



# The CITY OF DAYTONA BEACH Board of Adjustment Agenda June 17, 2021

City Hall  
Regular Meeting  
Commission Chambers

301 South Ridgewood Avenue  
Thursday, June 17, 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.

	<b>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8023</b>		<b>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</b>
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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.

- Call to Order**
- Roll Call**
- Introduction of City Staff**
- Approval of the Minutes:** May20, 2021

*New Cases*

<b><u>BOA Board Agenda</u></b>		
<b><u>Approval</u></b>	<b><u>Initials</u></b>	<b><u>Date</u></b>
P & L Director		5-27-21
Deputy City Manager		5/28/21
City Manager		6-1-21

**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 1,877.5sf 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.

**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.

*98d15*

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, July 15, 2021, at 1:00 PM in the City Commission Chambers.**

BOARD OF ADJUSTMENT  
MINUTES OF  
REGULAR MEETING  
May 20, 2021

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, May 20, 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. Sharlene Barhoo  
Ms. Maja Sander Bowler  
Mr. Patrick Connors  
Mr. Eddie Gentle  
Mr. John George

Staff members present were as follows:

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

**1. Call to Order**

Mr. Harshaw called the May 20, 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.

Mr. Connors asked the status of the discussion held at the last meeting regarding quorum requirements for the Board of Adjustment.

Ms. Davis stated a text amendment was presented to the Planning Board and was approved 5-1. Ms. Davis stated the text amendment will be presented to the City Commission in June.

Mr. Gross stated the amendment will allow the quorum to consist of the majority of members that are in attendance; for example, if five members are in attendance, the quorum would be 3.

4. **Approval of the Minutes:** March 18, 2021 and April 5, 2021

**Board Action:**

A motion was made by Ms Barhoo, seconded by Ms. Bowler, to approve the minutes of the meeting of March 18, 2021, as presented. The motion carried (6-0).

A motion was made by Ms. Barhoo, seconded by Ms. Bowler, to approve the minutes of the April 5, 2021 meeting as presented. The motion carried (6-0).

**New Cases:**

5. **Case A – BOA2-21-002 – Variances from Article 4, Section 4.2.E.3**

A request by Bryce Risher, DNA Workshop, on behalf of Daytona Beach Housing Development corporation (property owner), for variances from Article 4 (Development Standards), Section 4.2.E.3 of the Land Development Code (LDC) to reduce the required street side building setback from 82' to 16', to allow for the addition of a community room. The property is located at 600 S. Beach Street. The zoning on the property is Multifamily Residential-40 (MFR-40) in the Downtown redevelopment zone, and the Future Land Use (FLU) on the property is Level 3 Residential.

**Applicant Presentation:**

Andrew Peterson, Bowman Consulting Group, 4450 W. Eau Gallie Blvd., Suite 144, Melbourne, Florida, stated he is the local civil engineer for the project and would be speaking to represent the applicant, the Daytona Beach Housing Authority.

Mr. Gross stated the application documents state Daytona Beach Housing Development Corporation is the applicant and asked if Mr. Peterson represents the Daytona Beach Housing Authority.

Ms. Davis stated the property owner is the Daytona Beach Housing Authority.

Mr. Peterson stated improvements will be done on both the Maley Apartments and the Windsor Apartments; but an addition is proposed on the Maley Apartments for a one-story multi-purpose room which will be placed in the location of the existing shuffle board courts. Mr. Peterson stated the buildings were constructed prior to the existing Land Development Code being adopted so the existing structures do not meet the setback requirements based on their height.

Mr. Gentle asked the proposed use of the new addition and if any apartments will be eliminated.

Mr. Peterson stated the new addition will be a multi-purpose room and the apartment count will not be reduced.

Mr. Gentle stated the Housing Authority has a building across the street that is not being utilized, which is to the left of the Windsor Apartments on Cedar Street.

Mr. Peterson stated it is his understanding that the proposed addition would be to assist the residents of Maley Apartments so they do not have to leave the structure to go to another location.

Ms. Bowler asked how the project will be funded.

Mr. Gross stated the City has been asked to approve an environmental procedure in association with the Housing Authority's receipt of Federal funds for this project. Mr. Gross stated the Housing Authority is also having Federal bonds issued, which the City had to approve under the Internal Revenue Code.

Ms. Bowler stated, as Mr. Gentle noted, there is a community center across the street from Windsor Apartments and she has never seen it utilized, except for voting. Ms. Bowler stated the structures need a lot of improvements and questioned why funds would be used to increase a non-conformity when they could be used to improve the existing structures. Ms. Bowler stated she is not in favor of the application that is being presented.

Ms. Barhoo stated the residents of Maley are handicapped or have disabilities and they are unable to leave the apartments.

Mr. Harshaw stated for clarification that the existing building is 16.7 feet from the property line and the addition will be 27.8 feet.

Ms. Davis stated that is correct.

Mr. Gross stated the existing building was constructed prior to the current setback requirements being adopted so the building is considered a Legal Non-conforming Structure, which means it was permitted when the prior rules applied and the new requirements do not require the removal of the building; however, the building cannot be expanded to increase the non-conformity and the encroachment into the setback could not be increased.

Ms. Davis stated the height of the building dictates the setback.

Mr. Peterson stated there is no place on the property to build the structure and meet the current setback requirements.

Mr. Harshaw asked what the setback would be for constructing a one-story structure, noting the applicant must meet the setback based on the height of the existing building.

Ms. Davis stated the setback requirement for this zoning district is 25' plus 6" per foot of height over 35 feet.

Ms. Bowler expressed concern for a government owned property to be asking for a variance request. Ms. Bowler stated she feels government properties should meet the highest standards. Ms. Bowler stated she does not feel the applicant should be asking to increase the non-conformity on a building that is not very well maintained.

Mr. Peterson stated this is a portion of a major renovation, including an internal and external renovation. Mr. Peterson stated improvements are planned to upgrade the electrical, heating, and air conditioning systems and some of the apartments and common spaces as they can.

Kara Lennard, Director of Development for the Daytona Beach Housing Authority, spoke and stated improvements are planned to improve the quality of the space for the residents. Ms. Lennard stated the building is HUD approved and improvements will be made to the apartments to bring them up to current standards. Ms. Lennard stated all of the windows will be replaced and all elevators will be overhauled; and an additional elevator will be added.

Mr. Harshaw asked if there is currently a community room in the structure.

Ms. Lennard stated there is a very small community room and there are 150 apartments so the existing community room is not adequate. Ms. Lennard stated when there are emergency situations, such as a hurricane,

the residents need to be staged in a safe area so they can be evacuated to a safe place.

Ms. Bowler asked how often the community room across the street is used.

Ms. Lennard stated she did not have that information since she is not in the building on a regular basis. Ms. Lennard stated the Windsor is for elderly only and the Maley building is for elderly with disabilities. Ms. Lennard stated the small building across the street is used for office space and a computer lab for the residents.

Mr. Connors asked if the building is certified by HUD.

Ms. Lennard stated the building was constructed in 1972 through HUD funding and the renovations are funded through HUD and RAD. Ms. Lennard stated HUD will review the proposed plans to make sure it meets all of their requirements.

Mr. Connors asked if HUD requires a gathering space within the building to support all of the residents.

Ms. Lennard stated she did not know.

Mr. Harshaw stated he visited the site and the parking lot is huge and there were only 4 cars in the parking lot.

Ms. Lennard stated a lot of the residents do not have cars.

Mr. George asked if the variance request is to only change the setback on the street side or for the entire perimeter.

Ms. Davis stated the applicant is asking for the building to become conforming.

Mr. Gross stated Mr. George is asking if the applicant will be allowed to encroach on the entire width. Mr. Gross stated the motion could state the variance would be for the existing footprint plus the proposed addition. Mr. Gross stated the variance will not bring the building into compliance.

Ms. Davis stated since the building is non-conforming, the applicant cannot be permitted to further build into the setback. Ms. Davis stated if the variance is granted at 16 feet, then the building is conforming because they have been allowed the setback variance. Ms. Davis stated if the Board just wants the variance to apply for the addition, the motion could

state a 27' variance for the purpose of the proposed addition and that would not apply to any future expansions of the building.

Mr. Gross stated it is up to the Board of Adjustment to decide if the variance is for the entire property, the proposed extension, or future extensions.

Mr. Gross stated if the variance request is denied, the addition could be built but a walkway would have to separate the addition from the existing structure.

Mr. Connors stated he sees an uncovered walkway as a challenge for the residents.

Mr. Gross stated the applicant could also pursue the variance through the Land Development Code based on physical hardships of the residents and that request would be a hearing before the Special Magistrate. Mr. Gross stated since this is a publically-owned building, the applicant could also apply for a Public Use Permit, which is granted by the City Commission and is for the purpose to allow public entities to vary from the provisions of the Land Development Code based on public interest.

Ms. Bowler stated it doesn't seem to matter what the Board does because it can be done anyway.

Ms. Barhoo asked how many parking spaces are required.

Ms. Davis stated two parking spaces are required per unit.

Mr. Gross stated if the addition was planned for the south side of the structure in an area designated as parking, the variance would be from the parking requirements as well as a setback variance and the Board could grant that.

Ms. Davis stated the variance will stay with the land, regardless of who owns the property in the future.

Mr. George asked if there is any other new construction planned.

Ms. Lennard stated she is only aware of the addition of an elevator.

Ms. Bowler asked what the total cost for the renovations will be.

Ms. Lennard stated she did not have that information with her.

Ms. Bowler asked if the applicant has looked at other places that may be more appropriate for these two buildings.

Ms. Lennard stated no.

Mr. Harshaw asked the square footage of the proposed addition.

Ms. Davis stated it is 1,493 s.f.

Mr. Harshaw stated he is concerned about doing a 16' setback on the entire side of the property for future expansion. Mr. Harshaw stated he would like the setback to be limited to the proposed addition and any future plans would require another application to be submitted for Board of Adjustment consideration.

Mr. Gross stated he incorrectly answered a previous question. Mr. Gross stated the question was if the variance would grant conforming status to the building in its entirety. Mr. Gross stated if the building was damaged by a hurricane, and more than 50% of its value would be spent on improvements or repairs, the Land Development Code would apply and all of the new setbacks would have to be met.

Mr. Harshaw stated the Board needs to determine if the entire property will have the 16' setback or just the proposed addition.

Mr. Peterson stated the cost would be more than 50%. Mr. Peterson stated he would like to request the existing building be considered for the setback requirements and the addition be included in the setbacks as well.

Ms. Bowler stated she could compromise if the request was just to apply to the addition.

Mr. Gross stated the Board does have options. Mr. Gross stated Board has the authority to limit the variance so that it applies to just the addition; allow the variance to provide for a new 16' setback on the northern boundary of the property all along its width; or it could just apply for the new addition and the rest of the existing footprint of the building as it faces north. Mr. Gross stated the Board could also state that the variance would apply to a one-story addition.

Ms. Davis stated the motion could be to allow the addition as proposed and limit the setback to 27.8' side yard setback.

Mr. Gross stated that would not legitimize the rest of the building as conforming. Mr. Gross stated the Board could allow the variance as

shown on Page 2 of the staff report with the notation that the addition be limited to one story.

Mr. Peterson asked if the variance is limited to only the addition, the existing building would be non-conforming, will the Building Department state the existing building is non-conforming and require another variance.

Mr. Gross stated that the Building Department would say since the improvements trigger the threshold of 50%, you have to bring the building into conformity with the Land Development Code including with regard to the setbacks.

Mr. Peterson stated he is requesting to approve the variances to allow the existing footprint should a substantial modification occur as well as the proposed addition.

Ms. Bowler stated to grant that, she would like to see a site plan to know what those improvements are.

Mr. Gross stated the Board could continue the case to get that information.

Ms. Bowler stated she does not need to continue the case if it is limited to the variance requested.

Mr. Harshaw stated he does not need additional information as long as the applicant is requesting the variance for the single story addition.

Mr. Gross stated if you look at the Board of Adjustment agenda packet, the application is not just for the addition but to allow the existing building to fall into compliance.

Ms. Davis noted regarding the cost of the upgrades, the 50% amount would only apply if the repairs were being done due to damage. Ms. Davis read from the Land Development Code and stated if remodeling the interior and exterior of the structure and the cost exceeds between 25% but less than 75% of the structure value, shall require non-conforming site features identified in Section 8.6.b.1 to be upgraded in compliance with the standards of the Land Development Code. Ms. Davis stated this is a voluntary renovation of the interior and exterior. Ms. Davis stated the Code also states that a non-conforming structure shall not be enlarged or structurally altered in any way that increases non-conformity. Ms. Davis stated that is the issue and that is why they were not permitted to build the community room but we can grant the approval of the variance needed just to add the proposed community room.

Mr. Gross stated we are talking about two types of restrictions on non-conformities. Mr. Gross stated if due to damage, they wouldn't be able to spend a certain amount of money and that doesn't apply here; however, Ms. Davis talked about the non-conforming site features and that applies if you are going to spend a certain amount of money regardless of whether you are spending it due to damage or not. Mr. Gross stated if the applicant wants to spend a certain amount of money to do discretionary improvements, and that exceeds 25%, a permit could not be issued under the current Land Development Code because of the parking or landscaping, for example, since that is a site feature.

