



# The CITY OF DAYTONA BEACH

## Board of Adjustment Agenda

### December 16, 2021

City Hall  
Regular Meeting  
Commission Chambers

301 South Ridgewood Avenue  
Thursday, December 16, 2021  
1:00 P.M.

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

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

1. Call to Order
2. Roll Call
3. Introduction of City Staff
4. Approval of the Minutes: August 19, 2021
5. New Cases

<b><u>BOA Board Agenda</u></b>		
<u>Approval</u>	<u>Initials</u>	<u>Date</u>
P & L Director		12-7-2021
Deputy City Manager		12/7/21
Legal		12/7/21
City Manager		12-7-21

**Case A – BOA2021-010 Variances from Article 4, Section 4.2.B.3**

A request by Sabrina Lee Metivier (property owner), for a variance from **Article 4 (Development Standards), Section 4.2.B.3 Note 9** of the Land Development Code (LDC) **to reduce minimum lot size of a subdivided lot from the required 9,000sf to 7,480sf, and to reduce the minimum lot depth of a subdivided lot from the required 100ft to 86ft.** This will allow for the subdivision of the existing 14,960sf lot into two lots, consistent with the other lots in this area, in order to develop two single family homes. The property is located at **540 Gibson Street, Parcel ID 5238-19-00-0260.** The zoning on the property is single family residential (SFR-5), and the Future Land Use (FLU) on the property is Level 1 Residential (L1-R).

6. Review Cases
7. New Business

994/7

**8. Adjournment**

**The next meeting of the Board of Adjustment of The City of Daytona Beach will be held on Thursday, January 20, 2022, at 1:00 PM in the City Commission Chambers.**

BOARD OF ADJUSTMENT  
MINUTES OF  
REGULAR MEETING  
August 19, 2021

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, August 19, 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. John George

Staff members present were as follows:

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

**1. Call to Order**

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

**2. Roll Call**

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

**3. Introduction of City Staff**

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

**4. Approval of the Minutes**

**Board Action:**

A motion was made by Ms. Bowler, seconded by Ms. Barhoo, to approve the minutes of the June 17, 2021, meeting as presented. The motion carried (5-0).

**New Cases:**

**Case A – BOA2021-006 – Variances from Article 4, Section 4.2.C**

A request by David Betz (property owner) for a variance from Article 4 (Development Standards), Section 4.2.C of the Land Development Code (LDC) to reduce the required interior side yard setback from 7.5 feet to 1.5 feet and to reduce the required spacing from principal building from 5 feet to 2 feet, to allow for the enclosure of the approximately 319 s.f. existing carport and breezeway. The property is located at 269 Lexington Drive. The zoning on the property is Multifamily Residential-12 (MFR-12) and the Future Land Use (FLU) on the property is Level 2 Residential.

**Applicant Presentation:**

David Betz, 269 Lexington Drive, Daytona Beach, Florida stated he has lived in the property since 2020. Mr. Betz offered his condolences to the family and colleagues of Off. Jason Raynor who recently passed away. Mr. Betz stated he plans to enclose his existing carport and will add whatever is necessary as required by the Building Department to achieve structural soundness as well as a firewall on the west side of the structure. Mr. Betz stated the structure will allow additional storage as well as the ability to place a vehicle inside the structure. Mr. Betz stated only about 30% of the structure will be in the setback area. Mr. Betz stated if he removed the existing carport and constructed a new garage, a setback variance would still be required. Mr. Betz stated the structure will not reflect negatively on the adjoining properties.

Ms. Bowler asked if the structure will be built in the same location as the existing carport.

Mr. Betz said yes and it will meet the requirements of the Building Department, and may include a firewall.

Ms. Bowler asked if the existing structure ever had a garage.

Mr. Betz stated as far as he knows there was never a garage.

Ms. Bowler thanked Mr. Betz for being so complete in the information he provided.

Mr. Harshaw asked what the structure will look like.

Mr. Betz stated the house is an old adobe/Mediterranean style. Mr. Betz stated the sides will be metal and the front will have sliding doors. Mr. Betz stated the roof will be steel and will be angled toward the back.

Mr. George asked what the height of the structure will be.

Mr. Betz stated the height will remain the same and there will be no living area.

Mr. Harshaw read comments from Anne Fuller, 221 Lexington, and Maurice Morton, 220 Lexington, that were submitted and both were in support of this variance request.

**Public Comments:**

Allen Lootens, 255 Lexington, stated he supports the requested variance.

Florentin Vasiliu, 284 Lexington, stated he supports this variance request.

Stacey Shea, 241 Lexington, spoke in support of this variance request.

Eric Wood, 270 Lexington, spoke in support of this variance request.

Don Cane, 101 University, stated he does not live in the Lexington area but owns 5 properties in the area and stated he supports Mr. Betz's request for the variance to improve his property.

**Board Action:**

A motion was made by Mr. Connors, seconded by Ms. Barhoo, to approve BOA2021-006 – Variances from Article 4, Section 4.2.C, in accordance with the staff report as presented. The motion carried (5-0).

**Case B – BOA2021-007 – Variances from Article 4, Section 4.2.C**

A request by Florentin Vasiliu (property owner) for a variance from Article 4 (Development Standards), Section 4.2.C of the Land Development Code (LDC), to exceed the 200 sq. ft. maximum floor area of an accessory structure, to increase the maximum height of the proposed structure from 20 feet to 22 feet 5.5 inches, to allow maximum rear yard coverage in excess of 30%, to reduce the required rear lot line setback from 7.5 feet to 0.3 feet from the northwest corner of the proposed accessory structure and 1.5 feet to the northeast corner of the proposed structure, to reduce the required side setback from 7.5 feet to 2.8 feet from the northwest corner of the proposed structure and 4.1feet from the southwest corner of the proposed structure, to allow for an approximately 630 s.f. accessory structure to replace the previous accessory structure/boat house located on the property. The property is located at 284 Lexington Drive. The zoning on the property is Multifamily Residential-12 (MFR-12), it is in the Ballough Road Redevelopment Zone, and the Future Land Use (FLU) on the property is Commercial Mixed Use.

### **Applicant Presentation:**

Attorney Jay Small, 600 Robinson Street, Orlando, Florida spoke representing the applicant. Mr. Small stated Mr. Vasiliu applied for a building permit in the last quarter of 2020 and there were issues relating to the building permit pertaining to setbacks. Mr. Small stated when he was retained by Mr. Vasiliu, he met with Ben Gross, Deputy City Attorney, Jim Morris, Deputy City Manager, and Kim Flaherty from Permits & Licensing. Mr. Small stated a plan was set to address the zoning issues and the finalization of the building permit. Mr. Small stated there is a pending Code Enforcement action; and he met with Code Enforcement last month to explain that a variance application had been submitted and an attempt is being made to bring the property into compliance. Mr. Small stated the variance requested will permit the reconstruction of a building that was destroyed during Hurricane Irma within the footprint of the non-conforming use. Mr. Small stated the property will not be a rental property so there will be no traffic increase as a result of the construction. Mr. Small stated none of the improvements will encroach into the City right of way. Mr. Small stated the total lot coverage for the structure will be about 26.7%. Mr. Small submitted a letter from his architect, David Leek, which Mr. Harshaw read into the record.

Ms. Phillips asked if it is the intention to increase the height.

Mr. Small stated no and stated the variance application is what is planned.

Mr. Harshaw asked that Ms. Phillips provide a history on the property.

Ms. Phillips stated in 2017 there was a permit issued for the boat house; and in 2020, Code Enforcement cited the owner for working without a permit. Ms. Phillips stated Mr. Vasiliu believed he was working under the permit issued in 2017; however, that permit had expired. Ms. Phillips stated Mr. Vasiliu submitted a permit application for the reconstruction and the permit was approved to reconstruct the boat house in the same footprint. Ms. Phillips stated Mr. Vasiliu was stopped by Code Enforcement because an attempt was being made to put a second story on the structure. Ms. Phillips stated multiple revisions were submitted but were denied because they were expanding and increasing the structure. Ms. Phillips stated a stop work order was issued.

Mr. Small stated this is not a two story structure.

Mr. Gross stated this is simply an accessory structure which would be allowed. Mr. Gross stated the Land Development Code does not allow boat houses to have side walls. Mr. Gross stated this should be treated as a generic accessory structure and not a boat house.

Ms. Bowler asked if there is an increase in the height.

Mr. Small stated the pilings will raise the height but will help secure the structure.

Mr. Harshaw stated the zoning is MF-12 and the unit could be rented.

Ms. Phillips stated the original agreement was that this would not be rented as a multi-family unit. Ms. Phillips stated this was proposed as an accessory structure and will have to be built in compliance with the Florida Building Code; however, with accessory structures, per the Land Development Code, they are not habitable units.

Mr. Small stated this will not be a rental property but will be used as an accessory structure for storage.

**Public Comments:**

David Betz, 269 Lexington, Daytona Beach, Florida stated he supports the variance requested.

Eric Wood, 270 Lexington, Daytona Beach, Florida stated what is being constructed is built very well and he supports this request.

Allen Lootens, 255 Lexington, stated what is being done is a vast improvement and feels it is a great step forward.

Mr. Harshaw asked Mr. Lootens how he feels about the proposed height.

Mr. Lootens stated he supports what is permitted within the regulations but the height will not affect him since his property is at the other end of the canal.

Don Cane, 101 University, Daytona Beach, Florida stated what is being done is an improvement and he supports the variance requested.

Dean Maxwell, 720 Palm Circle Drive, Port Orange, Florida stated he represents the contractor that is doing the structure. Mr. Maxwell stated the project has always been planned as an accessory structure and not a boat house. Mr. Maxwell stated the building is being designed so that it will withstand a hurricane.

Randy Kiefer, 274 Lexington, stated he is happy with what is being done on the property.

Elan Scerachet, 600 Ballough Road, stated he supports the variance being requested.

Stacey Shea, 241 Lexington, stated she loves the building that is being constructed.

Ms. Bowler stated she was pleased to learn the history of the project and to know that a permit was issued and Mr. Vasiliu believed he was working under a permit and that makes a difference to her.

Mr. Harshaw stated he was pleased to see so many adjacent property owners support the variance request.

**Board Action:**

A motion was made by Mr. George, seconded by Ms. Bowler, to approve BOA2021-007 – Variances from Article 4, Section 4.2.C, in accordance with the staff report as presented. The motion carried (5-0).

**Case CB – BOA2021-008 – Variance from Article 4, Section 4.2.BC**

A request by Ann B. Hendrix (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 feet to 5 feet, to allow for construction of a 600 s.f. detached garage. The property is located at 6Elizabeth Lane. The zoning on the property is Single-Family Residential-5 (SFR-5) and the Future Land Use (FLU) on the property is Level 1 Residential.

**Applicant Presentation:**

Pete Zahn, 150 S. Palmetto, Suite 200, Daytona Beach, Florida spoke representing the applicant. Mr. Zahn stated the property owner approached him about building a garage but what was proposed did not meet the setbacks. Mr. Zahn stated there is a platted street which is Elizabeth Lane that runs in front of the house and extends north. Mr. Zahn stated the elevation of the street is 13.4' and the elevation at the gate to the property is 12'. Mr. Zahn stated the elevation of the property where the garage would be located is 10.3' and 30 feet beyond the garage is 9.2'. Mr. Zahn stated the property to the south has an elevation of 4.8' so the property drops off significantly. Mr. Zahn stated the property owner does not have sufficient property to back her car out onto Elizabeth so there is a need for the garage to help in turning the car.

Mr. Harshaw asked if there is anywhere else on the property where the garage could be constructed.

