



The CITY OF DAYTONA BEACH BOARD OF ADJUSTMENTS MEETING MINUTES

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Thursday, November 19, 2020
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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The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, November 19, 2020 at 1:00 p.m. in City Commission Chambers, Daytona Beach City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Board members present were as follows:

Mr. Trey Harshaw, Chair
Ms. Sharlene Barhoo
Ms. Maja Sander Bowler
Mr. Patrick Connors
Mr. Eddie Gentle
Mr. Gary Libby

Board members absent:

Mr. Roger Stine, Vice Chair

Staff members present were as follows:

Ms. Lauren Davis, Planner
Mr. Robert Jagger, City Attorney
Ms. Jennifer Lynch, Office Assistant

Call to Order

Mr. Harshaw called the November 19, 2020 Board of Adjustment Meeting to order at 1:00 p.m.

Roll Call

Ms. Lynch 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 20, 2020

Board Action:

A motion was made by Mr. Libby, seconded by Ms. Bowler, to approve the minutes of the August 20, 2020 meeting, as presented. The motion carried (6-0).

New Cases:

Case A - BOA2020-009 – Variance from Article 4, Section 4.7.G.3, Section 4.7.G.3, Article 6, Section 6.2.C.1, Section 6.2.E.4, Section 6.3.G.6.a.III.b, Section 6.3.G.6.b.ii.c, Section 6.3.G.6.b.ii.d, Section 6.2.H.3.a.ii, Section 6.2.H.3.a.iii, Section 6.23 of the Land Development Code

A request by Joe Hopkins with The Performance Group, Inc., on behalf of property owner Gad Benchetrit (DJI Group, LLC) for 10 variances from the Land Development Code (LDC), as cited above. The variances are being requested in conjunction with a site plan application currently under staff review (DEV2020-090) for the redevelopment of a non-conforming lot. The applicant is proposing to demolish the existing non-conforming building and construct a new building for a tattoo establishment. The property is located at 319 North Atlantic Avenue, directly west of the Ocean Walk Resort. The zoning on the property is Redevelopment Beachside – Atlantic Avenue Retail (RDB-5). The Future Land Use (FLU) on the property is Commercial Mixed Use. In addition, the property is located in the Main Street Redevelopment Overlay District.

Applicant Presentation:

Joe Hopkins, The Performance Group, stated the variances are unique to the property and are not self-imposed. Mr. Hopkins stated the impetus of the hardship is due to the fact that the lot is non-conforming. Mr. Hopkins stated the property is on A1A and is adjacent to the newly redeveloped parcel where the Jimmy John's is located. Mr. Hopkins stated the building is about 8 feet off of the south lot line and the Code requires 10 feet. Mr. Hopkins stated the lot is about 4,400 s.f. and the required minimum lot size is 10,000 s.f. Mr. Hopkins stated the front setback is zero and the side is about 12 feet. Mr. Hopkins stated the building was constructed in 1938 and is elevated above the sidewalk by about 15 inches and does not comply with current ADA accessibility. Mr. Hopkins stated the building does not qualify for a rehabilitation project, and his objective is to take the building down and put something new in its place that would meet all current Codes and regulations. Mr. Hopkins stated he proposes to position a building with about a 5 foot setback on the south lot line and will comply with the perimeter buffer along Butler Avenue. Mr. Hopkins stated a parking stall with handicapped accessibility to the building will take up another 4 feet of the street side yard. Mr. Hopkins stated the front yard setback of 10 feet can be met and will match that of Jimmy John's.

Mr. Hopkins stated the third variance listed has been waived by the Engineering Department through an Administrative Waiver.

Ms. Davis stated the variance waived by the Engineering Department is actually Variance No. 10 in the staff report.

Mr. Hopkins stated the next variance relates to parking. Mr. Hopkins stated 7 parking spaces are required and he is able to provide two, noting staff preferred that a landscaped buffer be installed along Butler instead of an additional parking space.

Mr. Hopkins stated Variances 5, 6, 7, 8, and 9 all relate to the driveway arrangement. Mr. Hopkins stated the stacking distance is to be a 25 foot clear zone which cannot be provided at this site. Mr. Libby asked how many parking spaces are at the existing building.

Mr. Hopkins stated it is not clearly defined but it is about 4.

Mr. Hopkins stated the next variance relates to driveway width, which is required to be 24 feet but the proposed driveway is 21 feet. Mr. Hopkins stated there is available space to bring two cars into the site and have them leave the site.

Mr. Hopkins stated the next variance relates to a 20 foot turn radius requirement. Mr. Hopkins stated a 15 foot turn radius can be provided.

Mr. Hopkins stated the last variance relates to the back-up maneuver, which is discouraged by the Code. Mr. Hopkins stated a back-up maneuver is used in other areas in the city and this particular use is not an intense use.

