

BOARD OF ADJUSTMENT  
MINUTES OF  
REGULAR MEETING  
July 18, 2019

A regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, July 18, 2019 at 1:00 p.m. in the City Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, Florida.

Board members present were as follows:

Mr. Trey Harshaw, Chair  
Ms. Sharlene Barhoo  
Ms. Maja Sander Bowler  
Mr. Eddie Gentle  
Mr. Thomas Leek  
Mr. Larry Riley

Board members absent:

Mr. Roger Stine, Vice Chair  
Mr. Gary Libby

Staff members present were as follows:

Ms. Lauren Taylor, Planner  
Mr. Ben Gross, Deputy City Attorney  
Ms. Becky Groom, Board Secretary

**1. Call to Order**

Mr. Harshaw called the July 18, 2019 Board of Adjustment Meeting to order at 1:00 p.m.

**2. Roll Call**

Ms. Groom called the roll and noted members present as indicated above.

**3. Introduction of City Staff**

Mr. Harshaw introduced staff members in attendance, as listed above.

**4. Approval of Minutes**

**Board Action:**

A motion was made by Mr. Riley, seconded by Ms. Barhoo, to approve the minutes of the regular meeting of the Board of Adjustment of March 21, 2019, as presented. The motion carried (6-0).

**New Cases:**

**5. Case A – BOA2019-004 – Variances from Article 4, Section 4.2.B.3**

A request by Colleen Miles, Land Development Resource Group LLC, on behalf of Keith Hodge (property owner), for variances from Article 4 (Zoning Districts), Section 4.2.B.3 of the Land Development Code (LDC) to reduce the minimum required interior side yard setback for an accessory structure from 7.5' to 5', reduce the minimum required rear yard setback for an accessory structure over 200 sq.ft. from 25' to 5', and increase the maximum percentage of principal building floor area that may be occupied by an accessory structure from 50% to 50.95% to allow for the development of a 960 sq.ft. detached garage. The property is located at 422 Seaview Avenue. The zoning on the property is Single-Family Residential-5 (SFR-5), and the Future Land Use (FLU) on the property is Level 1 Residential.

**Applicant Presentation:**

Colleen Miles, Land Development Resource Group, 140 S. Beach Street, Suite 400, Daytona Beach, Florida spoke representing the applicant. Ms. Miles stated there is currently not a garage on the property. Ms. Miles stated the proposed garage will be in keeping with the historical residential structure. Ms. Miles provided letters from adjacent property owners who have stated they have no objections to the proposed garage construction.

**Board Comments:**

Mr. Harshaw stated the proposed structure is very large and asked for the planned use of the building.

Ms. Miles stated a portion of the garage will be used by the owner for a woodworking shop. Ms. Miles stated there are no plans to use the unit as a residence or woodworking business.

**Public Comments:**

John Druzbeck, 445 Seaview Avenue, Daytona Beach, Florida stated he lives across the street from the applicant. Mr. Druzbeck provided a photograph to the Board of his property and stated in 2015, he went through the same process for his property for a garage. Mr. Druzbeck stated by allowing the garage construction, the property is more usable; and since that time, many homes in the area have been improved. Mr. Druzbeck stated the applicant is only trying to improve his property and hopes the Board will allow the applicant to make the improvement.

Ms. Bowler asked if the existing sheds will be removed.

Ms. Miles stated yes.

**Board Action:**

A motion was made by Mr. Leek, seconded by Ms. Bowler, to approve BOA2019-004 – Variances from Article 4, Section 4.2.B.3, in accordance with the staff report as presented. The motion carried (6-0).

6. **Case B – BOA2019-007 Variance from Article 6, Table b.2.E.1**

A request by Richard Albert, R&B Construction, on behalf of Christopher Ginakes (property owner), for a variance from Article 6 (Development Standards), Table 6.2.E.1 of the Land Development Code (LDC) to reduce the depth of the required stacking space for a gated driveway from 20' to 0'. The property is located at 2056 S. Halifax Drive. The zoning on the property is Single-Family Residential- 5 (SFR-5), and the Future Land Use (FLU) on the property is Level 1 Residential.

**Applicant Presentation:**

Richard Albert, 1096 N. U.S. 1, Ormond Beach, Florida spoke representing the applicant. Mr. Albert stated he is the builder for the house. Mr. Albert stated previously, there was a requirement that prohibited construction that would infringe on an adjoining property owner's site line; however, that requirement was removed in December, 2018. Mr. Albert stated if the plans had been drawn after that time, the house could have been placed closer to the river. Mr. Albert stated the house is located on a dead end and there is no through traffic. Mr. Albert stated there is a stacking rule for traffic; however, there is no traffic passing this site. Mr. Albert stated the gate will be opened electronically for the resident to enter the property but there will be no traffic impacted. Mr. Albert stated the gate will be installed on the fence line which is 10 feet from the road.

**Board Comments:**

Mr. Leek asked about the staff report which states the property can be accessed without the need for a gate.

Ms. Taylor stated a gate is not necessary or required for the property.

Mr. Riley asked if the gate will swing in.

Mr. Albert stated the gate will be a sliding gate parallel with the fence.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Ms. Bowler, seconded by Mr. Leek, to approve BOA2019-007 Variance from Article 6, Table b.2.E.1, in accordance with the staff report as presented. The motion carried (6-0).

7. **Review of Cases**

Case A – BOA2019-004 Variances from Article 4, Section 4.2.B.3 – approved 6-0

Case B- BOA2019-007 Variance from Article 6, Table 6.2.E.1 – approved 6-0

8. **New Business**

Mr. Harshaw asked when the requirement was changed regarding the site line that was discussed in Case B.

Ms. Taylor stated the Waterfront Overlay District was removed in 2018. Ms. Taylor stated she would provide a copy of the staff report from when the item was reviewed and approved.

Mr. Leek stated he has submitted his resignation from the Board of Adjustment. The Board members thanked Mr. Leek for his service.

Mr. Gross introduced himself to the Board and stated he has been designated to serve as the Board of Adjustment attorney.

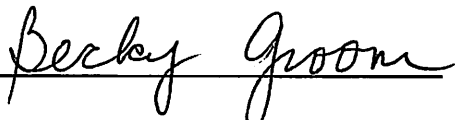
9. **Adjournment**

There being no further business, the meeting was adjourned.



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Trey Harshaw, Chair



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Becky Groom, Board Secretary