

BOARD OF ADJUSTMENT  
MINUTES OF  
REGULAR MEETING  
November 17, 2022

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, November 17, 2022, at 1:00 p.m. in the City Commission Chambers, Daytona Beach City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Board members present were as follows:

Mr. Patrick Connors, Vice Chair  
Ms. Sharlene Barhoo (arrived at 1:05 p.m.)  
Mr. David Betz  
Mr. John George  
Mr. Trey Harshaw

Board members absent were:

Ms. Maja Sander Bowler, Chair

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**

Mr. Connors called the November 17, 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. Connors introduced staff members in attendance, as listed above.

Ms. Barhoo arrived for the meeting at 1:05 p.m.

4. **Approval of Minutes:** August 18, 2022

**Board Action:**

A motion was made by Mr. Harshaw, seconded by Mr. George, to approve the minutes of the August 18, 2022, meeting as presented. The motion carried (5-0).

5. **New Cases:**

- **Case A – BOA2022-017 - Variances from Article 4, Section 4.2.B.3**

A request by George Symington (property owner) 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 rear property line setback for an accessory structure over 200 s.f. from 25 feet to 10 feet. This will allow for the construction of a 588 s.f. detached garage.

The property is located at 928 Benecia Avenue, Parcel ID 5239-09-00-0240.

**Applicant Presentation:**

George Symington, 928 Benecia Avenue, stated he is looking to reduce the setback in order to construct a 31 foot garage. Mr. Symington stated the proposed garage will be 10 feet from the neighbor's property line but will be only 6 feet from the neighbor's garage.

Mr. Harshaw stated he is not in favor of big metal garages.

Mr. Symington stated the garage will have horizontal siding and will be the same colors as his home.

Mr. Harshaw asked if the picture that is included in the packet is what will be constructed.

Mr. Symington stated what is included in the packet is what was provided by the manufacturer. Mr. Symington stated the proposed structure will have an entrance door and a double window in the middle.

Mr. Harshaw stated according to the Land Development Code, an accessory structure should look similar to the house and wondered how Mr. Symington could make the shed look similar to his log home. Mr.

Harshaw stated, to him, metal sheds look very industrial and does not feel it will have the right look sitting next to Mr. Symington's log cabin. Mr. Harshaw stated he feels it should look nice since it will be close to the adjacent property as well.

Mr. Connors asked if the shed and lean-to that are in place will be removed.

Mr. Symington stated yes.

Mr. Connors asked if the material that will be proposed to match the house will be a cocoa color.

Mr. Symington stated yes with tan trim.

Mr. Betz asked if this action would create a legal non-conforming issue for the adjacent property since only a portion of the shed will be removed.

Mr. Symington stated there is a wall in the middle and it will still be inside Mr. Symington's property.

Mr. Betz stated there will be a cross over issue of the property line with the existing structure and he has a problem with that.

Mr. Harshaw asked what the side setback is for an accessory structure.

Ms. Phillips stated for an accessory structure 200 s.f. or less would be 7.5 feet; and for a structure over 200 s.f. the setback would be 10 feet on the side. Ms. Phillips noted Mr. Symington is not requesting a side yard setback reduction and he will meet the 10 feet requirement.

Mr. Harshaw stated the subject property requires a 25 foot rear yard setback and Mr. Symington is requesting a reduction to 10 feet.

Ms. Phillips stated that is correct.

Mr. Harshaw asked how the city will define that the proposed structure looks similar to the residence since to build a log cabin shed would be very expensive.

Ms. Phillips stated the Code reads that the structure "must have the same or similar exterior finish and roof design as the principal building on the site."

Mr. Harshaw stated what is proposed will not since it is a metal building with a metal roof.

Mr. Symington stated the proposed structure will have the same color roof.

Mr. Harshaw stated the house has an asphalt roof and the metal building will have a metal roof.

Mr. Harshaw asked how tall the proposed structure will be.