Mr. Zahn stated there is no place for it on the south side of the house. Mr. Zahn stated behind the house there are 3 – 18" oaks and there are 4 trees and a shed to the west. Mr. Zahn stated the biggest issue is the grade of the property. Mr. Zahn stated the proposed location is best due to parking and turning movements.

Mr. George asked if the 10' setback is maintained, what would the grade be.

Mr. Zahn stated it would be approximately the same. Mr. Zahn stated there is a 4.8' grade point off the corner of the proposed garage. Mr. Zahn stated to maintain the setback would move the garage further to the south and the grade would be about 9.2' and would drop to 4.8'.

Ms. Bowler stated she feels the situation was created by the homeowner and there was not a strong argument presented in the application.

Mr. Zahn stated the housing and grades were existing when the property owner purchased the property. Mr. Zahn stated the greatest hardship is the 5' grade drop.

Mr. Connors asked why the garage has to be detached.

Mr. Zahn stated because of the turning radius. Mr. Zahn referred to the sketch that is on Page 2 of the staff report and stated there is a two story deck adjacent to the residence and there is only a 7' clearance between the elevation of the brick drive and driving underneath the wood deck. Mr. Zahn stated if the owner pulls in and their truck is parked there, there is not sufficient room to pull straight forward. Mr. Zahn stated the proposed garage is 20' x 30'.

Mr. Harshaw asked if the garage could be 20' x 25' and closer to the house.

Mr. Zahn stated if the garage is shifted to the east, there is a shed that would have to be removed and there are also two 22' and 18' oak trees. Mr. Zahn stated if moved, there will not be a view.

Mr. Harshaw asked if there are stairs.

Mr. Zahn stated there is a loft above so there are stairs for access to the loft. Mr. Zahn stated a typical garage is 10 feet high and then there will be a loft on top with a walkway around it.

Mr. Harshaw asked if a viewing area on top of the garage is proposed.

Mr. Zahn stated there is a use proposed since the property owner is a painter and would like a view from the top of the garage.

### **Public Comments:**

Thomas Baldwin, 7 Elizabeth Lane, Daytona Beach, Florida stated his property is directly to the north of the subject property and stated the proposed location of the garage is right outside his front door and master bedroom. Mr. Baldwin stated this setback would influence the character of the neighborhood, his privacy, and potentially the value and desirability of the lot. Mr. Baldwin stated this is a \$1,000,000 property on the riverfront with a half acre of land and he does

not feel this variance request is the applicant's only option. Mr. Baldwin stated there was a garage when the applicant purchased the home but it has been converted to another bedroom and bathroom. Mr. Baldwin stated placing the garage into the setback will affect the appearance of his property. Mr. Baldwin stated the concerns are engineering challenges, not hardships. Mr. Baldwin stated two of the neighbors, Todd Angel and Mark Palazzolo were notified of the hearing but were unable to attend but have sent emails objecting to the variance request. Mr. Baldwin stated he was unaware of any plans to make the structure two story with a loft and viewing deck. Mr. Baldwin stated he is concerned construction may damage the roots of an existing tree on his property.

Mr. Harshaw read the emails from Todd Angel and Mark Palazzolo into the record.

**Board Action:**

A motion was made by Mr. Connors, seconded by Ms. Barhoo, to approve BOA2021-008 – Variance from Article 4, Section 4.2.BC, in accordance with the staff report as presented. The motion failed 1-4 with Ms. Bowler, Mr. George, Mr. Connors, and Mr. Harshaw voting nay.

**Case D – BOA2021-009 – Variance from Article 4, Section 4.7.Z**

A request by Thomas A. Huger and Linda G. Huger (property owners) for a variance from Article 4 (Development Standards), Section 4.7.Z of the Land Development Code (LDC) to reduce the required rear yard setback from 25 feet to 15 feet, to allow for an approximately 1,092 s.f. addition to the rear of the existing structure. The property is located at 928 Sycamore Street. The zoning on the property is Redevelopment Midtown – Residential Preservation (RDM-6), and the Future Land Use (FLU) on the property is Level 2 Residential.

**Applicant Presentation:**

Thomas Huger, property owner, stated he built the house in 1985 and he did not take the setbacks into consideration at that time. Mr. Huger stated his mother-in-law has moved in with his family and he also has an active 16 year old son and they have outgrown the house.

Mr. Harshaw stated there is a block wall with a screen room on the house.

Mr. Huger stated that has already been permitted and will be enclosed.

Mr. Harshaw stated there are some very old trusses on the property.

Mr. Huger stated they will go to the dump.

Mr. Harshaw asked about the shed on the property.

Mr. Huger stated that was permitted and it will stay. Mr. Harshaw stated he spoke to his neighbor and he does not object to the variance request. Mr. Huger stated he will be replacing the fence between his and the neighbor's property. Mr. Huger stated the house is 2400 s.f. and he proposes to expand to 3500 s.f. Mr. Huger stated the home will still be within the 35% required lot coverage. Mr. Huger stated the square footage will allow him to have the recreational uses he needs, such as a tread mill and weight station.

Ms. Bowler stated the subject property is one of the nicest in the neighborhood.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Ms. Bowler, seconded by Ms. Barhoo, to approve BOA2021-009 – Variance from Article 4, Section 4.7.Z, in accordance with the staff report as presented. The motion carried (4-1) with Mr. George voting nay

**6. Review Cases**

Case A	-	Approved 5-0
Case B	-	Approved 5-0
Case C	-	Denied 1-4
Case D	-	Approved 4-1

**7. New Business**

Mr. Harshaw stated the Board needs to elect a Vice Chair.

**Board Action:**

A motion was made by Ms. Barhoo, seconded by Mr. George, to appoint Ms. Bowler to serve as Vice Chair. The motion carried (5-0).

Mr. Gross stated the ordinance regarding the quorum for the Board of Adjustment will be presented for second reading at the next City Commission meeting.

Ms. Phillips stated Mr. Gentle has indicated he will be resigning but she has not received his written resignation as yet.

Ms. Bowler stated she would like staff to encourage the applicants to provide more information on their variance applications.

Ms. Phillips stated a pre-application is held with the applicant and she can encourage the applicants to be more thorough in the information they provide.

**8. Adjournment**

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

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Trey Harshaw, Chair

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Becky Groom, Board Secretary

Agenda Item 5 – Case A  
**BOA2021-010**  
**Variations from Article 4, Section 4.2.B.3**  
**Of the Land Development Code (LDC)**  
540 Gibson Street

**STAFF REPORT**

**DATE:** December 6, 2021  
**TO:** Board of Adjustment Members  
**FROM:** Missy Phillips, Development Review Technician

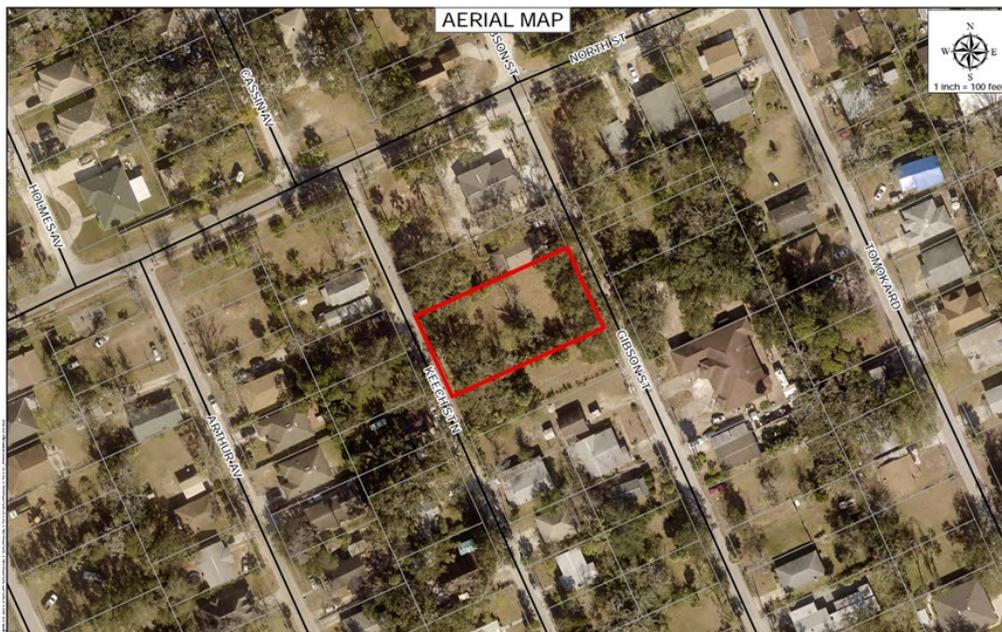
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**VARIANCE REQUEST**

A request by Sabrina Lee Metivier (property owner), for a variance from **Article 4 (Development Standards), Section 4.2.B.3 Note 9** of the Land Development Code (LDC) **to reduce minimum lot size of a subdivided lot from the required 9,000sf to 7,480sf, and to reduce the minimum lot depth of a subdivided lot from the required 100ft to 86ft.** This will allow for the subdivision of the existing 14,960sf lot into two lots, consistent with the other lots in this area, in order to develop two single family homes. The property is located at **540 Gibson Street, Parcel ID 5238-19-00-0260.** The zoning on the property is single family residential (SFR-5), and the Future Land Use (FLU) on the property is Level 1 Residential (L1-R).

**PROPERTY LOCATION**

The subject property is generally located near the center of Gibson Street on the west side of the street. This lot extends west to Keech Street. Gibson Street is located east of Nova Road between North Street and Bryant Street.



