

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
APRIL 23, 2026

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

CALL TO ORDER

1. Pledge of Allegiance

2. Roll Call

Present: Chair Scott Steger
Vice Chair Stan Schmidt
Commissioner Thomas Jordan
Commissioner Daniel Mallegol
Commissioner Angela LeDuc

Absent: Commissioner Bo Bofamy (excused)
Commissioner Maria Mills-Benat (excused)

Also Present: Shannon Balmer, City Attorney
Tim Burman, Community Development Director
Amanda Bonin, Deputy City Clerk

DISCUSSION/ACTION

3. Consideration of Minutes

Motion to approve the March 26, 2026 meeting minutes was made by Commissioner Thomas Jordan and Seconded by Vice Chair Stan Schmidt. Motion carried unanimously by roll call vote.

4. APPLICATION: VARIANCE/5968 Shady Creek Lane
CASE NO.: VARC-26-0002
APPLICANT: Peter Francis
STAFF CONTACT: Tim Burman, Community Development Director, (386) 5056-5675/tburman@port-orange.org

A request by the applicant for a variance from Chapter 16, Section 3(b)(2)(f) and Section 3(b)(3)(a) of the Land Development Code, to allow a 6-foot-tall fence to be located less than 5 feet from a right-of-way in lieu of being placed in line with the front plane of the house.

Motion to approve Variance/5968 Shady
Creek Lane CASE NO.:VARC-26-0002
was made by Commissioner Thomas
Jordan and Seconded by Vice Chair
Stan Schmidt.

Jared Trent, Assistant City Attorney, read the guidelines when reviewing a variance.

Tim Burman, Community Development Director, introduced the item, provided details, and answered Commissioners' questions.

Peter Francis, representative of the applicant/property owner, provided further details on the variance request, and answered Commissioners' questions.

Al Rivera, HOA President, stated he does not believe there was HOA approval for the fence in question, and expressed his opposition regarding the variance.

Mike Anders, resident, expressed his concerns and opposition regarding the variance and commented on the installation of the rear fence on the property as well.

Tim, resident, commented on the rear fence of the property, noting there is litigation in process regarding this section of fencing, and expressed his concerns and opposition regarding the variance.

James Turnt, Vice President of the HOA, expressed his concerns and opposition regarding the variance.

Mr. Francis stated the fence was approved by the HOA and that there have been no complaints in the last ten years. He requested approval of the fence, noting the need for the safety of a family member.

Chair Scott Steger asked the applicant if there was evidence showing the HOA provided approval.

Mr. Francis said there is but he didn't have it with him.

Commissioner Stan Schmidt clarified what the variance request is asking for and asked Assistant City Attorney Trent if the HOA can override City code.

Assistant City Attorney Trent stated the City's code overrides the HOA's code. It was further clarified that the back fence is a separate issue and should not be in consideration of the vote.

Mr. Burman clarified that the Planning Commission members either need to approve or deny the variance request and further stated this item will not go to Council unless the vote is appealed.

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Commissioner Thomas Jordan asked if a 6-foot fence would be allowed in line with the setback of the home, to which Mr. Burman advised it would.

Commissioner Angela DeLuc stated she drove through the neighborhood yesterday and noted there is established landscaping. She further advised the area seemed safe as it does not impede any visibility.

Motion failed 1-4 by roll call vote with
Commissioner Thomas Jordan,
Commissioner Daniel Mallegol, Vice
Chair Stan Schmidt, and Chair Scott
Steger voting no.

OTHER BUSINESS

5. Commissioner Comments

The Commissioner's expressed their appreciation to staff for their hard work.

6. Staff Comments

There were none.

PUBLIC COMMENTS

Mr. Anders expressed his appreciation to the Commissioners for their vote and to Tim Burman for all of his hard work on this item.

ADJOURNMENT - 6:08 p.m.


Chair Scott Steger