Ms. Davis stated staff has not evaluated that because the application falls within the limitations.

Mr. George asked if the variance is granted for the additional structure, will that allow the applicant to continue with the improvements, such as the additional elevator.

Mr. Peterson stated all of the improvements are internal and there will be no external elevator shaft added.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Ms. Barhoo, seconded by Mr. Connors, to approve Case A – BOA2-21-002 – Variances from Article 4, Section 4.2.E.3, for the variance requested only to the extent needed to construct the one-story addition as shown on the site plan. The motion carried unanimously (6-0).

**6. Review Cases**

Case A was approved unanimously (6-0).

**7. New Business**

Mr. Harshaw stated staff is working to process the quorum issue through a Land Development Code text amendment.

Mr. Gentle stated he has a new telephone number which he provided to staff.

**8. Adjournment**

A motion was made by Mr. Gentle, seconded by Ms. Barhoo, to adjourn the meeting. The motion carried unanimously (6-0).

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Trey Harshaw, Chair

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Becky Groom, Board Secretary

# Case A

Agenda Item 5 – Case A

**BOA2021-004**

**Variance from Article 4, Section 4.2.B  
Of the Land Development Code (LDC)**

925 Lora Street

Agenda Item 5 – Case A  
**BOA2021-004**  
**Variance from Article 4, Section 4.2.B**  
**Of the Land Development Code (LDC)**  
925 Lora Street

**STAFF REPORT**

**DATE:** May 27, 2021

**TO:** Board of Adjustment Members

**FROM** Missy Phillips, Senior Development Review Technician

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**VARIANCE REQUEST**

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 1,877.5sf 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.

**PROPERTY LOCATION**

The subject property is generally located on the northeast curve of Lora Street west of Emma Street.

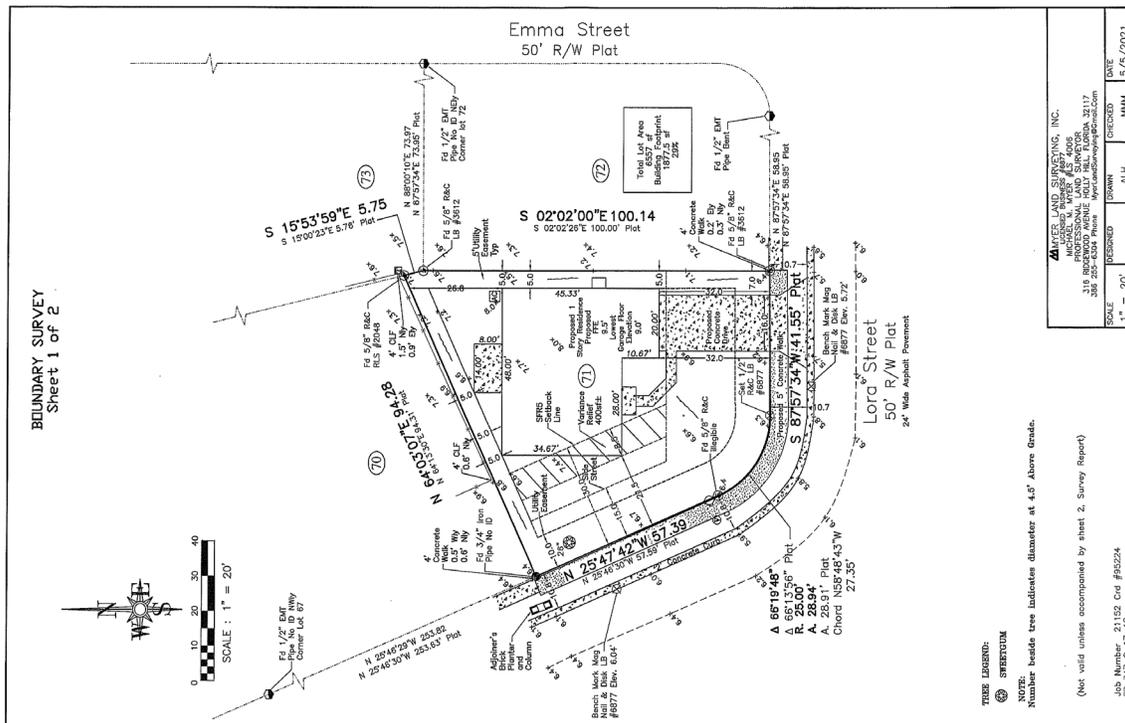


*Aerial View of the Property*

**PROJECT HISTORY AND VARIANCE DESCRIPTION**

The property located at 925 Lora Street is currently vacant. A review of County records show that this property has likely never contained a structure. This is an irregularly shaped lot that makes development of a single family residence difficult in meeting all LDC requirements. This lot is 6,557sf. The minimum square footage for a lot in the single family residential zoning district is 5,000sf. The proposed plans show that a variance from the interior side setback and the rear setback will be necessary to develop the proposed single family residence.

The applicant is requesting a variance from Article 4, Section 4.2.B. of the LDC to reduce the required interior side yard setback from 10' to 5', and reduce the required rear yard setback from 25' to 5', to allow for the development of a 1,877.5sf single family dwelling.



**Proposed Survey Submitted by Applicant**

Per the City’s LDC definition (**Lot Line, Interior Side-** A lot line not abutting a street and connecting the lot’s front and rear lot lines. **Lot Line, Rear-** A lot line connecting the lot’s interior side lot lines, or an interior side lot line and a street side lot line, along the edge of the lot opposite its front lot line.) this parcel does not technically have a rear lot line; it has a front lot line and two interior side lot lines which form a point. The common lot lines of the neighboring properties technically serve as the side lot lines.

**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 an undeveloped, irregularly shaped lot within the City. Therefore causing the need for variances in order to develop the lot for a permitted use within the single family zoning district.

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

The irregular lot size is not the result of the actions of the landowner. Per Plat Book 29 Page 84, this lot #71 was originally plotted exactly as it is currently.

- 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 irregularly shape of the lot, 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 similar to 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 requested are the minimum necessary in order to construct an 1,877.5sf single family dwelling on the irregularly shaped 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.**

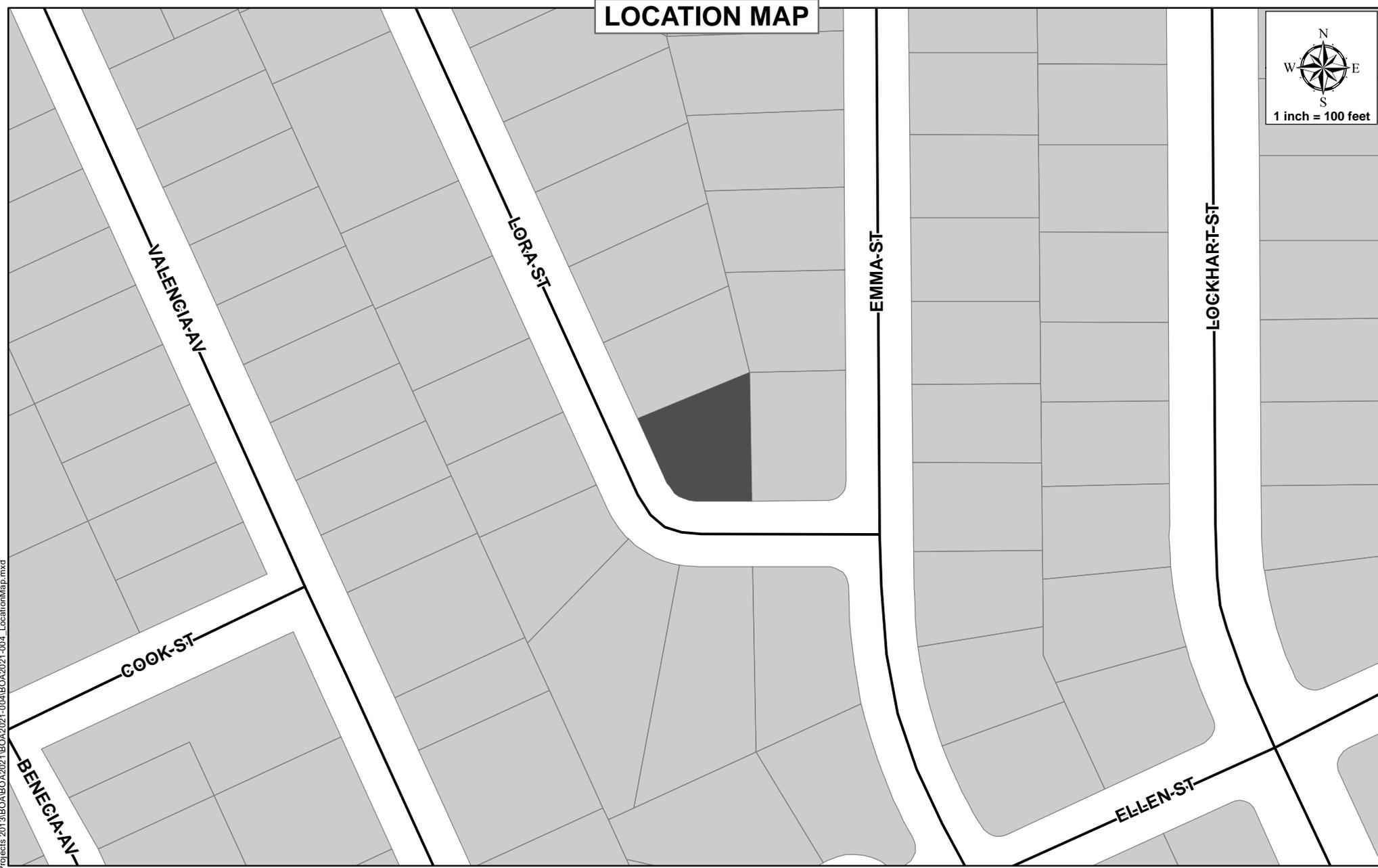
Not Applicable.

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

# LOCATION MAP



1 inch = 100 feet



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**Case : BOA 2021-004**  
**925 Lora St**  
**Daytona Beach FL 32114**

City of Daytona Beach Map disclaimer:  
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**AERIAL MAP**



1 inch = 100 feet



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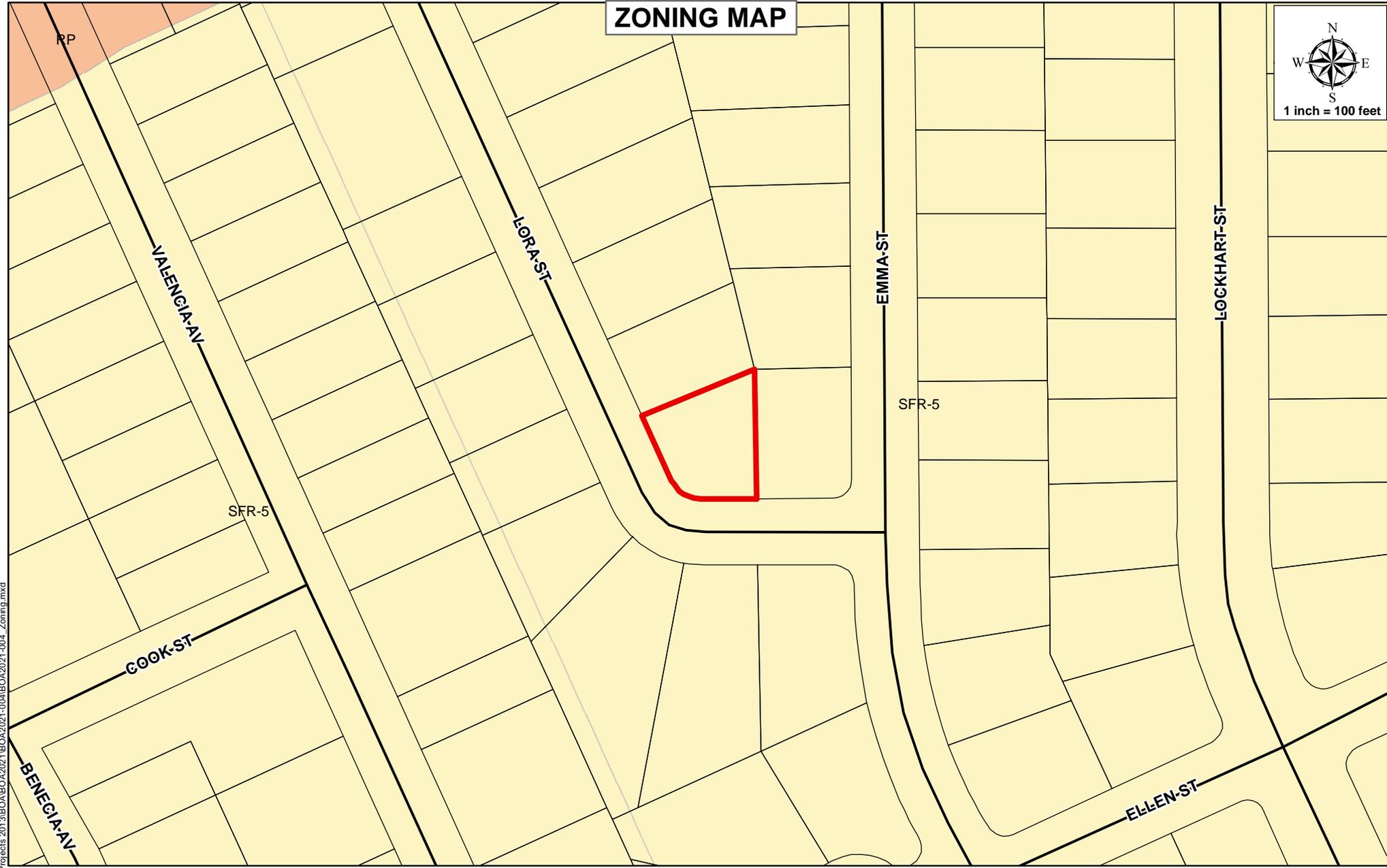
**Case : BOA 2021-004**  
**925 Lora St**  
**Daytona Beach FL 32114**

