

## CONTINUED FROM MARCH MEETING

Agenda and report for the April 5th,  
2021 Board of Adjustments Meeting  
at 10am in the City Commission  
Chambers.



# The CITY OF DAYTONA BEACH

## Board of Adjustment Agenda

### March 18, 2021

City Hall  
Regular Meeting  
Commission Chambers

301 South Ridgewood Avenue  
Thursday, March 18, 2021  
1:00 P.M.

**NOTICE** – 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.

	<p><b>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8023</b></p>		<p><b>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</b></p>
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In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the Board meeting should contact the City Clerk's Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Ph: (386) 671-8023, Email: clerk@codb.us not later than 72 hours prior to the proceedings. If you are hearing or voice impaired contact the relay operator at 1-800-955-9771.

1. **Call to Order**
2. **Roll Call**
3. **Introduction of City Staff**
4. **Approval of the Minutes:** November 19, 2020

#### *New Cases*

##### Case A – BOA2021-001 Variances from Article 4, Section 4.2.B.3

A request by Thomas Huger, TAH2 LLC, on behalf of Abel Adeyemi (property owner), for variances from Article 4 (Development Standards), Section 4.2.B.3 of the Land Development Code (LDC) to reduce the required interior side yard setback from 10' to 5', reduce the required rear yard setback from 25' to 15', and reduce the required front yard setback from 30' to 25' to allow for the development of a 1,632 sq.ft. single family home. The property is located at 465 Pleasant Street. 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.

6. **Review Cases**
7. **New Business**
8. **Adjournment**

The next meeting of the Board of Adjustment of The City of Daytona Beach will be held on Thursday, April 15, 2021, at 1:00 PM in the City Commission Chambers.

BOARD OF ADJUSTMENT  
MINUTES OF  
REGULAR MEETING  
November 19, 2020

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

**1. Call to Order**

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

**2. Roll Call**

Ms. Lynch 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 – 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:**

5. **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 (DJL 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).

6. **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).

7. **Review of Cases**

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

8. **New Business**

There was no new business.

9. **Adjournment**

There being no further business, the meeting was adjourned.

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Trey Harshaw, Chair

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Becky Groom, Board Secretary

Agenda Item 5 – Case A  
**BOA2021-001**  
**Variance from Article 4, Section 4.2.B.3**  
**Of the Land Development Code (LDC)**  
465 Pleasant Street

**STAFF REPORT**

**DATE:** March 1, 2021  
**TO:** Board of Adjustment Members  
**FROM** Lauren “Harley” Davis, Planner

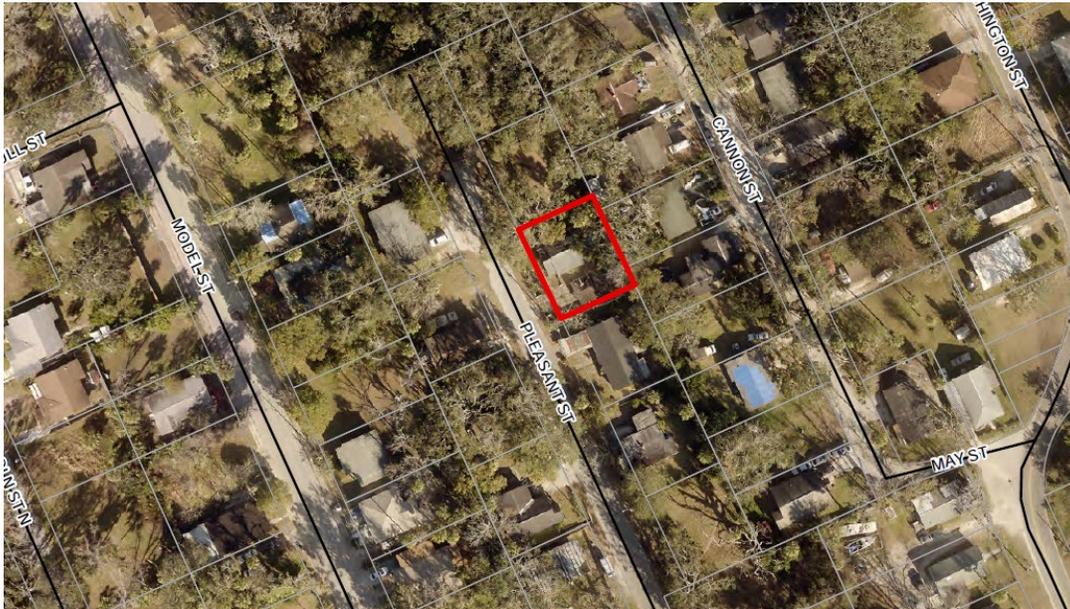
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**VARIANCE REQUEST**

A request by Thomas Huger, TAH2 LLC, on behalf of Abel Adeyemi (property owner), for variances from Article 4 (Development Standards), Section 4.2.B.3 of the Land Development Code (LDC) to reduce the required interior side yard setback from 10’ to 5’, reduce the required rear yard setback from 25’ to 15’, and reduce the required front yard setback from 30’ to 25’ to allow for the development of a 1,632 sq.ft. single family dwelling. The property is located at 465 Pleasant Street. 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.