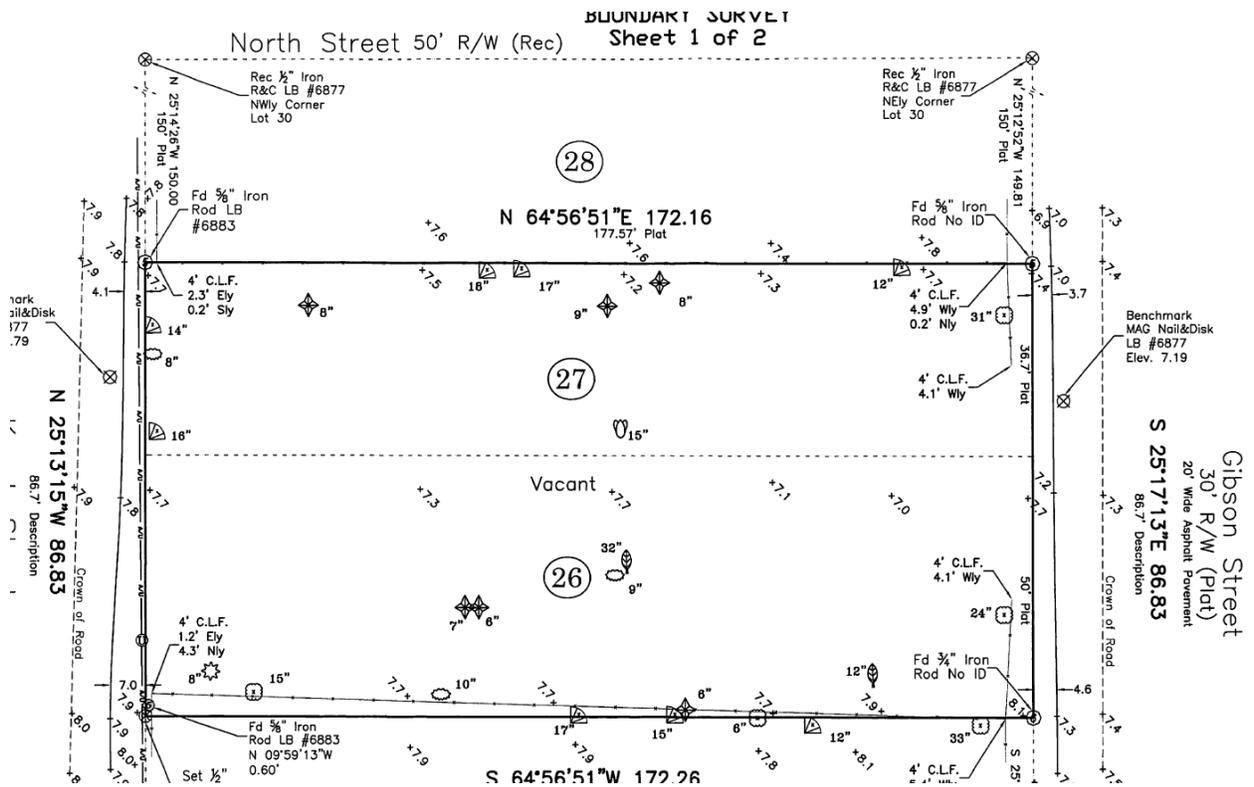
*Aerial View of the Property*

**PROJECT HISTORY AND VARIANCE DESCRIPTION**

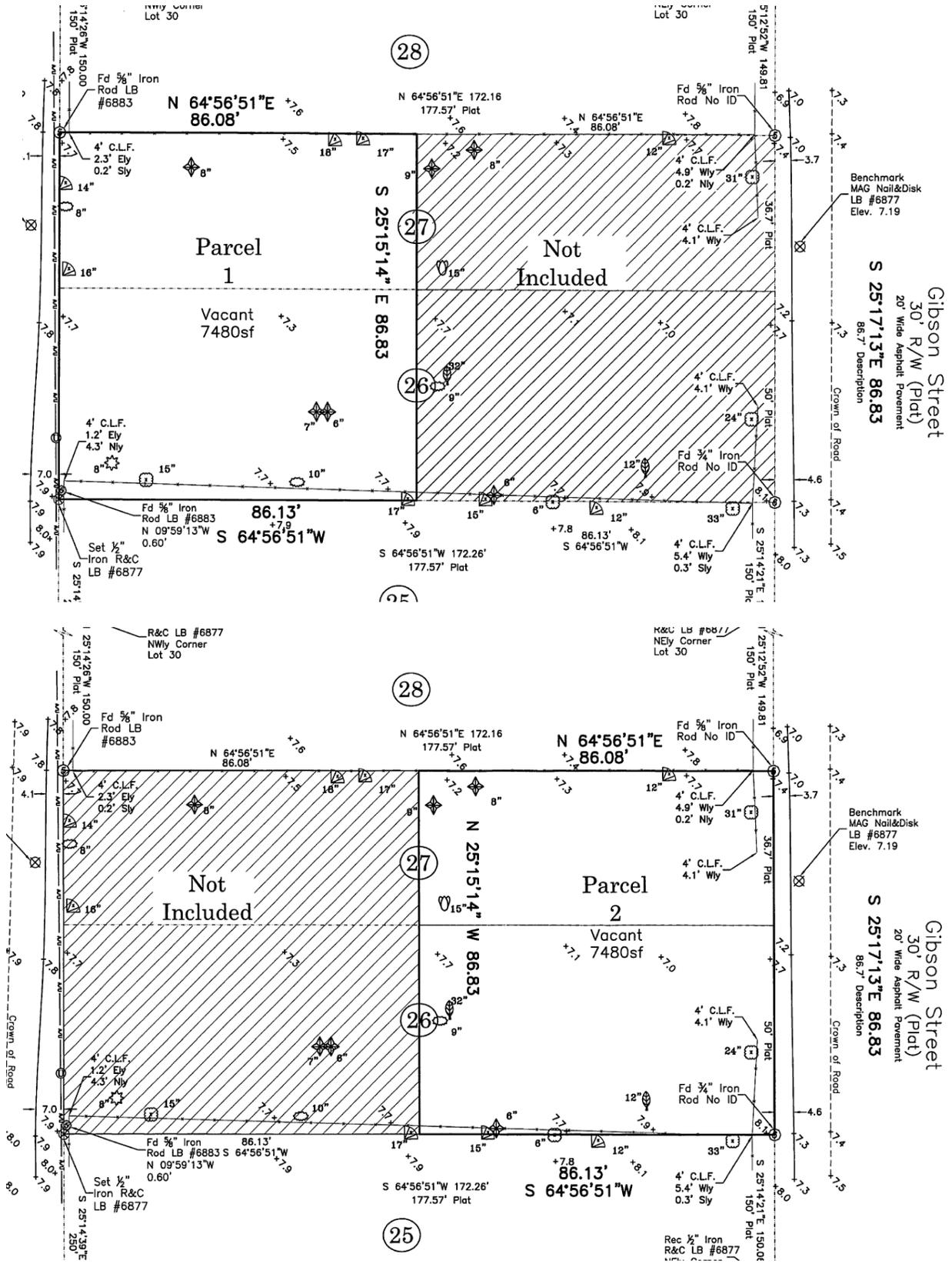
The property located at 540 Gibson Street is currently vacant. A review of County records show that this parcel is lots 26 and 27, Stillman Subdivision Lot 39 Block 3 Colemans Daytona.

The applicant is requesting a variance from Article 4, Section 4.2.B.3 Note 9 of the LDC to:

- reduce minimum lot size of a subdivided lot from the required 9,000sf to 7,480sf
- reduce the minimum lot depth of a subdivided lot from the required 100ft to 86ft



*Existing Survey Submitted by Applicant*



Proposed Surveys Submitted by Applicant

**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 approximately 87ft wide by 172ft deep vacant lot. This is an exceptionally deep lot, in comparison to most lots developed in the City today.

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

Per Plat Book 5 Page 111, lots 26 and 27 were originally plotted at the current depth. The conditions do not appear to be the result of actions of the current landowner.

- 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.**

If this variance is not granted, the resulting hardship would be that the homeowner would not be able to build two single family homes on separate lots, as they would prefer. They would be limited to one single family home built on the existing lot.

- 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 variance would allow the property owner to subdivide the lot into two lots that are less square footage and depth than that which is required by the current Land Development Code.

Per the evidence submitted by the applicant, many of the lots in the area are similar in dimension to what they are proposing.

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

The subject property is currently vacant. It could reasonably be developed as it is currently situated.

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

Yes, the variance is in harmony with the general purpose and intent of the Code.

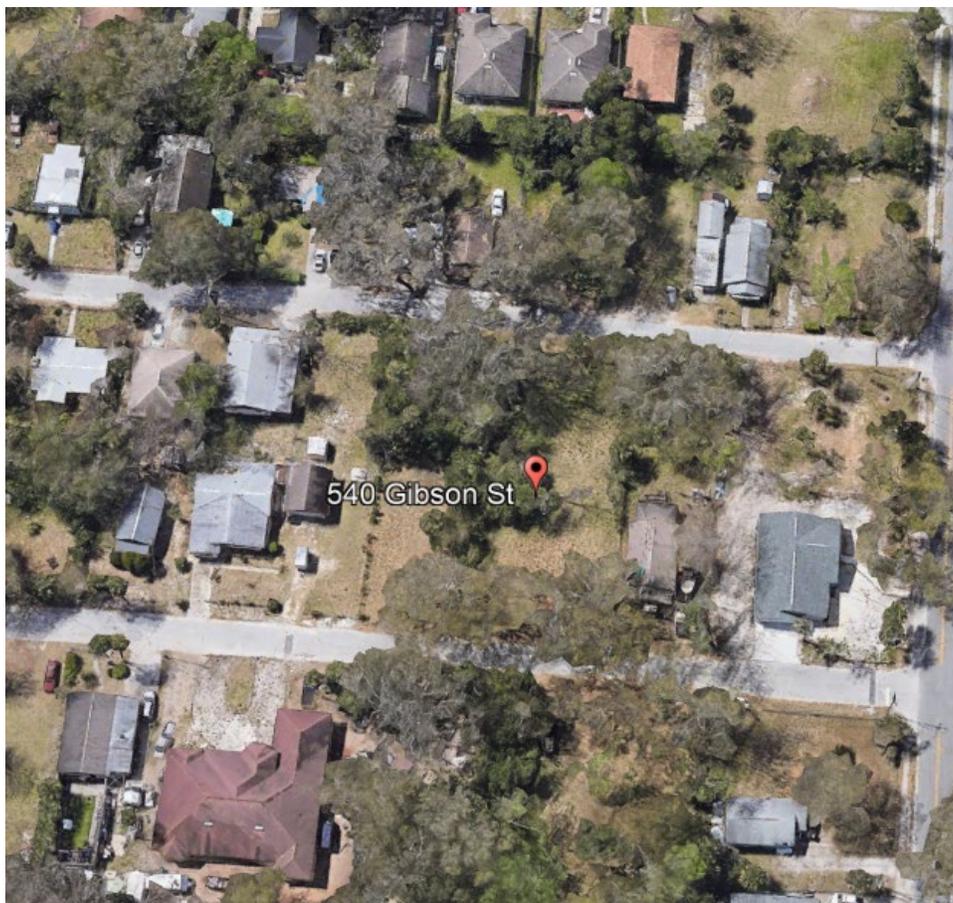
- vii. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.**

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.**

The variance request will allow for the construction of a single-family home on two separate lots, which is consistent with the Future Land Use of the property, Level 1 Residential.

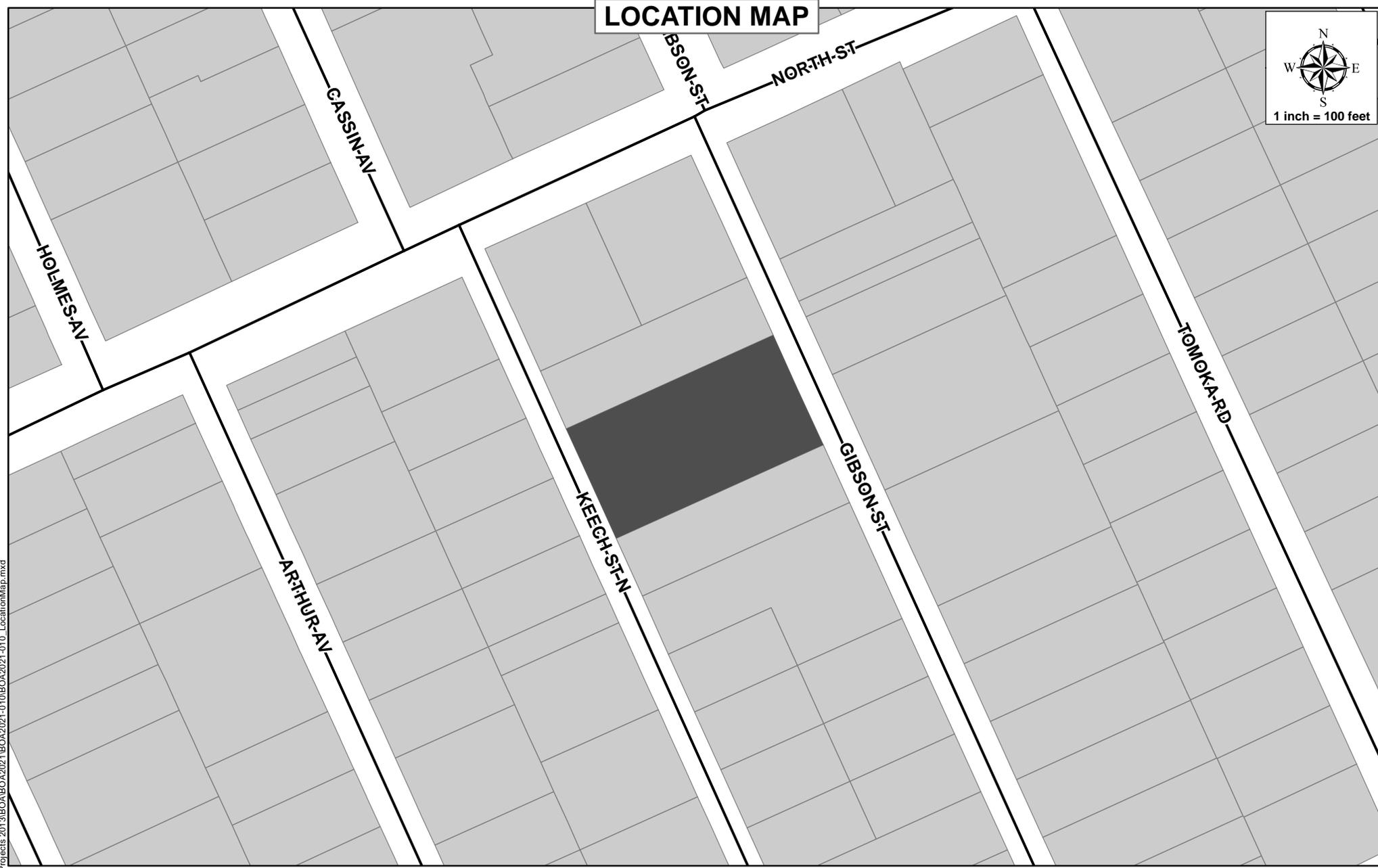
The decision by the Board of Adjustment is a final administrative action.