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# ZONING MAP



1 inch = 100 feet



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**Case : BOA 2021-004**  
**925 Lora St**  
**Daytona Beach FL 32114**

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# FUTURE LAND USE MAP

Office Transition



Level 1 Residential

VALENCIA AV

LORA ST

EMMA ST

LOCKHART ST

COOK ST

BENECIA AV

ELLEN ST



**Case : BOA 2021-004**

**925 Lora St  
Daytona Beach FL 32114**

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# THE CITY OF DAYTONA BEACH

## Board of Adjustment

### VARIANCE APPLICATION

#### PURPOSE

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.***

#### APPLICATION SUBMITTALS MUST INCLUDE THE FOLLOWING DOCUMENTS:

- Pre-application Meeting** – Required prior to application submittal (Article 3, Section 3.4.V.3.a of the LDC). Contact Angela Doyle,, Board of Adjustment Staff Liaison, at 386.671.8176.
- Development Review Application - Must include the following information:**
  - Name, address, parcel identification number, and phone number of the applicant and any agent authorized to process variance request.
  - Project Description - *Must include the Land Development Code article and section number subject to the variance.*
- Supplemental Application**
- Survey** - One signed and sealed survey of the property (***no more than 2 years old***). The survey must include site location; dimensions of all existing structure(s) and distances of structure from all lot lines; legal description(s); parcel identification number(s); rights-of-way; and easements.
- Site Plan** – One copy of the site plan (***to scale***) either 11" x 17" or 8½" X 14" complying with the Land Development Code regulations located in Appendix A, Section G.
- Authorization of Owner** (If an agent signs the application, the notarized proof of authorization form provided by the City must be signed by the owner of the property).
- Proof of ownership** of the property that is the subject of the request, via documentation such as deed, tax bill, or property appraiser's documentation.
- Application fees:** Single-Family Residential \$300 (***per lot***)    All Others \$450  
    After the Fact:    Double Fees                      Applicable Recording Fees
- Application submittals** must include one paper copy of all the documents listed above and one CD or USB flash drive with all submittal documents in PDF format.
- ALL SUBMITTALS MUST BE RECEIVED BY 12:00 P.M. ON THE DEADLINE DATE AND FEES MUST BE PAID WHEN THE APPLICATION IS SUBMITTED.**



**THE CITY OF DAYTONA BEACH -2021  
DEVELOPMENT & ADMINISTRATIVE SERVICES  
VARIANCE 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*	Variance BOA* <b>X</b>	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?  Ballough Road  Downtown  South Atlantic  Midtown  Main Street

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

REQUEST VARIANCE FROM THE ESTABLISHED SET BACKS  
AS DESCRIBED ON THE SURVEY.

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

Project Name: 925 LORA ST  
12 Digit Short Tax Parcel ID#: 5 3 3 9 - A - 1 0 - 0 0 7 0  
Street Address: 925 LORA ST

<b>SITE INFORMATION:</b>	Existing:	Proposed:	<b>Abutting Property:</b>			
Future Land Use Designation:	<u>LEVI-R</u>		<u>N</u>	<u>S</u>	<u>E</u>	<u>W</u>
Zoning Designation:	<u>SFR5</u>					
Gross Sq. Ft. Floor Area:	<u>1877.5</u>					
Acres of Parcel(s):	<u>.15</u>					

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

Company/Contact Name: BACARI COOPER Phone: 386-316-1519  
Street Address: 617 BYRON AVE E-mail: STORESREVINS8@  
City & State: DAYTONA BEACH, FL Zip: 32114

**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)**

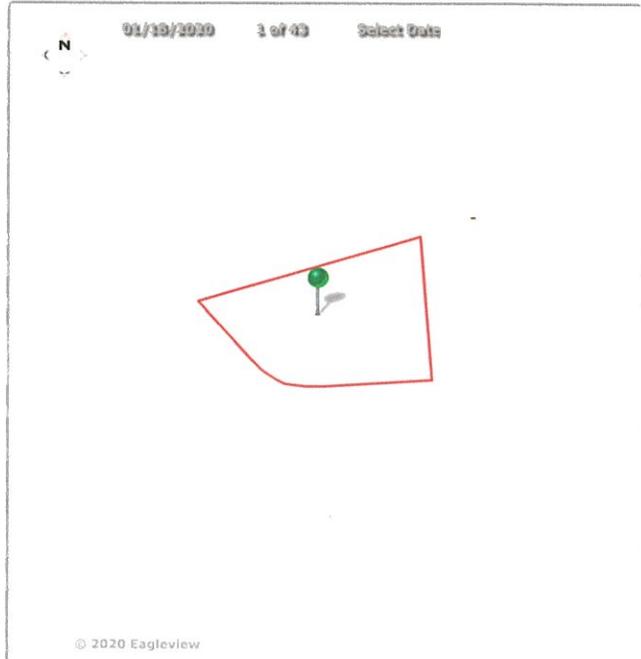
Company/Contact Name: TAH 2, LLC Phone: 386-631-0350  
Street Address: 928 SYCAMORE ST E-mail: TAHUGER@YAHOO.COM  
City & State: DAYTONA BEACH, FL Zip: 32114

Applicant Signature: [Signature] DATE: 29 MAY 2021  
Print Name: THOMAS HUGER

[Home](#) / Parcel Summary for 3504577

Summary **Tax Estimate** Permits Map Pictometry Print

**Alternate Key:** 3504577  
**Parcel ID:** 5339A1000710  
**Township-Range-Section:** 15 - 33 - 39  
**Subdivision-Block-Lot:** A1 - 00 - 0710  
**Business Name:**  
**Owner(s):** COOPER BACARI - FS - Fee Simple - 100  
**Mailing Address On File:** 617 BYRON AVE  
 DAYTONA BEACH FL 32114  
[Update Mailing Address](#)  
**Physical Address:** 925 LORA ST, DAYTONA BEACH 32114  
**Building Count:** 0  
**Neighborhood:** 3425 - CEDAR POINT 5339-A1  
[Neighborhood Sales](#)  
**Subdivision Name:** CEDAR POINT  
**Property Use:** 0000 - VACANT RES  
**Tax District:** 204-DAYTONA BEACH  
**2020 Certified Millage Rate:** 19.3569  
**Homestead Property:** No - [Apply for Homestead Online](#)  
**Agriculture Classification:** No - [Additional Information](#)



Values & Exemptions 

Land & Buildings 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				31.0	115	220	\$7,161
2	0001-VAC PVD THRU .49 AC	F-FRONT FOOT				45.0	115	220	\$10,395
<b>Total Land Value:</b>									\$17,556

**Miscellaneous Improvement(s)**

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

## 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 AN IRREGULAR SHAPED  
PARCEL.

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

THE EXISTING PLATTED PARCEL

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.

YES

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.

YES CORRECT

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

YES

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

YES CORRECT

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.

YES CORRECT

viii. The Variance is consistent with the Comprehensive Plan.

YES CORRECT

NOTARIZED AUTHORIZATION OF OWNER

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

holder(s) of the property described as: \_\_\_\_\_  
925 LORA DR. DAYTONA BEACH, FL 32114  
(property address or 12-digit parcel number)

authorize THOMAS HUGER TAH2, LLC 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 JUNE 17,  
2021, before the Board of Adjustment of The City of Daytona Beach, Florida.

[Signature]

OWNER'S SIGNATURE

OWNER'S SIGNATURE

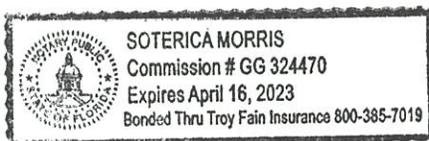
STATE OF FLORIDA  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 25th day of May,  
2021, by Bacari Cooper, who is personally known to me or has  
produced FL Driver License.

[Signature]  
NOTARY PUBLIC - STATE OF FLORIDA

Soterica Morris  
NAME OF NOTARY - TYPED OR PRINTED

COMMISSION # 4/16/23 GG324470





## SURVEY REPORT

Sheet 2 of 2

### LEGAL DESCRIPTION:

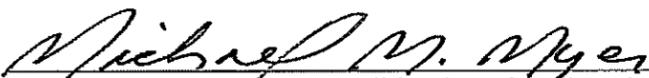
Lots 71, CEDAR POINT, according to Plat thereof as recorded in Map Book 29, Page 64 of the Public Records of Volusia County, Florida.

### GENERAL NOTES:

1. Field survey completed 4-28-21.
2. Bearing basis assumed: N87°57'34"E along the southerly right of way of Lora Street.
3. Underground utilities were not located except as shown.
4. Dimensions shown are feet and decimals thereof.
5. Underground foundations, if any, were not located.
6. Setbacks per Daytona Beach Land Development Code Zoning District SFR 5.
7. Elevations are North American Vertical Datum 1988.
8. Coverages shown on face of drawing.
9. Flood Zone AE, Base Flood Elevation 8 feet, per FEMA, Daytona Beach 125099, panel 12127C0359J, Revised 09/29/17.

### GENERAL LEGEND:

A	Arc length	N&D	Nail and disc
A/C	Air conditioning pad	NGVD	National Geodetic Vertical Datum
A/U	Aerial utilities	P	Pool pump
C	Cable TV service	PC	Point of curve
CALC	Calculation	PCC	Point of compound curve
CB	Catch basin	PCP	Permanent control point
CL	Centerline	POB	Point of beginning
CLF	Chain link fence	POC	Point of commencement
CM	Concrete monument	PP	Pinched pipe
CMP	Corrugated metal pipe	PRC	Point of reverse curve
CONC	Concrete	PT	Point of tangent
CR	Cable riser	PVC	Polyvinyl chloride
D	Delta	R	Radius
DESC	Description	R&C	Rod and cap
(E)	Electric meter	RCP	Reinforced Concrete Pipe
E(LY)	East(erly)	REC	Recovered
EMT	Electrical metal tubing	RLS	Registered land surveyor
FD	Found	R/W	Right of Way
FLD	Field	(S)	Utility services
G	Gas meter	S(LY)	South(erly)
FPL	Florida Power and Light	T	Telephone service
FPLS	Florida Professional Land Surveyor	TYP	Typical
IP	Iron pipe	U	Utility pole
L	Light pole	(W)	Water meter
LB	Licensed business	W(LY)	Westerly
N(LY)	North(erly)	WF	Wooden fence



(This Survey Report is not valid unless signed, embossed with signatory's seal and accompanied by Map of Boundary and topographic Survey, Job No. 21152.)