**PROPERTY LOCATION**

The subject property is generally located on the east side of Pleasant Street, west of Cannon Street.



*Aerial View of the Property*

## **PROJECT HISTORY AND VARIANCE DESCRIPTION**

The property located at 465 Pleasant Street is currently vacant. City records reflects that the property previously had a single family dwelling but was demolished in 2019 (permit number: R1902-430).



*2014 Google Earth image of previously existing single family dwelling at 465 Pleasant St.*

The applicant is now requesting a variance from Article 4, Section 4.2.B.3 of the LDC to reduce the required interior side yard setback from 10' to 5', reduce the required rear yard setback from 25' to 15', and reduce the required front yard setback from 30' to 25' to allow for the development of a 1,632 sq.ft. single family dwelling.

The survey (attached) reflects that the subject lot is 78' wide by 64' deep. The minimum lot size for that SFR-5 zoning district is 50' wide by 100' deep, making the lot at 465 Pleasant Street a non-conforming lot. Due to the fact that the lot is nonconforming, the applicant is now unable to develop a single family dwelling without the need of variances.

## **PROJECT ANALYSIS: VARIANCE REVIEW STANDARDS**

Article 3 – *Review Procedures*, Section 3.4.V.4 – *Variance Review Standards*, of the LDC states that a variance application shall be approved only on a finding there is competent and substantial evidence in the record of the public hearing, that all of the following standards are met:

- i. There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity.**

The subject property is a nonconforming lot within the City with a lot depth of 64'. Based on this information, the parcel does not comply with the minimum depth of 100' as required by the LDC for properties located in the SFR-5 zoning district.

**ii. Those extraordinary and exceptional conditions are not the result of the actions of the landowner.**

The nonconforming lot size is not the result of the actions of the landowner. Staff has no records of a lot split causing the lot to be the nonconforming size that it is today.

**iii. Because of those extraordinary and exceptional conditions, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship.**

Due to the nonconforming lot size it would be difficult to construct any single family dwelling on the property without the need of variances.

**iv. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.**

If granted, the variances would allow the property owner to construct a single family dwelling like the rest of the properties in the area.

**v. The extent of the Variance is the minimum necessary to allow reasonable use of the land or structure.**

The variances are the minimum necessary in order to construct a 1,632 sq.ft. single family dwelling on the nonconforming lot

**vi. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit.**

Yes, the variances would allow the property owner to develop a single family dwelling in a single family zoning district.

**vii. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.**

Staff does not anticipate that the variance request would adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.

**viii. The Variance is consistent with the comprehensive plan.**

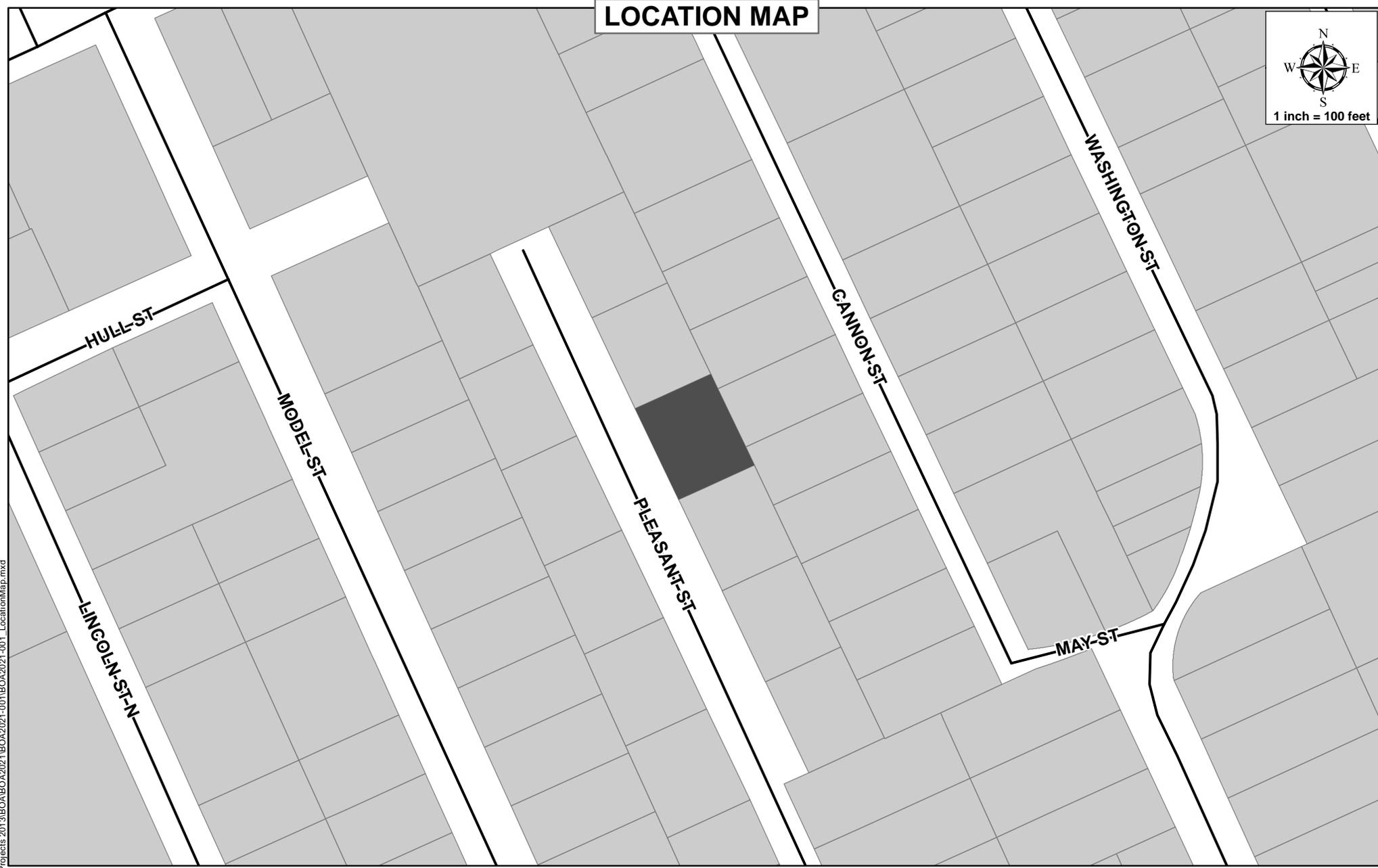
Not Applicable.

