



The CITY OF DAYTONA BEACH

Board of Adjustment Agenda

February 17, 2022

City Hall
Regular Meeting
Commission Chambers

301 South Ridgewood Avenue
Thursday, February 17, 2022
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: January 20, 2022
5. New Cases

<u>BOA Board Agenda</u>		
<u>Approval</u>	<u>Initials</u>	<u>Date</u>
P & L Director		2-7-22
Deputy City Manager		2/17/22
Legal		2-7-22
City Manager		2-8-22

Case A – Removed from Agenda

Case B – BOA2022-004 Variance from Article 4, Section 4.2.B.3

A request by Andrea O'Rourke (property owner) for a variance from **Article 4 (Development Standards), Section 4.2.B.3** of the Land Development Code (LDC) to **reduce minimum required front yard setback of 30 feet to 25 feet**. This will allow for the expansion of the existing garage and the addition of a bedroom suite above the garage.

The property is located at **1209 Waverly Drive, Parcel ID 4236-06-03-0130**. 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)**.

Case C – BOA2022-005 Variance from Article 4, Section 4.7.U.3

A request by Leon McCray of MLK OZ, LLC (property owner) for a variance from **Article 4 (Development Standards), Section 4.7.U.3** of the Land Development Code (LDC) to **reduce required minimum Lot Area for Mixed-Use and Nonresidential from 6,000sf to 5,185sf**. This will allow the existing lot and structure to be used for “Other Accommodations” also known as Short Term Rentals (less than 6 months).

The property is located at **141 South Martin Luther King Boulevard, Parcel ID 5339-23-01-0012**. The current zoning on the property is **Redevelopment Midtown - Midtown Center Mixed Use (RDM-1)**, and the Future Land Use (FLU) on the property is **Mixed Use Medium Intensity (MU-M)**. This parcel is also part of the Southwest Daytona Black Heritage National Historic District.

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, March 17, 2022, at 1:00 PM in the City Commission Chambers.

BOARD OF ADJUSTMENT
MINUTES OF
REGULAR MEETING
January 20, 2022

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, January 20, 2022 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

Board members not in attendance:

Mr. Edward Gentle
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 January 20, 2022 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 Minutes: December 16, 2021

Board Action:

A motion was made by Ms. Barhoo, seconded by Ms. Bowler, to approve the minutes of the December 16, 2021 minutes as presented. The motion carried (4-0).

5. New Cases:

Case A – BOA2022-001 – Variances from Article 4, Section 4.2.B.3

A request by Thomas Huger, TAH2, LLC, (Contractor) on behalf of Jeriene P. Stiggons (property owner), for an after-the-fact variance from Article 4 (Development Standards), Section 4.2.B.3 of the Land Development Code (LDC) to reduce minimum required front yard setback of 30 feet to 20.3 feet. The property is located at 1124 Lakewood Park Drive, Parcel ID 5211-17-00-0060. The zoning on the property is single family residential (SFR-5), and the Future Land Use (FLU) on the property is Level 1 Residential (LI-R).

Application Presentation:

Thomas Huger, 928 Sycamore, Daytona Beach, Florida spoke on behalf of the property owner. Mr. Huger stated he has been working with the property owner since September 2020 as a result of a Code Enforcement case. Mr. Huger stated the property owner was being fined and Code Enforcement wanted the house demolished. Mr. Huger stated the house was demolished and the property owner was permitted to keep the slab for the structure that was in place. Mr. Huger stated an error was made related to the placement of the garage which encroaches on the front setback.

Ms. Bowler stated her understanding is that the new house was built on the existing slab.

Mr. Huger stated that is correct but there was a slight reconfiguration of the footprint.

Ms. Barhoo stated the previous house burned down and the new house looks much better for the neighborhood.

Ms. Bowler stated the fire creates a different situation for the property and Mr. Huger has an excellent track record.

Mr. Huger provided photos of the property, and Ms. Phillips stated aerial photos of the old house as well as the new house are included in the Board packet.

Mr. Huger stated the house is completed and the Certificate of Occupancy was issued the first of the month; however, he has not provided the keys to the owner since he is waiting the resolution of this variance issue.

Mr. Connors asked what the City would do if the Board denies this variance request.

Mr. Gross stated the case could be processed through Code Enforcement where a fine could be accrued until the violation is corrected. Mr. Gross stated the issue could also be referred to the courts and there could be foreclosure action.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Ms. Bowler, seconded by Ms. Barhoo, to approve BOA2202-001 – Variances from Article 4, Section 4.2.B.3, as presented. The motion carried (4-0).

Case B – BOA2022-002 – Variances from Article 4, Section 4.2.C

A request by Sharon Hawkins-Holden (property owner), for a variance from Article 4 (Development Standards), Section 4.2.C of the Land Development Code (LDC) to reduce required minimum Lot Area of 6,000sf to 5,000sf and to reduce the required living area per dwelling unit, minimum of 900sf each unit to 675sf each unit. The property is located at 700 Tennessee Street, Parcel ID 5238-38-00-2150. The zoning on the property is Multifamily Residential-12 (IVIFR-12), and the Future Land Use (FLU) on the property is Level 1 Residential (LI-R).

Applicant Presentation:

Sharon Hawkins-Holden, property owner, stated she is trying to put a duplex on the property. Ms. Hawkins-Holden stated she talked with the former Development Review Technician, Angela Doyle, in 2019 to make sure the property was zoned for duplex and Ms. Doyle advised that the property is zoned for duplex. Ms. Hawkins-Holden stated Ms. Doyle advised her of the setbacks and the proposed structure meets those setbacks. Ms. Hawkins-Holden stated she proceeded with plans for a duplex based on Ms. Doyle's statement that a duplex would be permitted. Ms. Hawkins-Holden stated there is a duplex on three other adjacent

parcels. Ms. Hawkins-Holden stated when she provided the plans to Ms. Phillips, Ms. Phillips indicated a duplex would not be permitted. Ms. Hawkins-Holden stated the lot size is 50' x 100'. Ms. Hawkins-Holden stated the previous Land Development Code permitted a 675 s.f. duplex but the Code has been changed. Ms. Hawkins-Holden stated housing is needed in the city; but if she constructed a single-family home, most people will not be able to afford it. Ms. Hawkins-Holden stated she would not have proceeded with the plans if Ms. Doyle had not told her what she proposes is permitted.

Ms. Phillips stated the uses permit a duplex on the site; however, the lot is not wide enough for a duplex. Ms. Phillips stated the lot size can be waived for a single-family residence; but all of the setbacks must be met in order to construct a duplex; and in this case the property does not meet the lot width requirements.

Mr. Gross stated the lot is a non-conforming lot of record, and the Land Development Code permits reduction in setbacks for a single family dwelling but not a reduction in the minimum dwelling size. Mr. Gross stated there are also additional waivers for affordable housing and there are limits on the rent that can be charged.

Ms. Hawkins-Holden stated there is a triplex on the same street and is on the same size lot as well as other duplexes.

Ms. Bowler stated the area does have other duplexes and the lots do not seem to be larger than the subject property. Ms. Bowler stated she noticed the single family lots in the area seem to be better maintained. Ms. Bowler stated there would be an injustice if someone told Ms. Hawkins-Holden that she could proceed and then was told later it was not permitted. Ms. Bowler stated perhaps Ms. Doyle stated the zoning does permit a duplex but the specific lot was not reviewed and asked if there is anything in writing from Ms. Doyle.

Mr. Gross stated a duplex is a permitted use on the lot.

Ms. Phillips stated typically when someone comes into the Department and asks questions, information on the permitted uses would be provided as well as the zoning standards that must be met.

Ms. Barhoo asked if the size of the units could be reduced.

Mr. Gross stated the size could not be reduced because the Code requires a 900 s.f. unit and Ms. Hawkins-Holden is requesting a 675 s.f. unit.

Mr. Connors stated a second story could be constructed in order to meet the square footage requirement.

Ms. Phillips stated the lot width requirement would not be met for either a one-story or two-story structure.

Mr. Harshaw stated he is concerned about inadequate parking for a duplex.

Ms. Hawkins-Holden stated she discussed parking with Ms. Phillips and additional parking has been added.

Ms. Phillips stated information regarding the parking spaces is included in the Board packet, and two cars can be placed in each driveway without being in the right of way.

Mr. Harshaw stated he does not see a hardship since a single-family home can be built on the lot.

Ms. Bowler stated that is also her hesitation and noted if there was something in writing from Ms. Doyle, that would have placed a hardship on the development.

Ms. Hawkins-Holden stated the hardship is money and noted she has put money into design and trusses. Ms. Hawkins-Holden stated she has nothing in writing from Ms. Doyle. Ms. Hawkins-Holden stated her letter which is included with part of the packet discusses reimbursement for her expenses. Ms. Hawkins-Holden stated she was told by Ms. Doyle that a duplex would be permitted prior to her purchasing the property.

Ms. Phillips asked Ms. Hawkins-Holden if she provided a survey of the property to Ms. Doyle when she spoke with her that would indicate the dimensions of the property.

Ms. Hawkins-Holden stated no.

Irvin White, 340 Dodge Street, Daytona Beach, Florida, stated the previous owner fell into hardship and had to sell the lot and Ms. Hawkins-Holden agreed to buy the lot. Mr. White stated he showed Ms. Hawkins-Holden a lot next to the lot for sale and stated a duplex could be placed on the lot. Mr. White stated he and Ms. Hawkins-Holden spoke with Angela Doyle who stated a duplex could be placed on the lot; and that's when Ms. Hawkins-Holden proceeded with getting the plans done.

Mr. Harshaw stated he is concerned there is no paper trail and he does not see a hardship.

Mr. White stated the hardship would be that Ms. Hawkins-Holden has spent a lot of money to have plans prepared.

Mr. Harshaw stated economics are not a hardship and there has to be something, such as an irregular shaped lot, in order to be considered a hardship. Mr. Harshaw stated to the north is a property that has vehicles that cut across the subject property for access; and as sure as building starts on the lot, where will those vehicles park? Mr. Harshaw stated they will have to park on the street. Mr. Harshaw stated the existing tri-plex in the neighborhood is very unattractive and is the eyesore of the neighborhood.

Ms. Bowler stated we have to think about the other people in the neighborhood who have already made an investment and the standard that has been set. Ms. Bowler stated the condition of the existing homes works against the applicant.

Mr. Gross stated he wanted to make a correction to a statement he made earlier. Mr. Gross stated the setback reduction for single family homes would only apply to affordable housing.

Board Action:

A motion was made by Mr. Connors, seconded by Mr. Harshaw, to approve BOA2022-002, Variances from Article 4, Section 4.2.C, in accordance with the staff report as presented. The motion was denied (0-4 with Ms. Bowler, Ms. Barhoo, Mr. Connors, and Chair Harshaw voting nay).

6. **Review of Cases**

Case A – BOA2202-001	Approved (4-0)
Case B – BOA2022-002	Denied (0-4)

7. **New Business**

Election of Chair and Vice Chair

Mr. Gross stated the minutes reflect that Mr. Harshaw was Chair for two consecutive terms and has termed out as Chair. Mr. Gross stated after one year, Mr. Harshaw could be elected Chair again.

A motion was made by Mr. Harshaw, seconded by Ms. Barhoo, to elect Ms. Bowler as Chair. The motion carried (4-0).

A motion was made by Ms. Barhoo, seconded by Mr. Harshaw, to elect Mr. Connors as Vice Chair. The motion carried (4-0).

The Board discussed the vacancies on the Board and if Mr. Gentle had resigned. Ms. Phillips stated nothing has been submitted in writing from Mr. Gentle.

Mr. Harshaw stated Mr. Gentle indicated his intention to resign at the last meeting he attended.

Ms. Phillips stated Betty Goodman has placed information on the city's website about the need for members to serve on the Board of Adjustment. Ms. Phillips stated Ms. Goodman also notifies the City Commissioners about the vacancies on the Board.

8. **Adjournment**

There being no further business, the meeting was adjourned.

Trey Harshaw, Chair

Becky Groom, Board Secretary



Case A

Removed from Agenda



Case B

Agenda Item 5 – Case B

BOA2022-004

Variances from Article 4, Section 4.2.B.3

Of the Land Development Code (LDC)

1209 Waverly Drive

Agenda Item 5 – Case B
BOA2022-004
Variances from Article 4, Section 4.2.B.3
Of the Land Development Code (LDC)
1209 Waverly Drive

STAFF REPORT

DATE: January 28, 2022
TO: Board of Adjustment Members
FROM: Missy Phillips, Development Review Technician

VARIANCE REQUEST

A request by Andrea O'Rourke (property owner) for a variance from **Article 4 (Development Standards), Section 4.2.B.3** of the Land Development Code (LDC) to **reduce minimum required front yard setback of 30 feet to 25 feet**. This will allow for the expansion of the existing garage and the addition of a bedroom suite above the garage.