**LOCATION MAP**



1 inch = 100 feet



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**Case : BOA 2021-010**  
**540 Gibson 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 2021-010**

**540 Gibson St  
Daytona Beach FL 32114**

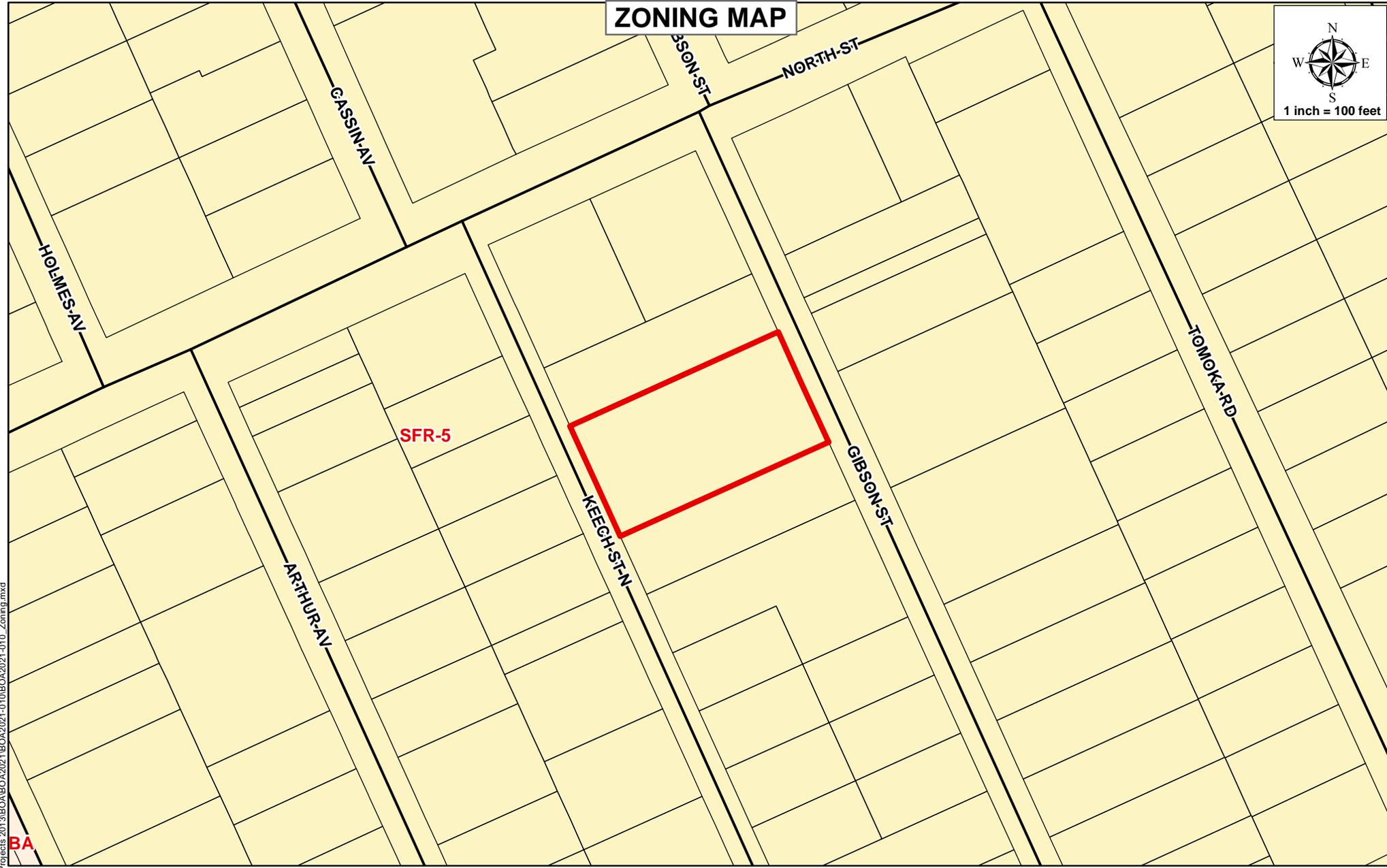
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# ZONING MAP



1 inch = 100 feet



SFR-5

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**Case : BOA 2021-010**  
**540 Gibson St**  
**Daytona Beach FL 32114**

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# FUTURE LAND USE MAP



1 inch = 100 feet



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**Case : BOA 2021-010**

**540 Gibson 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 Missy Phillips, Board of Adjustment Staff Liaison, at 386.671.8328.
- 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.**

## **APPLICATION DEADLINE**

The deadline to submit applications for the Board of Adjustment is **12:00 p.m.** on the deadline date. A copy of the deadline and meeting dates is included with this application.

The Permits & Licensing Division has five (5) business days from the date you submit your application to determine if it is complete and correct. If your application is found to be lacking any of the required information, or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing, and will not be placed on the Board of Adjustment agenda until all of the required information and documentation is submitted.

## **BOARD OF ADJUSTMENT PUBLIC HEARING**

The Board of Adjustment is a body consisting of eight members appointed by a majority vote of the City Commission, with the most recently appointed new member serving as an alternate. A public hearing is held the third Thursday of every month, at 1:00 p.m. in the City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach. Following the public hearing and discussion of each application, the Board votes on the application. They may accept, modify, return or seek additional information. A variance is valid for twelve months from the approval date. No extensions shall be granted; however, a new application may be filed for the same or other relief following expiration, and shall be treated as a new application. An application will not be heard by the Board of Adjustment unless the Public Notification requirements described below have been satisfied.

## **PUBLIC NOTIFICATION**

1. No later than **ten (10) days prior** to the Board of Adjustment public hearing date, the applicant shall mail a letter of notification to all property owners within 150 feet of the property subject to the request. The letter, provided by staff, shall describe the nature and scope of the request; identify the location of the land subject to the request; and identify the date, time, and location of the Board of Adjustment public hearing. The names and addresses of property owners within 150 feet are to be obtained from the Volusia County Property Appraiser's Office, 921 North Nova Road, Holly Hill, Florida, 32117; 386-254-4601. There is a fee.
2. Permits & Licensing Division will prepare posting placards. Applicants shall post the placards on the site no later than **ten (10) days prior** to the Board of Adjustment public hearing date.
3. An affidavit certifying compliance with these notification requirements and bearing the notarized signature of the applicant must be submitted to the Permits & Licensing Division no later than **seven (7) days prior** to the Board of Adjustment public hearing. A copy of the letter mailed to the property owners, the Volusia County Property Appraiser's mail list, and photos of the placards posted on the property must accompany the affidavit.

BOA 2021-010



**THE CITY OF DAYTONA BEACH –2021  
DEVELOPMENT & ADMINISTRATIVE SERVICES  
VARIANCE APPLICATION**  
<http://www.codb.us/>

Application submittals are due by  
Wednesday at noon and should be delivered  
to: The City of Daytona Beach  
Attn: Missy Phillips, Permits &  
Licensing, 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 Missy Phillips, Sr. Development Review Technician, at 386.671.8328 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?  Ballowh Road  Downtown  South Atlantic  Midtown  Main Street

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

*This application is submitted to request a land variance on the property listed at 540 Gibson Street to split the lots 26 and 27 in half. The entire property is 14,960 sq ft and we would like to split it to 7,480 sq ft each.*

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

Project Name: *Variance BOA*  
 12 Digit Short Tax Parcel ID#: *5 | 2 | 3 | 8 | - | 1 | 9 | - | 0 | 0 | - | 0 | 2 | 6 | 0*  
 Street Address: *540 Gibson Street*

<b>SITE INFORMATION:</b>	Existing:	Proposed:	<b>Abutting Property:</b>			
Future Land Use Designation:			N	S	E	W
Zoning Designation:	<i>SFR5</i>	<i>SFR5</i>				
Gross Sq. Ft. Floor Area:	<i>7480</i>	<i>14,960</i>				
Acres of Parcel(s):						

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

Company/Contact Name: *Sabrina Lee Metivier* Phone: *386-334-8587*  
 Street Address: *489 Tuscan Chase Drive* E-mail: *Metivierfamily@gmail.com*  
 City & State: *Daytona Beach Florida* Zip: *32117*

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

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

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

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

**Applicant Signature:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**Print Name:** \_\_\_\_\_

Sabrina L. Metivier  
for ; 540 Gibson Street  
DB, FL

## 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?

The variance that we are requesting is for a 14 ft  
relief on the depth of this property to have  
adequate coverage to build on this property.

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

The current lots 26 and 27 run together and are listed  
as one large lot. This variance request is for a 14 ft  
relief on the depth to split the land into 2 separate  
lots in equal parts. The required set backs are 50 ft and  
we currently have 36 ft deep by 66 ft lot, meaning we are  
14 ft short in depth.

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.

As the land is in its current state of 36 ft deep, it is  
14 ft short going back in depth. The variance we are  
requesting does not change the current set backs.  
In order to follow through with our proposed plans  
of building appropriately size affordable homes ranging  
from 1,000 sq ft to 1,200 sq ft we will need to be granted  
the requested variance.

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.

There are no special privileges being requested with this variance. Being granted this variance will not in any way confer any special favors, privileges or a special bonus. The variance request is only for a 14 ft depth variance to prevent any undue hardship.

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

Our lots currently meet all of the required setbacks for this type of property in accordance with the current codes. This requested variance is asking for a minimum of a 14 ft relief on the depth of Lots 26 and 27 located at 540 Gibson Street.

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

This variance request maintains and preserves both the spirit and the intent of the current enforceable code.

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.

This variance request will not alter, interfere or change the current set back of the property within this neighborhood. Additionally, this property change request will not be detrimental to the public welfare overall.

viii. The Variance is consistent with the Comprehensive Plan.

This variance request is consistent with the overall comprehensive plan immediate existing and surrounding communities. Please review the enclosed attachments that outlines the existing plans of these communities.

Prepared by:  
Christina Naves  
AAA Title Agency and Escrow Services, Inc.  
394 S. Atlantic Avenue  
Ormond Beach, Florida 32176

File Number: 20-1008

## General Warranty Deed

Made this April 15, 2021 A.D. By **Quadrangle Group, LLC, a dissolved Florida Limited Liability Company as Trustee under Zephyr Ford Trust Number 92346818 dated April 27, 2010**, whose address is: 5601 Royal Palm Beach Blvd., West Palm Beach, Florida 33411, hereinafter called the grantor, to **Kelvin Lee and Sabrina Lee Metivier as joint tenants with rights of survivorship**, whose post office address is: 2231 Oriole Lane, South Daytona, Florida 32119, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

Lots 26 and 27, STILLMAN'S SUBDIVISION of Lot 39, Block 3, Colemans Daytona, according to the plat thereof as recorded in Map Book 5, Page 111, of the Public Records of Volusia County, Florida.

