

BOARD OF ADJUSTMENT  
MINUTES OF  
REGULAR MEETING  
June 17, 2021

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, June 17, 2021 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. Maja Sander Bowler  
Mr. Patrick Connors  
Mr. Eddie Gentle  
Mr. John George

Board members absent were:

Ms. Sharlene Barhoo

Staff members present were as follows:

Ms. Melissa Phillips, Development Review Technician  
Mr. Ben Gross, Deputy City Attorney  
Ms. Lauren Davis, Planner  
Ms. Becky Groom, Board Secretary

**1. Call to Order**

Mr. Harshaw called the June 17, 2021 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 the Minutes**

Ms. Bowler read her comments into the record regarding the discussion of Case BOA2021-002 which was presented at the May 20, 2021 meeting. A copy of Ms. Bowler's written comments are attached to the May 20, 2021 meeting.

**Board Action:**

A motion was made by Ms. Bowler, seconded by Mr. George, to approve the minutes of the May 20, 2021, as amended to include the comments which were read into the record by Ms. Bowler. The motion carried (5-0).

**New Cases:**

**Case A – BOA2021-004 – Variances from Article 4, Section 4.2.B**

A request by TAH2, LLC on behalf of Bacari Cooper (property owner), for a variance from Article 4 (Development Standards), Section 4.2.B of the Land Development Code (LDC) to reduce the required interior side yard setback from 10' to 5' and to reduce the required rear yard setback from 25' to 5', to allow for the development of a 1,877.5 sf single family home. The property is located at 925 Lora Street. The zoning on the property is single family residential (SFR-5), and the Future Land Use (FLU) on the property is Level 1 Residential.

**Applicant Presentation:**

Tom Huger, TAH2 LLC, 928 Sycamore, Daytona Beach, Florida spoke representing the applicant. Mr. Huger stated the hardship is due to the irregular shaped lot which would make it unbuildable as mandated.

Mr. Gentle asked if the proposed home will be similar to the existing homes in the neighborhood.

Mr. Huger stated the proposed structure will conform to the architectural and aesthetic value of the neighborhood.

Mr. Gentle asked if the existing fire hydrant will be moved so more of the land can be utilized.

Mr. Huger stated the fire hydrant is on the far left boundary of the parcel and he will address relocation of the fire hydrant with the city prior to construction.

Mr. George asked if the house to the east of the lot is on the property line.

Mr. Huger stated he did not know but believes that house meets the requirements of the side yard setback.

Mr. Gentle stated this parcel is the only vacant parcel in the development. Mr. Gentle stated he drove by the property and the signs for today's meeting had been removed.

Mr. Huger stated letters were sent to adjacent property owners and the property was posted as is required. Mr. Huger stated copies of the documents relating to the mailing are included in the packet.

Mr. Harshaw asked what should be done since the signs were removed.

Ms. Phillips stated she has photos to indicate the signs were posted on the property.

Mr. Gross stated as long as staff can verify that the property was posted and there is evidence that the mailing occurred, the Board can hear the case; however, the Board could continue the case until the next meeting with the direction that the property be reposted.

Mr. Harshaw stated the notices are mailed to everyone within 150 feet of the property and there are photos indicating the signs were placed on the property. Mr. Harshaw stated he is comfortable that proper notice was given.

Ms. Bowler stated she feels comfortable that proper notice was given.

Mr. Huger stated the notices were sent by registered mail

**Public Comments:**

Denzil Mills, 920 Emma Street, Daytona Beach, Florida stated he has lived in the neighborhood since 1989. Mr. Mills stated his property has already been encroached by a fence but he has left the fence in place. Mr. Mills stated he would prefer that the city maintain the codes in this instance since he does not want to have someone within 5 feet of his property.

Mr. Gross stated Mr. Mills' house is immediately to the north of the house on the corner.

Mr. Connors asked if the house to the south of Mr. Mills is occupied by the owners or tenants.

Mr. Mills stated the original owner passed away and he does not know the current owner.

Mr. Harshaw asked Mr. Mills the square footage of his home.

Mr. Mills stated he did not know but indicated it is a 3 bedroom home.

Mr. Harshaw stated he did not know how else the proposed house could be built without making it incredibly small.

Mr. Gentle stated if the fire hydrant is removed, the footprint of the house could be changed.

Mr. Connors asked if the house could be two-story to avoid having the house up against the property line. Mr. Connors stated there is concern that the people residing in the homes may not be the owners.

Ms. Phillips stated the mailing is sent to the property owner's address according to the Property Appraiser, not the physical location of the property, and the mailing list is included as part of the packet.

Ms. Bowler stated she looked to see if the house could be situated differently on the property and stated the neighboring driveway abutting the proposed driveway may be the best use since the houses will be close.

Mr. George asked if the house could be rotated slightly so the side of the house is not directly on the property line. Mr. George stated his concern is for the neighbor on the east side of the lot and suggested possibly a smaller house could be built.

