

BOARD OF ADJUSTMENT
MINUTES OF
SPECIAL MEETING
June 30, 2022

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, June 30, 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
Mr. Ben Gross, Deputy City Attorney
Ms. Becky Groom, Board Secretary

1. Call to Order

Ms. Bowler called the June 30, 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: May 19, 2022

Board Action:

A motion was made by Mr. George, seconded by Ms. Barhoo, to approve the minutes of the May 19, 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 and May 19,2022 Board of Adjustment Meetings)

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.

Mr. Gross stated this item was continued in order to allow the applicant to come back with a smaller-scale version of his request.

Ms. Bowler stated some of the items discussed were size, height, material on the outside, setbacks, the industrial appearance of the building, and the Board's need for pictures and specifications of the structure, noting the pictures and specifications have been provided.

Applicant Presentation:

David Higham, and his wife, Gladys Strickland, 920 S. Grandview Avenue, spoke as the applicants. Ms. Strickland stated a copy of the proposed revised specifications have been provided to staff. Ms. Strickland stated the proposed garage now has the following dimensions: width of 24 feet; length of 25 feet; wall height of 10 feet; the peak height of the garage is 13.3 feet; there will be two garage doors and each will be 9 feet tall by 10 feet wide and each will have architectural openings at the top which are 45 degree angled cut; the building has boxed eaves and will have high impact windows, one on each side of the garage; the sheeting on the sides and ends will run horizontal which is the same as on the concrete blocks on the primary structure; the roof runs vertical; and the colors of the building will match the colors of the house.

David Higham stated he would like the variance for the rear of the building the same which would be 5 feet which would add to the north easement

variance. Mr. Higham stated if the distance is the same in the rear, it will allow for the angle of the building.

Ms. Bowler stated it appears the rear setback will stay at 13.56 feet and 11.82 feet will remain; and the 5.1 feet will actually be 6 feet.

Mr. Higham stated the driveway will be 30 feet from any crossroad, noting the Code requires 20 feet. Mr. Higham stated there should be no problem with drainage.

Mr. Harshaw stated he has stated that the metal is an industrial look and does not look right for the neighborhood. Mr. Harshaw stated he looked at other sheds that have been installed throughout the area and has photos that he would like to submit as part of the record. Mr. Harshaw stated a small garage just north of Dunlawton on S. Peninsula was installed and was gray when it was placed on the property; and there was no landscaping around it and was very unattractive. Mr. Harshaw stated the owners have been working to try to make it match the building. Mr. Harshaw stated it is a one-car garage and is the same height as the house. Mr. Harshaw stated the door is 7 to 8 feet high and is a panel door, not a roll-down. Mr. Harshaw provided photos of a shed on the property of a multi-million dollar estate in Ponce Inlet. Mr. Harshaw stated the building has improved because the neighbors were upset about the structure. Mr. Harshaw stated he did a Google search of metal buildings in residential neighborhoods and the results showed many residents are upset about metal structures in residential areas. Mr. Harshaw noted this is a historic neighborhood. Mr. Harshaw stated as he drove around the area, he noted that people are not putting steel buildings on the beachside. Mr. Harshaw stated he was an insurance agent for 35 years and could only recall a few times where people put steel buildings in residential neighborhoods. Mr. Harshaw stated he appreciates that the applicant has agreed to make the building smaller, noting the size is now 600 s.f.; but he still has a problem with the architectural look of the building. Mr. Harshaw stated he has always viewed cases since the rules are being amended as to whether the request will upset the neighbors. Mr. Harshaw stated the applicant's property intersects with three different streets and the structure will be visible. Mr. Harshaw stated there was a gentleman who spoke at the first meeting indicating that the outside of the building could be changed to make it more aesthetically pleasing; and this is the third meeting and steel is still proposed.

Mr. Higham stated Mr. Harshaw has stated those opinions all along; but he feels steel is a better investment and will hold up longer.

Ms. Bowler stated she has also tried to view similar structures throughout the area. Ms. Bowler noted there has been no opposition from Mr.