Mr. Symington stated it will have a 12 or 13 foot peak and will be open beam.

Mr. George asked if the proposed structure will be the same height as the existing structure.

Mr. Symington stated it will be taller since the existing shed has a flat roof.

Mr. Harshaw asked if Mr. Symington would consider constructing a smaller size garage.

Mr. Symington stated he could, but it would be difficult to place all of his items in a smaller unit since what he has was stored previously in a 30 ft. by 40 ft. shed.

Ms. Barhoo asked if the proposed roof and the single-family house will have the same color but not the same texture.

Mr. Symington stated that is correct and the sides will be wood colored. Mr. Symington stated the siding will be corrugated and will be horizontal.

Mr. Harshaw asked if Mr. Symington would be willing to talk with the installer to see if there is siding that could be placed on the structure that would look more like wood than corrugated metal.

Mr. Symington stated he would talk with them to see if T111 could be placed on the shed.

Mr. Harshaw asked if the existing shed complies with the Code.

Ms. Phillips stated no; but she said the Code may have been different when that structure was installed. Ms. Phillips stated the lots were previously combined as one lot; but when the couple divorced, the property was split.

Mr. Betz suggested Hardee Board being used to have a board and batten look and may look more like a barn.

Mr. Harshaw stated he would agree.

Mr. Betz stated he was concerned about the encroachment of the existing shed since it will stay over Mr. Symington's property line.

Mr. Connors stated what he is hearing from the Board is that there are suggestions being made that would possibly grant approval of the request. Mr. Connors asked if Mr. Symington would be willing to postpone action until the December 2022, meeting in order to give him an opportunity to consider the Board's suggestions.

Mr. Symington stated he would agree to postponing action.

Mr. Harshaw asked that Mr. Symington provide a better rendition of what the proposed structure will look like.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. George, seconded by Ms. Barhoo, to continue Case A – BOA2022-017 – Variances from Article 4, Section 4.2.B.3, to the December 15, 2022 Board of Adjustment meeting so the applicant can provide more information. The motion carried (5-0).

- **Case B – BOA2022-018 - Variances from Article 4 and 6**

A request by the Land Development Resource Group, on behalf of Crossroads of Daytona, LLC (property owner) for multiple variances from Articles 4 (Zoning Districts), Section 4.7.@ and 6 (Development Standards), Sections 6.2, 6.4, and 6.15 of the Land Development Code (LDC) to reduce requirements for zoning, parking, and landscape standards. This will allow for the development of a 7-space parking lot.

The property is located at 110 Jean Street, Parcel ID 5239-05-23-0010.

**Applicant Presentation:**

Colleen Miles, Land Development Resource Group, spoke representing the applicant, Crossroads of Daytona, LLC. Ms. Miles stated the property is a small lot south of Jean Street. Ms. Miles stated the property owner purchased the property with a billboard on it and the property owner would like to construct public parking for the area. Ms. Miles stated it is a permitted use but the property is constrained and there is not much else

that could be done with the lot since it is very small. Ms. Miles stated she has gone through Site Plan review with staff, and this appears to be the best use.

Mr. Connors stated the lot appears to be unusable for anything else and asked if the public parking will be free and will include a handicapped spot.

Ms. Miles stated yes and stated there will be a sidewalk along Jean Street.

Mr. Harshaw stated it is a gravel lot with an Arrow Towing sign on the fence, so people have obviously been parking there. Mr. Harshaw asked if the gentleman Ms. Miles is representing owns Amscot.

Ms. Miles stated she is representing the gentleman who owns this property.

Mr. Harshaw stated he didn't see that parking is a problem in the area.

Ms. Miles stated parking is an issue, even for the gas station.

Mr. Harshaw stated there is a very large non-conforming billboard on the property which he is sure the owner is receiving large sums of money for leasing the property to the billboard company. Mr. Harshaw asked why the billboard is non-conforming.