Mr. Huger stated that could be done but it would still require a variance.

Mr. Harshaw stated it appears the Board is concerned about the house being so close to the adjacent neighbor.

Mr. Huger asked if Mr. Mills could state what his hardship would be if the house is built as requested.

Mr. Harshaw stated the hardship for Mr. Huger is that there is an irregular shaped lot. Mr. Harshaw stated the hardship for the neighboring properties is that there are Codes in place that require houses not to be built directly abutting each other. Mr. Harshaw stated he is concerned about the impact on neighbors and the proposed structure is very close to the neighbors. Mr. Harshaw stated Ms. Bowler indicated the houses will be garage to garage which is helpful.

Ms. Bowler stated she feels the house size is reasonable. Ms. Bowler stated the property does have an irregular shape and is not a true four-side lot but other properties in the area seem to have a 5 foot setback as well.

Mr. Gentle stated if the fire hydrant is moved, the house can be shifted.

Mr. Huger stated he does not know how that will change the side yard setback.

Mr. George asked what distance is required on the front.

Ms. Phillips stated 25 or 30 feet based on the width of the land.

Mr. Gross stated the front yard setback would be 30 feet.

Mr. George asked if the Board has the authority to shorten the front yard setback.

Mr. Gross stated if the Board would want to do that, the variance should be re-noticed.

Mr. Harshaw asked how big the garage would be.

Mr. Huger stated 400 s.f.

Mr. Gross asked if the 1877.5 s.f. is living area or total square footage.

Mr. Huger stated 1877.5 is the footprint of the building.

Mr. Harshaw stated with a 400 s.f. garage, 1400 s.f. for a house is very reasonable for this lot.

Mr. Connors asked if the house will be a block house.

Mr. Huger stated yes.

Mr. Connors asked if there is a concern with the Fire Codes with the houses being so close together.

Mr. Gross stated a variance cannot be requested from the Fire Codes.

Ms. Phillips stated many new subdivisions are built with a 5 foot setback.

Mr. Mills stated the Code is in place to prevent future problems with houses that may be built too close together. Mr. Mills stated the impact will not be determined until the structure is built and people actually live there. Mr. Mills stated he feels he is protected by the Code so that does not occur.

Mr. Harshaw stated if the house is smaller, some of the setbacks will still be violated. Mr. Harshaw stated he likes to give people a reasonable use of their land.

Mr. Mills stated he will have to live with whatever the Board decides.

Mr. Connors asked Mr. Gentle if he feels the proposed house will decrease the property values in the area.

Mr. Gentle stated it will not decrease the property values but his concern is lack of parking that will impede traffic flow. Mr. Gentle stated the garage could be put on the other side of the house where the fire hydrant is located.

Mr. Harshaw stated he is concerned about privacy issues and where the bedrooms will be located.

**Board Action:**

A motion was made by Ms. Bowler, seconded by Mr. Connors, to approve Case A – BOA2021-004, 925 Lora Street, as presented. The motion carried 4-1, with Mr. Gentle voting nay.

Mr. Gentle left the meeting at 1:42 p.m.

**Case B – BOA2021-005 – Variances from Article 4, Section 4.2.B**

A request by Cobb Cole, on behalf of Homes Bring Hope, LLC & City of Daytona Beach, for a variance from Article 4 (Development Standards), Section 4.2.B of the Land Development Code (LDC) to reduce the required interior side yard setbacks from 7.5' to 5' to allow for the development of a 1,477sf single family home. The property is located at 540 Spruce Street. The zoning on the property is single family residential (SFR-5) and the Future Land Use (FLU) on the property is Level 1 Residential.

An email was provided from Nika Hosseini, Cobb Cole, requesting that this variance application be withdrawn.

6. **Review of Cases**

Case A was approved (4-1)  
Case B was withdrawn by the applicant.

7. **New Business**

Mr. Gross stated a Vice Chair will need to be voted on by the Board at the next meeting.

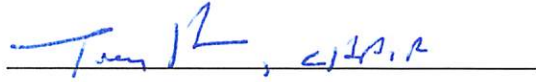
Mr. Gross stated the Land Development Code text amendment will be presented to the Planning Board again. Mr. Gross stated the new language will be that 4 members present will constitute a quorum, as it currently exists for other Boards.

Mr. Connors asked about vacancies on the Board.

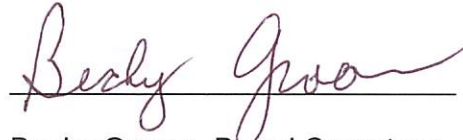
Harley Davis, Planner, stated she will discuss the vacancies with the City Clerk.

8. **Adjournment**

There being no further business, the meeting was adjourned.

Handwritten signature of Trey Harshaw in blue ink, written over a horizontal line.

Trey Harshaw, Chair

Handwritten signature of Becky Groom in brown ink, written over a horizontal line.

Becky Groom, Board Secretary