**MICHAEL M. MYER, PSM LS4006**

**Report and map of survey are exclusively prepared for the benefit of:**

Bacari Cooper

**Michael  
M. Myer**

Digitally signed by  
Michael M. Myer  
Date: 2021.05.07  
12:25:04 -04'00'

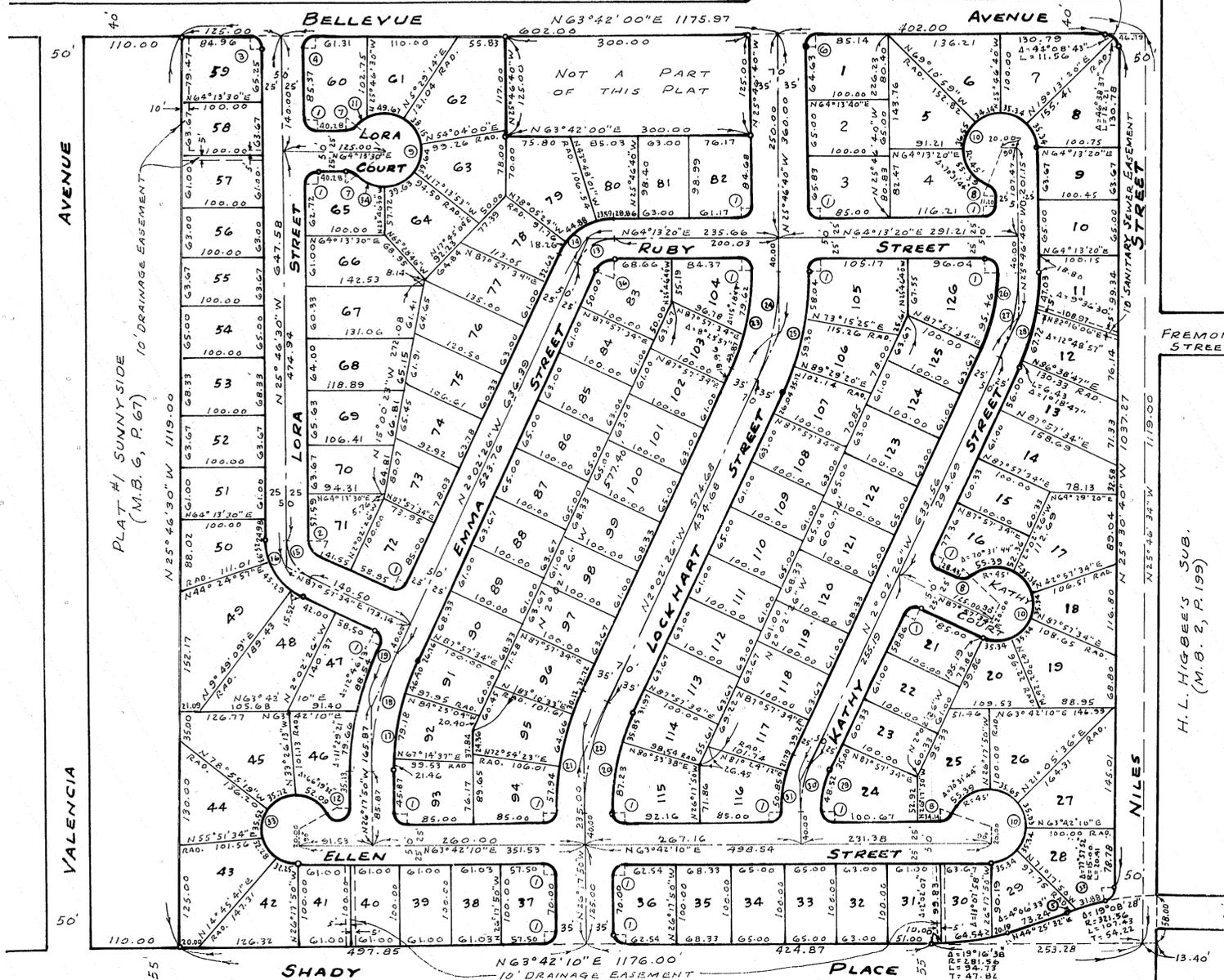
Job No. 21152 CRD #95224  
FB 347, pp 17, 18

# CEDAR POINT

A SUBDIVISION IN LOTS 1, 2, 3, 8, 9 AND 10, BLOCK 75, MARY BERNES SUB., MAP BOOK 1, PAGE 8, RECORDS OF VOLUSIA COUNTY, STATE OF FLORIDA.

FILED FOR RECORD  
MAR BOOK 27, PAGE 84  
1969 JUL 17 PM 2 39

SCALE: 1"=100'



STATE OF FLORIDA 55 COUNTY OF VOLUSIA We, HOWARD N. NUTT AND HENRY PELFREY AS PRESIDENT AND SECRETARY, RESPECTIVELY OF FEDERAL CONSTRUCTION CORPORATION OF FLORIDA, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOTS 1, 2, 3, 8, 9 AND 10 EXCEPTING THE WESTERLY 300 FT. OF THE NORTHERLY 125 FT. OF SAID LOT 2 OF MARY BERNES SUBDIVISION, OF RECORD IN MAP BOOK 1, PAGE 8, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

WE FURTHER CERTIFY THAT WE HAVE CAUSED A SURVEY AND REPLAT TO BE MADE OF SAID LAND, WHICH IS SHOWN HEREON, AND WHICH IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF. WE DO HEREBY DEDICATE THE STREETS, AVENUES AND COURTS AS SHOWN HEREON, TO THE USE OF THE PUBLIC FOREVER, AND THE EASEMENTS TO THEIR PRESCRIBED USE, AND DO HEREBY FILE THIS PLAT FOR PUBLIC RECORD.

Howard N. Nutt  
HOWARD N. NUTT, PRESIDENT

Henry Pelfrey  
HENRY PELFREY, SECRETARY

Charles H. Lane  
WITNESS AS TO BOTH

STATE OF FLORIDA 55 COUNTY OF VOLUSIA ON THIS DAY PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC IN THE STATE OF FLORIDA HOWARD N. NUTT AND HENRY PELFREY, AS PRESIDENT AND SECRETARY RESPECTIVELY OF FEDERAL CONSTRUCTION CORPORATION OF FLORIDA, TO ME WELL KNOWN AND KNOWN BY ME TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND WHO DID ACKNOWLEDGE BEFORE ME THAT THEY EXECUTED THE SAME, AS AND FOR AND IN BEHALF OF SAID CORPORATION, AS ITS ACT AND DEED, AND FOR THE PURPOSES THEREIN EXPRESSED.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL ON THIS 25 DAY OF JUNE AD 1969

MY COMMISSION EXPIRES: November 15, 1979

Clayton K. Anderson  
NOTARY PUBLIC

JOINDER AND CONSENT TO DEDICATION: THE UNDERSIGNED HEREBY CERTIFIES THAT THEY ARE THE HOLDERS OF A MORTGAGE, LIEN OR OTHER ENCUMBRANCE UPON THE ABOVE DESCRIBED PROPERTY, AND THE UNDERSIGNED JOINS IN AND CONSENTS TO THE DEDICATION TO THE LANDS DESCRIBED ABOVE BY THE OWNERS THEREOF, AND AGREES THAT THEIR MORTGAGE, LIEN OR OTHER ENCUMBRANCE WHICH ARE RECORDED IN OFFICIAL RECORD BOOK \_\_\_\_\_ PAGE \_\_\_\_\_, PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA, SHALL BE SUBORDINATED TO THE ABOVE DEDICATION.

Gordon L. Hutson  
GORDON L. HUTSON

Barbara Mae Hutson  
BARBARA MAE HUTSON

Charles H. Lane  
WITNESS AS TO BOTH

STATE OF FLORIDA 55 COUNTY OF VOLUSIA ON THIS DAY PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC IN THE STATE OF FLORIDA, GORDON L. HUTSON AND BARBARA MAE HUTSON, HIS WIFE, TO ME WELL KNOWN AND KNOWN BY ME TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND WHO DID INDIVIDUALLY ACKNOWLEDGE BEFORE ME, THAT THEY EXECUTED THE SAME AS THEIR OWN SEPERATE ACT AND DEED, AND FOR THE PURPOSES THEREIN EXPRESSED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL ON THIS 26 DAY OF June AD 1969.

MY COMMISSION EXPIRES: Jan. 9, 1971

Sam A. Sel  
NOTARY PUBLIC

CERTIFICATE THIS IS TO CERTIFY THAT THE PLAT DELINEATED HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYED, AND THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED IN CONFORMANCE WITH THE SURVEY LAWS OF THE STATE OF FLORIDA

JUNE 1969 Herbert W. Phillips  
HERBERT W. PHILLIPS, REGISTERED SURVEYOR 2205

APPROVED BY THE PLANNING BOARD OF THE CITY OF DAYTONA BEACH, FLORIDA, ON THIS 1st DAY OF AUGUST AD 1969

Chas. W. August, Jr.  
CHAIRMAN

APPROVED AND ACCEPTED BY THE CITY OF DAYTONA BEACH, FLORIDA, ON THIS 16th DAY OF July AD 1969

Russell C. Smith, P.E.  
DIRECTOR OF PUBLIC WORKS

Charles Jackson  
MANAGER

Resolution No. 69-196  
Adopted July 16, 1969

CURVE	RADIUS	DELTA	TAN.	LENGTH	CURVE	RADIUS	DELTA	TAN.	LENGTH
1	15.00	90°00'00"	15.00	23.56	18	372.27	24°15'24"	80.00	157.62
2	25.00	66°15'56"	16.32	28.91	19	397.27	24°15'24"	85.38	168.20
3	15.00	90°31'30"	15.14	23.70	20	290.73	24°15'24"	62.48	123.08
4	15.00	89°28'30"	14.84	23.42	21	360.73	24°15'24"	77.53	152.72
5	321.56	0°20'51"	—	13.17	22	325.73	24°15'24"	70.00	137.90
6	15.00	89°28'40"	14.86	23.42	23	298.07	23°44'14"	62.64	123.49
7	15.00	48°11'23"	6.71	12.62	24	333.07	23°44'14"	70.00	137.99
8	15.00	70°31'44"	10.61	18.47	25	368.07	23°44'14"	77.35	152.49
9	45.00	27°22'46"	—	217.07	26	280.42	23°44'14"	48.47	95.46
10	45.00	25°31'44"	—	196.76	27	255.42	23°44'14"	53.68	105.82
11	45.00	16°12'51"	6.41	12.73	28	280.42	23°44'14"	58.93	116.18
12	15.00	149°17'09"	54.43	39.05	29	114.60	24°15'24"	24.63	48.62
13	50.00	60°15'46"	32.63	57.82	30	139.60	24°15'24"	30.00	59.10
14	75.00	60°15'46"	48.95	86.74	31	164.60	24°15'24"	35.37	69.68
15	50.00	66°15'56"	32.64	57.83	32	321.56	5°40'49"	—	31.88
16	75.00	66°15'56"	48.95	86.74	33	45.00	239°11'00"	—	187.80
17	347.27	24°15'24"	74.64	147.04	34	45.00	48°11'23"	20.12	37.85

GENERAL NOTES:  
1. THE FOLLOWING EASEMENTS ARE RESERVED FOR PUBLIC UTILITY USE, 5.00 FT. ALONG ALL SIDE LOT LINES, 10.00 FT. ALONG ALL REAR LOT LINES AND 10.00 FT. ALONG ALL LOT LINES ADJACENT TO STREETS.  
2. ALL POINTS ON ABOVE MAP SHOWN THUS— ARE PERMANENT REFERENCE MONUMENTS.



Larry Bartlett, J.D.  
Volusia County Property Appraiser  
SURROUNDING OWNERS REQUEST FORM

RECEIPT

Surrounding Property Owners: \$25.00 Pre-Paid Flat Fee (please allow 5 business day for processing)

To be completed by Property Owner or Agent:

Date of Request: 25 MAY 2021

Tax Parcel Number:

5339A1000710 AK:3504577

Check one below:

1. Adjacent only:

2. Radius:

Number of feet needed 150 (ie 100, 300, 500 ft)

Owner or Agent Name:

TAH2 LLC

Current Mailing Address:

928 SYCAMORE ST

Phone Number: 386-631-0350

Email Address (required if information is to be sent in

electronic format):

TAHUGER @ YAHOO.COM

Owner or Agent Signature:

[Signature]

Date

25 MAY 2021

Select Desired Format:

Printed List (To be pick-up) Certified Printed List Required? (Circle yes if needed) Yes

If picking up a printed list please check office to pick up from:

DeLand

New Smyrna Beach

Daytona Beach

Orange City

OR

Your selection from one of the electronic formats below. If an electronic format is chosen, it will be emailed to the email address provided above.

Text (Tab Delimited)

Excel (.xls)

Portable Document Format (.pdf)

Dbase (.dbf)

Please read the disclaimer below and initial.

DISCLAIMER: 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. No responsibility or liability is assumed for inaccuracies or errors. Please govern yourself accordingly.

Customer Initials: AT

Request will not be processed without customer initials.

Received by Staff: [Signature]

PA Office: Holly Hill

Paid?