Mr. Gross stated billboards are not permitted in Redevelopment Districts and this property is in the Midtown Redevelopment District.

Mr. Harshaw stated he is concerned if the property is approved to have a parking lot in place, the approval may be viewed as allowing the non-conforming billboard to remain in place.

Mr. Gross stated the applicant has not requested a variance from the Land Development Code Section 6.10.J.2 for the billboard.

Ms. Miles stated a variance cannot be granted for a prohibited use.

Mr. Gross stated a billboard is a structure on the property, not a use.

Mr. Harshaw asked if language can be placed in the motion that this does not pertain to the billboard so there is not a question in the future.

Mr. Betz asked if the property owner is the same individual that owns the Amscot.

Ms. Miles stated she is not sure, and she is representing Crossroads for this property. Ms. Miles stated the request is for public parking; and the only signage on the property will be the sign regarding towing and a sign stating no overnight parking will be permitted. Ms. Miles stated landscaping will be part of the approval.

Mr. Connors asked if there would be more parking if the billboard is removed.

Ms. Miles stated the billboard will not be removed.

Mr. Betz asked about the sidewalk installation and asked if it would only be on this property and will not lead to any other sidewalk.

Ms. Miles stated the sidewalk will only be on this property but hopes the sidewalk will be included in the sidewalk plan of the City. Ms. Miles stated the sidewalk will be 5 feet wide and will be ADA compliant in accordance with the standards from Public Works. Ms. Miles stated the parking will be asphalt with concrete curbs.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Harshaw, seconded by Mr. George, to approve Case B – BOA2022-018 – Variances from Articles 4 and 6, in accordance with the staff report as presented, noting that nothing in the motion would serve to render the billboard a conforming billboard. The motion carried (5-0).

6. **Review Cases**

Case A - continued to the December 15, 2022, Board of Adjustment meeting

Case B - approved as presented (5-0)

7. **New Business**

Mr. Connors stated the Board previously discussed moving the meeting time. Mr. Connors stated Ms. Bowler provided her comments that indicated she would like to keep the meeting on Thursday but have an earlier starting time, possibly 9:30 a.m.

Ms. Barhoo stated she is unable to attend in the morning.

Mr. Betz stated the time doesn't matter to him but feels more people may attend a 1:00 p.m. meeting.

Mr. Harshaw stated he works in the southern end of the County, so he visits the properties prior to coming to the meeting. He said he doesn't have a problem with making the time later in the day.

Mr. Connors stated the reason he suggested changing the time was because there appeared to be a problem in getting members to serve on the Board, but the regulations have now changed. Mr. Connors stated if he was working, it would be difficult to attend meetings in the middle of the day. Mr. Connors suggested moving the time to 2:30 p.m. which may accommodate working people who would not have to return to the job after the meeting.

Mr. Harshaw asked if Ms. Barhoo would prefer a later time at 2:00 p.m.

Ms. Barhoo stated starting in January, she will not have a problem meeting the 1:00 p.m. timeline.

Mr. Connors suggested moving the meeting to 2:30 p.m. starting in January for 3 months to see if that time works better for the current Board members.

Ms. Phillips stated she issues the schedule for the Board meetings for the year so she would have to check with the City Clerk to see if that will be an issue; however, Mr. Gross has advised her that the time change will not be a legal issue.

Mr. Betz stated a later starting time is fine for him, but he doesn't think the starting time will keep people from serving on the Board.

Mr. Harshaw stated it may keep working people from serving on the Board.

Ms. Phillips stated there are currently two vacancies on the Board, Zone 2 and Zone 6.

**Board Action:**

A motion was made by Mr. George, seconded by Mr. Harshaw, to change the meeting time to 2:30 p.m. starting in January 2023, for 3 months and then re-address the time to see if everyone agrees with that time schedule. The motion carried (5-0).

8. **Adjournment**

There being no further business, the meeting was adjourned.



Patrick Connors, Vice Chair



Becky Groom, Board Secretary