Higham's neighbors, and most seemed to be in favor of the request. Ms. Bowler stated she believes Mr. Higham will maintain the area beautifully and it will not be a problem during his time of ownership. Mr. Bowler asked if a time limit can be placed on this item if it is approved in the event the structure should have to be replaced in the future.

Mr. Gross stated restrictions could be placed on the approval, but it might be hard to enforce them. Mr. Gross stated it would be difficult to enforce the non-conforming structure aspect of this request.

Ms. Strickland stated she appreciates the Board's concern of the look of the building and its place in the neighborhood; however, there are many homes in the area that are well maintained but some are not. Ms. Strickland stated it is frustrating but this is the only space available for the garage. Ms. Strickland stated the house was built in 1949 so she and her husband had nothing to do with how the home is placed on the lot. Ms. Strickland stated she feels the structure will be more secure and will also alleviate some concerns regarding fire damage. Ms. Strickland stated they are looking for a way to protect their property as well as having it look nice. Ms. Strickland stated she does not want to create an eyesore in the neighborhood since there are enough of them already there.

Ms. Bowler noted she liked the comments that were in the re-submittal regarding safety and fire damage.

Ms. Bowler asked staff if the metal is permitted and asked if the only reason the applicant is before the Board is due to the setback issue.

Ms. Phillips stated that is correct; and if the structure is under 200 s.f., it could be a metal building. Ms. Phillips stated anything larger than 200 s.f. is required to look like the primary structure.

Mr. Harshaw stated if the proposed structure was a 200 s.f. shed, he would not have a problem. Mr. Harshaw stated he is concerned about the location since it sits at the intersection of 3 streets. Mr. Harshaw stated he likes the metal roof. Mr. Harshaw stated his concern is that the structure looks like industrial metal and does not feel it mirrors the look of the house.

Board Action:

A motion was made by Mr. George, seconded by Ms. Barhoo, to approve the revised request for BOA2022-007 – Variances from Article 4, Section 4.2.B.3, as presented. The motion carried (4-1, with Mr. Harshaw voting nay).

6. **Review Cases**

Case A was approved (4-1)

7. **New Business**

Mr. Connors asked if 1:00 p.m. on the third Thursday is the only time available for the Board to meet.

Mr. Gross stated if the Board wants to have meetings at another time and there is an opening on the City schedule, the Board could request a change in the time.

Ms. Phillips stated she would provide the city meeting schedule to the Board so they can review available times.

Ms. Bowler stated she would like more detailed information from the applicants explaining the need for their variance instead of the applicant just checking yes or no on the application form.

Mr. Gross stated the questions are taken from the variance criteria; however, if the Board would like, the form could be amended to ask the applicant to state the basis for their answers.

Ms. Bowler asked if she could bring suggested language for changing the form to the next meeting. Ms. Bowler stated she would like to encourage more explanation on the applicant's request.

Mr. Gross stated she could provide a suggestion and the Board can vote on it.

Mr. Harshaw stated in the last case, he felt the reason for the self-induced hardship is cost; and cost is not a hardship. Mr. Harshaw stated he feels the building should have been block with a wood truss roof that matched the house. Mr. Harshaw stated he feels a metal building is completely out of character for the neighborhood.

Mr. George stated he felt some of the items discussed may not be under the purview of this Board.

Mr. Gross stated the Land Development Code contains specific material requirements. Mr. Gross stated one of the requirements is harmony with the neighborhood.

Ms. Phillips stated there is a requirement in this Zoning District that any detached structure greater than 200 s.f. must look the same or similar to the primary building. Ms. Philips stated the main reason for the variance was because of the setbacks; and the applicant knew that the variance had to be requested for the setbacks and the structure would have to look like the primary structure.

Mr. Gross stated the Land Development Code is clear that variances can be granted for numerical and dimensional standards. Mr. Gross stated this was a numerical standard and he read the portion of the Code regarding structures greater than 200 s.f. Mr. Gross noted that provision of the Land Development Code was cited in the staff report.

Mr. Harshaw commended staff, including the IT staff in attendance, for their support.

8. Adjournment

There being no further business, the meeting was adjourned.

Maja Sander Bowler, Chair

Becky Groom, Board Secretary