Forward Request to:

Kenny Ruegger, Volusia County Property Appraiser's Office  
123 W. Indiana Avenue, Room 102  
DeLand, Florida 32720  
Phone 386-822-5720 or FAX 386-740-5179



# 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.

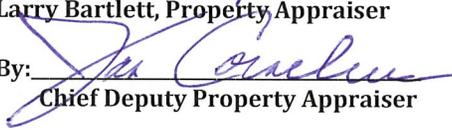
Additionally, the Appraiser's data is not as current as the Clerk of the Court data causing mismatches - which are beyond our control

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

25 day of May A.D. 2021

Larry Bartlett, Property Appraiser

By:   
Chief Deputy Property Appraiser

Parcel Number of Subject Property: 5339-A1-00-0710 - 150 feet radius - TAH2 LLC - 05/25/2021

PID	OWNER1	ADDR1	MAILCITY	MAILSTATE	MAILZIP
523908000340	ST JAMES TANNER	3786 NIGHT HERON DR	SANFORD	FL	32773
523908000380	DEATLEY ALBERT D & KATHRYN M	835 VALENCIA AVE	DAYTONA BEACH	FL	32114
5339A1000470	LINDSEY PATRICIA ROBERTSON	10 FOREST LAKE BLVD APT 3007	DAYTONA BEACH	FL	32119
5339A1000480	BROADNAX MAURICE	932 LORA ST	DAYTONA BEACH	FL	32114
5339A1000490	ZACKERY JACKIE C	928 LORA ST	DAYTONA BEACH	FL	32114
5339A1000500	JENKINS LEEPLOEN	924 LORA ST	DAYTONA BEACH	FL	32114
5339A1000510	SAMS LERLENE EST	920 LORA ST	DAYTONA BEACH	FL	32114
5339A1000520	FIELDS MARILYN G	916 LORA ST	DAYTONA BEACH	FL	32114
5339A1000530	PAUL A CZAJKOWSKI REV TRUST	PO BOX 238441	PORT ORANGE	FL	32123
5339A1000680	SCARBOUGH EVELYN	913 LORA ST	DAYTONA BEACH	FL	32114
5339A1000690	MARON ASHLEY ROSE	917 LORA ST UNIT 2	DAYTONA BEACH	FL	32114
5339A1000700	LASSITER ANNETTE L	921 LORA DR	DAYTONA BEACH	FL	32114
5339A1000710	COOPER BACARI	617 BYRON AVE	DAYTONA BEACH	FL	32114
5339A1000720	HARDY SHARON LYNN	1044 KENNEDY RD	DAYTONA BEACH	FL	32117
5339A1000730	MILLS DENZIL A & PAMELA E	920 EMMA ST	DAYTONA BEACH	FL	32114
5339A1000740	BLUE OLLIE	916 EMMA ST	DAYTONA BEACH	FL	32114
5339A1000750	ADAMS MARY W	912 EMMA ST	DAYTONA BEACH	FL	32114
5339A1000870	FAGINS PEGGY LOU	917 EMMA ST	DAYTONA BEACH	FL	32114
5339A1000880	BREEDLOVE RODNEY	921 EMMA ST	DAYTONA BEACH	FL	32114
5339A1000890	LAGARDE RENATO F & AIDA C	87-43 110TH ST	RICHMOND HILL	NY	11418
5339A1000900	ROGERS ANGELA	929 EMMA ST	DAYTONA BEACH	FL	32114
5339A1000910	LOWE SAGINA N	933 EMMA ST	DAYTONA BEACH	FL	32114

**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 BOA2021-004 Public Hearing Date June 17, 2021

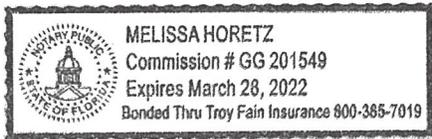
Typed/Printed Name THOMAS HUGER

Signature (sign after reading) \_\_\_\_\_

Address 928 SE CAMORÉ ST. DB FL 32114

STATE OF FLORIDA  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 7th day of June, 2021, by Thomas Huger, who is personally known to me or has produced Florida Drivers license



Melissa Horetz  
NOTARY PUBLIC – STATE OF FLORIDA

Melissa Horetz  
NAME OF NOTARY – TYPED OR PRINTED

COMMISSION # 66 201549

## NOTICE

### MAIL NOTICE

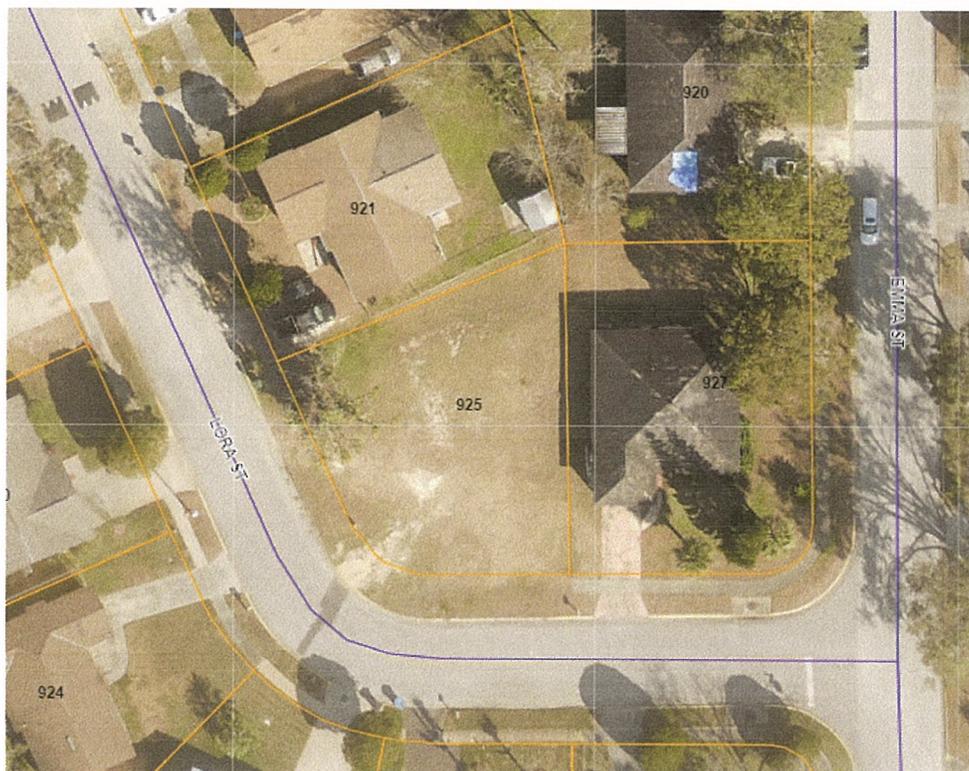
To:

Dear Property Owner(s):

The owner of the property located at **925 Lora 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 – BOA2021-004 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 1,877.5sf 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.



A public hearing will be held at 1:00 p.m. on **Thursday, June 17, 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 – 386.671.8328



---

**DAYTONA BEACH, FLORIDA 32114**  
**CONSTRUCTION ADMINISTRATION & MANAGEMENT SERVICES**

**925 LORA STREET VARIANCE PICTURES TAKEN OF POSTED**  
**PROPERTY 4 JUNE 2021**



PHONE 386-631-0350

WWW.TAH2LLC.COM

E-MAIL TAHUGER@YAHOO.COM

STATE OF FLORIDA CERTIFIED BUILDING CONTRACTOR LICENSE CBC-042331  
925 LORA ST

Veteran Owned and Operated  
6/6/2021 



PHONE 386-631-0350

WWW.TAH2LLC.COM

E-MAIL TAHUGER@YAHOO.COM

STATE OF FLORIDA CERTIFIED BUILDING CONTRACTOR LICENSE CBC-042331  
925 LORA ST

Veteran Owned and Operated  
6/6/2021



PICTURE TAKEN 4 JUNE 2021

PHONE 386-631-0350

WWW.TAH2LLC.COM

E-MAIL TAHUGER@YAHOO.COM

STATE OF FLORIDA CERTIFIED BUILDING CONTRACTOR LICENSE CBC-042331  
925 LORA ST

Veteran Owned and Operated  
6/6/2021 



DAYTONA BEACH  
 500 BILL FRANCE BLVD  
 DAYTONA BEACH, FL 32114-9998  
 (800)275-8777

06/07/2021 09:16 AM

Product	Qty	Unit Price	Price
US Flag Bklt/20	1	\$11.00	\$11.00
PurpleHeartMedal	2	\$0.55	\$1.10
Grand Total:			\$12.10
Cash			\$20.00
Change			-\$7.90

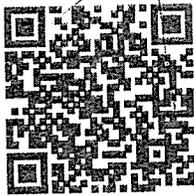
\*\*\*\*\*  
 USPS is experiencing unprecedented volume increases and limited employee availability due to the impacts of COVID-19. We appreciate your patience.  
 \*\*\*\*\*

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Preview your Mail  
 Track your Packages  
 Sign up for FREE @  
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All sales final on stamps and postage.  
 Refunds for guaranteed services only.  
 Thank you for your business.

Tell us about your experience.  
 Go to: <https://postalexperience.com/Pos>  
 or scan this code with your mobile device,



or call 1-800-410-7420.

UFN: 112101-0355  
 Receipt #: 840-53200044-2-4724536-1  
 Clerk: 88

# Case B

Agenda Item 5 – Case B

**BOA2021-005**

**Variance from Article 4, Section 4.2.B  
Of the Land Development Code (LDC)**

540 Spruce Street

Agenda Item 5 – Case B  
**BOA2021-005**  
**Variance from Article 4, Section 4.2.B**  
**Of the Land Development Code (LDC)**  
540 Spruce Street

**STAFF REPORT**

**DATE:** May 27, 2021

**TO:** Board of Adjustment Members

**FROM** Missy Phillips, Senior Development Review Technician

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**VARIANCE REQUEST**

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.

**PROPERTY LOCATION**

The subject property is generally located on the west side of Spruce Street and south of North Street.

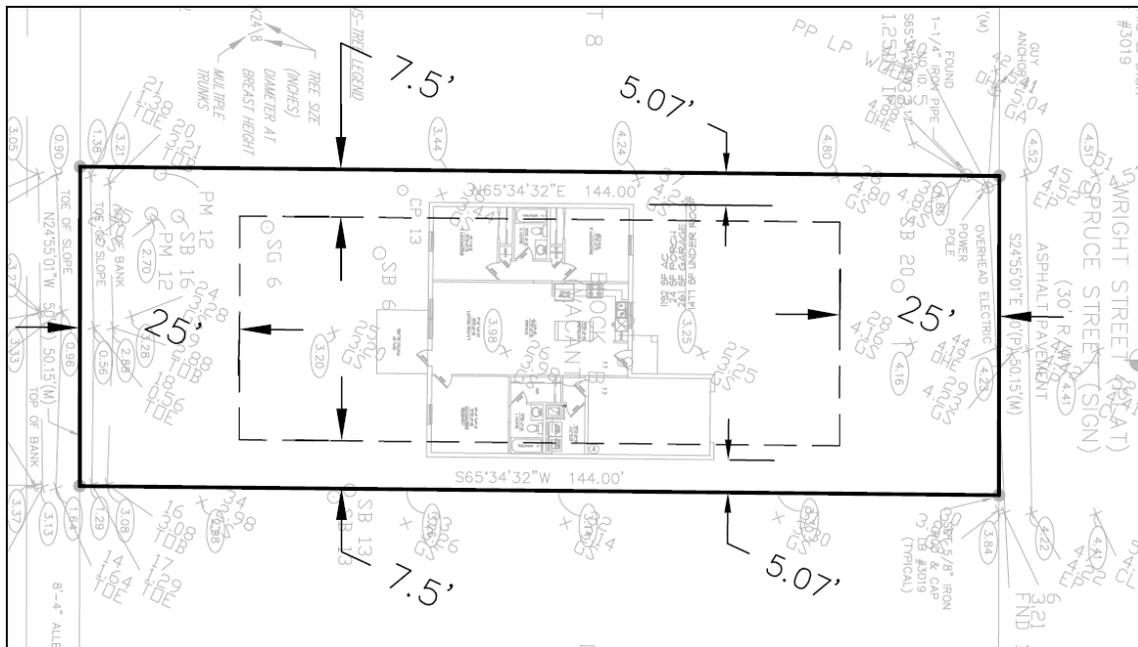


*Aerial View of the Property*

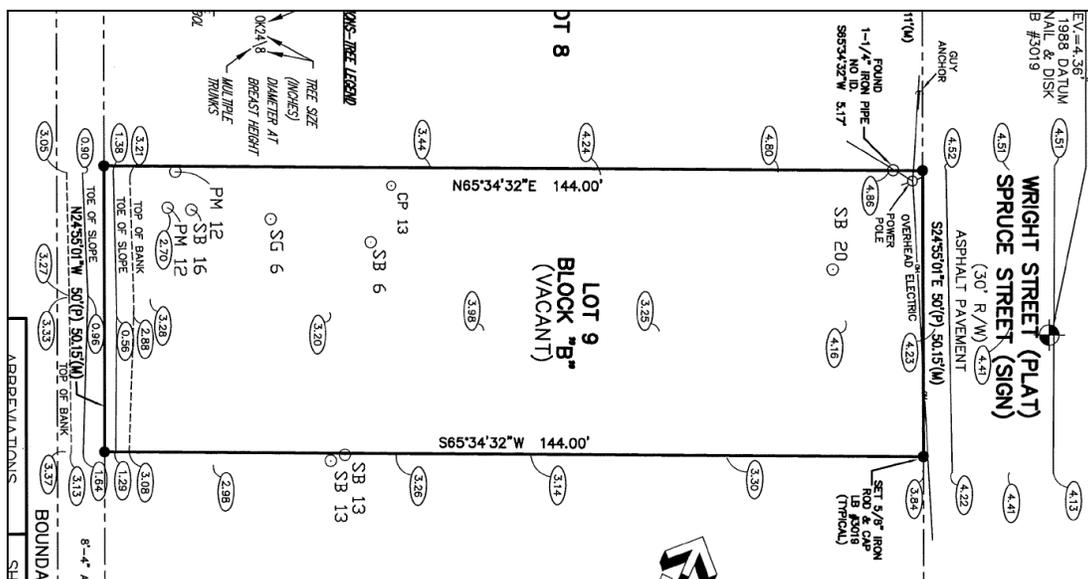
**PROJECT HISTORY AND VARIANCE DESCRIPTION**

The property located at 540 Spruce Street is currently vacant. A review of County records show that this property has likely never contained a structure. The proposed plans show that a variance from the interior side setbacks will be necessary to allow for the development of the typical Homes Bring Hope, LLC's single family home plan.

The applicant is requesting a variance from Article 4, Section 4.2.B. of the 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 dwelling.