The property is located at **1209 Waverly Drive, Parcel ID 4236-06-03-0130**. 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 located at the south end of Waverly Drive between Belaire Drive and Driftwood Avenue. The neighborhood is north of University Boulevard between North Atlantic Avenue and North Halifax Avenue.



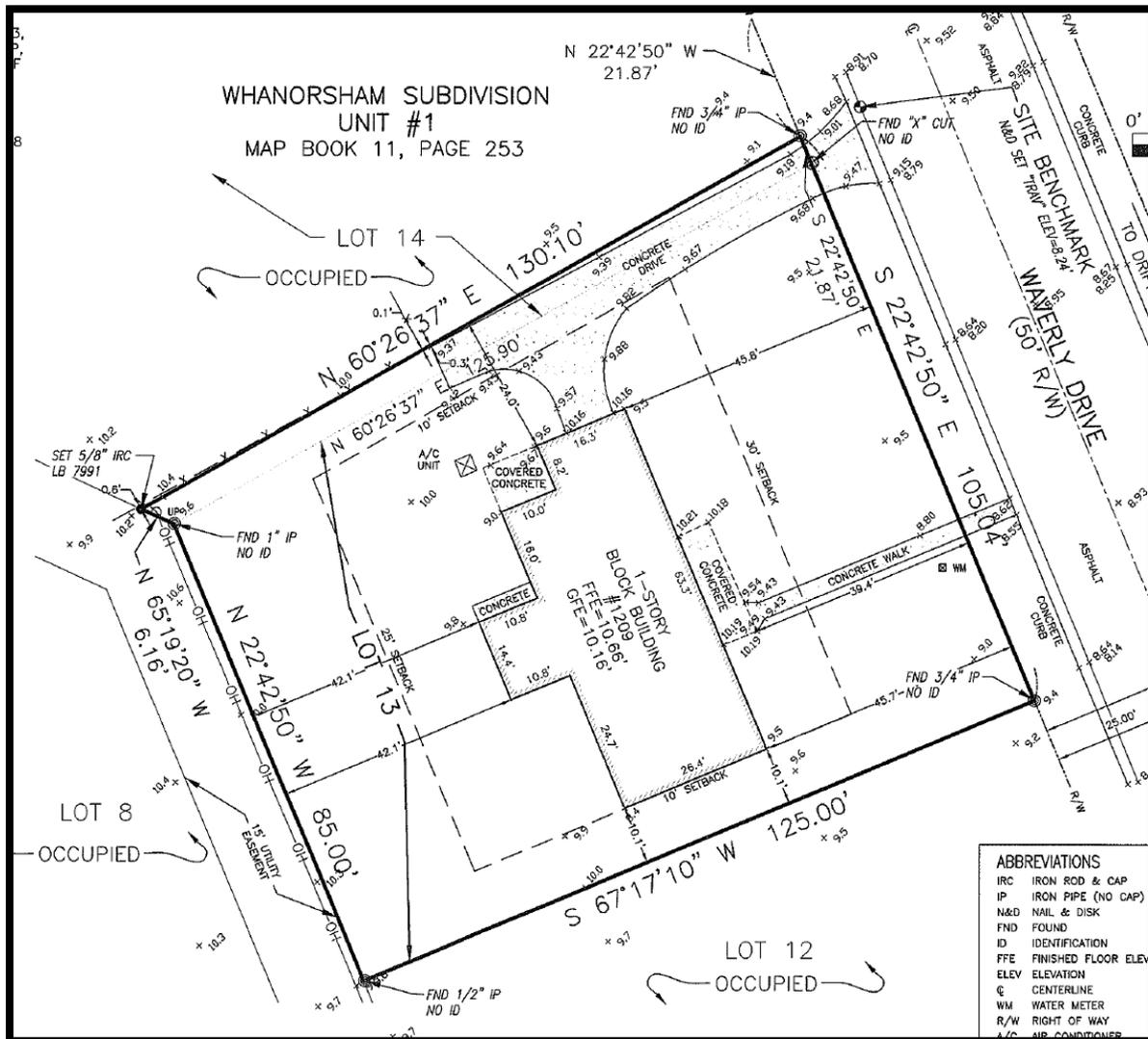
Aerial View of the Property

PROJECT HISTORY AND VARIANCE DESCRIPTION

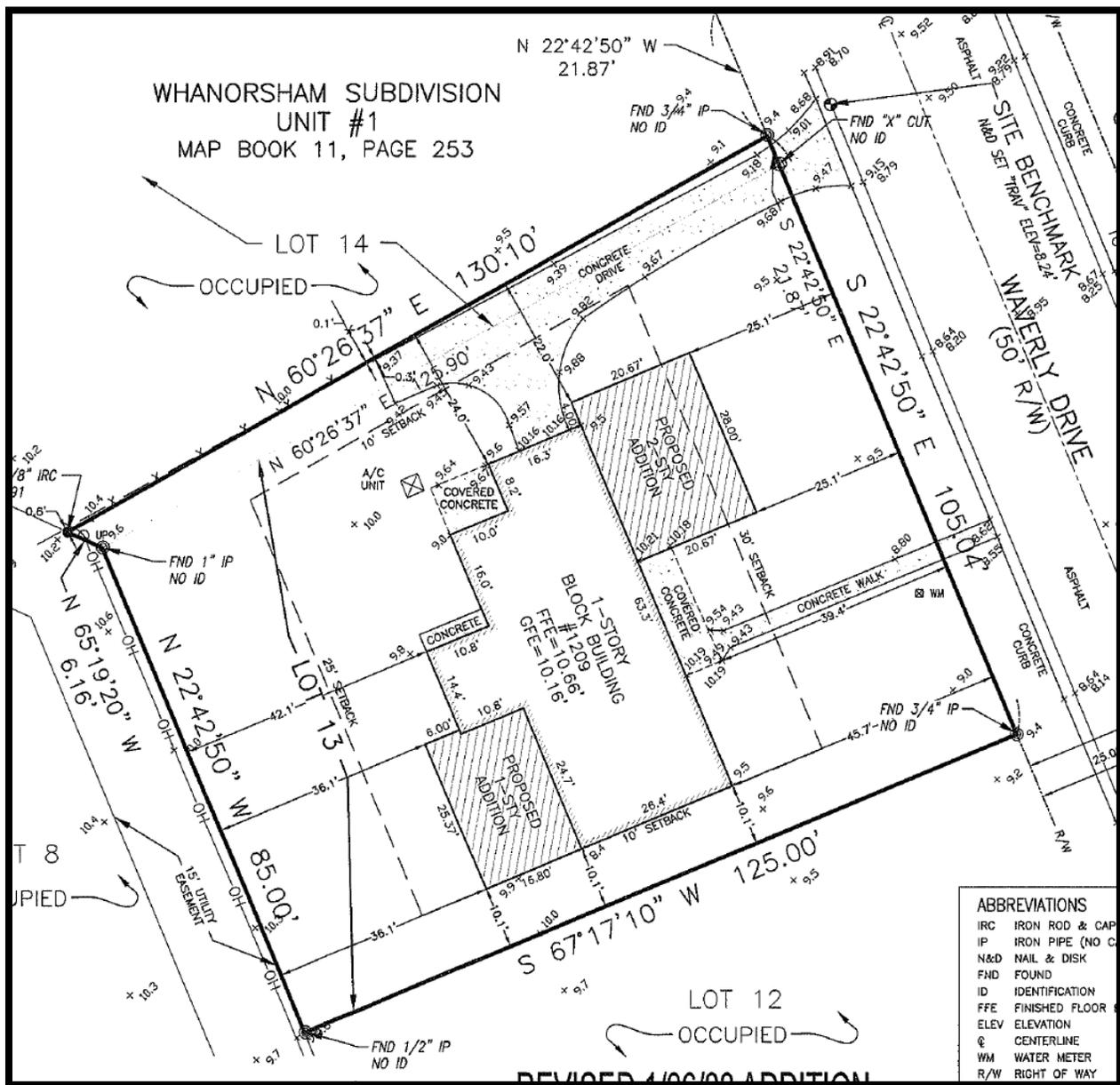
The property located at 1209 Waverly Drive. The lot currently has a single-family home with a total building area of 1,912 square feet. A review of County records show that this parcel is Lot 13 & S 5 FT OF LOT 14 BLK 3 SEC A WHANORSHAM UNIT 1. This lot is today as it was originally platted in 1951.

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

- Reduce minimum required front yard setback of 30 feet to 25 feet



Existing Survey - Submitted by Applicant



Proposed Survey - 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 approximately 105 feet wide at front and 85 feet wide at rear by 125.00 deep. This lot is shallower in depth than the majority of the lots in this area.

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

Per Map Book 11 Page 253, this parcel was originally platted as it appears currently. This lot is shallower than most of the lots on this street.

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

This parcel is currently fully developed with a 1912sf single-family structure.

- 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 this variance is not approved the homeowners will not be able to construct the addition to their home at the dimensions and placement they prefer.

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

The parcel is currently fully developed.

- 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.

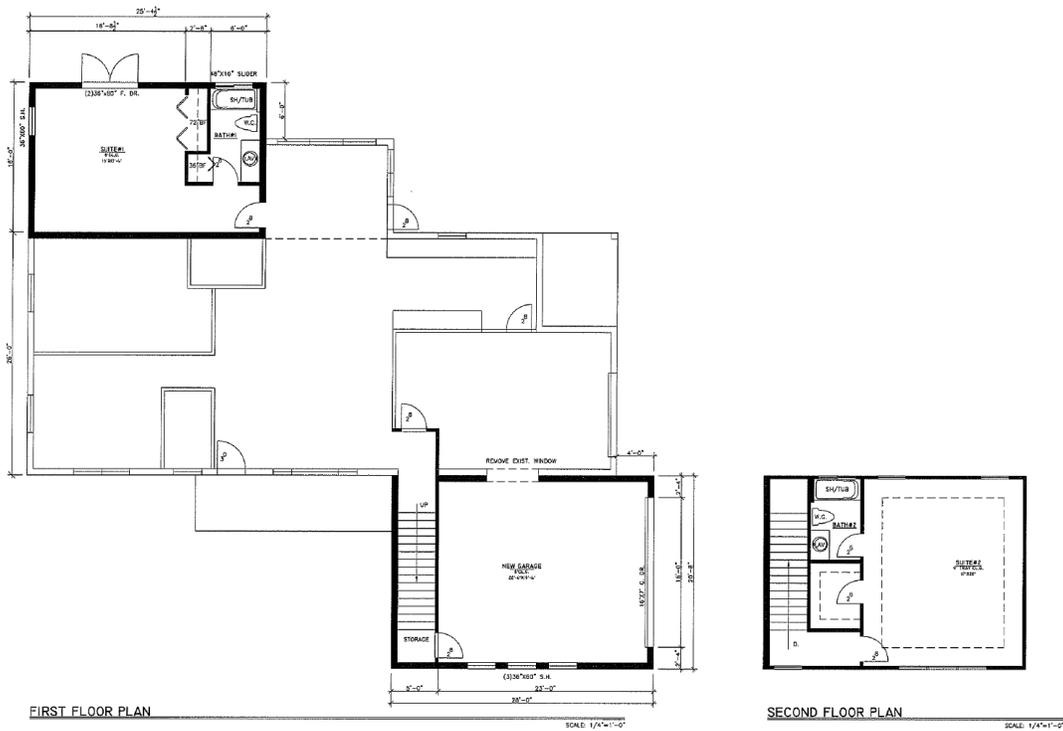
- viii. The Variance is consistent with the comprehensive plan.**

The variance request will allow for the construction of an addition to a single-family home, 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.