The decision by the Board of Adjustment is a final administrative action.

# LOCATION MAP



1 inch = 100 feet



Document Path: P:\Admin\Pratt\ma\Short Term Projects 201\3\BOA\BOA2021\BOA2021-001\BOA2021-001\_LocationMap.mxd



**Case : BOA 2021-001**  
**465 Pleasant St**  
**Daytona Beach FL 32114**

City of Daytona Beach Map disclaimer:  
These maps were developed and produced by the City of Daytona Beach GIS. They are provided for reference only and are not intended to show map scale accuracy or all inclusive map features. As indicated, the accuracy of the map has not been verified and it should be used for informational purposes only. Any possible discrepancies should be brought to the attention of City Engineering and or Development Services.

# AERIAL MAP



1 inch = 100 feet



**Case : BOA 2021-001**

**465 Pleasant St  
Daytona Beach FL 32114**

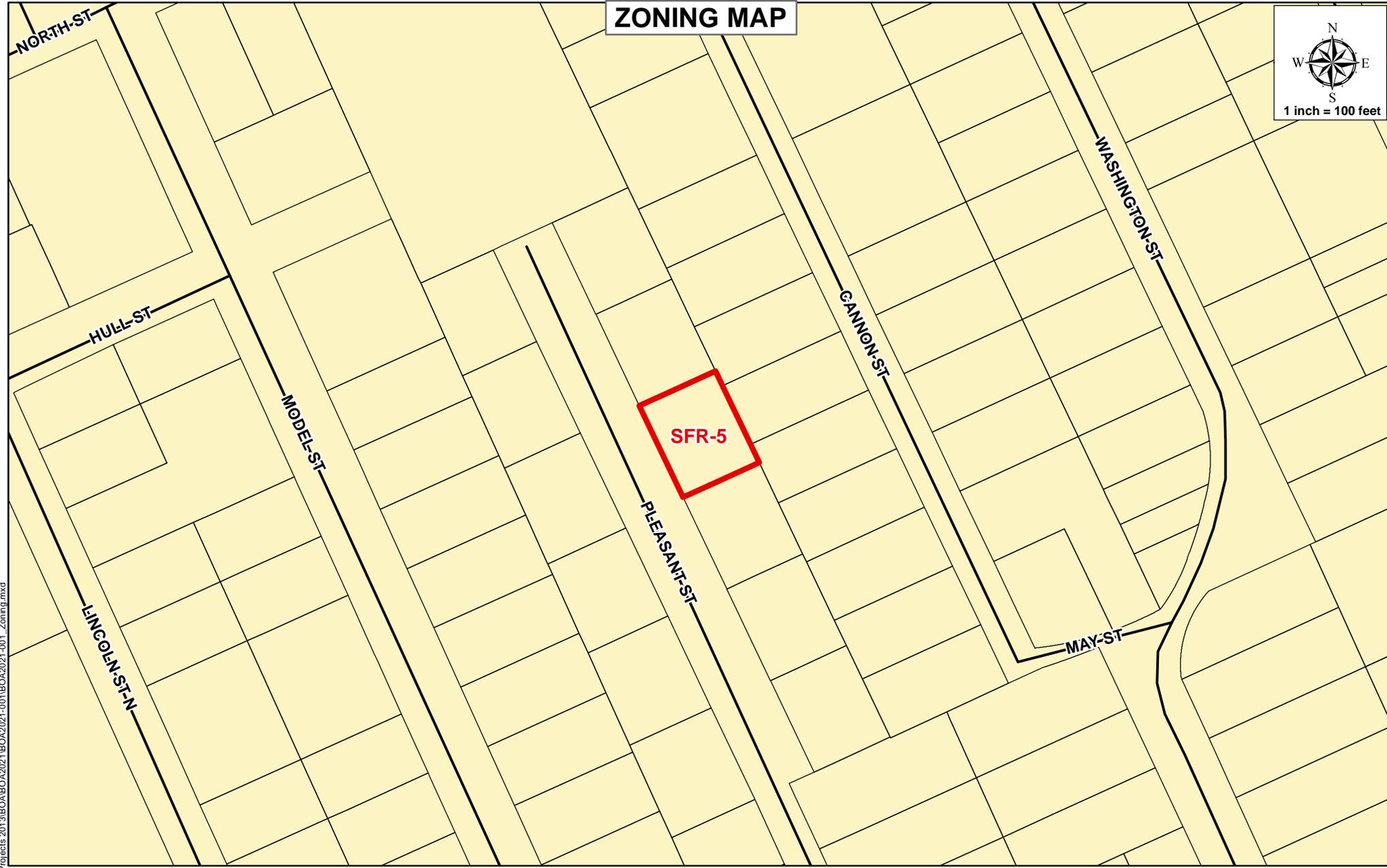
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# ZONING MAP



