

BOARD OF ADJUSTMENT  
MINUTES OF  
REGULAR MEETING  
**December 15, 2022**

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, December 15, 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:

Ms. Maja Sander Bowler, Chair  
Ms. Sharlene Barhoo  
Mr. David Betz  
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 December 15, 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:** November 17, 2022

**Board Action:**

A motion was made by Mr. Betz, seconded by Ms. Barhoo, to approve the minutes of the November 17, 2022, minutes as presented. The motion carried (6-0).

5. **New Cases:**

**Case A – BOA2022-017 - Variance 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 200sf from 25 feet to 10 feet. This will allow for the construction of a 588sf detached garage. The property is located at 928 Benecia Avenue, Parcel ID 5239-09-00-0240. (Continued from November 17, 2022, Board of Adjustment meeting)

**Applicant Presentation:**

George Symington, 928 Benecia Avenue, stated he has talked with the shed provider, Sheds of Daytona, who has agreed to build a conventional wood garage; and the siding will be placed on the structure sideways, so it resembles the log cabin. Mr. Symington stated the colors will match the roof and the house; and the structure will have barn doors instead of standard garage doors. Mr. Symington showed a proposed sketch of what will be provided to the Board.

Mr. Connors stated what is proposed is exactly what he was hoping for.

Mr. Harshaw stated this makes him happy.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Connors, seconded by Ms. Barhoo, to approve BOA2022-017 - Variance from Article 4, Section 4.2.B.3, in accordance with the revised plans including the changes in the doors and the wood being placed sideways on the structure. The motion carried (6-0).

**Case B– BOA2022-019- Variance from Article 6 Section 6.4.C**

A request by Zev Cohen and Associates, on behalf of Bryan Cohen of Cohen Square, LLC (property owner) for a variance from Article 6

(Development Standards), Sections 6.4.C.1.a of the CODB Land Development Code (LDC) to reduce the required five-foot-deep landscape area of a property perimeter bounded by a building or structure. They also seek a variance from Article 6 Section 6.4.C.2.a, to reduce the required five-foot-deep landscape area adjacent to a building perimeter. This will allow for the development of a 7,957sf office building. The property is located at 1106 Beville Road, Parcel ID 5340-05-22-0060.

**Applicant Presentation:**

Michael Hennessy, 780 NE 69<sup>th</sup> Street, Apartment 1410, Miami, Florida, spoke representing the applicant. Mr. Hennessy stated he represents the people who will occupy the building, who will be Humana. Mr. Hennessy stated Zev Cohen is the engineer on the project but was unable to attend today due to illness. Mr. Hennessy stated the property owner, Cohen Commercial, is also in attendance as well as a representative from Humana. The property owner indicated Mr. Hennessy is authorized to present the case.

Mr. Hennessy stated Humana has considered this property since 2019 and negotiated a lease, completed design, and was fully permitted in late 2020. Mr. Hennessy stated the structure was demolished by fire on Thanksgiving morning in 2020. Mr. Hennessy stated a new structure was designed to be built in the same location. Mr. Hennessy stated the building permit was approved pending site plan approval; and the site plan is on hold since the property owner is doing a replat. Mr. Hennessy stated the replat is scheduled to be presented to the Planning Board at this evening's meeting and hopefully will be approved. Mr. Hennessy stated staff has advised that a variance is required on two sides for the landscaping and a reduction on the front from 5 feet to 3 feet. Mr. Hennessy stated the applicant is committed to this location and has relocated from their previous location to this shopping center in a smaller suite. Mr. Hennessy stated the current site is limited in size and limits services that can be provided.

Mr. Gross stated this variance will allow the preliminary and final plat to be approved notwithstanding the normal setback issue.

Mr. Harshaw asked what would happen if the variance is not approved.

Mr. Hennessy stated the size of the building would have to be reduced which would result in a reduced capacity.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Betz, seconded by Mr. George, to approve BOA2022-019- Variance from Article 6 Section 6.4.C, in accordance with the staff report as presented, subject to the lot split being approved by the Planning Commission. The motion carried (6-0).

