

BOARD OF ADJUSTMENT
MINUTES OF
REGULAR MEETING
December 19, 2019

A regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, December 19, 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
Mr. Roger Stine, Vice Chair
Ms. Sharlene Barhoo
Ms. Maja Sander Bowler
Mr. Patrick Connors
Mr. Gary Libby

Board members absent:

Mr. Eddie Gentle

Staff members present were as follows:

Ms. Lauren "Harley" Davis, Planner
Ms. Angela Doyle, Senior Development Review Technician
Mr. Ben Gross, Deputy City Attorney
Ms. Becky Groom, Board Secretary

1. **Call to Order**

Mr. Harshaw called the December 19, 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** - September 19, 2019 minutes

Board Action:

A motion was made by Mr. Connors, seconded by Mr. Libby, to approve the minutes of the September 12, 2019 meeting, as presented. The motion carried (6-0).

Mr. Gross stated that Mr. Libby had discussed with him prior to the meeting that he would like to discuss the action taken by the Board of Adjustment at their last meeting regarding Mr. Libby's absences. Mr. Harshaw stated Mr. Libby could address the Board at the end of the meeting under Old Business.

New Cases:

5. **Case A – BOA2019-010 – Variance from Article 4, Section 4.2.B.3 of the Land Development Code**

A request by Brian Fredley (authorized agent) for variances from Article 4 (Development Standards), Section 4.2.B.3 of the Land Development Code (LDC) to reduce the minimum required side yard setback for the principle structure from 7.5' to 5' to allow for the development of a master bedroom addition. The property is located at 221 Jessamine Blvd. The zoning on the property is Single Family – Residential (SFR-5) and the Future Land Use (FLU) on the property is Level 1-Residential. In addition, this property is located in the Seabreeze Local Historic District.

Mr. Connors stated on the application, under Question 7, the comment is made as to whether the variance would adversely affect the neighborhood and asked how that is verified.

Ms. Davis stated if there is no violation of any Building or Fire Codes, there is no review by the Fire Department. Ms. Davis stated during staff review, there was no indication of a negative impact on the neighborhood.

Mr. Libby stated the application could be approved with the condition that the variance is in compliance with Fire Safety Codes.

Ms. Davis stated if the application does not meet the Fire Safety Code requirements, the building permit will not be issued.

Mr. Harshaw asked if there is a Fire inspection as part of the permit application process.

Ms. Davis stated yes.

Applicant's Presentation:

Brian Fredley, BPF Design, 207 Fairview Avenue, Daytona Beach, Florida spoke representing the applicant. Mr. Fredley apologized for the item being tabled from last month. Mr. Fredley stated the property owner has a growing family and would like to expand the home. Mr. Fredley stated the structure is a non-contributing structure in the Historic District but will match the architecture of the house and will not infringe on any neighboring properties. Mr. Fredley stated the access drive is at the rear of the property. Mr. Fredley stated the neighbors on the sides of the property have provided letters in support of the project. Mr. Fredley stated the house is currently 5 feet off the west property line and the plan is to continue the same line of the addition that is to be constructed with the 5 foot setback. Mr. Fredley stated a shed on the property will be removed in order to meet the lot coverage. Mr. Fredley addressed Mr. Connors' comment as to whether the structure is too close to the property line in order to address any fire safety concerns. Mr. Fredley stated the wall is concrete and the only thing that may be required by the Building Department in order to obtain a permit may be some type of window assembly but he believes the allowable openings can be achieved within the 5 foot setback.

Mr. Connors asked what is at the rear of the property.

Mr. Fredley stated there is an existing access drive at the rear of the property and there is an apartment complex on the north side of the property.

Ms. Bowler asked about the lot coverage.

Mr. Harshaw stated the coverage is 34.51.

Mr. Libby stated the property is not a contributing structure but there are considerations, such as like color of buildings, where the applicant must comply with the design guidelines. Mr. Libby asked if Mr. Fredley has reviewed the design guidelines.

Mr. Fredley stated yes. Mr. Fredley stated what is proposed will be an addition to the rear and there will be a matching roof, colors and materials.

Mr. Fredley provided letters of support from Laura Gallay, 217 Jessamine, and Reba Peters, 909/915 N. Peninsula, adjacent property owners which were read into the record.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Libby, seconded by Mr. Stine, to approve BOA2019-010 – Variance from Article 4, Section 4.2.B.3 of the Land Development Code, in accordance with the staff report as presented. The motion carried (6-0).

6. **Case B – BOA2019-011 – Variance from Article 4, Section 4.2.B.3**

A request by Kim Bouck (property owner) for variances from Article 4 (Development Standards), Section 4.2.B.3 of the Land Development Code (LDC) to reduce the minimum required rear yard setback from 25' to 8' 10" and to reduce the minimum front yard setback from 30' to 29' 9" to allow for the development of an attached 595 sq. ft. garage. The property is located at 200 Morningside 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's Presentation:

Kimberly Bouck, 200 Morningside Avenue, Daytona Beach, Florida stated the home was built in 1955 and she has lived there since 1985 and has renovated the house significantly she has lived there. Ms. Bouck stated her plan is to add a two-car garage since there is no garage on the property. Ms. Bouck stated the property is at the corner of Morningside and Halifax Avenue and the garage would be contiguous with the south side of the house. Ms. Bouck stated she plans to upgrade the roof and exterior as well.

