

BOARD OF ADJUSTMENT
MINUTES OF
REGULAR MEETING
December 20, 2018

A regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, December 20, 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. Trey Harshaw, Vice Chair
Ms. Sharlene Barhoo
Ms. Maja Sander Bowler
Mr. Gary Libby
Mr. Larry Riley

Board members absent:

Mr. Roger Stine, Chair
Mr. Eddie Gentle
Mr. Thomas Leek

Staff members present were as follows:

Ms. Hannah Ward, Planner
Ms. Carly Meek, Assistant City Attorney
Ms. Rose Askew, Planning Coordinator
Ms. Becky Groom, Board Secretary
Ms. Lauren "Harley" Taylor, Planner

1. Call to Order

Mr. Harshaw called the December 20, 2018 Board of Adjustment Meeting to order at 1:05 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

A motion was made by Mr. Libby, seconded by Ms. Bowler, to approve the minutes of the August 16, 2018 meeting as presented. The motion carried unanimously.

New Cases:

5. Case A – BOA2018-006 Variances from Article 4, Section 4.7.H.3

A request by Colleen Miles, Land Development Resource Group LLC, on behalf of Steve Richardsen (property owner) for variances from Article 4 (Development Standards), Section 4.7.J.3 of the Land Development Code (LDC) to reduce the required rear yard setback from 25' to 5', reduce the required interior side yard setback from 7.5' to 3', and increase maximum lot coverage from 35% to 39%. The property is located at 605 Fifth Avenue. The zoning on the property is Redevelopment Beachside – Surfside Village (RDB_6), and the Redevelopment Future Land Use (FLU) on the property is Surfside Village. The property is also located in the Main Street Redevelopment Zone and the Surfside village National Historic District.

Applicant Presentation:

Colleen Miles, Land Development Resource Group, 140 S. Beach Street, Daytona Beach, Florida spoke representing the applicant. Ms. Miles stated the lot is odd-shaped; and previously there was a garage in the rear. Ms. Miles stated the applicant would like to reconstruct a smaller garage on the lot. Ms. Miles stated there are no setbacks outlined for accessory structures in this district.

Mr. Libby stated this is a National Registered Historic District and the requirements are that the structure cannot exceed 30% of the lot.

Ms. Ward stated the National Historic District does not have any regulations associated with it. She stated the only regulations associated with a historic district would be for a local historic district; and Ms. Ward stated she verified that the local regulations were never approved, even though they had been proposed at one time.

Ms. Miles stated there is a lean-to constructed on the west end; and she spoke with the property owner that abuts that side of the lot and the property owner is not opposed to the proposed structure.

Mr. Libby stated the City does not have a historic preservation officer and whoever has provided Ms. Ward with information does not qualify as the City's historic preservation officer.

Ms. Ward stated the individual who provided the information is responsible for the City's Historic Preservation Board and what was provided to her was that the National Historic District does not have any regulations the City is required to follow.

Mr. Libby stated he feels we are putting the benefits of a National Historic District at risk if the City continues to violate the recommended regulations.

Mr. Harshaw expressed concern about the size of the garage stating he feels it is double the size for a typical garage.

Ms. Miles stated two vehicles and two motorcycles will be parked in the garage and a half loft will be constructed for storage which will not be finished.

Mr. Libby stated he is concerned about the scale of the garage to the house as well as the scale of the structure to the house next door.

Mr. Libby stated the National guidelines are not being followed and asked why five historic neighborhoods were established in the City if the City is not going to follow their regulations.

Ms. Ward stated the local historic guidelines were proposed but were never approved.

Mr. Libby stated he believes they were approved.

Ms. Bowler stated she did not think it would be fair to penalize the applicant when the guidelines are not in place.

Ms. Ward stated there was previously a garage on site; and if the applicant had the footprint for that structure, the property owner would be able to rebuild without appearing before the Board of Adjustment.

Mr. Libby stated he feels the proposed unit must not be used as a dwelling and feels Code Enforcement should be alerted of the proposed structure.

Mr. Riley asked about the drainage at the rear of the property.

Ms. Miles stated an engineer's report is included as part of the packet.

Ms. Miles stated the lean-to will be removed.

Rose Askew, Planning Coordinator, stated Code Enforcement cannot go onto someone's property without being invited so Code Enforcement could not be alerted about the planned structure and could not randomly check to see if someone was living in the garage.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Libby, seconded by Mr. Riley, to approve Case A – BOA2018-006 Variances from Article 4, Section 4.7.H.3, in accordance with the staff report as presented and with the conditions that the lean-to is removed and that the proposed structure and existing trailer on the property are not used for living purposes.

Mr. Trey Harshaw, Vice Chair	Yes
Ms. Sharlene Barhoo	Yes
Ms. Maja Sander Bowler	Yes
Mr. Gary Libby	Yes
Mr. Larry Riley	Yes

The motion carried (5-0).

6. **Review of Cases**

Mr. Harshaw stated Case A was approved.

7. **New Business**

Approval of 2019 Board of Adjustment Schedule

Ms. Ward stated the proposed schedule indicates the Board of Adjustment Meetings will be held on the third Thursday of each month at 1:00 p.m. The Board agreed by consensus to accept the proposed schedule.

Election of Officers

Election of Chair:

A motion was made by Mr. Riley, seconded by Mr. Harshaw, to elect Trey Harshaw as Chair. The motion carried (5-0).

Election of Vice Chair:

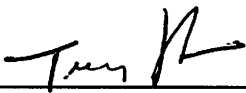
A motion was made by Mr. Libby, seconded by Mr. Barhoo, to elect Roger Stine as Vice Chair. The motion carried (5-0).

Ms. Meek asked if the Board would like to receive an update on the Sunshine Law.


The Board agreed to have a presentation at the January meeting.

8. Adjournment

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



Trey Harshaw, Vice Chair



Becky Groom, Board Secretary