*Proposed Plan Submitted by Applicant*



*Existing Survey Submitted by Applicant*

The survey (attached) reflects that the subject lot is 50' wide by 144' deep. The minimum lot size for that SFR-5 zoning district is 50' wide by 100' deep, making the lot at 540 Spruce Street a conforming lot. Due to the fact that the lot is conforming, the applicant is able to develop a single family dwelling without the need of variances. However, the applicant has asserted that the proposed variances will be necessary to develop their standard home plan which is used in the majority of their single family home developments.

### **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 conforming lot in a single family residential (SFR-5) zoning district within the City.

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

There are no exceptional or extraordinary conditions, as this lot is conforming.

- 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 fact that the lot is conforming, the applicant is able to develop a single family dwelling without the need of variances. However, the applicant has asserted that the proposed variances will be necessary to develop their standard home plan which is used in the majority of their single family home developments.

- 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 similar to 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 requested are not the minimum necessary. The applicant has the ability to develop a single family home and meet all Code requirements. However, the applicant asserts this is the minimum necessary to develop their standard house plan.

- 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.**

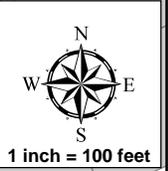
Staff does not anticipate that the variance request would adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.

- 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



Document Path: P:\Admin\Prattina\Short Term Projects 2013\BOA\BOA 2021\BOA 2021-005\BOA 2021-005 LocationMap.mxd



**Case : BOA 2021-005**  
**540 Spruce 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



Document Path: P:\Admin\Pratt\ma\Short Term Projects 201\3\BOA\BOA\2021\BOA\2021-005\BOA\2021-005 AerialMap.mxd



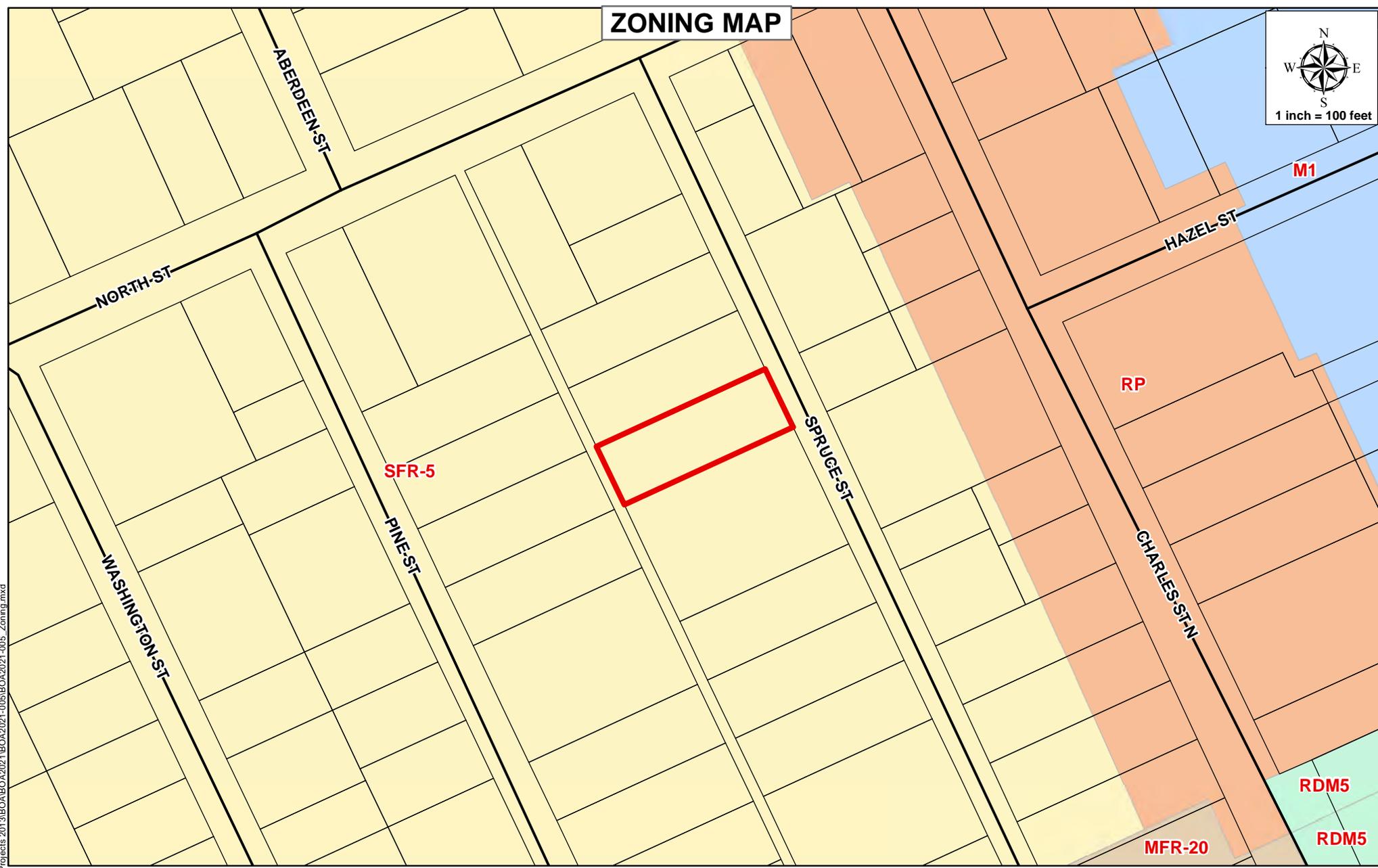
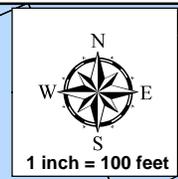
**Case : BOA 2021-005**

**540 Spruce St  
Daytona Beach FL 32114**

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# ZONING MAP



Document Path: P:\Admin\Prattima\Short Term Projects 201\3\BOA\BOA 2021\BOA 2021-005\BOA 2021-005 Zoning.mxd



**Case : BOA 2021-005**  
**540 Spruce St**  
**Daytona Beach FL 32114**

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# FUTURE LAND USE MAP



Document Path: P:\Admin\Pratima\Short Term Projects 2013\BOA\BOA2021\BOA2021-005\BOA2021-005\_FutureLandUse.mxd



**Case : BOA 2021-005**  
**540 Spruce St**  
**Daytona Beach FL 32114**

City of Daytona Beach Map disclaimer:  
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**THE CITY OF DAYTONA BEACH –2021  
DEVELOPMENT & ADMINISTRATIVE SERVICES  
VARIANCE 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*	Variance BOA*	<b>X</b>	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?  Ballough Road  Downtown  South Atlantic  Midtown  Main Street

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

Variance to side yard setback.

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

Project Name:	Spruce Street Variance														
12 Digit Short Tax Parcel ID#:	5	3	3	8	—	9	2	—	0	2	—	0	0	9	0
Street Address	540 SPRUCE ST, DAYTONA BEACH 32114														
<b>SITE INFORMATION:</b>	<b>Existing:</b>	<b>Proposed:</b>	<b>Abutting Property:</b>												
Future Land Use Designation:	L1-R		N	S	E	W									
Zoning Designation:	SFR-5														
Gross Sq. Ft. Floor Area:															
Acres of Parcel(s):															
<b>Property Owner (Provide Proof of Ownership)</b>															
Company/Contact Name:	City of Daytona Beach										Phone :				
Street Address:											E-mail:				
City & State:											Zip:				
<b>Lead Designer, if any (Provide Owner Authorization Form)</b>															
Company/Contact Name:											Phone :				
Street Address:											E-mail:				
City & State:											Zip:				
<b>Authorized Agent, if any (Provide Owner Authorization Form)</b>															
Company/Contact Name:	Cobb Cole / Nika Hosseini & Jessica Gow										Phone :	386-736-7700			
Street Address:	149 S. Ridgewood Avenue										E-mail:	nika.hosseini@cobbcole.com/ jessica.gow@cobbcole.com			
City & State:	Daytona Beach, FL										Zip:	32114			

<b>Applicant Signature:</b>		<b>DATE:</b> 5/26/2021
<b>Print Name:</b>	Nika Hosseini	



**Volusia County Property Appraiser**  
 123 W. Indiana Ave., Rm. 102  
 DeLand, FL. 32720  
 Phone: (386) 736-5901 Web: vcpa.vcgov.org

**Property Summary**

**Alternate Key:** 3500202  
**Parcel ID:** 533892020090  
**Township-Range-Section:** 15 - 33 - 38  
**Subdivision-Block-Lot:** 92 - 02 - 0090  
**Business Name:**  
**Owner(s):** CITY OF DAYTONA BEACH - M - Municipal - 100  
**Mailing Address On File:** PO BOX 551  
 DAYTONA BEACH FL 32114  
**Physical Address:** 540 SPRUCE ST, DAYTONA BEACH 32114  
**Building Count:** 0  
**Neighborhood:** 2168 - CANNONS SUB (5338-65)-OAK PAR  
[Neighborhood Sales](#)  
**Subdivision Name:**  
**Property Use:** 8000 - VACANT GOVERNMENTAL  
**Tax District:** 204-DAYTONA BEACH  
**2020 Certified Millage Rate:** 19.3569  
**Homestead Property:** No  
**Agriculture Classification:** No

**Property Values**

Tax Year:	2021 Working	2020 Final	2019 Final
<b>Valuation Method:</b>	1-Market Oriented Cost	1-Market Oriented Cost	1-Market Oriented Cost
<b>Improvement Value:</b>	\$0	\$0	\$0
<b>Land Value:</b>	\$7,350	\$7,350	\$7,350
<b>Just/Market Value:</b>	\$7,350	\$7,350	\$7,350

**Tax Roll Values by Taxing Authority**

**Values shown below are the 2021 WORKING TAX ROLL VALUES that are subject to change until certified. Millage Rates below that are used in the calculation of the Estimated Taxes are the 2020 CERTIFIED MILLAGE RATES.** The Just/Market listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority	Just/Market Value	Assessed Value	Ex/10CAP	Taxable Value	Millage Rate	Estimated Taxes
● 0017 CAPITAL IMPROVEMENT	\$7,350	\$7,350	\$7,350	\$0	1.5000	\$0.00
● 0012 DISCRETIONARY	\$7,350	\$7,350	\$7,350	\$0	0.7480	\$0.00
● 0011 REQ LOCAL EFFORT	\$7,350	\$7,350	\$7,350	\$0	3.6590	\$0.00
● 0050 GENERAL FUND	\$7,350	\$7,350	\$7,350	\$0	5.4500	\$0.00
● 0055 LIBRARY	\$7,350	\$7,350	\$7,350	\$0	0.5174	\$0.00
● 0520 MOSQUITO CONTROL	\$7,350	\$7,350	\$7,350	\$0	0.1781	\$0.00
● 0530 PONCE INLET PORT AUTHORITY	\$7,350	\$7,350	\$7,350	\$0	0.0880	\$0.00
● 0058 VOLUSIA ECHO	\$7,350	\$7,350	\$7,350	\$0	0.0000	\$0.00
● 0057 VOLUSIA FOREVER	\$7,350	\$7,350	\$7,350	\$0	0.1052	\$0.00
● 0059 VOLUSIA FOREVER I&S 2005	\$7,350	\$7,350	\$7,350	\$0	0.0783	\$0.00
● 0065 FLORIDA INLAND NAVIGATION DISTRICT	\$7,350	\$7,350	\$7,350	\$0	0.0320	\$0.00
● 0100 HALIFAX HOSPITAL AUTHORITY	\$7,350	\$7,350	\$7,350	\$0	0.9879	\$0.00
● 0060 ST JOHN'S WATER MANAGEMENT DISTRICT	\$7,350	\$7,350	\$7,350	\$0	0.2287	\$0.00
● 0210 DAYTONA BEACH	\$7,350	\$7,350	\$7,350	\$0	5.5300	\$0.00
● 0211 DAYTONA BEACH I&S 2004	\$7,350	\$7,350	\$7,350	\$0	0.2543	\$0.00
					19.3569	\$0.00

**Non-Ad Valorem Assessments**

Project	#Units	Rate	Amount	Estimated Ad Valorem Tax:	\$0.00
				Estimated Non-Ad Valorem Tax:	\$0.00
				<b>Estimated Taxes:</b>	<b>\$0.00</b>
				Estimated Tax Amount without SOH/10CAP	\$142.27

## Where your tax dollars are going:

## Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	County Exemptions	County Taxable	HX Savings
2020	\$7,350	\$0	\$7,350	\$7,350	\$7,350	\$0	\$0
2019	\$7,350	\$0	\$7,350	\$7,350	\$7,350	\$0	\$0
2018	\$7,350	\$0	\$7,350	\$7,350	\$7,350	\$0	\$0
2017	\$6,825	\$0	\$6,856	\$6,856	\$6,856	\$0	\$0
2016	\$5,801	\$0	\$5,801	\$5,801	\$5,801	\$0	\$0
2015	\$4,219	\$0	\$4,219	\$4,219	\$4,219	\$0	\$0
2014	\$4,219	\$0	\$4,219	\$4,219	\$4,219	\$0	\$0
2013	\$6,329	\$0	\$6,329	\$6,329	\$6,329	\$0	\$0
2012	\$7,911	\$0	\$7,911	\$7,911	\$7,911	\$0	\$0

## Land Data

#	Land Use	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
1	8086-VAC GOV - COUNTY	F-FRONT FOOT				50.0	144	140	\$7,350
<b>Total Land Value:</b>									\$7,350

## Miscellaneous Improvement(s)

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

## Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description and/or recorded and indexed with the Clerk of the Court.