1 inch = 100 feet



**Case : BOA 2021-001**  
**465 Pleasant St**  
**Daytona Beach FL 32114**

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# FUTURE LAND USE MAP



1 inch = 100 feet

Level 1 Residential



**Case : BOA 2021-001**

**465 Pleasant St  
Daytona Beach FL 32114**

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# Board of Adjustment Application Packet



**THE CITY OF DAYTONA BEACH – 2020  
DEVELOPMENT & ADMINISTRATIVE SERVICES  
UNIFORM DEVELOPMENT REVIEW APPLICATION**  
<http://www.codb.us/>

Application submittals are due by  
Thursday at noon and should be delivered to:  
The City of Daytona Beach  
Attn: P&L Angela Doyle  
Development Services, Room 127  
301 South Ridgewood Avenue  
Daytona Beach, FL 32114

A pre-application meeting with Staff may be required\* prior to submitting an application to discuss the project's feasibility, anticipated review track, submittal requirements, and procedures. This requirement can be found in Section 3.3.A and Table 3.2 of the LDC. Contact Angela Doyle, Sr. Development Review Technician, at 386.671.8176 to schedule a pre-application meeting. After initial contact with Staff, the Applicant may be advised to have further preliminary discussions with Staff.

**TYPE OF REQUEST:**

**CITY FILE:**

Major Site Plan*	<input checked="" type="checkbox"/> Variance BOA*	<input checked="" type="checkbox"/> Rezoning*
Minor Site Plan	LDC Text Amendment	Planned Development Rezoning*
Special Use*	Minor Preliminary Plat	Planned Development Amendment
Public Use*	Major Preliminary Plat*	Large Scale Comp Plan Amendment*
Temporary Use (Special Event)	Final Plat	Small Scale Comp Plan Amendment*
Annexation-Voluntary	ROW Vacation	Excess Boat Slip Allocation
Semipublic Use*	Certificate of Appropriateness, Major*	Other (Please Describe):
Easement Vacation	Historic Overlay Amendment*	
In a Redevelopment Area?	<input type="checkbox"/> Ballyhough Road	<input type="checkbox"/> Downtown
	<input type="checkbox"/> South Atlantic	<input type="checkbox"/> Midtown
		<input type="checkbox"/> Main Street

**SUMMARY OF APPLICATION REQUEST (PROJECT DESCRIPTION):**

RELIEF FROM SETBACK REQUIREMENTS FRONT 30' REQUIRED ASKING FOR 25'  
SIDEYARDS FROM 10' TO 5' REAR YARD FROM 25' TO 15.38'  
RELIEF FROM MINIMUM LOT SIZE OF 5,000<sup>sq</sup> TO 4992<sup>sq</sup>

**SITE & APPLICANT INFORMATION: All information must be completed**

Project Name:	465 PLEASANT ST
12 Digit Short Tax Parcel ID#:	5 3 3 8 - 8 6 - 0 0 - 0 1 0 0
Street Address:	465 PLEASANT ST

<b>SITE INFORMATION:</b>	Existing:	Proposed:	<b>Abutting Property:</b>			
Future Land Use Designation:			N	S	E	W
Zoning Designation:	SFR-5					
Gross Sq. Ft. Floor Area:	1632 <sup>sq</sup>					
Acres of Parcel(s):	.2493					

**Property Owner (Provide Proof of Ownership)**

Company/Contact Name:	ABEL ADEYEMI	Phone:	386-631-0350
Street Address:	1236 8TH ST	E-mail:	TAHUGER@YAHOO.COM
City & State:	DAYTONA BEACH, FL 32117	Zip:	32117

**Lead Designer, if any (Provide Owner Authorization Form)**

Company/Contact Name:		Phone:	
Street Address:		E-mail:	
City & State:		Zip:	

**Authorized Agent, if any (Provide Owner Authorization Form)**

Company/Contact Name:	TAH2, LLC THOMAS HUGER	Phone:	386-631-0350
Street Address:	928 SYCAMORE ST	E-mail:	TAHUGER@YAHOO.COM
City & State:	DAYTONA BEACH, FL 32114	Zip:	32114