Parcel ID Number: **523819000260**

**GRANTOR WARRANTS THIS IS VACANT LAND.**

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2021.

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.



**City of Daytona Beach**  
"World's Most Famous Beach"

# PAID RECEIPT

Development and Administrative Services  
301 S. Ridgewood Avenue  
Daytona Beach, Florida 32114  
Phone: 386-671-8120  
Fax: 386-671-8130

TO Payor Address:  
**Sabrina Lee Metivier**  
**489 Tuscany Chase Drive**  
  
**DAYTONA BEACH, FL 32117**

Site Address:  
**540 Gibson St**  
**DAYTONA BEACH, FL 32114**

Receipt #:  
**PJ03471**

PROJECT #	PARCEL NUMBER
BOA2021-010	52-38-19-00-02-0260
VARIANCE	

### 540 Gibson Variance

Applicant: Sabrina Lee Metivier  
489 Tuscany Chase Drive  
DAYTONA BEACH, FL 32117

FEE TYPE	DESCRIPTION	GL ACCOUNT	AMOUNT
<u>VARIANCES</u>			
08/25/2021	BOARD OF ADJUSTMENTS-SGL FAM RES	001-341303	300.00

Total Paid: **\$300.00**

Method of Payment: **CREDIT CARD** Chk #:  
Paid: **08/25/2021** By: **Sabrina Lee Metivier**

**PAID**  
**AUG 25 2021** *cc*  
Position 3  
The City of Daytona Beach

Send inquiries to: City of Daytona Beach Treasury Department  
PO Box 15048  
Daytona Beach, FL 32115-5048



**Property Summary**

**Alternate Key:** 3281837  
**Parcel ID:** 523819000260  
**Township-Range-Section:** 15 - 32 - 38  
**Subdivision-Block-Lot:** 19 - 00 - 0260  
**Business Name:**  
**Owner(s):** LEE KELVIN - JT - Joint Tenancy with Right of Survivorship - 100  
 METIVIER SABRINA LEE - JT - Joint Tenancy with Right of Survivorship - 100  
**Mailing Address On File:** 2231 ORIOLE LN  
 SOUTH DAYTONA FL 32119  
**Physical Address:** 540 GIBSON ST, DAYTONA BEACH 32114  
**Building Count:** 0  
**Neighborhood:** 2164 - MC GEE SUB (5238-21) - STILL  
[Neighborhood Sales](#)  
**Subdivision Name:** STILLMAN LOT 39 BLK 3 COLEMANS DAYTONA  
**Property Use:** 0000 - VACANT RES  
**Tax District:** 204-DAYTONA BEACH  
**2020 Certified Millage Rate:** 19.415  
**Homestead Property:** No  
**Agriculture Classification:** No  
**Legal 1:** LOTS 26 & 27 STILLMAN SUB LOT 39 BLK 3 COLEMANS DAYTONA PER  
**Legal 2:** OR 3152 PG 0481 PER OR 6042 PG 3652 PER OR 6275 PG 0703 & PE  
**Legal 3:** R OR 6475 PG 1535 PER OR 8037 PGS 0637-0639

**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>	\$14,282	\$11,108	\$11,206
<b>Just/Market Value:</b>	\$14,282	\$11,108	\$11,206

**Working 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 2021 PROPOSED 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	Assesed Value	Ex/10CAP	Taxable Value	Millage Rate	Estimated Taxes
0017 CAPITAL IMPROVEMENT	\$14,282	\$14,282	\$0	\$14,282	1.5000	\$21.42
0012 DISCRETIONARY	\$14,282	\$14,282	\$0	\$14,282	0.7480	\$10.68
0011 REQ LOCAL EFFORT	\$14,282	\$14,282	\$0	\$14,282	3.5540	\$50.76
0050 GENERAL FUND	\$14,282	\$11,301	\$2,981	\$11,301	5.4500	\$61.59
0055 LIBRARY	\$14,282	\$11,301	\$2,981	\$11,301	0.5174	\$5.85
0520 MOSQUITO CONTROL	\$14,282	\$11,301	\$2,981	\$11,301	0.1781	\$2.01
0530 PONCE INLET PORT AUTHORITY	\$14,282	\$11,301	\$2,981	\$11,301	0.0845	\$0.95
0058 VOLUSIA ECHO	\$14,282	\$11,301	\$2,981	\$11,301	0.2000	\$2.26
0057 VOLUSIA FOREVER	\$14,282	\$11,301	\$2,981	\$11,301	0.2000	\$2.26
0059 VOLUSIA FOREVER I&S 2005	\$14,282	\$11,301	\$2,981	\$11,301	0.0000	\$0.00
0065 FLORIDA INLAND NAVIGATION DISTRICT	\$14,282	\$11,301	\$2,981	\$11,301	0.0320	\$0.36
0100 HALIFAX HOSPITAL AUTHORITY	\$14,282	\$11,301	\$2,981	\$11,301	0.9529	\$10.77
0060 ST JOHN'S WATER MANAGEMENT DISTRICT	\$14,282	\$11,301	\$2,981	\$11,301	0.2287	\$2.58
0210 DAYTONA BEACH	\$14,282	\$11,301	\$2,981	\$11,301	5.5300	\$62.49
0211 DAYTONA BEACH I&S 2004	\$14,282	\$11,301	\$2,981	\$11,301	0.2394	\$2.71
					19.4150	\$236.70

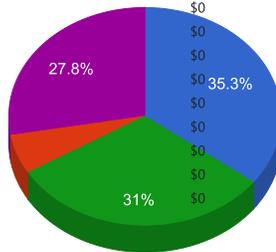
**Non-Ad Valorem Assessments**

Project	#Units	Rate	Amount	Estimated Ad Valorem Tax:	Estimated Taxes:
				\$236.70	\$236.70
				\$0.00	\$0.00
				<b>Estimated Taxes:</b>	<b>\$236.70</b>
				Estimated Tax Amount without SOH/10CAP	\$277.29

Previous Years Certified Tax Roll Values

Where your tax dollars are going:

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	County Exemptions	County Taxable	HX Savings
2020	\$11,108	\$0	\$11,108	\$10,274	\$0	\$10,274	\$0
2019	\$11,206	\$0	\$11,206	\$9,340	\$0	\$9,340	\$0
2018	\$11,206	\$0	\$11,206	\$8,491	\$0	\$8,491	\$0
2017	\$8,804	\$0	\$8,771	\$7,719	\$0	\$7,719	\$0
2016	\$8,771	\$0	\$8,771	\$7,017	\$0	\$7,017	\$0
2015	\$6,379	\$0	\$6,379	\$6,379	\$0	\$6,379	\$0
2014	\$7,974	\$0	\$7,974	\$7,974	\$0	\$7,974	\$0
2013	\$7,974	\$0	\$7,974	\$7,974	\$0	\$7,974	\$0
2012	\$9,968	\$0	\$9,968	\$9,968	\$0	\$9,968	\$0



Land Data

#	Land Use	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
1	0001-VAC PVD THRU .49 AC	F-FRONT FOOT				87.0	178	180	\$14,282
<b>Total Land Value:</b>									\$14,282

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
8037 / 0639	<a href="#">2021097134</a>	04/21/2021	WD-WARRANTY DEED	UNQUALIFIED	VACANT	\$2,000
8037 / 0637	<a href="#">2021097133</a>	04/21/2021	WD-WARRANTY DEED	UNQUALIFIED	VACANT	\$100
6475 / 1535	<a href="#">2010086164</a>	04/27/2010	QC-QUIT CLAIM DEED	UNQUALIFIED	VACANT	\$100
6275 / 0703	<a href="#">2008181351</a>	09/09/2008	QC-QUIT CLAIM DEED	UNQUALIFIED	VACANT	\$100
6042 / 3652	<a href="#">2007085784</a>	04/04/2007	WD-WARRANTY DEED	UNQUALIFIED	VACANT	\$30,000
3152 / 0481	<a href="#">1988074560</a>	06/15/1988	TD-TAX DEED	UNQUALIFIED	IMPROVED	\$3,300

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.

Legal Description	Millage Group	Township-Range-Section	Subdivision-Block-Lot	Date Created
LOTS 26 & 27 STILLMAN SUB LOT 39 BLK 3 COLEMANS DAYTONA PER OR 3152 PG 0481 PER OR 6042 PG 3652 PER OR 6275 PG 0703 & PER OR 6475 PG 1535 PER OR 8037 PGS 0637-0639	204	15 - 32 - 38	19 - 00 - 0260	27-DEC-81

Permit Summary

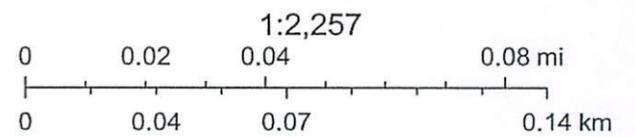
NOTE: Permit data does not originate from the Volusia County Property Appraiser's office. For details or questions concerning a permit, please [contact the building department of the tax district](#) in which the property is located.