Book/Page	Instrument No.	Sale Date	Deed Type	Qualified/Unqualified	Vacant/Improved	Sale Price
7239 / 3528	<a href="#">2016064648</a>	04/07/2016	CD-COUNTY DEED	UNQUALIFIED	VACANT	\$100
7137 / 2969	<a href="#">2015125635</a>	07/10/2015	TD-TAX DEED	UNQUALIFIED	VACANT	\$100
4399 / 3690	<a href="#">1999029884</a>	02/15/1999	QC-QUIT CLAIM DEED	UNQUALIFIED	VACANT	\$10
4326 / 1729	<a href="#">1998129134</a>	07/15/1998	WD-WARRANTY DEED	UNQUALIFIED	VACANT	\$10
4326 / 1691	<a href="#">1998129131</a>	03/15/1998	WD-WARRANTY DEED	UNQUALIFIED	VACANT	\$10
4326 / 1676	<a href="#">1998129130</a>	03/15/1998	PR-vcpa pr	UNQUALIFIED	VACANT	\$10
2147 / 1087		02/15/1980	PR-vcpa pr	UNQUALIFIED	VACANT	\$100

## Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

<b>Legal Description</b>	<b>Millage Group</b>	<b>Township-Range- Section</b>	<b>Subdivision-Block-Lot</b>	<b>Date Created</b>
LOT 9 BLK B WRIGHT 2ND ADD COLEMANS DAYTONA PER OR 4399 PG 3690 PER OR 7137 PG 2969 PER OR 7239 PG 3528	204	15 - 33 - 38	92 - 02 - 0090	30-DEC- 81

### Permit Summary

NOTE: Permit data does not originate from the Volusia County Property Appraiser's office. For details or questions concerning a permit, please [contact the building department of the tax district](#) in which the property is located.

<b>Date</b>	<b>Number</b>	<b>Description</b>	<b>Amount</b>
-------------	---------------	--------------------	---------------

Scott W. Cichon  
Robert A. Merrell III  
John P. Ferguson  
Mark A. Watts  
Heather Bond Vargas  
Michael J. Woods  
Raymond L. Schumann  
Kathleen L. Crotty  
Michael O. Sznajstajler  
Matthew S. Welch  
Robert E. Doan  
Douglas J. Collins  
Sara E. Glover  
Holly J. Woerschling  
Taylor M. Westfall  
Jessica L. Gow  
Joseph A. Cottingham  
Nika K. Hosseini  
Sydney V. Cichon



Daytona Beach • DeLand

149 South Ridgewood Avenue, Suite 700  
Daytona Beach, Florida 32114  
(386) 255-8171  
CobbCole.com

OF COUNSEL  
Harold C. Hubka  
Larry D. Marsh

RETIRED  
Thomas S. Hart

William M. Cobb  
(1881-1939)  
Thomas T. Cobb  
(1916-2004)  
W. Warren Cole, Jr.  
(1926-2008)

May 26, 2021

**VIA HAND DELIVERY**

Angela Doyle  
Development Review Technician  
City of Daytona Beach  
301 S. Ridgewood Avenue, Room 240  
Daytona Beach, FL 32114

Re: Request for Variance  
540 Spruce Street  
Parcel ID No.: 5338-92-02-0090

Dear Mrs. Doyle:

As you may know, Cobb Cole has the pleasure of representing Homes Bring Hope, LLC ("HBH") with respect to development of the property located at 540 Spruce Street in Daytona Beach, Florida (the "Property"). On May 5, 2021, the City of Daytona Beach (the "City") adopted a resolution approving an affordable housing agreement between the City and HBH providing for HBH to construct single family homes on five residential lots donated by the City in order to sell the homes at an affordable price to improve the living outcomes of income restricted families. One of the donated lots from the City requires a variance to the side yard setback in order to permit the construction of a standard and affordable single family house plan. Pursuant to our pre-application meeting held on May 17, 2021, please accept this letter as the formal request to have the City grant a variance from the Land Development Code (LDC) for the Property.

Under Section 3.4.V of the LDC, certain deviations from the LDC, such as yard setbacks and lot coverage, may be deviated from upon a finding that the literal application of the standards would result in undue and unique hardship to the landowner, and that the deviation would not be contrary to the public interest. Included herein please find an analysis of the following factors regarding the proposed variance requested for the Property:

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 SFR-5 zoning classification is unique in that the side setbacks differ based on the platted width of the lot. The lot in question is exactly 50 feet in width. If the lot was one foot less at 49 feet, we would be able to meet the side yard setbacks with the current house plan. However, the extra foot in width requires an extra 2.5 feet in side yard setbacks. The goal of constructing an affordable single family house is impacted by this difference in setbacks as one house plan has been designed to accommodate each lot donated by the City of Daytona Beach in order to maximize efficiency in the permitting process and substantially lower costs.*

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

*The City and HBH did not cause the lot layout or the specific requirements attributable to the lot under the applicable zoning classification. The City and HBH have agreed to work together to combat the lack of affordable housing in the City of Daytona Beach and this variance request assists with the affordability of the home.*

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.

*A strict application of the LDC would prohibit the ability for HBH to construct a home that is as affordable as the other homes on the lots donated by the City. The cost of the home would increase due to the need to create a new house plan as well as a less efficient permitting process as compared to one plan.*

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

*The Variance would allow for the construction of an affordable single family home, which is an allowable use under the existing zoning and Future Land Use, and therefore not a special privilege upon the landowner that is denied to those properties similarly situated.*

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

*As shown on the attached conceptual plan included with these submittal materials, the requested Variance is the minimum variance needed to bring forward the required house plan as it stands.*

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

*The proposed variance allows for use of the property in accordance with the current zoning and Future Land Use on the Property. The variance allows for the rational development of the land in a manner that complements existing uses in the area.*

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.

*The variance is for a 2.5 foot difference in the side yards. If the width of the property was a foot less, the variance would not be required. Many homes in the area are similarly situated and the home will be constructed to compliment the homes in the area and to promote beautification of the neighborhood.*

VIII. The Variance is consistent with the comprehensive plan.

*The proposed variance allows for use of the property in accordance with the current zoning and Future Land Use of the Property.*

\*\*\*\*\*

Based on the information contained herein, HBH is requesting the following variance from the dimensional criteria set forth in Section 4.2.B.3 of the LDC: (1) A request to reduce the required side yard setbacks from a minimum side setback of 7.5 feet to a minimum side setback of 5 feet. Please note that the City is the current owner of the property and as such, the City has the notarized authorization of owner on file for this property.

If you have any questions or comments regarding this request, please do not hesitate to contact me. Enclosed herein please find the following materials in support of this request:

1. Development & Administrative Services Administrative Review Application (Rev. 1/21);
2. Application Fee in the amount of \$300.00;
3. Copy of Deed and Property Appraiser Information Card;
4. Survey of the Property;
5. Conceptual Site Plan; and
6. Homes Bring Hope Affordable Housing Development Agreement.

We look forward to working with you on this matter.

Sincerely,



**Nika K. Hosseini**

Email [Nika.Hosseini@CobbCole.com](mailto:Nika.Hosseini@CobbCole.com)  
Ph (386) 736-7700

This Instrument Prepared By:  
Jamie E. Seaman, Esq.  
County of Volusia  
123 W. Indiana Avenue  
DeLand, Florida 32720  
386-736-5950

SPACE ABOVE THIS LINE FOR RECORDING DATA

**COUNTY DEED**

**THIS DEED**, executed the 7 day of April, 2016, by the **COUNTY OF VOLUSIA**, a political subdivision of the State of Florida, hereinafter referred to as GRANTOR, to **THE CITY OF DAYTONA BEACH**, a municipal corporation, hereinafter referred to as Grantee.

(Whenever used herein, the terms "Grantors" and "Grantees" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

**WITNESSETH:**

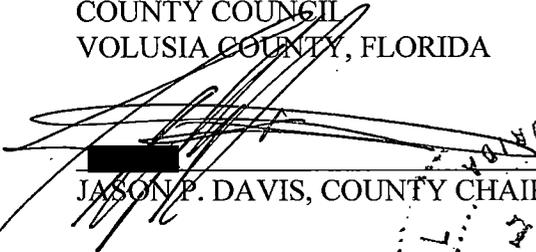
Grantor, pursuant to section 197.592(3), Florida Statutes, conveys unto Grantee, its successors and assigns forever, all of its interest in the herein described land that was escheated to Grantor by tax deed recorded at OR Book 7137 PAGE 2969 situate, lying and being in Volusia County, Florida, to wit:

LOT 9 BLK B WRIGHT 2ND ADD COLEMANS DAYTONA PER OR 4399 PG 3690

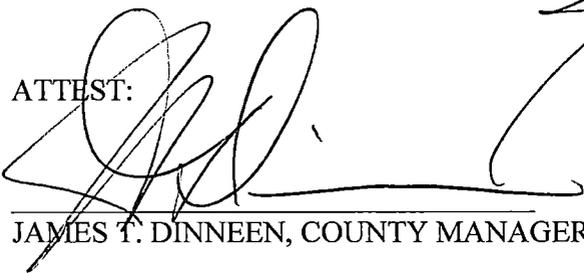
PARCEL ID: 5338-92-02-0090

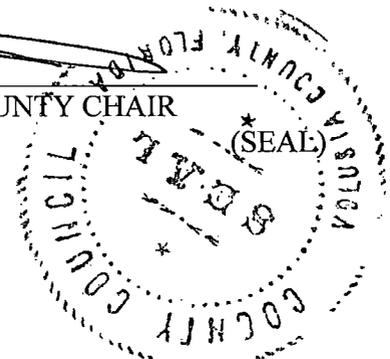
**IN WITNESS WHEREOF**, the Grantor has caused these presents to be executed in its name by the County Council acting by the Chair of said Council, and its seal affixed on the day and year first above written.

COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

  
JASON P. DAVIS, COUNTY CHAIR

ATTEST:

  
JAMES T. DINNEEN, COUNTY MANAGER



Note: Pursuant to F.S. 125.411(2) a County Deed of conveyance is not required to be witnessed or acknowledged and can be recorded for record when properly executed.

NOTARIZED AUTHORIZATION OF OWNER

I, Forough Hosseini as Chair of Food Brings Hope, Inc., the managing member of Homes Bring Hope, LLC, a Florida limited liability company, as the contract dedicatee of the property located at 540 Spruce Street in Daytona Beach, Parcel ID: 5338-92-02-0090, hereby authorize Cobb Cole and Nika K. Hosseini and Jessica L. Gow to act as my agents to seek any and all developmental approvals on the above-referenced property, including but not limited to variances for the property.

HOMES BRING HOPE, LLC  
a Florida limited liability company

By: FOOD BRINGS HOPE, INC., a Florida not for profit corporation, its managing member

By: Forough B. Hosseini  
Name: Forough B. Hosseini  
Title: Chair

STATE OF FLORIDA  
COUNTY OF VOLUSIA

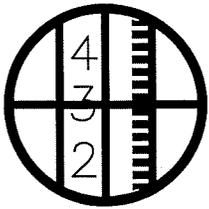
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this and day of June, 2021, by Forough B. Hosseini as president of Food Brings Hope, Inc., a Florida not for profit corporation and managing member of Homes Bring Hope, LLC, who is personally known to me or who has produced \_\_\_\_\_ (type of ID) as identification and who did not take an oath.