Current Structure



Proposed Floor Plan

LOCATION MAP



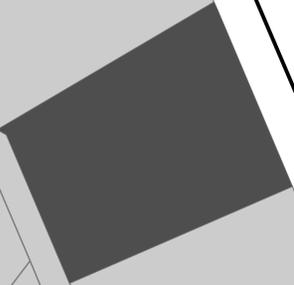
1 inch = 100 feet

WAVERLY-DR

BEL-AIRE-DR

FLAGSTONE-DR

DRIFTWOOD-AV



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Case : BOA 2022-004
1209 Waverly Dr
Daytona Beach FL 32118

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



FLAGSTONE DR

WAVERLY DR

BELAIRE DR

DRIFTWOOD AV

Volusia GIS

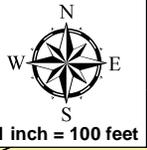


Case : BOA 2022-004

**1209 Waverly Dr
Daytona Beach FL 32118**

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ZONING MAP



SFR-5

SFR-5

FLAGSTONE-DR

WAVERLY-DR

BEL-AIRE-DR

DRIFTWOOD-AV



Case : BOA 2022-004

**1209 Waverly Dr
Daytona Beach FL 32118**

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FUTURE LAND USE MAP



Level 1 Residential

FLAGSTONE-DR

WAVERLY-DR

BEL-AIRE-DR

DRIFTWOOD-AV



Case : BOA 2022-004

**1209 Waverly Dr
Daytona Beach FL 32118**

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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.**

BOA 2022-004



**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, 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* X	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): LDC 4.2.8.3

Adding a 2 car garage with a room over the structure. A 5 foot variance from the street is requested for the standard 2 car garage. Other room in the rear is also planned.

SITE & APPLICANT INFORMATION: All information must be completed

Project Name:	ADR Variance of 5 feet														
12 Digit Short Tax Parcel ID#:	4	2	3	6	-	0	6	-	0	3	-	0	1	3	0
Street Address	1209 Waverly Drive, Daytona Beach FL 32118														
SITE INFORMATION:	Existing:	Proposed:	Abutting Property:												
Future Land Use Designation:	LIR	LIR	LIR	LIR	LIR	LIR									
Zoning Designation:	SFR5	SFR5	SFR5	SFR5	SFR5	SFR5									
Gross Sq. Ft. Floor Area:	1912	2841.6													
Acres of Parcel(s):	.28	.28													

Property Owner (Provide Proof of Ownership)

Company/Contact Name:	Andrea D'Pourke, Owner/Lead	Phone:	617-365-0344
Street Address:	1209 Waverly Drive	E-mail:	adpourke1487@gmail.com
City & State:	Daytona Beach, FL	Zip:	32118

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:	<i>Andrea D'Pourke, Owner/Lead</i>	DATE:	1.27.2022
Print Name:	Andrea J D'Pourke, the lead owner/lead		

Property Summary

Alternate Key: 3136365
 Parcel ID: 423606030130
 Township-Range-Section: 14 - 32 - 36
 Subdivision-Block-Lot: 06 - 03 - 0130
 Business Name:
 Owner(s): OROURKE ANDREA J TR - TR - Trust - 100
 A R E TRUST - TR - Trust - 100
 Mailing Address On File: 1209 WAVERLY DR
 DAYTONA BEACH FL 32118
 Physical Address: 1209 WAVERLY DR, DAYTONA BEACH 32118
 Building Count: 1
 Neighborhood: 2252 - WHANORSHAM UTS 1 & 2
 Subdivision Name:
 Property Use: 0100 - SINGLE FAMILY
 Tax District: 204-DAYTONA BEACH
 2020 Certified Millage Rate: 19.3364
 Homestead Property: Yes
 Agriculture Classification: No
 Legal 1: LOT 13 & S 5 FT OF LOT 14 BLK 3 SEC A WHANORSHAM UNIT 1 M B 1
 Legal 2: 1 PG 253 PER OR 3983 PG 2921 PER OR 6545 PG 3734 PER OR 7532
 Legal 3: PG 1028 PER OR 8126 PG 3112

Property Values

Tax Year:	2022 Working	2021 Final	2020 Final
Valuation Method:	1-Market Oriented Cost	1-Market Oriented Cost	1-Market Oriented Cost
Improvement Value:	\$73,209	\$74,715	\$77,230
Land Value:	\$74,250	\$74,250	\$66,825
Just/Market Value:	\$147,459	\$148,965	\$144,055

Working Tax Roll Values by Taxing Authority

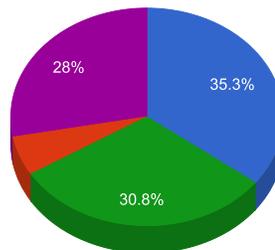
Values shown below are the 2022 WORKING TAX ROLL VALUES that are subject to change until certified. Millage Rates below that are used in the calculation of the Estimated Taxes are the 2021 FINAL MILLAGE RATES. The Just/Market listed below is not intended to represent the anticipated selling price of 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	\$147,459	\$147,459	\$25,000	\$122,459	1.5000	\$183.69
0012 DISCRETIONARY	\$147,459	\$147,459	\$25,000	\$122,459	0.7480	\$91.60
0011 REQ LOCAL EFFORT	\$147,459	\$147,459	\$25,000	\$122,459	3.5540	\$435.22
0050 GENERAL FUND	\$147,459	\$147,459	\$50,000	\$97,459	5.3812	\$524.45
0055 LIBRARY	\$147,459	\$147,459	\$50,000	\$97,459	0.5174	\$50.43
0520 MOSQUITO CONTROL	\$147,459	\$147,459	\$50,000	\$97,459	0.1781	\$17.36
0530 PONCE INLET PORT AUTHORITY	\$147,459	\$147,459	\$50,000	\$97,459	0.0845	\$8.24
0058 VOLUSIA ECHO	\$147,459	\$147,459	\$50,000	\$97,459	0.2000	\$19.49
0057 VOLUSIA FOREVER	\$147,459	\$147,459	\$50,000	\$97,459	0.2000	\$19.49
0059 VOLUSIA FOREVER I&S 2005	\$147,459	\$147,459	\$50,000	\$97,459	0.0000	\$0.00
0065 FLORIDA INLAND NAVIGATION DISTRICT	\$147,459	\$147,459	\$50,000	\$97,459	0.0320	\$3.12
0100 HALIFAX HOSPITAL AUTHORITY	\$147,459	\$147,459	\$50,000	\$97,459	0.9529	\$92.87
0060 ST JOHN'S WATER MANAGEMENT DISTRICT	\$147,459	\$147,459	\$50,000	\$97,459	0.2189	\$21.33
0210 DAYTONA BEACH	\$147,459	\$147,459	\$50,000	\$97,459	5.5300	\$538.95
0211 DAYTONA BEACH I&S 2004	\$147,459	\$147,459	\$50,000	\$97,459	0.2394	\$23.33
					19.3364	\$2,029.56

Non-Ad Valorem Assessments

Project	#Units	Rate	Amount	Estimated Ad Valorem Tax:	\$2,029.56
				Estimated Non-Ad Valorem Tax:	\$0.00
				Estimated Taxes:	\$2,029.56
				Estimated Tax Amount without SOH/10CAP	\$2,851.33

Where your tax dollars are going:



- School
- County
- Other
- Municipality

Book/Page	Instrument No.	Sale Date	Deed Type	Qualified/Unqualified	Vacant/Improved	Sale Price
8126 / 3112	2021231597	09/21/2021	QC-QUIT CLAIM DEED	UNQUALIFIED	IMPROVED	\$100
8126 / 3089	2021231595	09/21/2021	QC-QUIT CLAIM DEED	UNQUALIFIED	IMPROVED	\$100
7532 / 1028	2018074543	04/10/2018	WD-WARRANTY DEED		IMPROVED	\$160,000
6545 / 3734	2010224868	12/09/2010	WD-WARRANTY DEED	UNQUALIFIED	IMPROVED	\$100
3983 / 2921	1995019707	02/15/1995	WD-WARRANTY DEED	UNQUALIFIED	IMPROVED	\$80,000
2304 / 0179		10/15/1981	WD-WARRANTY DEED	UNQUALIFIED	IMPROVED	\$55,000

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
LOT 13 & S 5 FT OF LOT 14 BLK 3 SEC A WHANORSHAM UNIT 1 MB 11 PG 253 PER OR 3983 PG 2921 PER OR 6545 PG 3734 PER OR 7532 PG 1028 PER OR 8126 PG 3112	204	14 - 32 - 36	06 - 03 - 0130	26-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
------	--------	-------------	--------

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?

Please see response attachment.

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

Please see response attachment.

- 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.

Please see response attachment.

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.

Please see response attachment.

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

Please see response attachment.

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

Please see response attachment.

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.

Please see response attachment.

viii. The Variance is consistent with the Comprehensive Plan.

Please see response attachment.

SUPPLEMENTAL INFORMATION RESPONSE ATTACHMENT

Andrea O'Rourke, Owner/Beneficiary
1209 Waverly Drive
Dayton Beach, FL 32118

- 15/ APR, Dw. Bene -*
- APOR/Dw. Bene.*
- I. A 5 foot utility easement is in the rear of the property compressing the structure on the lot forward which directly effects the planned garage and bedroom space on top and does not leave room for the improvement which will only fit on the front lawn.
 - II. Placement of the building on the lot by the developer in the 1950's. The proposed garage (2 car) will only fit on the front lawn but requires 5 feet more of frontage than the set back allows. The only place the proposed improvement can be built is on the front lawn. All the other houses in the neighborhood have 2 car garages. The structure is too small as it exists.

This request for a variance is not self created like shooting yourself in the foot. This reasonable extension on of the existing building which previously existed and is a use that is consistent with the existing building purpose. Therefore not self created but a reasonable extension of existing condition. Does not effect public safety and achieves substantial justice.
 - III. The proposed 2 car garage and room above complies with all zoning standards and would be pro-forma permitted except for a few feet from the set back on the roadway which enforcement will cause a smaller improvement which value will be less than a complete standard 2 car garage which causes extreme loss of value to the owner in view of \$150,000 budget for this and an addition of a bedroom suite added to the rear left corner as set forth. This results in loss of financial, safety and other value. This is a hardship.
 - IV. The variance does not effect a butters and improves their value and is consistent with other houses in the area.
 - V. Five feet is required to build a two car garage as set forth on the plans.
 - VI. The proposed improvement is consistent with other houses and would enhance their value in the general area.
 - VII. This will not effect the road way. The proposed improvement of a 2 car garage would improve the neighborhood along with another bedroom in the rear.
 - VIII. The relief sought does not burden or effect a butters or the general purpose of the planning of the set back. There is still ample space on the property which satisfies all issues and would be permitted in any event.

Intensity & Dimensional Standards (Setbacks)

Single-Family Residential-5 (SFR-5)

	Platted Lot Width		
	<50 ft	50≤60 ft	>60 ft
Lot area, minimum ²	5,000 sf ^{2,9}		
Lot width, minimum	50 ft		
Lot depth, minimum	100 ft		
Lot frontage on an improved street, minimum	50 ft ³		
Density, maximum (du/ac)	n/a		
Floor area ratio (FAR), maximum ⁴	0.5		
Living area per dwelling unit, minimum	900 sf	900 sf	1,400 sf
Lot coverage, maximum (% of lot area)	35%		
Structure height, maximum	35 ft ⁵		
Front yard setback, minimum	25 ft	25 ft	30 ft
Street side yard setback, minimum	15 ft		
Interior side yard setback, minimum	5 ft	7.5 ft	10 ft
Rear yard setback, minimum	25 ft		

Special Standards for Accessory Structures of Single-Family Dwellings ⁶

Number of detached structures per lot, maximum	2
Floor area, maximum (% of principal building floor area)	50%
Structure height, maximum	20 ft
Floor area in rear yard, maximum	200 sf ^{7,8}
Rear yard coverage, maximum (% of rear yard area)	30%
Setback from rear or side lot line, minimum	7.5 ft
Spacing from principal building, minimum	5 ft

NOTES: [sf = square feet; ft = feet; du/ac = dwelling units/acre]

1. See measurement rules and allowed exceptions/variations in Section 11.4, Measurement, Exceptions, and Variations of Intensity and Dimensional Standards.
2. May be reduced for an irregularly shaped lot such as those on a cul-de-sac turnaround, provided the lot is at least 50 ft wide at a line located within 400 ft from the right-of-way of an improved street.
3. Applicable to regularly shaped lots containing a dwelling; 20 ft for all other lots.
4. Applicable only to nonresidential development.
5. May be exceeded for a nonresidential structure with a Special Use Permit if the site is at least two acres in area and fronts on an existing arterial or major collector street, and all setbacks for the structure are increased 6 inches for each foot the structure's height exceeds 35 feet.
6. No accessory structure other than one commonly located in a front yard (e.g., lightpost, mailbox), shall be located closer to the front lot line than the front wall of the principal building on the lot. (Swimming pools and tennis courts shall not be deemed commonly located in a front yard.)
7. Accessory structures greater than 200 square feet in floor area shall not be located within a required yard.
8. Accessory structures greater than 200 square feet in floor area must have the same or similar exterior finish and roof design as the principal building on the site.
9. A lot of record existing prior to March 1, 2015 shall only be subdivided if each lot meets the minimum lot size of 9,000 sf and all other dimensional standards (see chart below).