Date	Number	Description	Amount
03/15/1994	94 0375	OTHER BLDGS DEMO	\$1

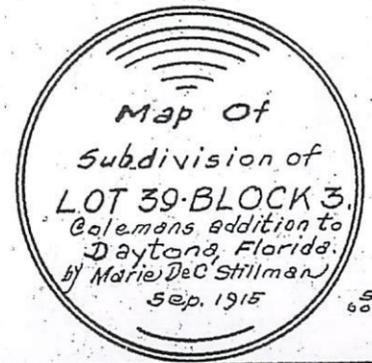
# 540 Gibson



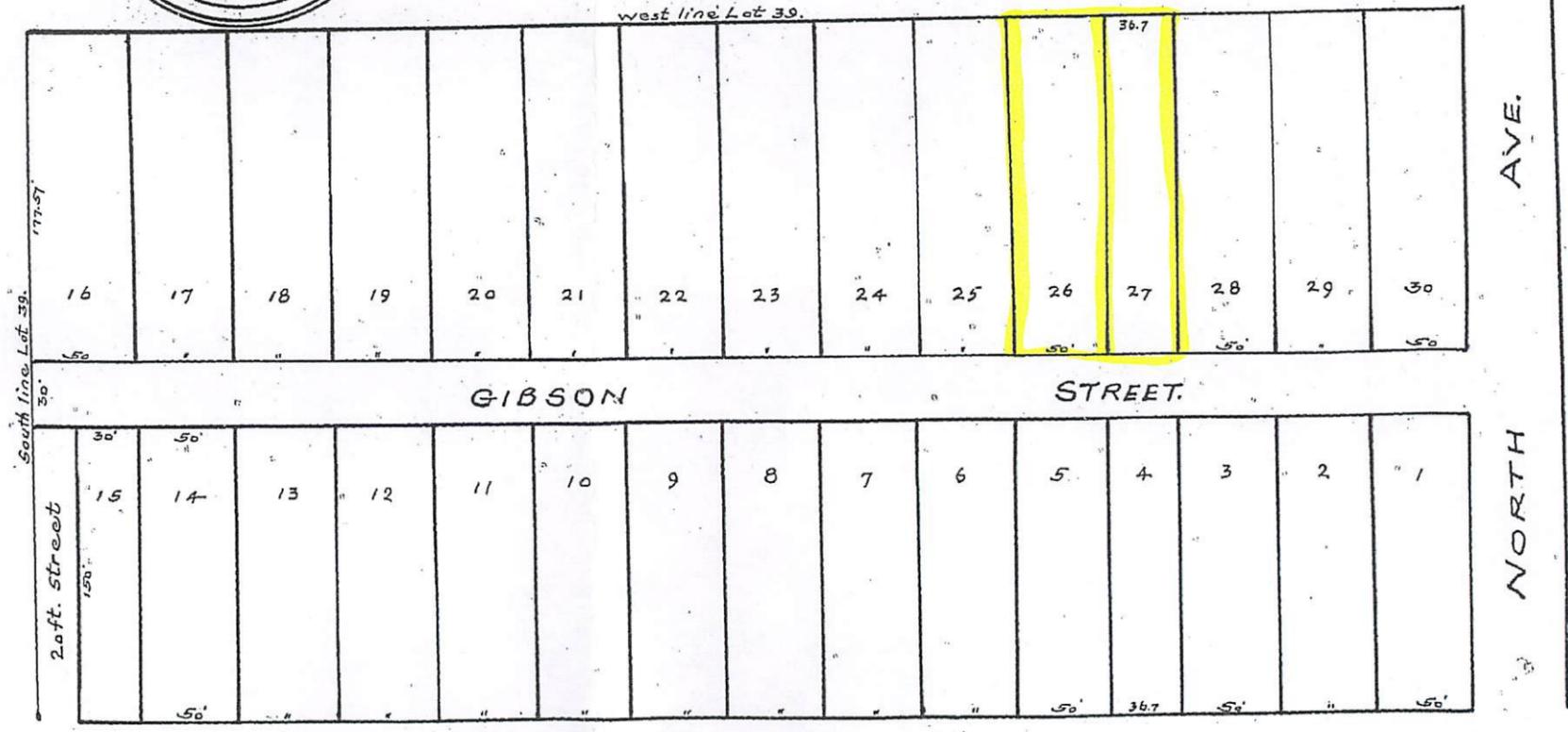
8/9/2021, 10:38:58 AM



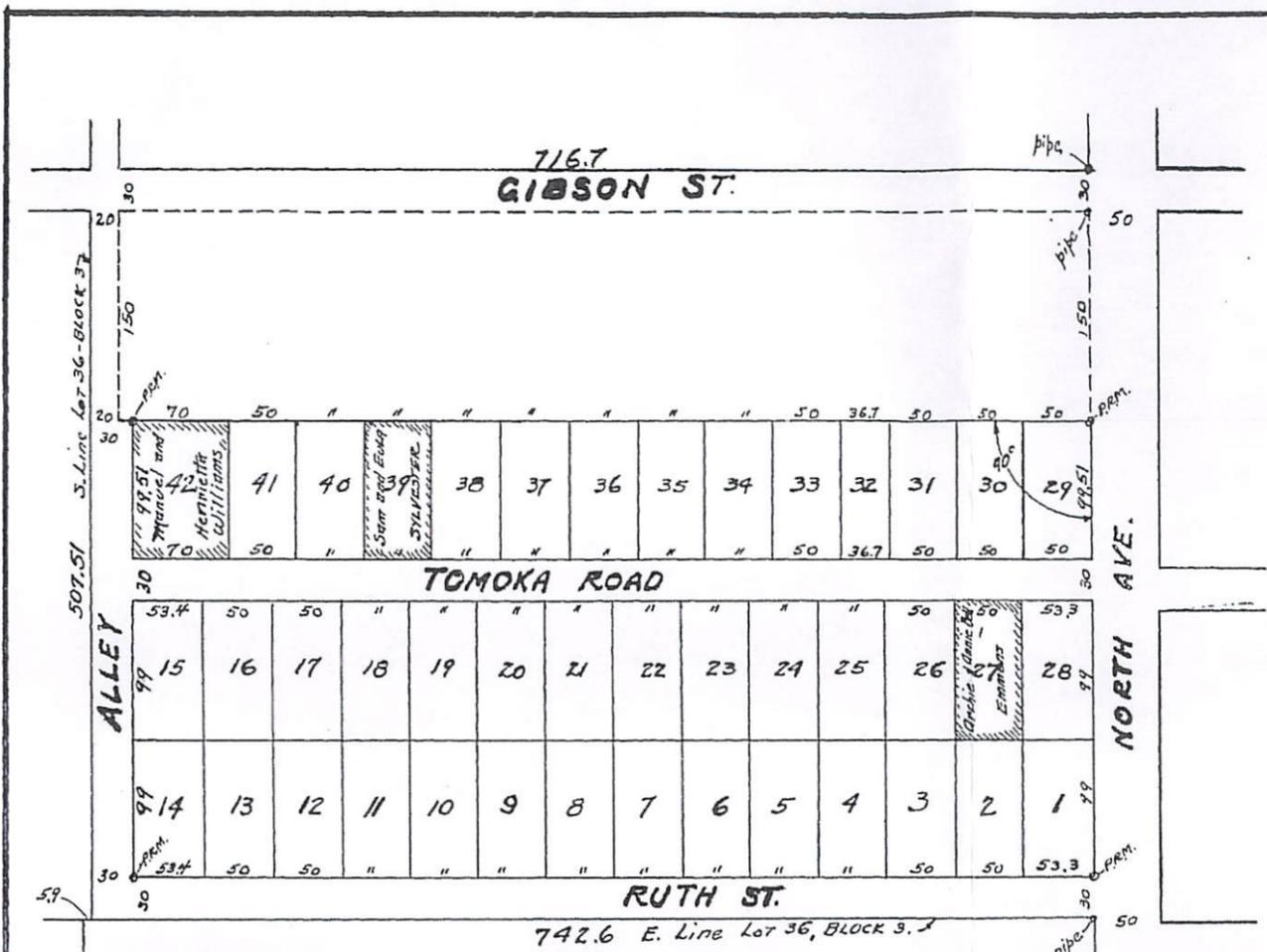
C. M. Rogers  
 Engineer,  
 Daytona, Flor.  
 Filed in Office  
 July 16, 1919  
 Saml. D. Jordan,  
 Clerk.



State of Florida,  
 County of Volusia  
 Marie DeC Stillman being duly sworn says  
 that she is owner of Lot 39, Block 3, of Geo. E. Colemans  
 addition to Daytona, Florida that she has caused the same  
 to be surveyed and subdivided by C. M. Rogers Civil Eng-  
 ineer according to the plat attached herewith, that the  
 same is correct and files the same for record.  
*Marie DeC Stillman*  
 Signed, sworn to and acknowledged  
 before me this 2nd day of July, 1919.  
*Harry A. Horn*, Notary Public  
 My Commission Exps. Oct. 10<sup>th</sup> 1921.



A TRUE COPY OF MAP IN  
 BOOK NO. 5  
 PAGE NO. 111  
*Saml. D. Jordan*  
 CLERK  
 by \_\_\_\_\_  
 D.C.  
 Drawn From Original - by - U.F. McCorkel. 1943.



I hereby certify that this map is a correct representation of the land platted and that permanent reference monuments have been placed as required by the survey laws of the state of Florida.

*C.H. Moneyperny*  
 Registered Surveyor #185

EXAMINED AND APPROVED:

*W.J. Weir*  
 CITY ENGINEER

*C.M. Ingram*  
 City Manager,  
 Daytona Beach, Florida.  
 Dec. 16th, 1939

STATE OF FLORIDA } ss. December 16-1939.  
 COUNTY OF VOLUSIA }

We, Ronald Y. Stillman and Prue R. Stillman, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE TITLE HEREON, EXCEPTING LOTS 27, 39 and 42 previously conveyed by metes and bounds and that we have caused same to be subdivided as shown, and do hereby dedicate to public use all streets, alleys, avenues, blvds and roads shown within the property lines of said land. Signed and sealed in the presence of witnesses.

*Thelma Marks* *Ronald Y. Stillman* (SEAL)  
*Harry A. Horn* *Prue R. Stillman* (SEAL)

State of Florida } ss.  
 County of Volusia }

I hereby certify that Ronald Stillman and Prue R. Stillman whose names are signed to the foregoing dedication, appeared before me this day and acknowledged the due execution of same, and for the purpose expressed hereon.

Witness my hand and seal this 16th day of Dec, 1939.

*Harry A. Horn* Notary Public.  
 My Commission Expires 12/28/1941.

**RONALD STILLMAN Resubdivision**  
 of Lot 36 - Block 3 of  
**Geo. E. Coleman's Subdivision,**  
 Daytona, Volusia County, Florida.

Survey by C.H. Moneyperny, C.E.  
 Registered Civil Engineer and Land Surveyor  
 Florida Registration Numbers 1688 & 185.  
 Daytona Beach, Fla.  
 Scale 1"=100' — Sept. 25, 1935.

# PINECREST

Being a sub-division of the following described property within the city limits of Daytona Beach, Volusia County, Florida: - Lots 40, 42 and 43 of Geo. E. Coleman's Addition to Daytona, and all of C.M. Roger's Sub-division No. 1, of Lot 41 of Block 3 of Geo. E. Coleman's Addition to Daytona, except Lots 1, 2, 3, 8, and 9 of Block 1, and Lots 1, 2, 3, 7 and 8 of Block 2, as shown on maps on file in the office of the clerk of the Circuit Court of Volusia County, Florida.

Scale 1 inch = 100 feet  
May 19<sup>th</sup> 1925  
WEN & BENSON ENGINEERS  
DAYTONA BEACH, FLORIDA

State of Florida:  
County of Volusia:  
I hereby certify that this map is a correct representation of the land platted and that permanent reference monuments have been placed as required by law.

W. J. Wen  
WEN & BENSON ENGINEERS  
State Certificate No 641

Correct as to boundaries 5-23-1926.

C. N. Conner  
City Engineer  
City of Daytona Beach

State of Florida:  
County of Volusia:  
I, Dr. C. N. Conner, single, hereby declare that I am the owner of "PINECREST" as described in the above caption and covered by the annexed plat of sub-division; that I have caused the same to be sub-divided as shown hereon, and do hereby dedicate all streets, avenues, roads, alleys, etc., as contained therein, to the use of the public, forever.

Signed and sealed in the presence of:

*[Signature]*  
Witness  
*[Signature]*  
Witness

State of Florida:  
County of Volusia:  
I hereby certify that Dr. C. N. Conner, whose name is signed to the foregoing dedication and who is personally known to me came before me this day and acknowledged that she executed the same for the purpose therein expressed and as a free act and deed.  
Witness my hand and official seal, this 28<sup>th</sup> day of March, A.D. 1925.

