

BOARD OF ADJUSTMENT
MINUTES OF
REGULAR MEETING
May 19, 2022

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, May 19, 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:

Ms. Maja Sander Bowler, Chair
Ms. Sharlene Barhoo
Mr. Patrick Connors
Mr. John George
Mr. Trey Harshaw

Staff members present were as follows:

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

1. Call to Order

Ms. Bowler called the May 19, 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

Ms. Bowler introduced staff members in attendance, as listed above.

4. Approval of Minutes: April 21, 2022

Board Action:

A motion was made by Mr. George, seconded by Ms. Barhoo, to approve the minutes of the April 21, 2022, minutes as presented. The motion carried (5-0).

5. **New Cases:**

Case A – BOA2022-007 – Variances from Article 4, Section 4.2.B.3 (Continued from April 21, 2022, Board of Adjustment Meeting)

A request by David Higham (property owner) for a variance from Article 4 (Zoning Districts), Section 4.2.B.3 of the Land Development Code (LDC) to reduce the minimum required street side setback from 15 feet to 5.10 feet on the northeast side and 11.82 feet on the southeast side; and to reduce the required rear yard setback from 25 feet to 13.56 feet. This will allow for the construction of a 720sf garage.

The property is located at 920 South Grandview Avenue, Parcel ID 5309-17-00-0140. 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 (L1-R). This property is also part of the South Atlantic National Historic District.

Ms. Bowler stated this case was continued at the April Board of Adjustment meeting in order for the applicant to provide information on reducing the size of the structure in order to make it appear less industrial, and asked for additional spec information on the material and height of the proposed structure.

Applicant Presentation:

David Higham, and his wife, Gladys Strickland, 920 S. Grandview Avenue, stated the information requested by the Board has been provided to staff and is included as part of the packet. Mr. Higham stated his lot is irregular and that is the basis for the variance. Mr. Higham stated he is proposing a 2-car garage and he is trying to make it as identical to the house as he can. Mr. Higham stated his pickup truck is almost 20 feet long and the size of the garage that is proposed is what would be needed for that large of a vehicle. Mr. Higham stated the structure would be 10 to 12 feet from the road on one side and 19 to 25 feet on the other. Mr. Higham stated there will be a buffer of mature palm trees. Mr. Higham stated he has provided colors of the proposed structure and intends to do extensive landscaping, not because it is required but because he wants to. Mr. Higham stated there are no drainage problems. Mr. Higham stated he feels he has met all of the criteria. Mr. Higham stated most neighboring properties are fenced but he does not want to fence his property. Mr. Higham stated what he proposes will look great and will work out nicely.

Mr. George stated he still has reservations on the size and feels Mr. Higham is trying to build a much larger work area as well as provide a place to park the vehicles.

Mr. Higham stated he will be working on the vehicles and will have no other place to work on them. Mr. Higham stated the highest peak in the garage will be 15 feet.

Mr. Higham provided photographs of other homes in the area that have large storage structures on site.

Mr. Connors questioned the height and stated he feels it looks large enough to park a fire truck in there. Mr. Connors asked why the structure needed to be so tall and if Mr. Higham planned on having an attic in the structure.

Mr. Higham stated that is how the structures are built. Mr. Higham stated he has not received any negative comments from anyone in the neighborhood about his proposed structure.

Mr. Harshaw commented on the photos provided by Mr. Higham of other structures in the neighborhood, noting he felt the one on Thompson Place is out of character for the neighborhood. Mr. Harshaw stated Mr. Higham's house is 588 s.f. and the proposed structure is 720 s.f. Mr. Harshaw stated he feels what is proposed is out of character for the neighborhood. Mr. Harshaw stated what is proposed is a metal industrial building with large roll-up doors. Mr. Harshaw stated the applicant is asking the Board to break the rules and he looks at the application to determine if it aesthetically makes sense and do they actually have a hardship. Mr. Harshaw stated the proposed building is 30 feet long and the applicant owns a 20-foot pick-up truck. Mr. Harshaw stated it is a large building and out of character for the neighborhood and will be seen from three intersections. Mr. Harshaw stated he has a 700 s.f. attached garage and had a 23-foot vehicle parked inside. Mr. Harshaw stated the garage doors are 9 feet high. Mr. Harshaw stated such a large structure is not required for parking a 20-foot vehicle inside.

Mr. Higham stated you will not be able to see the structure from the road.

Ms. Strickland stated there will be landscaping around the building.

Ms. Bowler stated she agrees with Mr. Harshaw because the structure is a metal building and feels it will be out of character for the neighborhood.

Mr. George stated he is ok with the material and the height but is concerned about the overall size as it compares to the house.

Mr. Higham asked what if it the structure was smaller.

Ms. Bowler stated the size of the structure was something the Board suggested last time. Ms. Bowler stated but that wasn't the only thing discussed, noting it was large, it was high, it was metal, and did not adhere to the setbacks. Ms. Bowler stated that is why Mr. Higham was given an opportunity to come back to the Board but she does not feel there have been many changes to what is proposed.

Public Comments:

Steve Larken, 436 Eastwood Lane, Daytona Beach, Florida stated he is in support of this request.

Additional Comments:

Mr. Higham stated he has talked with the manufacturer and is willing to lower the garage door to 9 feet and the sides to 25 feet.