Prepared By and Return To:
Lighthouse Title of East Florida, Inc.
104 LaCosta Lane Suite 100
Daytona Beach, FL 32114
Parcel No. 4236-06-03-0130

WARRANTY DEED

THIS WARRANTY DEED dated April 17, 2018 by **Mable A. Holtz, Individually and as Trustee of the Mable A. Holtz Revocable Trust dated November 13, 1999**, hereinafter called the grantor, to **Andrea J. O'Rourke, Trustee of the A.R.E. Trust dated April 12, 2018**, whose post office address is 1209 Waverly Drive, Daytona Beach, FL 32118, hereinafter called the grantee:

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

WITNESSETH, that the said grantor, for and in consideration of the sum of \$160,000.00, and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Volusia, State of Florida, viz:

Lot 13, Block 3, and the Southerly 5 feet of Lot 14, Block 3, Section "A", Whanorsham Subdivision, Unit #1, according to map, recorded in Map Book 11, Page 253, of the Public Records of Volusia County, Florida.

Parcel ID# 4236-06-03-0130

Grantor warrants this is not her Constitutional Homestead Property

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that 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 lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2017.

WARRANTY DEED
(Continued)

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSETH:

• Malia Allgaier

(Witness Signature)

• Malia Allgaier

(Print Name of Witness)

• Chris Nicklas

(Witness Signature)

• Lisa Nicklas

(Print Name of Witness)

Mable A Holtz T/E

Mable A. Holtz, Individually and as Trustee
of the Mable A. Holtz Revocable Trust
dated November 13, 1999

14300 S. 42nd Street
Fulton, MI 49052

STATE OF Michigan

COUNTY OF Kalamazoo

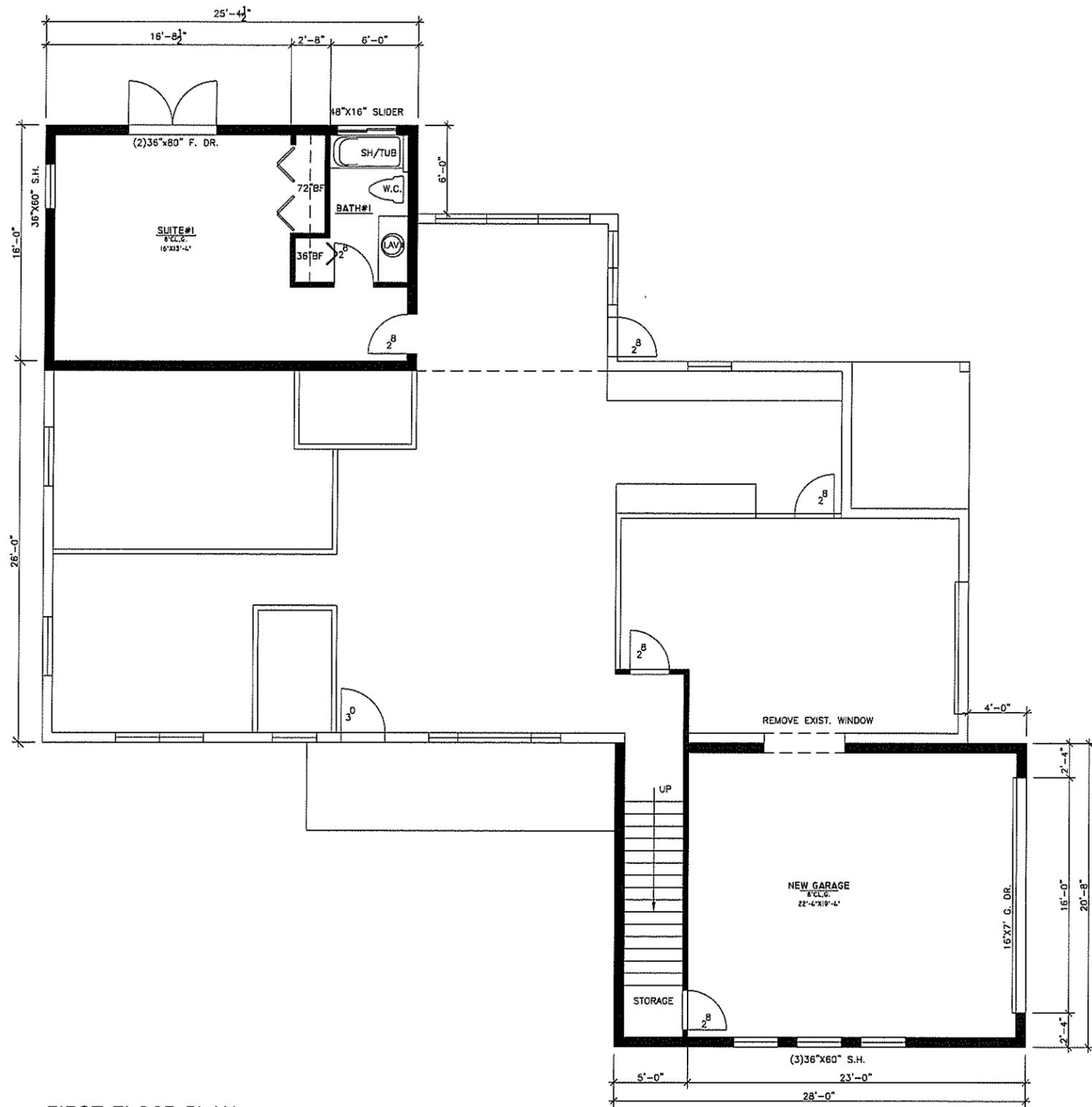
The foregoing instrument was acknowledged before me this 20 day of April, 2018, by Mable A. Holtz, Individually and as Trustee of the Mable A. Holtz Revocable Trust dated November 13, 1999, who is [] personally known produced drivers license or [] other _____ as identification and who did take an oath.

Notary Seal

• Malia Allgaier
Notary Public

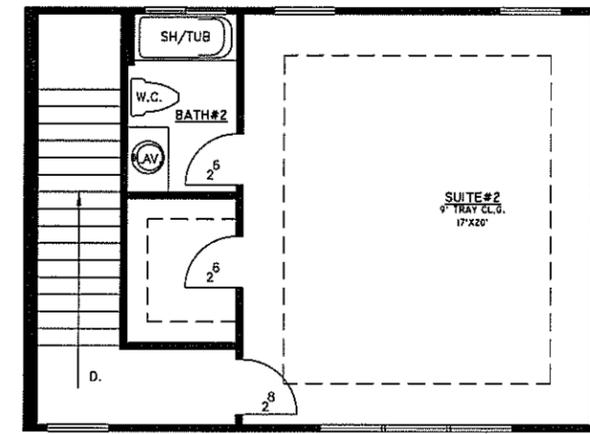
My Commission Expires: Oct 20, 2019

MALIA ALLGAIER, Notary Public
State of Michigan, County of Kalamazoo
My Commission Expires Oct. 20, 2019



FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"



SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"



-CUSTOM LUXURY ESTATES
-RESIDENTIAL DESIGNER
-BUILDER'S MODEL & SPEC.
-PLANNERS & CONSULTANT

S. Zamiri inc.

S. ZAMIRI INC.
555 WEST GRANADA BLVD. D-3
ORMOND BEACH, FL. 32174
ZAMIRIHOME@GMAIL.COM
OFFICE: (386)212-1015
WEB SITE: ZAMIRICUSTOMHOMEDSIGN.COM

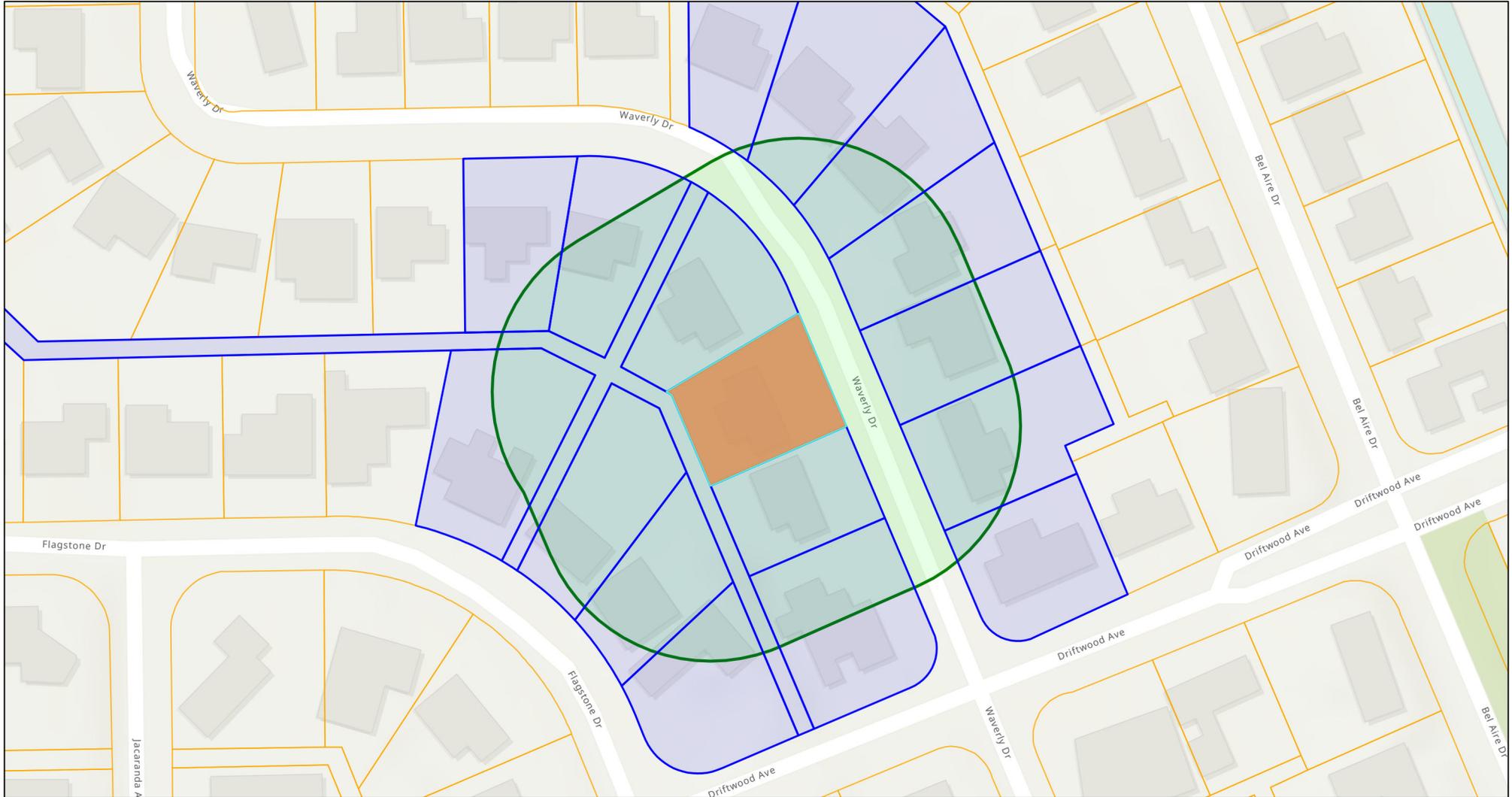
PROPOSED REMODELING
FOR: MR. AND MRS.
O'ROURKE

1209 WAVERLY DRIVE
DAYTONA BEACH FLORIDA 32118

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DETAILS AND NOTES ARE OWNED
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TO ANY PERSONS, FIRM OR
CORPORATION FOR ANY PURPOSE
WHATSOEVER WITHOUT THE WRITTEN
PERMISSION OF SAIED ZAMIRI INC.
AND LICENSED TO SAIED ZAMIRI'S
CUSTOMERS FOR ONE TIME USE
ONLY.