Beth Miller  
NOTARY PUBLIC - STATE OF FLORIDA



NAME OF NOTARY - TYPED OR PRINTED

COMMISSION NO: \_\_\_\_\_



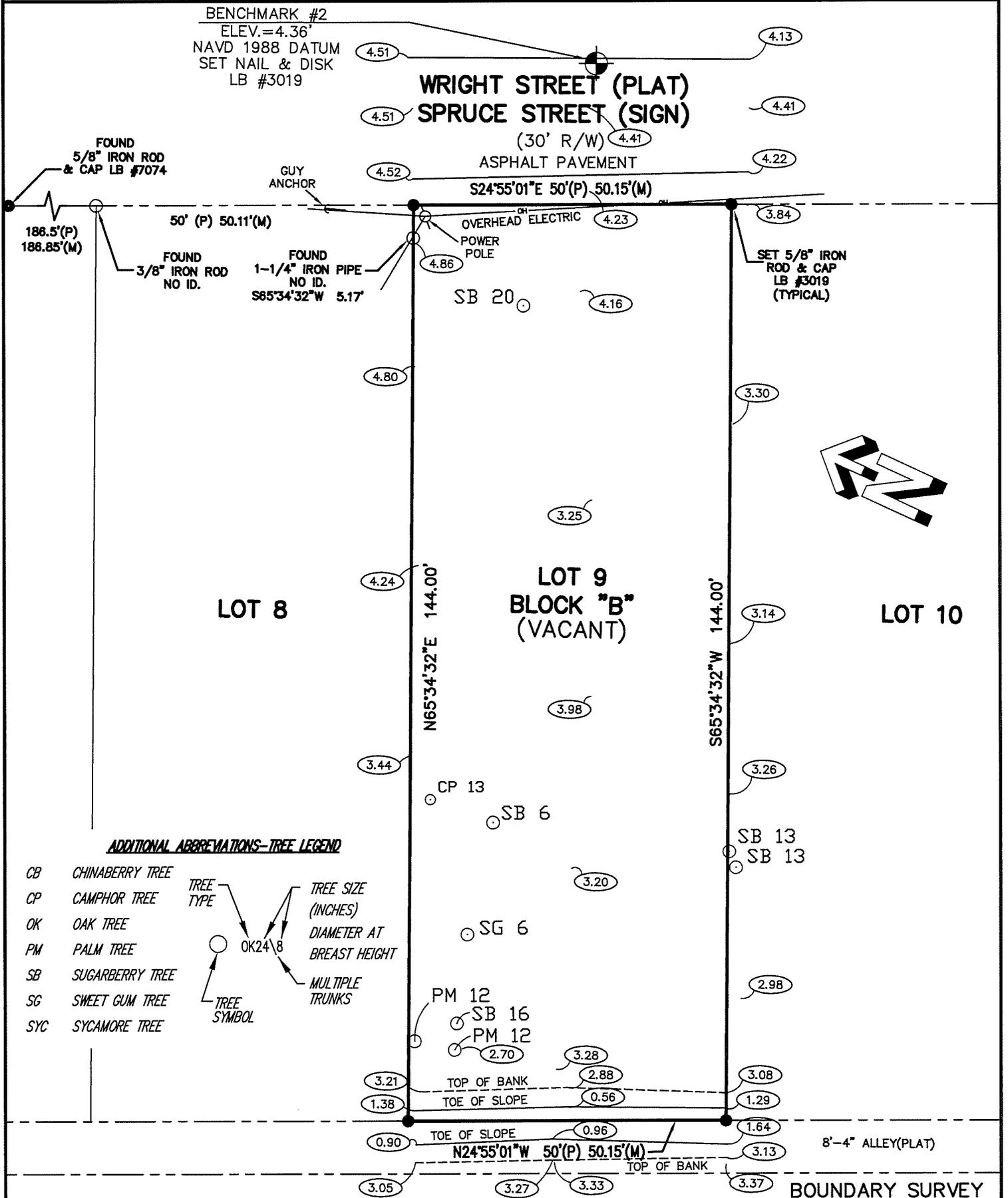
# SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

3921 NOVA ROAD  
PORT ORANGE, FL. 32127  
(386) 761-5385

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www.sligerassociates.com



**ADDITIONAL ABBREVIATIONS—TREE LEGEND**

CB	CHINABERRY TREE		TREE TYPE TREE SIZE (INCHES) DIAMETER AT BREAST HEIGHT MULTIPLE TRUNKS
CP	CAMPHOR TREE		
OK	OAK TREE		
PM	PALM TREE		
SB	SUGARBERRY TREE		
SG	SWEET GUM TREE		
SYC	SYCAMORE TREE		

FOR: HOMES BRING HOPE

DESCRIPTION PER OFFICIAL RECORDS BOOK 4399, PAGE 369:  
LOT 9, BLOCK B, W.B. WRIGHT 2ND ADDITION TO COLEMANS  
DAYTONA AS RECORDED IN MAP BOOK 1, PAGE 122 OF  
THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

ADDRESS: 540 SPRUCE STREET

JOB #21-0823

SCALE: 1"=20'

FIELD BOOK: 1453 PAGE: 18

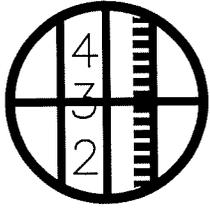
**ABBREVIATIONS**

(P)	PLATTED DIMENSION
(D)	DEEDED DIMENSION
(M)	MEASURED DIMENSION
(C)	CALCULATED DIMENSION
ID	IDENTIFICATION
A/C	AIR CONDITIONER
R/W	RIGHT OF WAY
CL	CENTERLINE
D	CENTRAL ANGLE
R	RADIUS
L	ARC LENGTH
CB	CHORD BEARING
FP&L CO.	FLORIDA POWER & LIGHT COMPANY
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
U.S.C. & G.S.	UNITED STATES COAST AND GEODETIC SURVEY

**SHEET 1 OF 2**

**LEGEND**

-	IRON ROD WITH CAP
○	IRON PIPE
□	CONCRETE MONUMENT
■	PERMANENT REFERENCE MONUMENT
△	PERMANENT CONTROL POINT
(R)	RADIAL LINE
(NR)	NON-RADIAL LINE
○	EXISTING ELEVATION
□	PROPOSED ELEVATION



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## SURVEYORS NOTES

1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/SKETCH OF DESCRIPTION PREPARED WITHOUT BENEFIT OF AN ABSTRACT.
2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
3. RECORD PLAT CONTAINS NO ANGLES OR BEARINGS. BEARING STRUCTURE IS ASSUMED WITH THE BEARING ON THE SOUTH LINE OF LOT 9 BEING S 65°34'32" W.
4. UNDERGROUND FOUNDATIONS, IF ANY, NOT LOCATED.
5. ELEVATIONS REFER TO N.A.V.D. OF 1988, PER CITY OF DAYTONA BEACH BENCHMARK RMR-2 HAVING A PUBLISHED ELEVATION OF 6.312 FEET.
6. THIS PROPERTY IS LOCATED IN FLOOD INSURANCE RATE MAP (F.I.R.M.) ZONE A. THIS LOCATION IS DETERMINED BY SCALING FROM F.I.R.M. MAP NO. 12127C0356 J. MAP EFFECTIVE DATE: SEPTEMBER 29, 2017. APPROXIMATE SCALE: 1"= 500.
7. UNLESS OTHERWISE SHOWN, RECORD DISTANCES AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.

## NOTE:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. DIGITAL COPY NOT VALID WITHOUT DIGITAL SIGNATURE OR DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REFERENCE: LOT 9, BLOCK B, W.B. WRIGHTS 2ND ADDITION TO COLEMAN'S DAYTONA

PLAT PREPARED FOR THE FOLLOWING: (ONLY THE LAST DATE IS CERTIFIED ON SEALED COPY)

THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

TYPE OF SURVEY	CERTIFIED TO	SURVEY DATE	JOB NUMBER
BOUNDARY	HOMES BRING HOPE	MAY 15, 2021	21-0823
NOT CERTIFIED TO ANY ENTITIES AND/OR INDIVIDUALS OTHER THAN THOSE		LISTED ABOVE.	

SHEET 2 OF 2

VALID WITH SIGNATURE & EMBOSSED SEAL ONLY OR  
DIGITAL SIGNATURE OR DIGITAL SEAL ON DIGITAL VERSIONS

FOR: HOMES BRING HOPE

	DATE	JOB NO.	P.C.	DRW.	CHECKED BY
SKETCH OF DESCRIPTION					
BOUNDARY SURVEY	MAY 15, 2021	21-0823	JN	JM	CVK
TOPOGRAPHIC SURVEY	MAY 15, 2021	21-0823	JN	JM	CVK
FOUNDATION LOCATED					
FINAL IMPROVEMENTS					
RECERTIFICATION					
PROPOSED HOUSE LOCATION					

I HEREBY CERTIFY THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

J.E. ZAPERT, P.L.S. NO. 4046  
C.O. VAN KLEECK JR., P.S.M. NO. 6149  
JEFF W. BARNES, PSM NO. 5576  
MICHAEL S. MURPHY, P.S.M. NO. 6208



DUNBAR JOHN L  
161 HIGHLAND  
ORMOND BEACH FL 32174  
ALTKEY: 3489292

DANIELS MARTHA ANN  
521 SPRUCE ST  
DAYTONA BEACH FL 32114 2633  
ALTKEY: 3489411

EDGINGTON KEITH  
13 ZEIGLER PL  
PALM COAST FL 32164  
ALTKEY: 3489306

JONES PRESTON H SR TR  
557 NORTH ST  
DAYTONA BEACH FL 32114  
ALTKEY: 3500130

HOFFMANN FREDERICK TR  
882 COQUINA DR E  
DAYTONA BEACH FL 32117  
ALTKEY: 3489322

JONES PRESTON H SR TR  
557 NORTH ST  
DAYTONA BEACH FL 32114  
ALTKEY: 3500148

BELL JAMAAL  
548 SPRUCE ST  
DAYTONA BEACH FL 32114  
ALTKEY: 3489331

MITCHELL ELVIN R & DOROTHY M  
553 NORTH ST  
DAYTONA BEACH FL 32114 2651  
ALTKEY: 3500156

HABITAT FOR HUMANITY OF  
1030 W INTL SPEEDWAY 2ND FLR  
DAYTONA BEACH FL 32114  
ALTKEY: 3489349

BELL JAMAAL  
548 SPRUCE ST  
DAYTONA BEACH FL 32114  
ALTKEY: 3500164

LARGE MARVIN EDWARD  
600A E GUDE DR  
ROCKVILLE MD 20850  
ALTKEY: 3489365

TRSTE LLC TR  
924 W COLONIAL DR  
ORLANDO FL 32804  
ALTKEY: 3500172

TUCKER WILLIE L EST  
1002 BERKSHIRE RD  
DAYTONA BEACH FL 32117  
ALTKEY: 3489373

BELL JAMAAL  
548 SPRUCE ST  
DAYTONA BEACH FL 32114  
ALTKEY: 3500181

CITY OF DAYTONA BEACH  
301 S RIDGEWOOD AVE  
DAYTONA BEACH FL 32114  
ALTKEY: 3489381

KITT LENA MAE  
6 CROSS VINE DR  
ORMOND BEACH FL 32174  
ALTKEY: 3500199

CITY OF DAYTONA BEACH  
PO BOX 551  
DAYTONA BEACH FL 32114  
ALTKEY: 3489390

CITY OF DAYTONA BEACH  
PO BOX 551  
DAYTONA BEACH FL 32114  
ALTKEY: 3500202

GRIFFIN IRENE  
555 MODEL AVE  
DAYTONA BEACH FL 32114 2537  
ALTKEY: 3489403

BELL JAMAAL  
552 N BEACH ST  
DAYTONA BEACH FL 32114  
ALTKEY: 3500211

TUCKER ERNEST  
45 TOMOKA RIDGEWAY  
ORMOND BEACH FL 32174  
ALTKEY: 3500229

TRUSTEE SERVICES LLC TR  
522 SPRUCE ST  
DAYTONA BEACH FL 32114 3302  
ALTKEY: 3500237

CARRUTH ROBERT  
2951 RIO LN  
ORLANDO FL 32805  
ALTKEY: 3500342

WILLIAMS ELIZABETH C  
537 PINE ST  
DAYTONA BEACH FL 32114  
ALTKEY: 3500369

WILLIAMS ELIZABETH C  
537 PINE ST  
DAYTONA BEACH FL 32114 2631  
ALTKEY: 3500377

WILLIAMS JAMEY L  
537 PINE ST  
DAYTONA BEACH FL 32114  
ALTKEY: 3500385

WILLIAMS ELIZABETH & JAMEY  
537 PINE ST  
DAYTONA BEACH FL 32114  
ALTKEY: 3500393

**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 BOA2021-005

Public Hearing Date June 17, 2021

Typed/Printed Name Deborah D. LaCroix, CLA

Signature (sign after reading) Deborah D. LaCroix, CLA

Address Cobb Cole, 149 S. Ridgewood, Ste 700, DB, FL 32114

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of JUNE, 2021, by DEBORAH D. LACROIX, who is personally known to me or has produced \_\_\_\_\_

Laurie E. LaFavor

NOTARY PUBLIC – STATE OF FLORIDA

Laurie E. LaFavor

NAME OF NOTARY – TYPED OR PRINTED

COMMISSION # \_\_\_\_\_



## NOTICE

### MAIL NOTICE

To Property Owners Within 150 Feet:

Dear Property Owner(s):

The owner of the property located at **540 Spruce 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 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.



A public hearing will be held at 1:00 p.m. on **Thursday, June 17, 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 – 386.671.8328



CITY OF DAYTONA BEACH  
**PUBLIC NOTICE**  
A PUBLIC HEARING FOR A

*VACATING 540 S. RIVER ST*

FOR THIS PROPERTY WILL BE HELD ON 11/17/2021  
AT 1:00 PM IN THE COMMISSION CHAMBERS AT CITY  
HALL, 301 S. RIDGEWOOD AVENUE. INTERESTED PARTIES  
CAN CONTACT THE CITY OF DAYTONA BEACH PLANNING  
DEPARTMENT AT 386-671-8120 OR VISIT [WWW.CODB.US](http://WWW.CODB.US)  
FOR FURTHER INFORMATION. *FOR 2021-005*

- |  |   |
|--|---|
| <input type="checkbox"/> PLANNING BOARD  | <input checked="" type="checkbox"/> BOARD OF ADJUSTMENT |
| <input type="checkbox"/> CITY COMMISSION | <input type="checkbox"/> HISTORIC PRESERVATION          |