

BOARD OF ADJUSTMENT
MINUTES OF
REGULAR MEETING
August 16, 2018

A regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, August 16, 2018 at 1:00 p.m. in the City Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, Florida.

Board members present were as follows:

Mr. Roger Stine, Chair
Mr. Trey Harshaw, Vice Chair
Ms. Sharlene Barhoo
Ms. Maja Sander Bowler
Mr. Eddie Gentle
Mr. Thomas Leek
Mr. Gary Libby
Mr. Larry Riley

Staff members present were as follows:

Ms. Hannah Ward, Planner
Ms. Carly Meek, Assistant City Attorney
Ms. Becky Groom, Board Secretary

1. Call to Order

Mr. Stine called the August 16, 2018 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. Stine introduced staff members in attendance, as listed above.

4. Approval of Minutes

A motion was made by Mr. Harshaw, seconded by Ms. Barhoo, to approve the minutes of the May 24, 2018 meeting as presented. The motion carried unanimously.

New Cases:

5. Case A – BOA2018-005 Variances from Article 4, Section 4.2.B.3

A request by Colleen Miles, Land Development Resource Group LLC, on behalf of Jasmin Johnson (property owner), for variances from Article 4 (Development Standards), Section 4.2.B.3 of the Land Development Code (LDC) to increase the maximum number of detached accessory structures allowed for single-family dwellings, increase the maximum percentage of principal building floor area that may be occupied by accessory structures, and reduce the required rear yard setback for an accessory structure greater than 200 square feet. The property is located at 4 Widmer Circle. 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, Daytona Beach, Florida spoke representing the applicant. Ms. Miles stated other homes in the area are set back to the rear of the property lines. Ms. Miles stated the home at 4 Widmer Circle faces to the east; however, on other lots, the homes are north-south facing. Ms. Miles stated the request is to allow a structure at the rear of the property. Ms. Miles stated there is an existing structure which is 100 s.f. in size and there is also a studio on the property. Ms. Miles stated the overall lot coverage will be less than 50% of what is permitted since it is a very large lot.

Mr. Libby asked about the Level 1 residential issue because he stated it appears as though the property will become a compound of multiple homes.

Ms. Miles stated there is no other living unit on site other than the principal living structure. Ms. Miles stated what is proposed is a garage and there is a studio where the property owner works.

Mr. Libby asked if the studio has a bathroom and a kitchen.

Ms. Miles stated the studio has a bathroom but no kitchen.

Mr. Harshaw asked if the shed could be removed. Mr. Harshaw stated a 2400 s.f. garage is proposed and there is an existing 2,000 s.f. studio so he feels the shed could be removed. Ms. Miles stated the proposed garage will be 20 feet high or less which will not require a variance.

Mr. Harshaw asked what the distance is from the garage to the street.

Ms. Ward stated it exceeds the 30 foot minimum that is required.

Mr. Libby stated he likes the beautification of the area and he likes the plans that are proposed; however, he agrees with Mr. Harshaw's suggestion that the shed should be removed. Mr. Libby asked if Ms. Miles feels her client would be agreeable to removing the shed.

Ms. Miles stated that she thinks she would.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Libby, seconded by Mr. Leek, to approve Case A - BOA2018-005 Variances from Article 4, Section 4.2.B.3, in accordance with the staff report as presented, with the provision that the existing shed be removed from the property.

Mr. Roger Stine, Chair	Yes
Mr. Trey Harshaw, Vice Chair	Yes
Ms. Sharlene Barhoo	Yes
Ms. Maja Sander Bowler	Yes
Mr. Eddie Gentle	Yes
Mr. Thomas Leek	Yes
Mr. Gary Libby	Yes
Mr. Larry Riley	Yes

The motion carried unanimously.

6. Review of Cases

Mr. Stine stated Case A was approved.

7. **New Business**

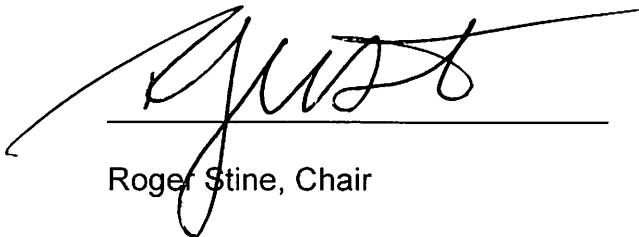
Mr. Libby asked if the City is keeping track of decisions made by staff that were in the past the purview of the Board of Adjustment. Mr. Libby stated since the Board has not met in six months, someone must be making decisions. Mr. Libby stated there have been issues that may not have been Board of Adjustment issues, but there have been some serious challenges where 40 foot historic trees have been removed from archaeological sites without a permit. Mr. Libby stated some of the issues would have been presented to the Historic Preservation Board but there was no Certificate of Appropriateness issued.

Mr. Stine stated he was not aware of any variances bypassing the Board of Adjustment.

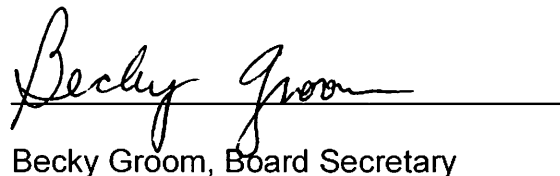
Ms. Askew stated the questions being asked by Mr. Libby would be best addressed by the Deputy City Manager, Jim Morris. Ms. Askew stated any items that are presented for a variance, whether they meet the criteria or not, have been brought forward by Ms. Ward. Ms. Askew stated typically when items are not presented to the Board, staff has worked with a developer or property owner to re-design the project so it will meet code and there will not be a need for a variance. Ms. Askew stated as far as the historic trees that were removed, the city was not aware of the tree removal until the trees were down.

8. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned.



Roger Stine, Chair



Becky Groom, Board Secretary