needs of our family, including the potential for our parents to move in with us in the future so that they can receive proper support and care.
2. To allow us to remain in the City of Port Orange, where we have established strong community ties and wish to continue living.

We understand the importance of balancing community development with conservation and neighborhood character. The proposed addition has been carefully planned to avoid encroaching upon the conservation easement and to remain consistent with the surrounding residential area.

We respectfully request the Board's consideration and approval of this variance so that we may move forward with these plans. Please let us know if additional documentation, site plans, or other supporting materials are needed to complete your review.

Thank you for your time and attention to this matter. We appreciate your consideration and look forward to working with the City to ensure this project aligns with both community standards and family needs.

Sincerely,

Peter and Leticia Ferreira
801 Pheasant Run Court
Port Orange, FL 32127
386-290-9030