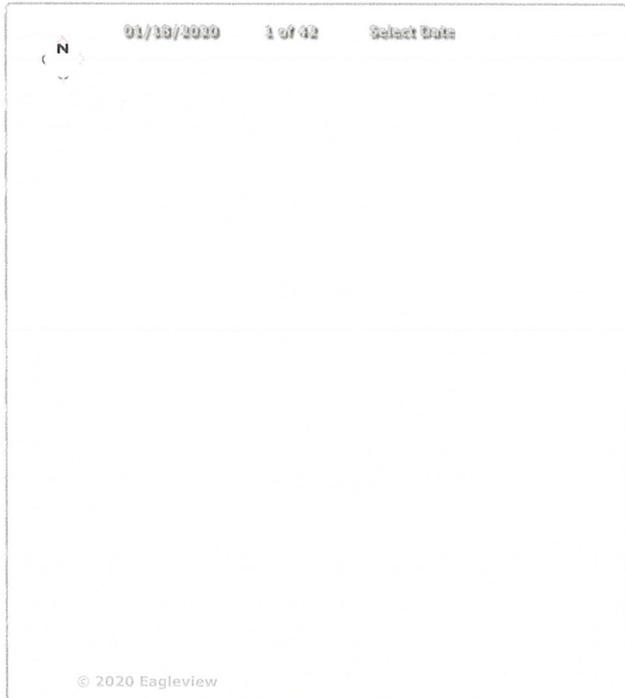
<b>Applicant Signature:</b>		<b>DATE:</b>	24 FEB 2021
<b>Print Name:</b>	THOMAS HUGER		

Please verify you are using the most recent application available, found at [www.codb.us](http://www.codb.us) under Planning Department, Application Forms

[Home](#) / Parcel Summary for 3499042

[Summary](#)   [Tax Estimate](#)   [Permits](#)   [Map](#)   [Pictometry](#)   [Print](#)

**Alternate Key:** 3499042  
**Parcel ID:** 533886000100  
**Business Name:**  
**Owner(s):** ABEL ADEYEMI - FS - Fee  
 Simple - 100  
**Mailing Address** 1236 8TH ST  
**On File:** DAYTONA BEACH FL 32117  
[Update Mailing Address](#)  
**Physical Address:** 465 PLEASANT ST,  
 DAYTONA BEACH 32114  
**Building Count:** 0  
**Neighborhood:** 2168 - CANNONS SUB  
 (5338-65)-OAK PAR  
[Neighborhood Sales](#)  
**Subdivision**  
**Name:** REEVES O L  
**Property Use:** 0000 - VACANT RES  
**Tax District:** 204-DAYTONA BEACH  
**2020 Certified** 19.3569  
**Millage Rate:**  
**Homestead** No - [Apply for Homestead](#)  
**Property:** [Online](#)


[Values & Exemptions](#)
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[Sales](#)
[Legal](#)

 Property  
Tax Bill

**Land Data**

#	Land Use	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
1	0001-VAC PVD THRU .49 AC	F- FRONT FOOT				78.0	64	167	\$7,399

**Total Land Value:** \$7,399

## Miscellaneous Improvement(s)

#	Type	Year	Area	Units	L x W	Depreciated Value
<b>Total Miscellaneous Value:</b>						\$0

[Home](#) / Parcel Summary for 3499042



123 W. Indiana  
Ave. Room 102  
DeLand, FL  
32720  
(386) 736-5901

from 7:30 a.m.  
to 5:00 p.m.  
Monday  
through Friday

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# SUPPLEMENTAL INFORMATION

The purpose of a Variance is to allow certain deviations from the dimensional standards in the City's Land Development Code (such as height, yard setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions or the narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. Variances are to be exercised only in rare instances, and under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or maximum densities may be authorized by variance.

Article 3, Section 3.4(V) of the Land Development Code reads as follows:

a. A Variance application shall be approved only on a finding there is competent substantial evidence in the record of the public hearing, that all of the following standards are met:

i. What extraordinary and exceptional conditions exist (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity?

THIS IS A SUB STANDARD LOT  
IN A VERY OLD NEIGHBORHOOD

ii. What extraordinary and exceptional conditions exist that are not the result of the actions of the property owner?

LOT DIMENSIONS OF PLATTED LOT

iii. Because of those extraordinary and exceptional conditions, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship.

THIS LOT WOULD BE UNBUILDABLE AND  
RESULT IN A VACANT LOT WITH MINIMAL  
TAX BASE.

iv. The Variance would not confer any special privilege(s) on the property owner that is denied to other lands or structures that are similarly situated.

NO

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v. Will the variance granted be the minimum variance that will make possible the reasonable use of the land, building or structure?

YES

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vi. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit.

YES

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vii. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.

NO IT WILL NOT

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viii. The Variance is consistent with the Comprehensive Plan.