REVISIONS	DATE
PROJECT NO. 2021-20	
PROJECT NAME: O'Rourke	
DATE: 4/21/2021	
DESIGN BY: SZ	
DRAWN BY:	

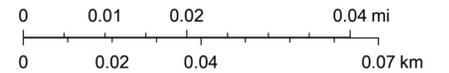
Volusia County Property Appraiser



2/1/2022, 2:19:02 PM

Parcel

1:1,128



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X BELLINO NICHOLAS D
1224 WAVERLY DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136012

X PRUETT DEBORAH S
401 DRIFTWOOD AVE
DAYTONA BEACH, FL 32118
ALTKEY: 3136331

X DOMINGUEZ GABRIELA
1220 WAVERLY DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136021

X MCKEMIE MARION L
405 DRIFTWOOD AVE
DAYTONA BEACH, FL 32118
ALTKEY: 3136349

X BALDACCHINO SERENA
1216 WAVERLY DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136039

X POSLUSNY RICHARD S & CLAUDIA
1205 WAVERLY DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136357

X BURNS DAVID T
121 WAVERLY DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136047

X OROURKE ANDREA J TR
1209 WAVERLY DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136365

X TOMARELLI SAMUEL JR & CAROLYN
1208 WAVERLY DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136055

X MURPHY STEVEN M
1215 WAVERLY DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136373

X CAREY KATHY ELIZABETH TR
4725 TRAVERTINE DR
TAMPA, FL 33615
ALTKEY: 3136063

X MADRIGRANO EDUARDO
1224 S PENINSULA DR UNIT 606
DAYTONA BEACH, FL 32118
ALTKEY: 3136381

X POTTER ANTOINETTE
501 DRIFTWOOD AVE
DAYTONA BEACH, FL 32118
ALTKEY: 3136071

X TORIANYK ERIC
1231 WAVERLY DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136390

X PHELAN MARGARET R
1212 FLAGSTONE DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136306

X CITY OF DAYTONA BEACH
301 S RIDGEWOOD AVE
DAYTONA BEACH, FL 32114
ALTKEY: 7397862

PHELAN MARGARET
1212 FLAGSTONE DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136314

MARTIN MATTHEW DOUGLAS
1204 FLAGSTONE DR
DAYTONA BEACH, FL 32118
ALTKEY: 3136322

18 in total



1209

1209



HOPE



CITY OF DAYTONA BEACH PUBLIC NOTICE

A PUBLIC HEARING FOR A
Variance 1209 Waverly Dr

FOR THIS PROPERTY WILL BE HELD ON *February 17, 2022*
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
FOR FURTHER INFORMATION.

- PLANNING BOARD
- CITY COMMISSION
- BOARD OF ADJUSTMENT
- HISTORIC PRESERVATION

**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 BOA2022-004 Public Hearing Date February 17, 2022

Typed/Printed Name Andrea J. O'Rourke Tr. Prop./Owner
Signature (sign after reading) Andrea J. O'Rourke Tr. Prop./Owner
Address 1709 Waverly Drive, Daytona Beach FL 32118

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 4th day of February, 2022, by Andrea O'Rourke, who is personally known to me or has produced drivers license



Katherine Collins
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG971104
Expires 3/18/2024

[Signature]
NOTARY PUBLIC - STATE OF FLORIDA
Katherine Collins
NAME OF NOTARY - TYPED OR PRINTED
COMMISSION # GG971104



Case C

Agenda Item 5 – Case C

BOA2022-005

Variances from Article 4, Section 4.7.U.3

Of the Land Development Code (LDC)

141 South Martin Luther King Boulevard

Agenda Item 5 – Case C
BOA2022-005
Variances from Article 4, Section 4.7.U.3
Of the Land Development Code (LDC)
141 South Martin Luther King Boulevard

STAFF REPORT

DATE: February 2, 2022
TO: Board of Adjustment Members
FROM: Missy Phillips, Development Review Technician

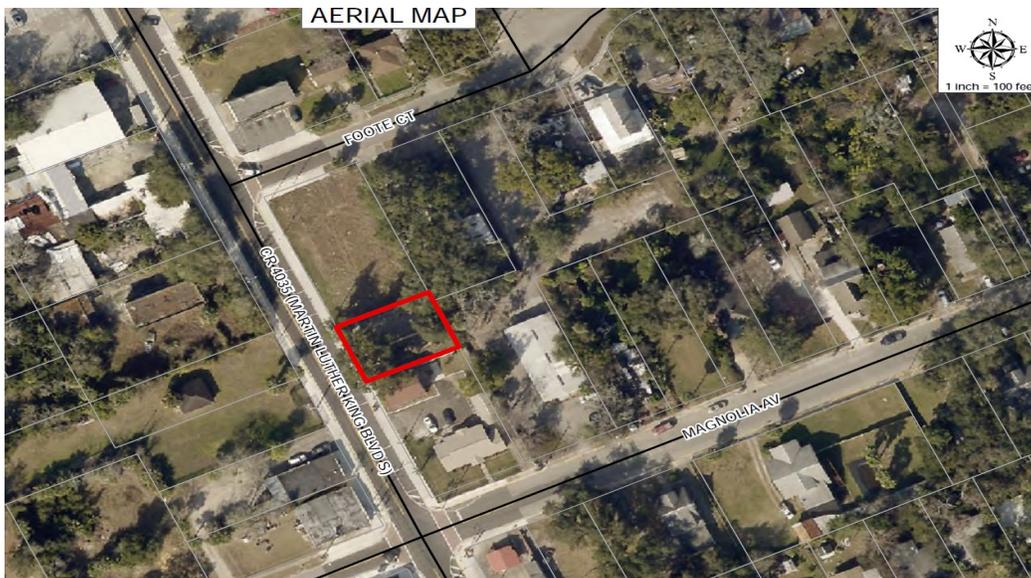
VARIANCE REQUEST

A request by Leon McCray of MLK OZ, LLC (property owner) for a variance from **Article 4 (Development Standards), Section 4.7.U.3** of the Land Development Code (LDC) **to reduce required minimum Lot Area for Mixed-Use and Nonresidential from 6,000sf to 5,185sf.** This will allow the existing lot and structure to be used for “Other Accommodations” also known as Short Term Rentals (less than 6 months).

The property is located at **141 South Martin Luther King Boulevard, Parcel ID 5339-23-01-0012.** The current zoning on the property is **Redevelopment Midtown - Midtown Center Mixed Use (RDM-1),** and the Future Land Use (FLU) on the property is **Mixed Use Medium Intensity (MU-M).** This parcel is also part of the Southwest Daytona Black Heritage National Historic District.

PROPERTY LOCATION

The subject property is located on the east side of South Martin Luther King Boulevard between Foote Court and Magnolia Avenue. This neighborhood is just south of West International Speedway Boulevard.



Aerial View of the Property

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 approximately 60 feet wide and 85 feet deep. Lot sizes vary drastically in this area, though this lot is much smaller than the average. The structure was built in 1950.

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

The landowner purchased the property, as it is currently, in 2021.

- 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.**

Without this variance approval this lot cannot be utilized for the intended use of Other Accommodations/Short Term Rentals.

- 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 will allow the property owner to utilize the property as he intends.

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

The variance is the minimum necessary to allow use of the land and structure.

- 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 existing lot and structure to be used for “Other Accommodations” also known as Short Term Rentals (less than 6 months), which is consistent with the Future Land Use of the property, Medium Intensity Mixed-Use.

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



Structure after Façade Update 2021



Original Structure 2019

LOCATION MAP



1 inch = 100 feet



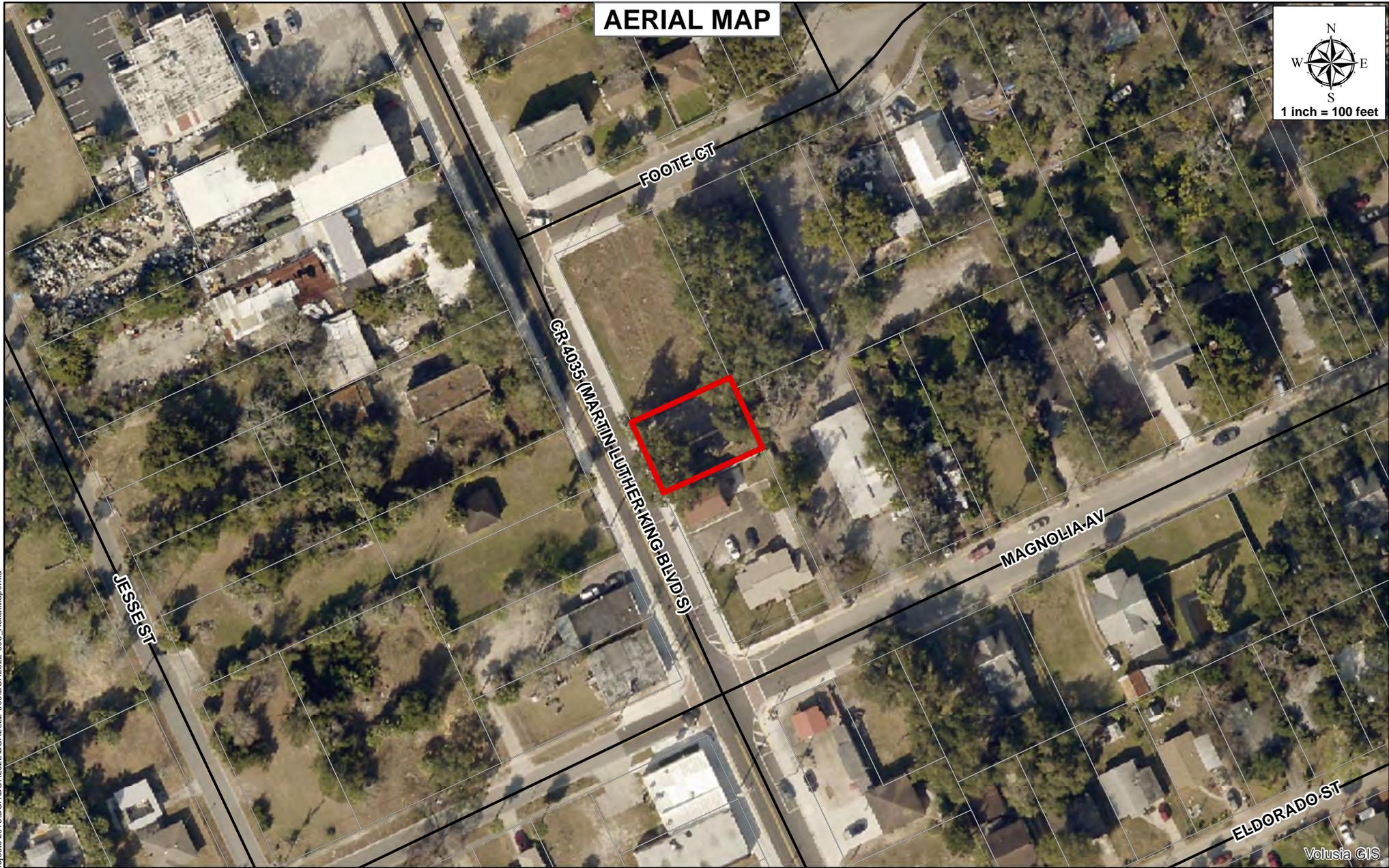
Case : BOA 2022-005
141 S Martin Luther King Blvd
Daytona Beach FL 32114

