



The CITY OF DAYTONA BEACH Board of Adjustments Minutes

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Thursday, September 19, 2019
1:00 PM

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
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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. Eddie Gentle
Mr. Larry Riley

Board members absent:

Mr. Gary Libby

Staff members present were as follows:

Ms. Rose Askew, Planning Coordinator
Mr. Ben Gross, Deputy City Attorney
Ms. Becky Groom, Board Secretary

Call to Order

Mr. Harshaw called the September 19, 2019 Board of Adjustment Meeting to order at 1 :00 p.m.

Roll Call

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

Introduction of City Staff

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

Approval of Minutes - August 15, 2019 minutes

Board Action:

A motion was made by Mr. Stine, seconded by Ms. Bowler, to approve the minutes of the August 15, 2019 minutes as presented. The motion carried (6-0).

Ben Gross, Deputy City Attorney, asked to address the Board regarding comments made at the August 15, 2019 Board of Adjustment meeting. Mr. Gross stated he wanted to correct a statement he made at the August 15, 2019 meeting. Mr. Gross stated the decision of the Board of Adjustment is final and there is no appeal of a decision made by the Board of Adjustment to the City Commission. Mr. Gross stated an applicant could re-apply for a variance as is permitted by the Land Development Code, but there is a requirement for a waiting period before re-applying.

Mr. Gross provided information to the Board regarding the Historic Preservation Board. He stated the variance presented at the August 15, 2019 meeting was for a historic home in- a designated historic district; and in the Board packet was a copy of the staff report that was presented to the Historic Preservation Board concerning the requested Certificate of Appropriateness as well as a copy of the minutes of the Historic Preservation Board meeting where the application was discussed. He stated there is nothing in the staff memorandum or the minutes from the Historic Preservation Board meeting where the Historic Preservation Board discussed the merits of the variance. He provided copies of excerpts from the old Land Development Code (LDC) that shows that if there is a variance for a contributing structure in a historic district, then the Historic Preservation Board must make recommendations to the Board of Adjustment; however, those requirements are not in the current LDC.

There was additional discussion on whether or not the requirement from the old LDC should be included in the current LDC.

Ms. Barhoo arrived for the meeting at 1: 10 p.m.

Case A - BOA2019-009 - Variances from Article 4, Section 4.7.S.3 of the Land Development Code

A request by John "Jack" and Kelly White (property owners) for variances from Article 4 (Development Standards), Section 4.7.S.3 of the Land Development Code (LDC) to reduce the minimum required rear yard setback for the principle structure from 15' to 2' 9" to allow for the development of an attached carport. The property is located at 415 S. Palmetto Avenue. The zoning on the property is Redevelopment Downtown - Residential (RDD-6), and the Redevelopment Future Land Use (FLU) on the property is Office Residential. In addition, this property is located in the Downtown Redevelopment Zone and the South Beach Street Local Historic District.

Applicant Presentation:

Jack White, the applicant, presented a PowerPoint presentation to the Board. Mr. White stated he and his wife want to live in the historic district and the tree canopy is important. He stated the location of the

proposed house on the property is set back to preserve the historic tree. He stated other properties in the immediate area have homes located on their property similar to what he was proposing. Mr. White stated the language in the LDC was a little bit confusing and the required setbacks in the neighborhood do not conform to the context of the neighborhood. He provided a map that showed neighboring properties and stated none of them met the setbacks in the current LDC. He stated many of the surrounding homes were built to the property line or within a couple of feet of the property line and that his proposed carport was not out of scale with the property. Mr. White stated the proposed site plan was consistent with neighboring properties and his carport would abut Landmark Condominiums. He stated the neighborhood notice letter had been provided to the Homeowners Association for Landmark Condominium Board and he provided letters of support from other adjacent neighbors.

Board Comments:

There were no Board comments.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Stine, seconded by Ms. Bowler, to approve BOA2019-009 - Variances from Article 4, Section 4.7.S.3 of the Land Development Code, in accordance with the Staff report as presented. The motion carried (7-0).

Review Cases

Case A - BOA2019-009 - Variances from Article 4, Section 4.7.S.3 of the Land Development Code was approved unanimously (7-0).

New Business

Ms. Askew stated in accordance with the regulations in the LDC, if a Board member is absent from three consecutive meetings within a 12-month period, a letter is to be sent to the Board member from the Chair asking why the member has not attended.

Mr. Harshaw asked if he should talk with Mr. Libby or just send a letter.

Ms. Bowler stated she had not spoken with Mr. Libby but believes he may be ill.

Mr. Gross stated in accordance with the LDC, the Board may request that the member resign.

Mr. Gentle expressed concern about removing the Board member if he is ill.

Ms. Bowler expressed the same concerns and noted Mr. Libby is very involved in the community and feels he is owed the respect to determine the reasons for him not attending.

Mr. Harshaw stated he dealt with a similar situation with another former Board member. He stated he contacted the individual and he agreed he should resign due to his illness.

Mr. Gross stated Mr. Harshaw asked if he could contact Mr. Libby. He stated the Chair could contact

Mr. Libby if the intent is to bring information obtained from him back to the Board; but it may be best to ask a staff member to contact Mr. Libby.

Ms. Askew stated Ms. Taylor contacts every Board member every month prior to the Board of Adjustment meeting to determine whether or not they will be present at the meeting. She stated it is the Board member's responsibility to let staff know if they plan to attend.

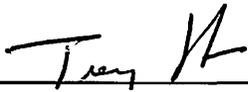
Board Action:

A motion was made by Mr. Riley, seconded by Ms. Barhoo, to request the City Commission remove Mr. Libby from the Board. The motion carried (5-2 with Ms. Bowler and Mr. Harshaw voting no).

Ms. Askew stated the Board's action would be forwarded to Assistant City Manager Betty Goodman who is responsible for preparing agenda items relating to advisory board appointments.

Adjournment

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



Trey Harshaw, Chair



Becky Groom, Board Secretary