YES

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NOTARIZED AUTHORIZATION OF OWNER

I/We ABEL ADEYEMI as the sole or joint fee simple title  
(owner's name)

holder(s) of the property described as: 465 PLEASANT ST  
5338-86-00-0100  
(property address or 12-digit parcel number)

authorize TAHZ, LLC THOMAS HIGER to act as my agent to seek a variance  
(applicant's name)

on the above referenced property.

My application will be heard at a public hearing on \_\_\_\_\_,  
20\_\_\_\_, before the Board of Adjustment of The City of Daytona Beach, Florida.

*[Handwritten Signature]*

OWNER'S SIGNATURE

OWNER'S SIGNATURE

STATE OF FLORIDA  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of February,  
2021, by Abel Adeyemi, who is personally known to me or has  
produced \_\_\_\_\_.

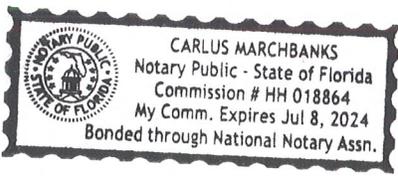
*[Handwritten Signature]*

NOTARY PUBLIC - STATE OF FLORIDA

Carlus Marchbanks

NAME OF NOTARY - TYPED OR PRINTED

COMMISSION # HH 018864



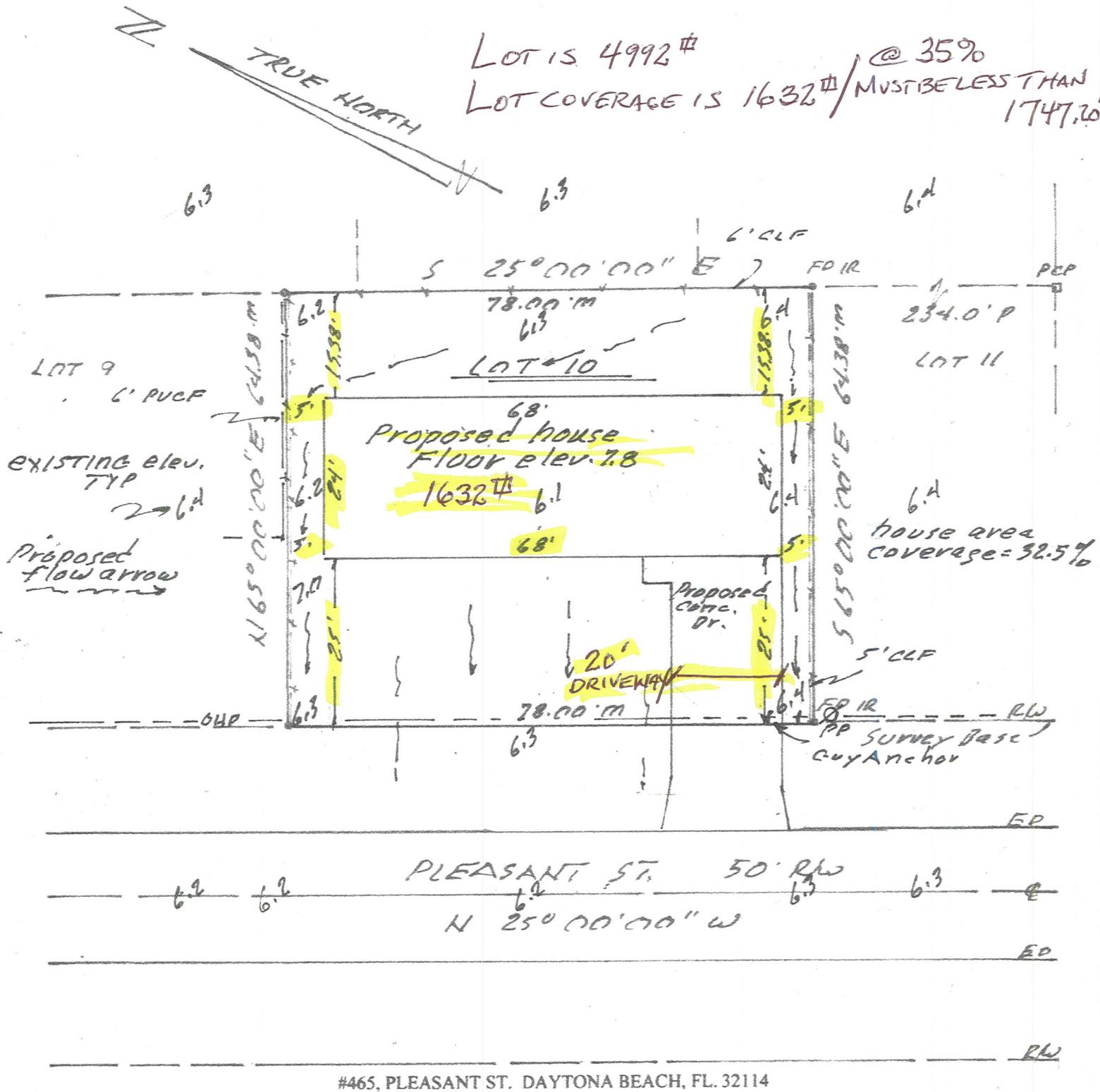
# HALIFAX LAND SURVEYING

#425 BUCHANAN WAY, SO. DAYTONA, FLORIDA 32119  
 PHONE: 386-767-5089 / FAX: 386-760-6445

## LEGAL DESCRIPTION

LOT 10, OL REEVES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 8, PAGE 189, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