**Case C – BOA2022-02017 - Variance from Article 64, Section 6.3.G**

A request by Zahn Engineering, on behalf of Scott Weidman (property owner), for a variance from Article 6 (Development Standards), Section 6.3.G.6.b.ii.(c) (Vehicular Access and Connectivity) of the CODB Land Development Code (LDC) to reduce the required 24 foot driveway entrance width to 12 feet, and a variance from Article 6 (Development Standards), Section 6.3.G.6.b.ii.(d) to reduce the required 20 foot driveway entrance radius to 12 feet. This will allow an existing driveway to be considered LDC compliant in the development of a Professional Services office. The property is located at 157 Fairview Avenue, Parcel ID 5338-45-01-0050.

**Applicant Presentation:**

Peter Zahn, 150 S. Palmetto, Daytona Beach, Florida, spoke representing the applicant. Mr. Zahn stated the applicant, Scott Weidman, approached Mr. Zahn about improvements to his residence in order to accommodate Mr. Weidman's insurance business. Mr. Zahn stated he completed a floor plan; and when Mr. Weidman applied for a building permit, he was told he needed to add two parking spaces, which have been added, including a handicapped space. Mr. Weidman stated staff advised the renovations required Site Plan approval since what is proposed is a change of use from residential to office use. Mr. Zahn stated a site plan has been prepared and submitted to the city. Mr. Zahn stated the narrowest point of the driveway is 12 feet, which requires a variance.

Mr. Betz stated he visited the site and met with the owner. Mr. Betz stated there is sufficient turning area at the site. Mr. Betz stated Mr. Weidman indicated that he visits most of his clients away from this site.

Mr. Connors asked if this site is residential.

Mr. Zahn stated this is Mr. Weidman's home, but he occasionally has clients visit him there.

Ms. Bowler stated the Future Land Use of the property is partially residential and partially Level II residential and asked how it could be both.

Ms. Phillips stated half of the lot is residential and the other half is Level II residential.

Ms. Bowler stated it seems to her that the request complies with the neighborhood and the Future Land Use.

Mr. Harshaw stated he was concerned about traffic; but If Mr. Weidman meets most of his clients away from the site, there should not be a traffic issue.

Mr. Zahn thanked Ms. Phillips for her work on this application as well on which he has worked with her.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. George, seconded by Mr. Harshaw, to approve BOA2022-02017 - Variance from Article 64, Section 6.3.G, in accordance with the staff report as presented. The motion carried (6-0).

6. **Review Cases**

Case A	-	approved (6-0)
Case B	-	approved (6-0)
Case C	-	approved (6-0)

7. **New Business**

Mr. Harshaw thanked Ms. Phillips for all of her updates and keeping the Board informed.

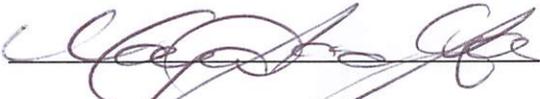
Mr. Gross stated for clarification, there is nothing illegal about a Board member visiting a site prior to hearing a case at the Board of Adjustment meeting. Mr. Gross stated more than one member should not be at a property at a time, but there is nothing wrong with the Board members visiting sites. Mr. Gross stated it should be disclosed at the meeting if a Board member does visit a site.

Ms. Bowler asked when a new Chair would be elected.

Mr. Gross stated the term is for one year from the date when the person was elected as Chair.

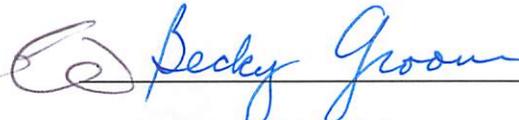
8. Adjournment

There being no further business, the meeting was adjourned.



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Maja Sander Bowler, Chair



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Becky Groom, Board Secretary