Mr. Libby asked how many operators will be working at the site.

Mr. Hopkins stated possibly four.

Mr. Connors asked if the intent will be to keep eight people in the building at once.

Mr. Hopkins stated that is correct. Mr. Hopkins stated he has talked with the business owner and it is his intent to have employees park off-site.

Mr. Hopkins stated currently there is one palm tree on the site; and as part of the proposed plan, 13 palm trees and additional landscaping will be included.

Mr. Hopkins stated public notices were sent out regarding today's meeting; and he has not received any phone calls and there is no one from the public in attendance today. Mr. Hopkins stated he has discussed the proposed plan with representatives of the immediate neighbor, Jimmy John's, and they are in support of this project. Mr. Hopkins noted the variances will remain with the land should there be a change of use in the future.

Board Comments:

Mr. Libby asked if the applicant would be able to place a tattoo parlor in the existing building.

Mr. Hopkins stated it could be done but there hasn't been an occupational license for the property within the last 6 months so the property would be required to comply with the current Land Development Code requirements and the same variances would be requested.

Mr. Libby asked if there will be lighted signage or will there just be the signage that is outlined in the application. Mr. Libby asked if the applicant will adhere to only fixed signage on the upper exterior of the building.

Mr. Hopkins stated the City regulates signage on the exterior of buildings and he does not believe the City regulates signs on the interior of structures. Mr. Hopkins stated he does not know what the intent is for interior signage so he cannot commit to that.

Ms. Davis stated in Redevelopment Districts, there is a maximum window area where signage cannot be exceeded. Ms. Davis stated the regulations address flashing signage but not specifically neon signs.

Mr. Libby stated he is concerned about lighted signage being placed in the windows along a major thoroughfare.

Mr. Hopkins stated he can only commit that signage interior to the business would comply with the City's regulations. Mr. Hopkins noted Jimmy John's has a lighted sign and he does not know if they secured waivers for that signage.

Robert Jagger, City Attorney, stated the applicant has not requested a variance from the Sign Code and is not a consideration for today's case.

Mr. Hopkins stated he has discussed signage with Reed Berger, Redevelopment Director, who has encouraged the applicant to consider placing a mural on the exterior of the building but a decision has not been made by the property owner.

Mr. Connors expressed concern about available parking.

Mr. Hopkins stated the Ocean Walk parking garage is directly across the street and the county's parking garage is nearby.

Mr. Harshaw stated he is concerned about parking and asked what will be done to keep people from parking on the grass.

Mr. Hopkins stated the area between the sidewalk and the building will be heavily landscaped and there will be no availability to park in that area.

Mr. Libby stated he does not feel this building is appropriate for a mural.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Ms. Bowler, seconded by Ms. Barhoo, to approve BOA2020-009 – Variance from Article 4, Section 4.7.G.3, Section 4.7.G.3, Article 6, Section 6.2.C.1, Section 6.2.E.4, Section 6.3.G.6.a.III.b, Section 6.3.G.6.b.ii.c, Section 6.3.G.6.b.ii.d, Section 6.2.H.3.a.ii, Section 6.2.H.3.a.iii, Section 6.23 of the Land Development Code, in accordance with the staff report as presented. The motion carried (6-0).

Case B - BOA2020-008 – Variance from Article 4, Section 4.2.B.3, of the Land Development Code

A request by property owner, Robert Dekin, Jr., for a variance from Article 4 (Zoning Districts), Section 4.2.B.3 (Intensity and Dimensional Standards) of the Land Development Code (LDC) to reduce

the minimum front yard setback from 30 feet to 20 feet to allow an attached carport structure in the driveway. The property is located at 1621 East Shangri La Drive and sits on the corner of East and North Shangri La Drive. The neighborhood is located just east of South Clyde Morris and south of Beville Road. 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:

Robert Dekin, Jr., 1621 East Shangri La Drive, Daytona Beach, Florida stated he spoke with a contractor who determined the setback points from the street, not the sidewalk. Mr. Dekin stated after he had committed to the contract and provided a down payment to the contractor, he determined that he needed to apply for a variance. Mr. Dekin stated he is trying to have the same setback points as those of his neighbor. Mr. Dekin stated he is proposing a 20 foot setback and is planning to install a 24 foot carport. Mr. Dekin stated his neighbors are in support of his request.

Board Comments:

Ms. Bowler noted the carport is allowed; it's just the placement that has to be addressed.

Mr. Libby stated he visited the area and there are other carports and he supports this request.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Ms. Barhoo, seconded by Ms. Bowler, to approve BOA2020-008, 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).

Review of Cases

Case A – BOA2020-009	Approved (6-0)
Case B - BOA2020-008	Approved (6-0)

New Business

There was no new business.

Adjournment

There being no further business, the meeting was adjourned.

Trey Harshaw, Chair

Becky Groom, Board Secretary