## SKETCH OF SURVEY



### SURVEYOR'S NOTES:

1. BEARING STRUCTURE IS ASSUMED UNLESS OTHERWISE STATED.
2. LEGAL DESCRIPTION PROVIDED BY CLIENT.
3. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY
4. DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
5. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS LOCATED EXCEPT AS SHOWN.
6. ELEVATIONS IF SHOWN REFER TO NAVD 1988 DATUM.
7. THIS PROPERTY IS LOCATED IN FLOOD ZONE: "A" FIRM 12127C0358 "J" 125099 2-19-14

### LEGEND:

AC AIR CONDITIONER	CP CONCRETE PAD	M MEASURED DISTANCE	PP POWER POLE	TV TELEVISION
CB CATCH BASIN	D DEED	MHE MANHOLE ELECTRIC	R RADIAL LINE	WF6 WOODEN FENCE 6FT.
CL CENTER LINE	FD FOUND	NTS NOT TO SCALE	RAW RIGHT OF WAY	WM WATER METER
CLF4 CHAIN LINK FENCE 4 FT.	FH FIRE HYDRANT	OHP OVERHEAD POWER	SMH SANITATION MANHOLE	WV WATER VALVE
CLF6 CHAIN LINK FENCE 6 FT.	FPT FL. POWER TRANSFORMER	P PLAT	SP SCREENED PORCH	
CM CONCRETE MONUMENT	IP IRON PIPE	POB POINT OF BEGINNING	S/W SIDEWALK	
CONC CONCRETE	IR IRON ROD	POR POINT OF REFERENCE	TEL TELEPHONE	

CERTIFIED TO: (1) OWNER: SKY FLOWER LIVING, LLC.

TYPE OF SURVEY | DATE | REMARKS

BOUNDARY	7-07-18	
	2-04-21	Plot Plan

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR.

*Clyde H. Rodgers*  
 CLYDE H. RODGERS PSM #3290

JOB NO. 15949 SCALE 1"=20' DRAWN BY CR CREW CR SHEET NO. 1 OF 1 CO. CODE 127

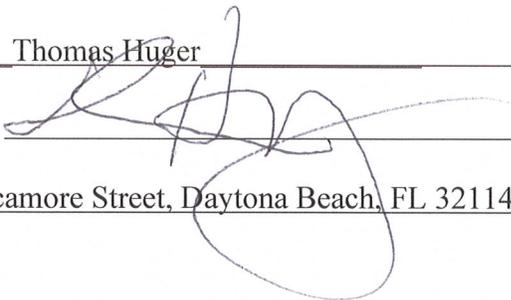
**PUBLIC NOTICE REQUIREMENTS  
THE CITY OF DAYTONA BEACH, FLORIDA**

I, the undersigned, hereby certify that I have mailed to the following named property owners whose property is within 150 feet of that property which is the subject of an application for a public hearing pursuant to the Land Development Code (LDC) of The City of Daytona Beach, Florida, a notice containing the time, date, and purpose of the public hearing and address of the subject property. The notices were sent at least ten (10) days prior to the meeting date. A copy of the letter is attached.

This form and one copy of the letter must be received no later than ten (7) days prior to the public hearing.

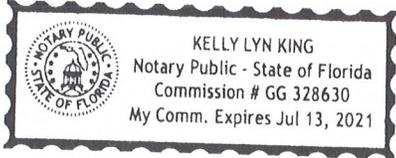
The Volusia County Property Appraiser's Office will provide a copy of the mail list. This must also accompany this affidavit.

Case Number BOA2021-001 Public Hearing Date March 18, 2021

Typed/Printed Name Thomas Huger  
Signature (sign after reading)   
Address 928 Sycamore Street, Daytona Beach, FL 32114

STATE OF FLORIDA  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of March, 2021, by Thomas A. Huger, who is personally known to me or has produced FOL H260-821-52-190-0



Kelly King  
NOTARY PUBLIC - STATE OF FLORIDA  
Kelly King  
NAME OF NOTARY - TYPED OR PRINTED  
COMMISSION # GG 328630



Property Appraiser  
Larry Bartlett

**DISCLAIMER:** Surrounding Owners Request Prepared by Volusia County Property Appraisers Office

The Volusia County Property Appraiser and staff are constantly working to provide and publish the most current and accurate information possible. No warranties, expressed or implied are provided for the data herein, its use, or its interpretation.

Additionally, the Appraiser's data is not as current as the Clerk of the Court data causing mismatches - which are beyond our control

Again, one must remember that the primary use of the assessment data contained is for the preparation of the current year tax roll.  
No responsibility or liability is assumed for inaccuracies or errors.  
Please govern yourself accordingly.