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



Volusia GIS



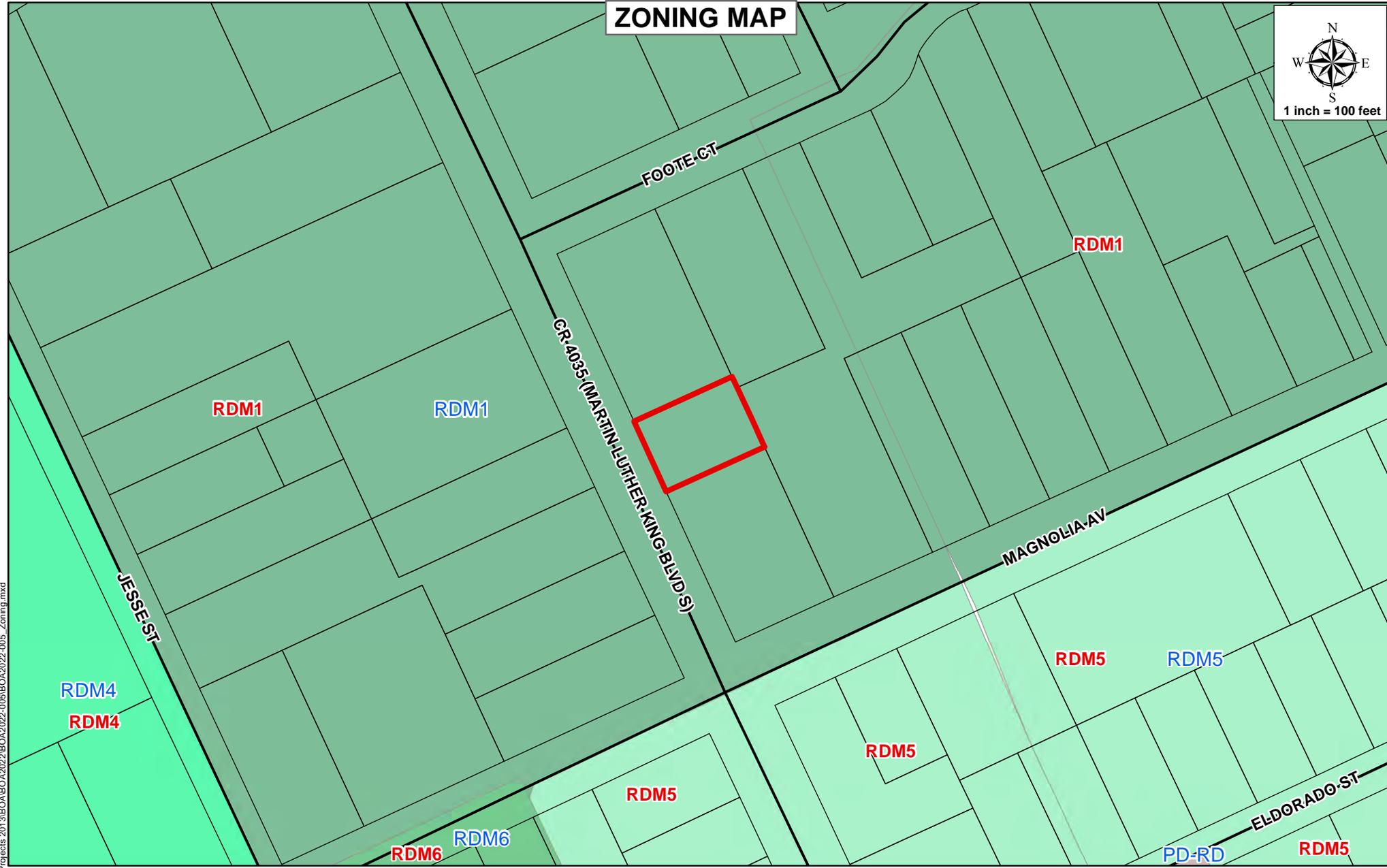
Case : BOA 2022-005

**141 S Martin Luther King Blvd
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.

ZONING MAP



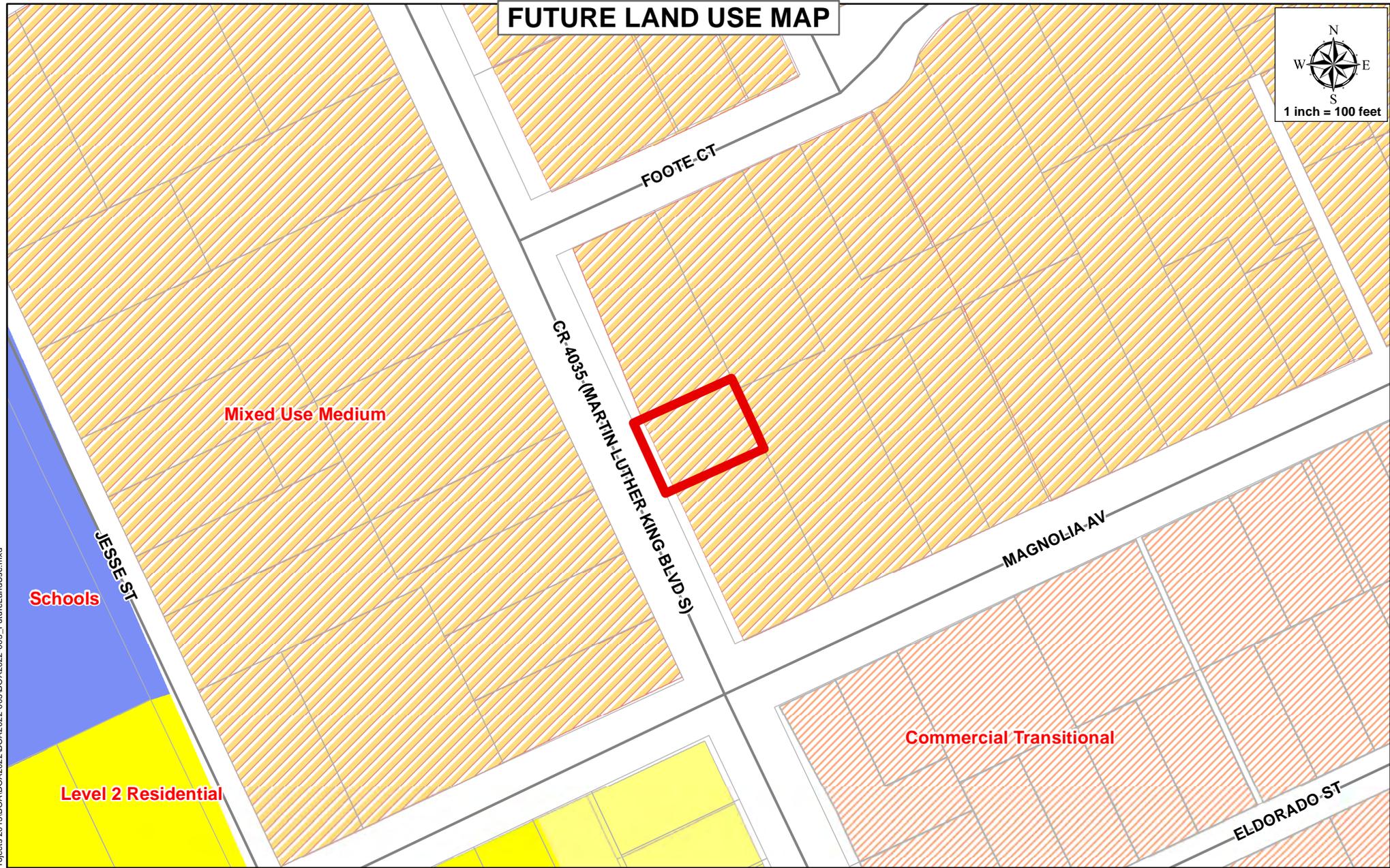
Document Path: P:\Admin\Prattina\Short Term Projects 201\3\BOA\BOA 2022\BOA 2022-005\BOA 2022-005_Zoning.mxd



Case : BOA 2022-005
141 S Martin Luther King Blvd
Daytona Beach FL 32114

City of Daytona Beach Map disclaimer:
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FUTURE LAND USE MAP



Case : BOA 2022-005

**141 S Martin Luther King Blvd
Daytona Beach FL 32114**

City of Daytona Beach Map disclaimer:
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Document Path: P:\Admin\Prattina\Short Term Projects 2013\BOA\BOA2022\BOA2022-005\BOA2022-005_FutureLandUse.mxd



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.**



**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, 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*	X	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):

Requesting exception for reduction in lot size

SITE & APPLICANT INFORMATION: All information must be completed

Project Name: _____
12 Digit Short Tax Parcel ID#: **5339-23-01-0012**
Street Address: **141 S MLK Jr Blvd**

SITE INFORMATION:	Existing:	Proposed:	Abutting Property:
Future Land Use Designation:		ST Housing	N S E W
Zoning Designation:	RMD-1	RMD-1	
Gross Sq. Ft. Floor Area:	1760	1760	
Acres of Parcel(s):	5183 sq	5183 sq	

Property Owner (Provide Proof of Ownership)

Company/Contact Name: **MLK OZ LLC / LEON McCRAY** Phone: **540.335-1528**
Street Address: **516 Revilo Blvd** E-mail: **leon@leonmccray.com**
City & State: **Daytona Bch FL** Zip: **32118**

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: *[Signature]* DATE: **1/28/2022**
Print Name: **LEON McCRAY**



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

AltKey: 3518446

Parcel ID: 533923010012

MLK OZ LLC

141 S MARTIN LUTHER KING BLVD, DAYTONA BEACH, FL

Parcel Summary

Alternate Key:	3518446
Parcel ID:	533923010012
Township-Range-Section:	15 - 33 - 39
Subdivision-Block-Lot:	23 - 01 - 0012
Owner(s):	MLK OZ LLC - FS - Fee Simple - 100
Mailing Address On File:	211 S CHURCH ST WOODSTOCK VA 22664 1720
Physical Address:	141 S MARTIN LUTHER KING BLVD, DAYTONA BEACH 32114
Property Use:	7200 - PRV SCHL/COLL
Tax District:	204-DAYTONA BEACH
2020 Certified Millage Rate:	19.3364
Neighborhood:	7009
Business Name:	
Subdivision Name:	
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Asessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	\$60,124	\$60,124	\$0	\$60,124	1.5000	\$90.19
0012	DISCRETIONARY	\$60,124	\$60,124	\$0	\$60,124	0.7480	\$44.97
0011	REQ LOCAL EFFORT	\$60,124	\$60,124	\$0	\$60,124	3.5540	\$213.68
0050	GENERAL FUND	\$60,124	\$60,124	\$0	\$60,124	5.3812	\$323.54
0055	LIBRARY	\$60,124	\$60,124	\$0	\$60,124	0.5174	\$31.11
0520	MOSQUITO CONTROL	\$60,124	\$60,124	\$0	\$60,124	0.1781	\$10.71
0530	PONCE INLET PORT AUTHORITY	\$60,124	\$60,124	\$0	\$60,124	0.0845	\$5.08
0058	VOLUSIA ECHO	\$60,124	\$60,124	\$0	\$60,124	0.2000	\$12.02
0057	VOLUSIA FOREVER	\$60,124	\$60,124	\$0	\$60,124	0.2000	\$12.02
0059	VOLUSIA FOREVER I&S 2005	\$60,124	\$60,124	\$0	\$60,124	0.0000	\$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	\$60,124	\$60,124	\$0	\$60,124	0.0320	\$1.92
0100	HALIFAX HOSPITAL AUTHORITY	\$60,124	\$60,124	\$0	\$60,124	0.9529	\$57.29
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	\$60,124	\$60,124	\$0	\$60,124	0.2189	\$13.16
0210	DAYTONA BEACH	\$60,124	\$60,124	\$0	\$60,124	5.5300	\$332.49
0211	DAYTONA BEACH I&S 2004	\$60,124	\$60,124	\$0	\$60,124	0.2394	\$14.39
						19.3364	\$1,162.58

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			\$0.00

Estimated Ad Valorem Tax:	\$1,162.58
Estimated Non-Ad Valorem Tax:	\$0.00
Estimated Taxes:	\$1,162.58
Estimated Tax Amount without SOH:	\$1,162.58

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2021	\$16,851	\$40,077	\$56,928	\$56,928	\$0	\$56,928	\$0
2020	\$16,851	\$41,744	\$58,595	\$58,595	\$0	\$58,595	\$0
2019	\$16,851	\$39,295	\$56,146	\$56,146	\$56,146	\$0	\$0
2018	\$16,851	\$40,778	\$57,629	\$57,629	\$57,629	\$0	\$0
2017	\$9,074	\$65,849	\$74,923	\$74,923	\$74,923	\$0	\$0
2016	\$9,074	\$62,643	\$71,717	\$71,717	\$71,717	\$0	\$0
2015	\$9,074	\$59,083	\$68,157	\$68,157	\$68,157	\$0	\$0
2014	\$9,074	\$56,239	\$65,313	\$65,313	\$65,313	\$0	\$0
2013	\$9,074	\$50,973	\$60,047	\$60,047	\$60,047	\$0	\$0

AltKey: 3518446

Parcel ID: 533923010012

MLK OZ LLC

141 S MARTIN LUTHER KING BLVD, DAYTONA BEACH, FL

Land Data

#	Land Use	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
1	7200-SCHOOL PVT	S-SQUARE FEET			5185			3.25	\$16,851

Total Land Value: \$16,851

AltKey: 3518446

Parcel ID: 533923010012

MLK OZ LLC

141 S MARTIN LUTHER KING BLVD, DAYTONA BEACH, FL

Miscellaneous Improvement(s)

#	Type	Year	Area	Units	Depreciated Value
1	PVC-PAVING CONCRETE	1965	495	1	\$1,005
2	PVC-PAVING CONCRETE	2021	801	1	\$3,903
3	FNV-FENCE, VINYL	2021	65	1	\$705

AltKey: 3518446

Parcel ID: 533923010012

MLK OZ LLC

141 S MARTIN LUTHER KING BLVD, DAYTONA BEACH, FL

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. Follow this link to search all documents by owner's name.