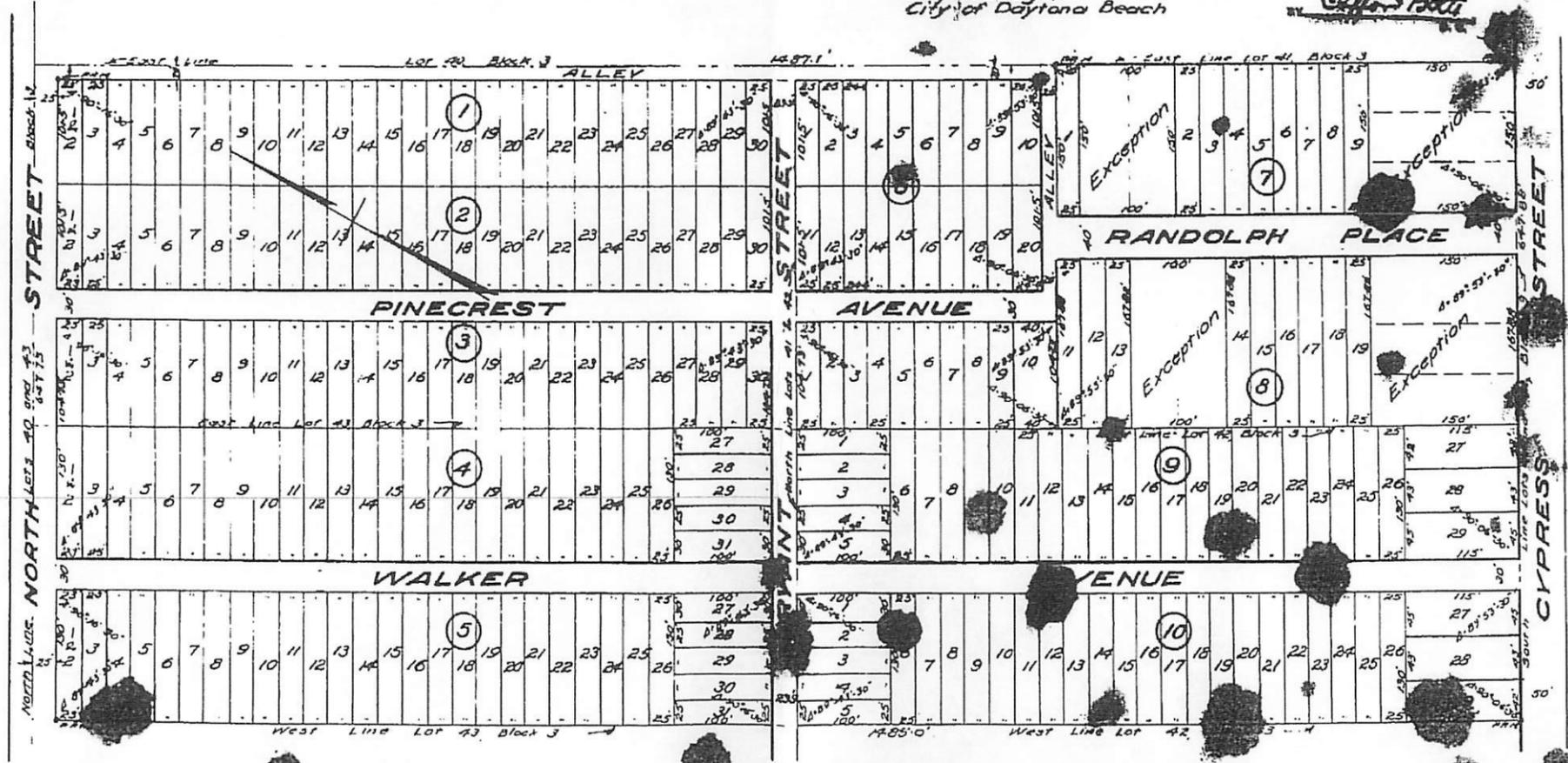
*[Signature]*  
My commission expires:  
February 14 1931

Approved: 3/22/27  
North - Day. Rec.

City Manager,  
City of Daytona Beach

*[Signature]*  
City Manager  
City of Daytona Beach

This Sub-division having been laid out and property sold prior to my taking office Jan. 1st, 1925, the approval is hereby made for recording purposes only.





## SURVEY REPORT

Sheet 2 of 2

### LEGAL DESCRIPTION:

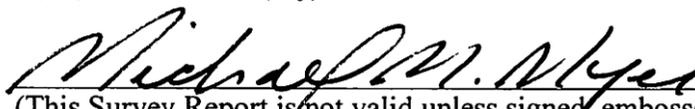
Lots 26 and 27, STILLMAN'S SUBDIVISION of Lot 39, Block 3, Colemans Daytona, according to the plat thereof as recorded in Map Book 5, Page 111, of the Public Records of Volusia County, Florida.

### GENERAL NOTES:

1. Field survey completed 07/06/2021.
2. Bearing basis assumed: S25°17'17"W along the easterly right of way of Gibson 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. No title search has been performed by or provided to Myer Land Surveying, Inc.
7. Elevations are North American Vertical Datum of 1988.

### GENERAL LEGEND:

A	Arc length	N&D	Nail and disc
A/C	Air conditioning pad	NAVD	North American 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
ⓔ	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	Ⓢ	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	Ⓜ	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. 21193.)

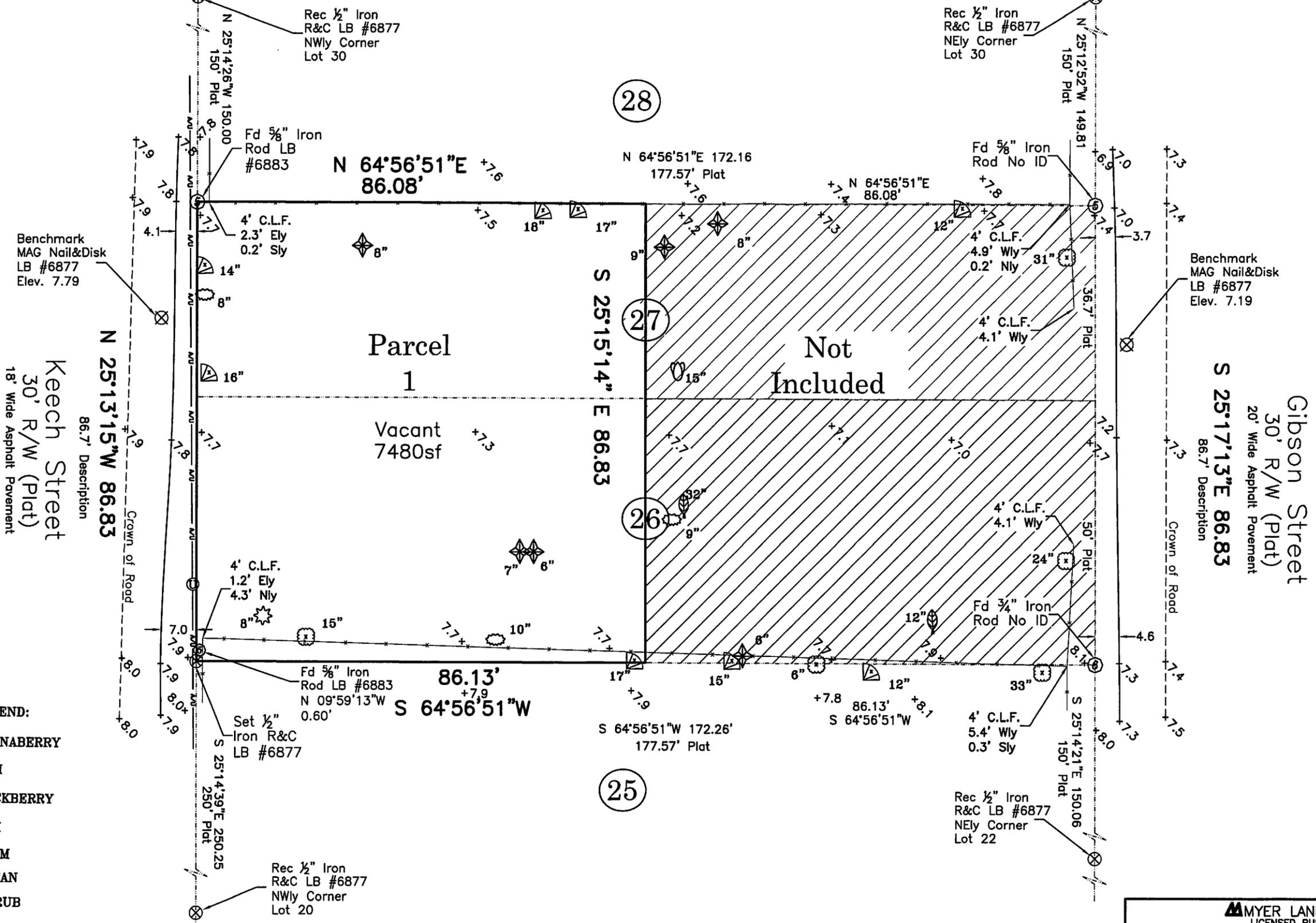
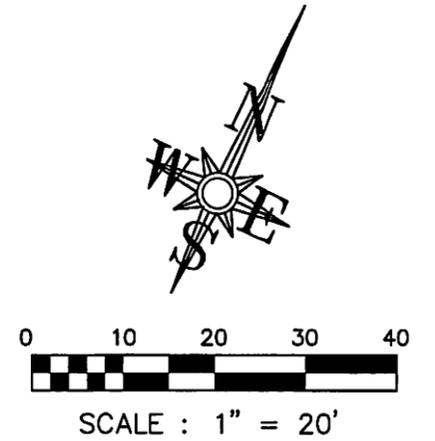
**MICHAEL M. MYER, PSM LS4006**

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

Job No. 21193 CRD #97251  
FB 344, pp 33, 34

**BOUNDARY SURVEY**  
Sheet 1 of 2

North Street 50' R/W (Rec)



**TREE LEGEND:**

-  CHINABERRY
-  ELM
-  HACKBERRY
-  OAK
-  PALM
-  PECAN
-  SHRUB

**NOTE:**  
Number beside tree indicates diameter at 4.5' Above Grade.  
(Not valid unless accompanied by sheet 2, Survey Report)

Job Number 21193 Parcel 1 CRD#97251  
FB 344, Pages 33&34

**MYER LAND SURVEYING, INC.**  
LICENSED BUSINESS #6877  
MICHAEL M. MYER #LS 4006  
PROFESSIONAL LAND SURVEYOR  
316 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117  
386 255-6304 Phone MyerLandSurveying@gmail.com

SCALE	DESIGNED	DRAWN	CHECKED	DATE
1" = 20'		AJS	MMM	7/14/21

## SURVEY REPORT

Sheet 2 of 2

### LEGAL DESCRIPTION:

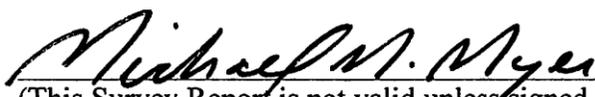
The westerly one-half of Lots 26 and 27, STILLMAN'S SUBDIVISION of Lot 39, Block 3, Colemans Daytona, according to the plat thereof as recorded in Map Book 5, Page 111, of the Public Records of Volusia County, Florida.