STATE OF FLORIDA, VOLUSIA COUNTY  
I HEREBY CERTIFY the following is a true  
copy of the records of this office. This  
is day of *Nov* A.D. 20 *21*  
Larry Bartlett, Property Appraiser

By: *[Signature]*  
Chief Deputy Property Appraiser

Parcel Number of Subject Property	5338-86-00-0100 - 150' Radius - TAH2, LLC - 03/03/2021	MAIL CITY	MAIL STATE	MAIL ZIP
533872030060	OWNER1	ADDRI1	FL	32114
533872030070	KNIGHT EVA	526 MADISON AVE	DAYTONA BEACH	FL 32114
533872030080	SHUJA ADIBA	526 MADISON AVE	DAYTONA BEACH	FL 32114
533872030090	GADSON LEROY	701 MILLS ESTATE PL	CHULUOTA	FL 32766
533872030100	MILLER VIOLA	1229 JARECKI AVE	HOLLY HILL	FL 32117
533872030110	CONTRERAS ALEXANDER	520 CANNON ST	DAYTONA BEACH	FL 32114
533872030120	DONALD CROSSBY & IDA S	9106 WOODBRIDGE OAK TER	ORLANDO	FL 32825
533872030130	KENDRICK BETTY J	30 WENWOOD RD	HAUPPAUGE	NY 11788
533872030140	MOBLEY WILLIAM JR	508 CANNON ST	DAYTONA BEACH	FL 32114
533872040220	CUMBERBATCH THEODORE	600 HOLMES AVE	DAYTONA BEACH	FL 32114
533872040230	MYERS LEON	521 CANNON ST	DAYTONA BEACH	FL 32114
533872040240	529 CANNON FAMILY TRUST	525 CANNON ST	DAYTONA BEACH	FL 32114
533872040250	CASTILLO-OLMEDO DIEGO	220 N BEACH ST #109	DAYTONA BEACH	FL 32114
533886000020	MAYHEW DAVID L JR	1113 FLOMICH ST	HOLLY HILL	FL 32117
533886000030	WHITE IRVIN	464 PLEASANT ST	DAYTONA BEACH	FL 32114
533886000040	ZABALA RUBEN D	340 GARDEN ST	DAYTONA BEACH	FL 32114
533886000050	BROWN ABNER	1636 BLOOMFIELD AVE	DELTONA	FL 32725
533886000060	PRESLEY TYRONE L	520 PLEASANT ST	DAYTONA BEACH	FL 32114
533886000080	PRESLEY TYRONE L	4243 MAYFAIR LN	PORT ORANGE	FL 32129
533886000090	WITT CALVIN	4243 MAYFAIR LN	PORT ORANGE	FL 32129
533886000100	ABEL ADEYEMI	467 PLEASANT ST	DAYTONA BEACH	FL 32114
533886000110	MOBLEY RODERICK D & SANDRA G	1236 8TH ST	DAYTONA BEACH	FL 32114
533886000120	CARTER HARRY LEE ETAL	463 N PLEASANT ST	DAYTONA BEACH	FL 32117
533898010200	LASH LARUE LLC	461 PLEASANT ST	DAYTONA BEACH	FL 32114
533898010210	LASH LARUE LLC	260 TREELINE LN	ORMOND BEACH	FL 32174
533898010220	LASH LARUE LLC	260 TREELINE LN	ORMOND BEACH	FL 32174
533898010230	LASH LARUE LLC	260 TREELINE LN	ORMOND BEACH	FL 32174

533898010240	TRSTE LLC TR	924 W COLONIAL DR	ORLANDO	FL	32804
533898010250	MADISON ELIZABETH	535 MODEL ST	DAYTONA BEACH	FL	32114
533872040210	KAWESCH HERBERT S B & LORIN	1641 S SPRING GARDEN AVE	DELAND	FL	32720
533898010220	LASH LARUE LLC	260 TREELINE LN	ORMOND BEACH	FL	32174

## NOTICE

### MAIL NOTICE

To:

Dear Property Owner(s):

The owner of the property located at **465 Pleasant Street**, which is located within 150 feet of your property, has made an appeal to the Board of Adjustment of The City of Daytona Beach for the following zoning variance(s) to **their** property. This request **only** affects their property. **It does not affect your property.** However, the applicant is required to notify you of their request:

#### **Case A – BOA2021-001 Variances from Article 4, Section 4.2.B.3**

A request by Thomas Huger, TAH2 LLC, on behalf of Abel Adeyemi (property owner), for variances from Article 4 (Development Standards), Section 4.2.B.3 of the Land Development Code (LDC) to reduce the required interior side yard setback from 10' to 5', reduce the required rear yard setback from 25' to 15', and reduce the required front yard setback from 30' to 25' to allow for the development of a 1,632 sq.ft. single family home. The property is located at 465 Pleasant Street. 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.



A public hearing will be held at 1:00 p.m. on **Thursday, March 18, 2021**, in the Commission Chambers at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

All interested parties will have the opportunity to be heard. Objectors and other interested persons should also be aware of their right to attend the meeting and to speak for or against the requested variance. They may use any documents, graphs, charts, photographs, etc., in making their presentation.

Board of Adjustment Liaison – 386.671.8126