Book/Page	Inst #	Sale Date	Deed Type	Q/U	V/I	Sale Price
8021 / 4800	2021077765	04/02/2021	WD-WARRANTY DEED	UNQUALIFIED	Improved	\$70,000
7411 / 1343	2017117891	06/13/2017	WD-WARRANTY DEED	UNQUALIFIED	Improved	\$90,000
2178 / 0134		06/15/1980	WD-WARRANTY DEED	UNQUALIFIED	Improved	\$30,000

AltKey: 3518446

Parcel ID: 533923010012

MLK OZ LLC

141 S MARTIN LUTHER KING BLVD, DAYTONA BEACH, FL

Recent Neighborhood Sales

Alt Key	Address	City	Property Class	NBHD	Sale Date	Sale Price
3518888	571 ELDORADO ST	DAYTONA BEACH	0100-SINGLE FAMILY	7009	12/21/2021	\$85,100
3558731	2050 S RIDGEWOOD AVE	SOUTH DAYTONA	0300-MFR >10 UNITS	7009	12/09/2021	\$22,500,000
3449444	1830 S CLYDE MORRIS BLVD	DAYTONA BEACH	0300-MFR >10 UNITS	7009	10/27/2021	\$5,000,000
3558944	1648 S PALMETTO AVE	SOUTH DAYTONA	0300-MFR >10 UNITS	7009	09/29/2021	\$5,575,000
8003770	BEVILLE RD	DAYTONA BEACH	9900-NON AG	7009	08/05/2021	\$240,000
3515587	886 S NOVA RD	DAYTONA BEACH	0300-MFR >10 UNITS	7009	05/10/2021	\$8,300,000
5005933	315 WILDER BLVD	DAYTONA BEACH	0300-MFR >10 UNITS	7009	12/11/2020	\$1,450,000

AltKey: 3518446

Parcel ID: 533923010012

MLK OZ LLC

141 S MARTIN LUTHER KING BLVD, DAYTONA BEACH, FL

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.

S 60.5 FT OF N 226 FT OF W 85.2 FT OF LOT 5 BLK 23 DAYTONA AKA PART OF BLK 1
DESPLAND UNREC SUB PER OR 2178 PG 134 PER OR 7411 PG 1343 PER OR 8021 PG
4800

AltKey: 3518446

Parcel ID: 533923010012

MLK OZ LLC

141 S MARTIN LUTHER KING BLVD, DAYTONA BEACH, FL

Permit List

Permit Date	Permit #	Description	Contractor	Amount
04/01/1987	870751	REPAIR FIRE DAMAGE	MR PERMIT	\$32,000

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?

1) The lot size is 5183^{sq} and the reqmt is 6000^{sq}. 2) The front setback is 7.3' and the reqmt is 10'. 3) The interior size yard setback is 0' and the reqmt is 5'. 4) The building is an existing bldg, single level, concrete structure previously used for short-term housing by previous owner.

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

NARROW lot, SAME AS LISTED ↑ ABOVE.

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.

Without this variance, the property could not otherwise be used and would only serve as a vehicle to collect taxes and incur expenses by the owner.

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.

The ARE NO SPECIAL PRIVILEGES REQUIRED NOR
REQUESTED BY THIS VARIANCE.

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

THIS VARIANCE WOULD BE THE NEEDED MINIMUM VARIANCE
PER MY CONSULTATION WITH JAMES MORRIS, KIM FLAHERTY,
AND MISSY PHILLIPS WHO HAVE BEEN MOST HELPFUL.

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

THIS VARIANCE IS IN TOTAL HARMONY WITH THE PURPOSE
AND INTENT AND INDEED THE SPIRIT OF THE LAWS
GOVERNING LAND USE AND COMMUNITY DEVELOPMENT.

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 IF APPROVED WOULD NOT ADVERSELY AFFECT THE
HEALTH & SAFETY OF PERSONS RESIDING & WORKING IN THE
NEIGHBORHOOD, AND WOULD IN FACT BE A FRESHMENDOUS
IMPROVEMENT TO THE MID-TOWN COMMUNITY AND AN
IMPROVEMENT TO THE TAX BASE.

viii. The Variance is consistent with the Comprehensive Plan.

THE APPROVAL OF THIS VARIANCE IS CONSISTENT WITH THE
COMPREHENSIVE PLAN AND THE REDEVELOPMENT OBJECTIVE
FOR THE MID-TOWN COMMUNITY.

RDM-1 (Redevelopment Midtown – Midtown Center Mixed Use)

Principal Uses by Redevelopment Districts

From TABLE 5.2.A.3

***ALL USES MUST MEET THE USE-SPECIFIC STANDARDS IN TABLE 5.2.A.3**

Disclaimer

The permitted and special use zoning sheets are being provided **for informational purposes only**. They are a means to assist residents, current and prospective property owners, and the business community with identifying permitted and special uses allowed in zoning districts located within the boundaries of The City of Daytona Beach. The sheets also provide references to general use standards for uses in each zoning district. For official use determination requests on properties in the city, please contact The City's Planning Department to request a zoning verification letter.

*Additional regulations may apply to properties in Redevelopment and Overlay zoning districts.

PERMITTED USES

<u>HOUSEHOLD LIVING USES:</u>	LIVE/WORK UNIT; MULTIFAMILY DWELLING; UPPER STORY DWELLING (ABOVE NONRESIDENTIAL USE)
<u>COMMUNICATION USES:</u>	TELECOMMUNICATIONS FACILITY, COLLOCATED ON EXISTING STRUCTURE <i>OTHER</i> THAN TELECOMMUNICATIONS TOWER; TELECOMMUNICATIONS FACILITY, COLLOCATED ON EXISTING TELECOMMUNICATIONS TOWER; TELECOMMUNICATIONS TOWER, MONOPOLE UP TO 90 FEET HIGH; TELECOMMUNICATIONS TOWER, MONOPOLE <i>MORE</i> THAN 90 BUT NO MORE THAN 180 FEET HIGH
<u>COMMUNITY SERVICES USES:</u>	MUSEUM
<u>EDUCATION USES:</u>	PRIVATE SCHOOL WITH FEWER THAN 20 STUDENTS
<u>HEALTH CARE USES:</u>	MEDICAL OR DENTAL CLINIC/OFFICE; MEDICAL OR DENTAL LAB
<u>OPEN SPACE USES:</u>	COMMUNITY GARDEN; PARK OR GREENWAY; PUBLIC SQUARE OR PLAZA
<u>UTILITY USES:</u>	UTILITY USE, MINOR
<u>OTHER INSTITUTIONAL USES:</u>	CIVIC CENTER; CLUB OR LODGE (NOT BE OPERATED AS A BAR, LOUNGE, OR NIGHTCLUB)
<u>ANIMAL CARE USES:</u>	ANIMAL GROOMING

BUSINESS SUPPORT

SERVICE USES:

BUSINESS SERVICE CENTER; CONFERENCE OR TRAINING CENTER; EMPLOYMENT AGENCY; PARCEL SERVICES; TRAVEL AGENCY

EATING AND DRINKING

ESTABLISHMENTS:

BOUTIQUE BAR; RESTAURANT *WITHOUT* DRIVE-IN OR DRIVE-THROUGH SERVICE; SPECIALTY EATING OR DRINKING ESTABLISHMENT

MOTOR VEHICLE SALES

AND SERVICE USES:

PARKING DECK OR GARAGE (AS PRINCIPAL USE)

OFFICE USES:

BUSINESS SERVICES OFFICES; PROFESSIONAL SERVICES OFFICES; OTHER OFFICE FACILITY

RECREATION /

ENTERTAINMENT USES:

AUDITORIUM OR THEATER; CINEMA

RETAIL SALES AND

SERVICE USES:

ANTIQUE STORE; ART GALLERY; ART, CRAFTS, MUSIC, DANCE, PHOTOGRAPHY, OR MARTIAL ARTS STUDIO/SCHOOL; BANK OR FINANCIAL INSTITUTION *WITHOUT* DRIVE-THROUGH SERVICE; BOOK OR MEDIA SHOP; CIGAR LOUNGE; DRUG STORE OR PHARMACY *WITHOUT* DRIVE-THROUGH SERVICE; FLORIST SHOP; GIFT SHOP OR STATIONERY STORE; GROCERY STORE; JEWELRY STORE; LAUNDROMAT; MEAT, POULTRY, OR SEAFOOD MARKET; PERSONAL SERVICES ESTABLISHMENT; OTHER RETAIL SALES ESTABLISHMENT

VISITOR ACCOMMODATION

USES:

HOTEL OR MOTEL;

OTHER ACCOMMODATIONS - NOTE 1: INCLUDES ALL USES REGULATED BY THE PRIOR LDC AS "ACCOMMODATIONS" OTHER HOTELS, MOTELS, ROOMING HOUSES, BED AND BREAKFAST FACILITIES, OR RV PARKS-I.E. "RENTAL UNITS INTENDED TO BE USED BY TRANSIENT PERSONS OR TOURISTS FOR OVERNIGHT OR SHORT-TERM LODGING." THIS USE THUS INCLUDED AND CONTINUES TO INCLUDE VACATION RENTALS AS DEFINED IN F.S. 509.242 AND GRANDFATHERED FROM THE 2011 AMENDMENT TO F.S. 509.032(7) THAT PREEMPTS LOCAL GOVERNMENT REGULATION OF VACATION RENTALS IN ACCORDANCE WITH THE PROVISIONS OF THAT STATUTE.

SPECIAL USE PERMIT

COMMUNICATION USES:

TELECOMMUNICATIONS TOWER, OTHER THAN THOSE LISTED AS PERMITTED USES

COMMUNITY SERVICE USES: COMMUNITY CENTER; LIBRARY; SENIOR CENTER; YOUTH CENTER

EDUCATION USES: PRIVATE SCHOOL WITH MORE THAN 20 STUDENTS

Redevelopment Midtown - Midtown Center Mixed Use (RDM-1)

	Mixed Use & Nonresidential	Multifamily Residential
Lot area, minimum	6,000 sf	1,250 sf
Lot width, minimum	24 ft	24 ft
Lot depth, minimum	n/a	n/a
Density, maximum	40 du/ac	40 du/ac
Floor area ratio (FAR), maximum	3	3
Lot coverage, maximum (% of lot area)	80%	70%
Structure height, maximum	5.5 stories	5.5 stories
Front yard setback, minimum	10 ft	10 ft
Front yard setback, maximum	25 ft	25 ft
Street side yard setback, minimum	15 ft	15 ft
Interior side yard setback, minimum	5 ft	5 ft
Rear yard setback, minimum	10 ft	10 ft

Accessory structure coverage, maximum (% of principal structure(s) coverage)		35%	35%
Accessory structure setback from lot line, minimum 2	Floor area ≤600 sf	10 ft	10 ft
	Floor area >600 sf	Same as for principal structure	

NOTES: [sf = square feet; ft = feet; du/ac = dwelling units/acre]

1. See measurement rules and allowed exceptions/variations in Section 11.4, Measurement, Exceptions, and Variations of Intensity and Dimensional Standards.

2. A garage shall be located to the rear of the rear facade of the principal structure(s).

Payment Request for Commercial Facade Grant

Property Location: 141 S. Dr. Martin Luther King Jr. Blvd., Daytona Beach, FL 32114

Today's Date: 9/20/2021

Vendor Name: MLK OZ, LLC

Vendor Number: 109759

Disbursement Date: September 24, 2021

Disbursement Amt.: \$2,160.00

GL Acct. No.: 133-150240-552-549401-000000



Michele Toliver, Redevelopment Project Manager



Reed Berger, Redevelopment Director

DO NOT MAIL



THE CITY OF DAYTONA BEACH

REDEVELOPMENT DIVISION

POST OFFICE BOX 2451
DAYTONA BEACH, FLORIDA 32115-2451
PHONE 9386) 671-8180
Fax (386) 671-8187

September 20, 2021

Midtown Commercial Facade Grant

Make check payable and send to:

MLK OZ, LLC
141 S. Dr. Martin Luther King Blvd.
Daytona Beach, FL 32114

Vendor Id: 109759

Ready for payment: **\$2,160.00**



Reed Berger, Redevelopment Director

8/31/2021



LEGAL DESCRIPTION: THE SOUTH 60.5 FEET OF THE NORTHERLY 226 FEET OF THE WESTERLY 85.2 FEET OF LOT 5, BLOCK 23, HODGMAN'S DAYTONA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 82, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

141 SOUTH MARTIN LUTHER KING BOULEVARD
DAYTONA BEACH, FL.



EXPRESS TITLE SERVICES OF CITRUS, INC.