Ms. Strickland stated the length would be 25 feet instead of 30 feet and the garage door would be lowered from 10 feet to 9 feet.

Board Action:

A motion was made by Mr. George, seconded by Ms. Barhoo, to approve BOA2022-007 – Variances from Article 4, Section 4.2.B.3, as presented. The motion failed 1-4 (Ms. Barhoo voted yes with Mr. George, Mr. Harshaw, Mr. Connors and Ms. Bowler voting no).

Mr. Gross stated the applicant is asking that the Board consider reducing the size of the structure to a depth of 25 feet with the doors being 9 feet high and the height still being 15 feet tall.

Mr. Harshaw asked if the manufacturer makes a building that is slightly shorter. Mr. Harshaw stated his only concern with reconsidering the structure is that he has noted other Board members have discussed concerns about the height as well.

Mr. Higham stated he did not know because he did not look into that.

Mr. Gross stated a motion could be made to continue the case at the next meeting to determine if a structure 24 feet x 25 feet, less than 15 feet high, could be considered. Mr. Gross reviewed the guidelines form the Land

Development Code for the Board's information regarding a resubmittal of an application for this project.

Ms. Bowler stated she would not be in favor of what is proposed, even with the reduction in size; however, Ms. Bowler stated she is still looking for a way to approve a request noting the applicant still needs a garage and she does not want the item to drag on for months.

Board Action:

A motion was made by Ms. Barhoo, seconded by Mr. Harshaw, to approve the amended structure that would be 24 feet x 25 feet, less than 15 feet high, and architectural embellishments on the structure as proposed by the applicant. The motion failed 1-4 (Ms. Barhoo voted yes, with Mr. Harshaw, Mr. George, Mr. Connors, and Ms. Bowler voting no),

A motion was made by Mr. Connors, seconded by Mr. George, to continue BOA2022-007 – Variances from Article 4, Section 4.2.B.3 to the June 16, 2022, Board of Adjustment meeting in order to allow the applicant an opportunity to submit a smaller scale garage by June 1, 2022, for consideration by the Board. The motion carried (5-0).

Mr. Harshaw stated he would like to see photos of buildings if the manufacturer can provide them so he can actually see what is proposed.

Mr. Bowler asked that the applicant take into consideration all of the things that has been discussed by the Board.

Case B – BOA2022-011 – Variance from Article 4, Section 4.2.B.3 (Continued from the April 21, 2022 Board of Adjustment Meeting)

A request by Louis A Vigliotti of LAV Engineering, on behalf of Steven M. Dumais (property owner) for a variance from Article 4 (Zoning Districts), Section 4.2.B.3 (Residential Base Zoning Districts) of the Land Development Code (LDC) to reduce the minimum required interior side setback from 7.5 feet to 5 feet. This will allow for the construction of an open-air roof structure, in alignment with the existing home, over the existing rear patio.

The property is located at 1812 North Atlantic Avenue, Parcel ID 4225-05-02-0030. 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 (L1-R).

Applicant Presentation:

Louis Vigliotti, LAV Engineering, 200 Tomoka Avenue, Suite D, Ormond Beach, Florida, spoke representing the applicant. Mr. Vigliotti stated the case was postponed to provide an opportunity to speak with a neighbor who appeared at the last meeting who stated he was unaware of the proposed application. Mr. Vigliotti stated he attempted to reach the neighbor but received no response.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Harshaw, seconded by Mr. Connors, to approve BOA 2022-013 – Variance from Article 4, Section 4.2.B.3, in accordance with the staff report as presented. The motion carried (5-0).

Case C - BOA 2022-013 – Variance from Article 4, Section 4.2.B.3

A request by Jimmy and Mary Beth Fox (property owners) for a variance from Article 4 (Zoning Districts), Section 4.2.B.3 (Residential Base Zoning District SFR-5) of the Land Development Code (LDC) to reduce the minimum required interior side property line setback from 10 feet to 7.5 feet. This will allow a 240 s.f. extension of the existing garage to be built flush with the existing structure.

The property is located at 1244 Bel Aire Drive, Parcel ID 4236-06-01-0130. 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 (L1-R).

Applicant Presentation:

Jimmy Fox, 1244 Bel Aire Drive, Daytona Beach, Florida stated the house was built in 1957. Mr. Fox stated he proposes to build a straight wall 7 feet from the property line.

Mr. Harshaw asked if what is proposed is to extend the same line as the house and square it off.

Mr. Gross stated what is proposed is extending the area to the patio roof or back slab area and it will be lined up with the back of the house. Mr. Gross stated the sketch is included as part of the Board packet.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. George, seconded by Mr. Connors, to approve BOA 2022-013 – Variance from Article 4, Section 4.2.B.3, in accordance with the staff report as presented. The motion carried (5-0).

6. **Review Cases**

Case A - continued to the June 16, 2022 Board of Adjustment meeting
Case B - approved (5-0)
Case C - approved (5-0)

7. **New Business**

Mr. George stated he will not be in attendance at the June 16, 2022 Board of Adjustment Meeting.

Mr. Gross stated 4 members in attendance will be required for a quorum.

8. **Adjournment**

There being no further business, the meeting was adjourned.

Maja Sander Bowler, Chair

Becky Groom, Board Secretary