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FPLS	Florida Professional Land Surveyor	TYP	Typical
IP	Iron pipe	U	Utility pole
L	Light pole	Ⓜ	Water meter
LB	Licensed business	W(LY)	Westerly
N(LY)	North(erly)	WF	Wooden fence



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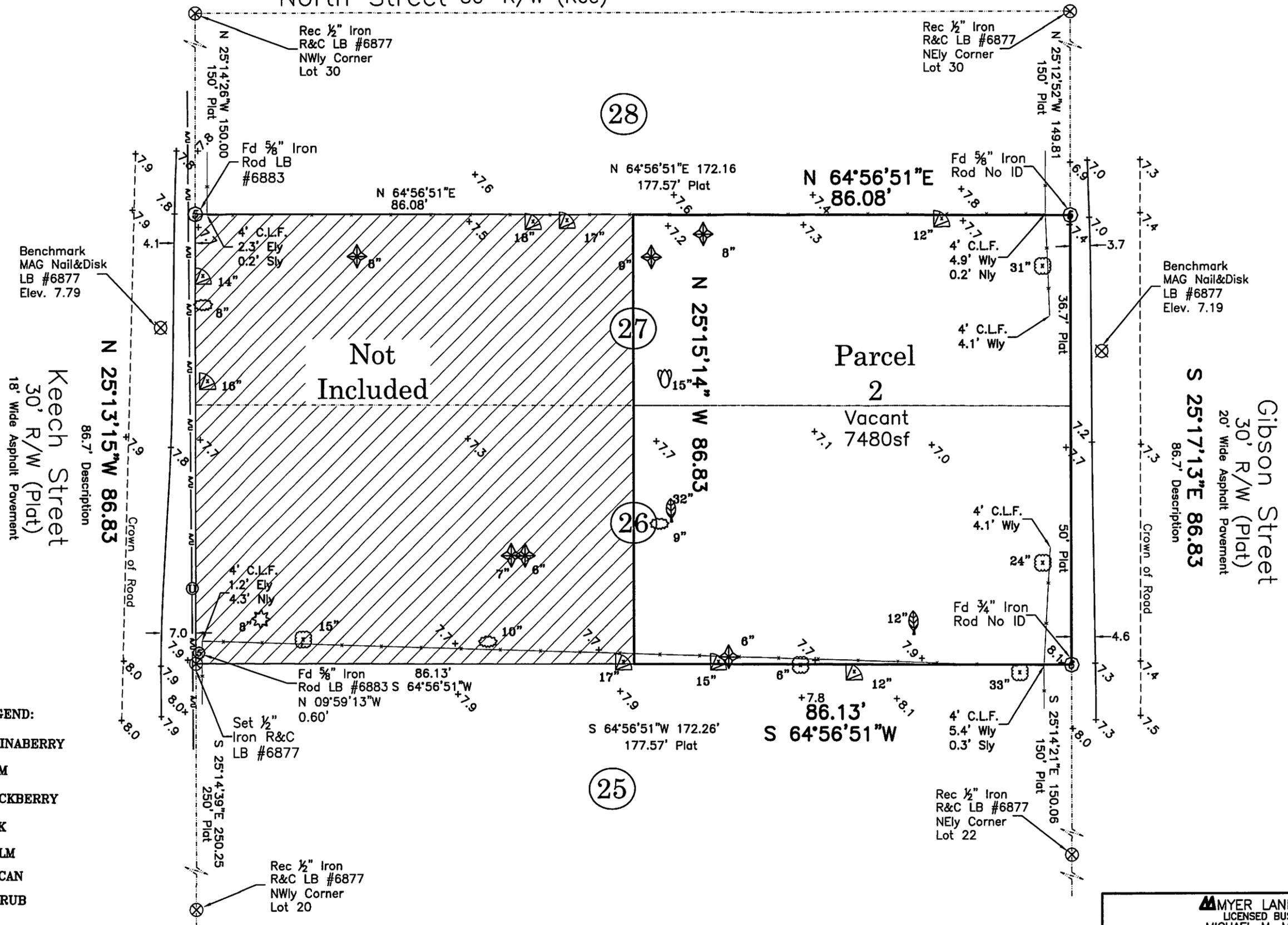
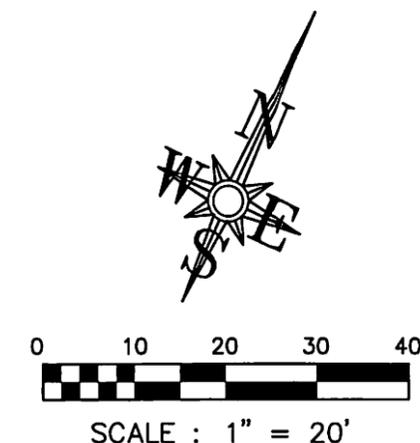
**MICHAEL M. MYER, PSM LS4006**

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Kelvin Lee

Job No. 21193 Parcel 1 CRD #97251  
FB 344, pp 33, 34

**BOUNDARY SURVEY**  
Sheet 1 of 2

North Street 50' R/W (Rec)



- TREE LEGEND:**
- CHINABERRY
  - ELM
  - HACKBERRY
  - OAK
  - PALM
  - PECAN
  - SHRUB

**NOTE:**  
Number beside tree indicates diameter at 4.5' Above Grade.  
(Not valid unless accompanied by sheet 2, Survey Report)

Job Number 21193 Parcel 2 CRD#97251  
FB 344, Pages 33&34

<b>MYER LAND SURVEYING, INC.</b> LICENSED BUSINESS #6877 MICHAEL M. MYER #LS 4006 PROFESSIONAL LAND SURVEYOR 316 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117 386 255-6304 Phone MyerLandSurveying@Gmail.Com				
SCALE	DESIGNED	DRAWN	CHECKED	DATE
1" = 20'		AJS	MMM	7/14/21

**SURVEY REPORT**  
Sheet 2 of 2

**LEGAL DESCRIPTION:**

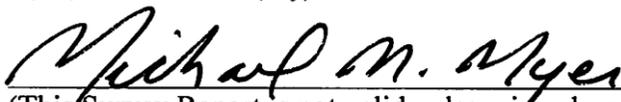
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LB	Licensed business	W(LY)	Westerly
N(LY)	North(erly)	WF	Wooden fence



(This Survey Report is not valid unless signed, embossed with signatory's seal and accompanied by Map of Boundary and topographic Survey, Job No. 21193 Parcel 2.)

**MICHAEL M. MYER, PSM LS4006**

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

Job No. 21193 Parcel 2 CRD #97251  
FB 344, pp 33, 34

WINSTON PATRICIA  
4231 MAYFAIR LN  
PORT ORANGE, FL 32129  
ALTKEY: 3280423

ANDERSON NELLIE JEAN  
140 DOLPHIN FLEET CIR #310  
DAYTONA BEACH, FL 32119  
ALTKEY: 3281845

BEDELL MILDRED I  
PO BOX 12273  
DAYTONA BEACH, FL 32120  
ALTKEY: 3280431

WHITE IRVIN  
340 GARDEN ST  
DAYTONA BEACH, FL 32114  
ALTKEY: 3281853

BEDELL MILDRED I  
PO BOX 12273  
DAYTONA BEACH, FL 32120  
ALTKEY: 3280440

ING INVESTOR GROUP INC  
340 GARDEN ST  
DAYTONA BEACH, FL 32114  
ALTKEY: 3281861

MURPHY FREDDIE D EST  
324 WEAVER ST  
DAYTONA BEACH, FL 32114  
ALTKEY: 3280458

HARRIS SUSIE  
538 N KEECH ST  
DAYTONA BEACH , FL 32114  
ALTKEY: 3280466

HARRIS JAMES E  
538 N KEECH  
DAYTONA BEACH, FL 32114  
ALTKEY: 3280474

JACKSON ELNORA S EST  
532 N KEECH ST  
DAYTONA BEACH, FL 32114  
ALTKEY: 3280482

JACKSON HERMAN V  
526 GIBSON ST  
DAYTONA BEACH, FL 32114  
ALTKEY: 3281799

SCOTT ALICIA GRAY  
4584 WILDERNESS CT  
JACKSONVILLE, FL 32258  
ALTKEY: 3281829

LEE KELVIN  
2231 ORIOLE LN  
SOUTH DAYTONA, FL 32119  
ALTKEY: 3281837

## NOTICE

### MAIL NOTICE

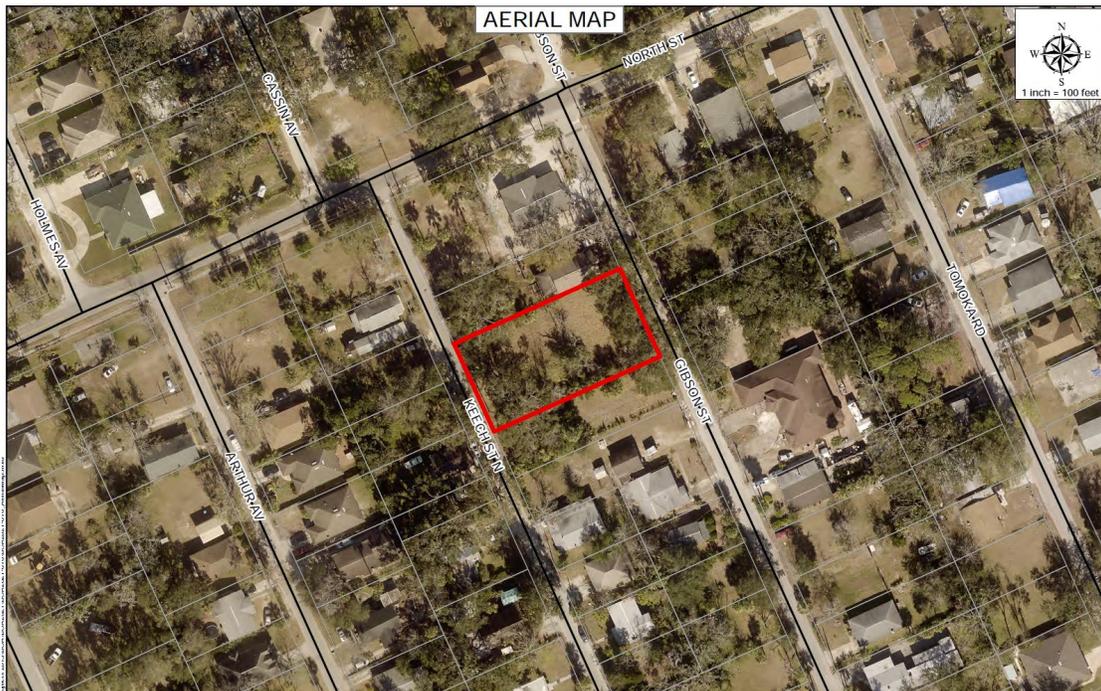
To:

Dear Property Owner(s):

The owner of the property located at **540 Gibson 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 – BOA2021-010 Variances from Article 4, Section 4.2.B.3**

A request by Sabrina Lee Metivier (property owner), for a variance from **Article 4 (Development Standards), Section 4.2.B.3 Note 9** of the Land Development Code (LDC) **to reduce minimum lot size of a subdivided lot from the required 9,000sf to 7,480sf, and to reduce the minimum lot depth of a subdivided lot from the required 100ft to 86ft.** This will allow for the subdivision of the existing 14,960sf lot into two lots, consistent with the other lots in this area, in order to develop two single family homes. The property is located at **540 Gibson Street, Parcel ID 5238-19-00-0260**. The zoning on the property is single family residential (SFR-5), and the Future Land Use (FLU) on the property is Level 1 Residential (L1-R).



A public hearing will be held at 1:00 p.m. on **Thursday, December 16, 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.

**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.**

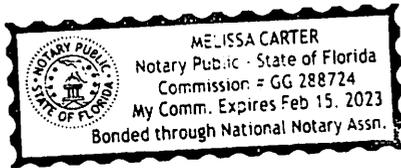
**The Volusia County Property Appraiser's Office will provide a copy of the mail list. This must also accompany this affidavit.**

Case Number BOA2021-010 Public Hearing Date December 16, 2021

Typed/Printed Name Sabrina Lee Metivier  
Signature (sign after reading) *Sabrina Lee Metivier*  
Address 540 Gibson Street - Daytona Beach, FL 32114

STATE OF FLORIDA  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of December, 2021, by Sabrina Lee Metivier, who is personally known to me or has produced ADR



*Melissa Carter*  
NOTARY PUBLIC - STATE OF FLORIDA  
Melissa Carter  
NAME OF NOTARY - TYPED OR PRINTED

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

WHITE IRVIN  
340 GARDEN ST  
DAYTONA BEACH, FL 32114  
ALTKEY: 3281853



HARRIS SUSIE  
538 N KEECH ST  
DAYTONA BEACH , FL 32114  
ALTKEY: 3280466



# CITY OF DAYTONA BEACH PUBLIC NOTICE

A PUBLIC HEARING FOR A  
*VARIANCE @ 540 GIBSON ST.*

FOR THIS PROPERTY WILL BE HELD ON *December 16, 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.

PLANNING BOARD  
 CITY COMMISSION

BOARD OF ADJUSTMENT  
 HISTORIC PRESERVATION





CITY OF DAYTONA BEACH  
**PUBLIC NOTICE**

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PLANNING BOARD

CITY COMMISSION

BOARD OF ADJUSTMENT

HISTORIC PRESERVATION