Long Surveying, Inc.

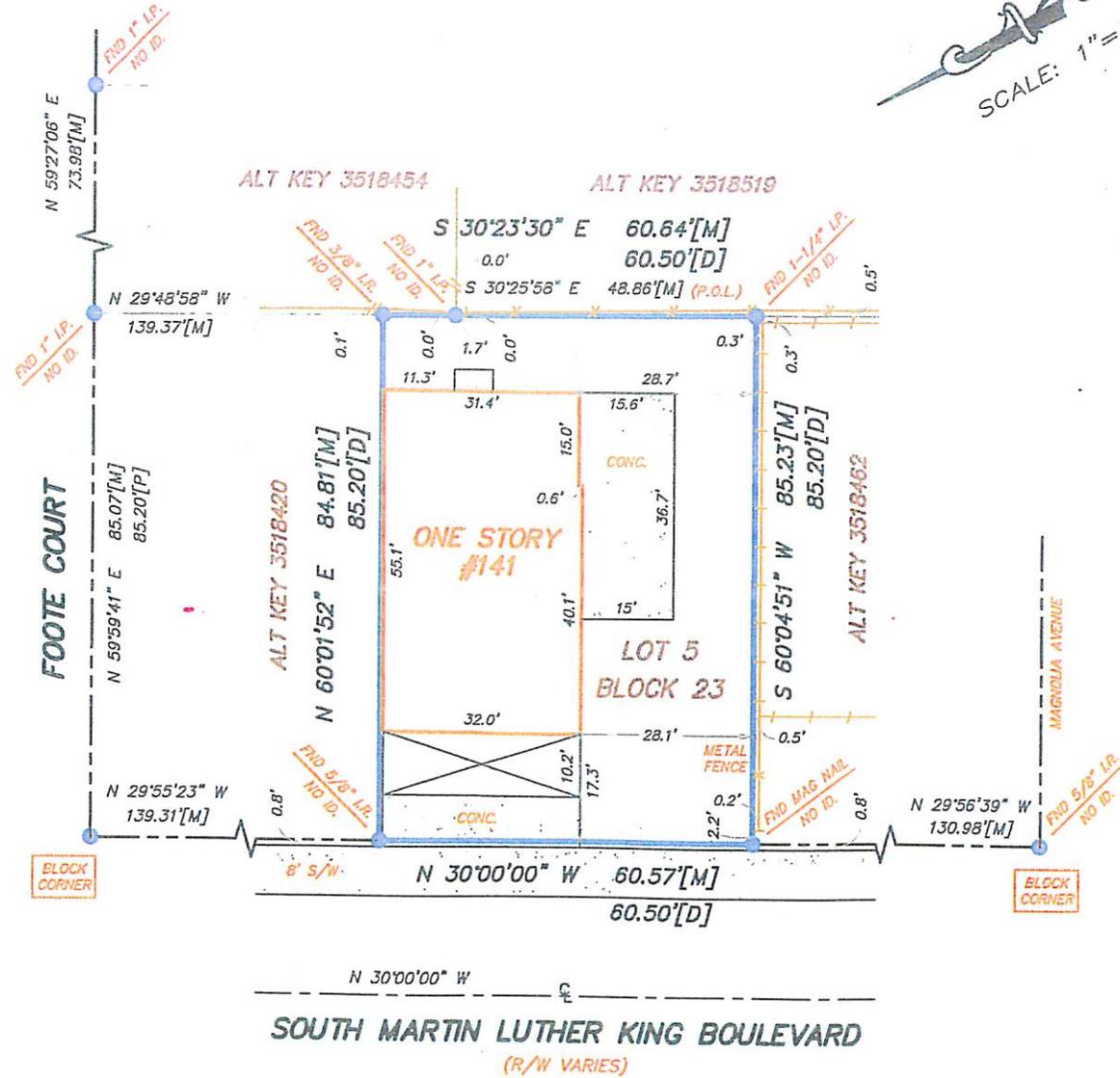
"Specializing in Residential Surveying"
LB No. 7371
1061 S. Sun Dr. Ste. #1113
Lake Mary, FL 32746
Office 407-330-9717 or 407-330-9716
Fax 407-330-9775
www.longsurveying.com

DRAWN BY: KZR MR
CHECKED BY: BRETT

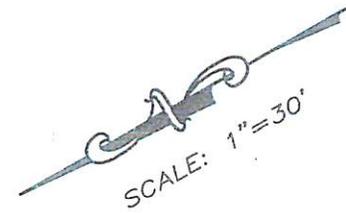
CERTIFIED TO:
MLK OZ, LLC.
EXPRESS TITLE SERVICES OF CITRUS, INC.
FIRST AMERICAN TITLE INSURANCE COMPANY
LIST DIRECT PORTFOLIO LENDING, ISAQA.

COMMUNITY NO: 125099
PANEL: 0359 SUFFIX: J F.I.R.M. DATE: 09/29/17
FLOOD ZONE: X/A

SURVEY NO: 114903 FIELD DATE: 03/18/21



Boundary Survey



- A/C - AIR CONDITIONER
 - A.E - ALLEY EASEMENT
 - B.C - BLOCK CORNER
 - BLK - BLOCK
 - C.B - CONCRETE BLOCK
 - C.B.S - CONCRETE BLOCK STRUCTURE
 - C.M - CONCRETE MONUMENT
 - CONC - CONCRETE
 - D - DEED
 - D.E - DRAINAGE EASEMENT
 - E.O.P - EDGE OF PAVEMENT
 - F.C.C - FOUND CROSS CUT
 - F.F.E - FINISHED FLOOR ELEVATION
 - FND - FOUND
 - ID - IDENTIFICATION
 - I.P - IRON PIPE
 - I.R - IRON ROD
 - I.R.C - IRON ROD & CAP
 - L - ARC LENGTH
 - L.B - LAND SURVEYING BUSINESS
 - L.S - LAND SURVEYOR
 - LE - LANDSCAPE EASEMENT
 - M - MEASURED
 - M.E - MAINTENANCE EASEMENT
 - N&D - NAIL AND DISK
 - P - PLAT
 - P.E - PEDESTRIAN EASEMENT
 - P.C - POINT OF CURVATURE
 - P.C.C - POINT OF COMPOUND CURVATURE
 - P.C.P - PERMANENT CONTROL POINT
 - P.L - PROPERTY LINE
 - P.O.B - POINT OF BEGINNING
 - P.O.C - POINT OF COMMENCEMENT
 - P.O.L - POINT ON LINE
 - P.R.C - POINT OF REVERSE CURVE
 - P.R.M - PERMANENT REFERENCE MONUMENT
 - P.D.A.E - PRIVATE DRAINAGE AND ALLEY EASEMENT
 - P.T - POINT OF TANGENT
 - R - RADIUS
 - R/W - RIGHT OF WAY
 - S/W - SIDEWALK
 - U.E - UTILITY EASEMENT
 - W.F.S - WOOD FRAME STRUCTURE
- RIGHT-OF-WAY LINE
 - CENTERLINE
 - BARB WIRE FENCE
 - WOOD FENCE
 - CHAIN LINK FENCE
 - PLASTIC FENCE

BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF SOUTH MARTIN LUTHER KING BOULEVARD BEING N 30°00'00" W ASSUMED

- NOTES:
- 1) This survey is based on the legal description as provided by the Client
 - 2) This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land
 - 3) Do not reconstruct property lines from building ties
 - 4) No footing or overhangs have been located except as shown
 - 5) No improvements or utilities have been located except as shown
 - 6) Not valid without a signature and the authenticated electronic seal or the original raised seal of a Florida licensed Surveyor and Mapper

Certification: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 17032, Florida Administrative Code, pursuant to Section 472.024, Florida Statutes.

No. 5910
STATE OF FLORIDA
LEON L. HAMPTON P.S.M. NO. 5910



Property Appraiser Larry Bartlett

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

S22007

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.

Parcel Number of Subject Property: 5339-23-01-0012 - MLK OZ LLC - 150' Radius - 1/31/2022

PID	OWNER1	ADDR1	MAILCITY	MAILSTATE	MAILZIP
533923010010	BK ECONOMICS LLC	211 S CHURCH ST	WOODSTOCK	VA	22664
533923010012	MLK OZ LLC	211 S CHURCH ST	WOODSTOCK	VA	22664
533923010013	LAMBERT BRADLEY	792 LITTLE PINE DR	SOUTH DAYTONA	FL	32119
533923010021	ST JAMES COURTNEY M	3786 NIGHT HERON DR	SANFORD	FL	32773
533923010030	WILDER DO SHAN EDWARDS	564 MAGNOLIA AVE	DAYTONA BEACH	FL	32114
533923010040	HABITAT FOR HUMANITY OF	1030 W INTL SPEEDWAY 2ND FLR	DAYTONA BEACH	FL	32114
533923020010	ALMOUS CLUB INC	PO BOX 133	DAYTONA BEACH	FL	32115
533923020021	MARASHI DANIAL	8 REGENT LN	PALM COAST	FL	32164
533976010060	ALLEN GREG E	112 S MARTIN LUTHER KING BLVD	DAYTONA BEACH	FL	32114
533976010150	FIGJAM HOLDINGS LLC	11921 TEE TIME CIR	NEW PORT RICHEY	FL	34654
533976010170	BETHUNE-COOKMAN COLLEGE INC	640 DR M MCLEOD BETHUNE BLVD	DAYTONA BEACH	FL	32114
533976010180	BETHUNE-COOKMAN COLLEGE INC	640 DR M MCLEOD BETHUNE BLVD	DAYTONA BEACH	FL	32114
533976010190	ROSS TERELL DEVON	236 W WALTS AVE	DELAND	FL	32720
533976010200	WHITE IRVIN	34 GARDEN ST	DAYTONA BEACH	FL	32114

CITY OF DAYTONA BEACH
PUBLIC NOTICE
A PUBLIC HEARING FOR A
Variances - All 3 Mx 6 ft and
FOR THIS PROPERTY WILL BE HELD ON ~~10/20/22~~ **10/20/22**
AT **1:00 PM** IN THE COMMISSION CHAMBERS AT CITY
HALL, 101 S. PINEWOOD AVENUE, DAYTONA BEACH, FLORIDA
IF YOU HAVE ANY COMMENTS, PLEASE CONTACT THE CITY OF DAYTONA BEACH PLANNING
DEPARTMENT AT 386-471-8125 OR VISIT www.daytonabeach.com
FOR FURTHER INFORMATION.
 PLANNING BOARD BOARD OF ADJUSTMENT
 CITY COMMISSION HISTORIC PRESERVATION

APS
888 776 5436



 **CITY OF DAYTONA BEACH**
PUBLIC NOTICE
A PUBLIC HEARING FOR A
Variance 141 S. MK Blvd.
FOR THIS PROPERTY WILL BE HELD ON *February 17, 2022*
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
FOR FURTHER INFORMATION.
 PLANNING BOARD BOARD OF ADJUSTMENT
 CITY COMMISSION HISTORIC PRESERVATION

Produced by
APS
SECURITY AND FIRE
386-253-3400





CITY OF DAYTONA BEACH
PUBLIC NOTICE

A PUBLIC HEARING FOR A
Variance 141 S MLK Blvd.

FOR THIS PROPERTY WILL BE HELD ON *February 17, 2022*
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
FOR FURTHER INFORMATION.

- PLANNING BOARD
- CITY COMMISSION

- BOARD OF ADJUSTMENT
- HISTORIC PRESERVATION



**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 BOA2022-005 Public Hearing Date February 17, 2022

Typed/Printed Name LEON K. McCRAY

Signature (sign after reading) 

Address 516 Revilo Blvd, DAYTONA BEACH, FL 32118

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 07 day of February, 2022, by Leon McCray, who is personally known to me or has produced FL-DL.



Amber Palmer
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG968437
Expires 6/30/2024


NOTARY PUBLIC - STATE OF FLORIDA

Amber Palmer
NAME OF NOTARY - TYPED OR PRINTED

COMMISSION # 06/30/2024