Mr. Libby asked if any trees will have to be removed.

Ms. Bouck stated one tree was uprooted during the last hurricane and will have to be removed. Ms. Bouck stated she does plan on landscaping the area.

Mr. Connors asked if the house is orientated to Halifax or Morningside.

Ms. Bouck stated Morningside.

Mr. Harshaw stated there is currently on-street parking on the property.

Ms. Bouck stated there is currently on-street parking and she plans to have a driveway to the garage.

Public Comments:

Karen Hillyard, 2010 N. Halifax Avenue, stated she has lived in her home for 21 years and is to the south of Ms. Bouck's property. Ms. Bouck stated the proposed structure would be visible from her family room and she would not like her current view to be obstructed by a concrete wall which would be within 16 feet of her windows. Ms. Keonig stated she feels the proposed construction will devalue her home.

Nancy Keonig, 2000 N. Halifax Avenue, provided photos that showed the layout of the properties. Ms. Koenig stated the view will change from her property; and instead of looking at Ms. Bouck's front yard, she will be looking at a garage.

Mr. Libby asked if intense landscaping would help to remedy the situation. Mr. Libby stated the views the neighbors are trying to keep is actually Ms. Bouck's property.

Ms. Hillyard stated what is proposed will only leave 15 feet between the homes. Ms. Hillyard stated years ago, she planted palm trees along her property line in order to help with privacy.

Mr. Libby asked what Ms. Hillyard would suggest as a remedy to the situation.

Ms. Hillyard stated she would not be opposed to granting a variance for the structure to be built on the east side of Ms. Bouck's home. Ms. Hillyard stated there is less space there so she does not know if that would be possible.

Mr. Connors stated, based on the photographs provided by Ms. Hillyard, that her view would be blocked fully from one of the windows of her home and partially from the other.

Ms. Hillyard stated that is correct.

Ms. Bowler asked if there would be the same concerns if the orientation of the house was from Halifax.

Ms. Davis stated if the orientation was from Halifax, the front yard setback would be 30 feet.

Mr. Libby asked what the legal height limit is for a fence.

Ms. Davis stated 6 feet past the front of the structure and 4 feet at the front of the structure.

Mr. Libby stated Ms. Bouck could increase the fence height and stated he wished they could agree on a landscape plan and not build a wall.

Mr. Harshaw stated he would prefer to see someone's car parked in the garage as opposed to being parked on the street.

Ms. Bouck stated her idea for landscaping is roses and trellises. Ms. Bouck stated if that is not acceptable, she would be willing to do something else for Ms. Hillyard. Ms. Bouck stated she does not believe the proposed construction will decrease property values and feels it will help to increase property values.

Board Action:

A motion was made by Mr. Stine, seconded by Ms. Bowler, to approve BOA2019-011 – Variance from Article 4, Section 4.2.B.3, in accordance with the staff report as presented. The motion carried (6-0).

7. **Review of Cases**

Case A – BOA2019-010	Approved 6-0
Case B – BOA2019-011	Approved 6-0

8. **New Business:** Approval of the 2020 schedule

The Board approved the schedule of 2020 Board of Adjustment meetings by consensus.

Mr. Connors asked why the meetings are set for 1:00 p.m.

Mr. Libby stated it is based mainly on the availability of the Commission Chambers in order to avoid conflict with other Board meetings.

Mr. Libby expressed concern about the delay in receiving Board meeting packets. Mr. Libby stated previously the packets were delivered by courier. Mr. Libby stated he would not be opposed to stopping by City Hall to pick up the packet or asked if there is another way for the packet to be delivered.

Ms. Davis stated she will check to see if there is money in the budget for a courier and will also see if the packet can be mailed earlier. Ms. Davis

stated Angela Doyle who will be the new staff member assigned to the BOA will check with her Department Head to determine if there are funds available to have the packets delivered.

Mr. Connors asked that a link to the packet be emailed to each of the Board members the day the packet is mailed.

Election of Chair:

A motion was made by Mr. Stine, seconded by Ms. Libby, to appoint Mr. Harshaw as Chair for 2020. The motion carried (6-0).

A motion was made by Mr. Libby, seconded by Ms. Bowler, to appoint Mr. Stine as Vice Chair. The motion carried (6-0).

Old Business:

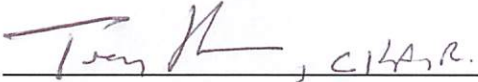
Mr. Libby discussed the action that was taken by the Board of Adjustment at the September meeting regarding his replacement on the Board. Mr. Libby stated he felt he had relayed his medical concerns to City staff and was surprised by the action taken by the Board. Mr. Libby requested that the Board reconsider the action taken.

Board Action:

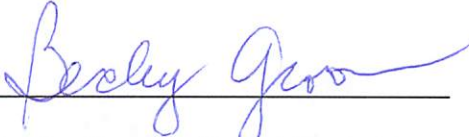
A motion was made by Mr. Stine, seconded by Ms. Connors, to cancel the previous recommendation made by the Board of Adjustment at their September 29, 2019 meeting to replace Mr. Libby on the Board. The motion carried (6-0).

9. **Adjournment**

There being no further business, the meeting was adjourned.



Trey Harshaw, Chair



Becky Groom, Board Secretary