

BOARD OF ADJUSTMENT
MINUTES OF
REGULAR MEETING
June 15, 2023

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, June 15, 2023, at 2:30 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
Mr. David Betz
Mr. Patrick Connors
Mr. Trey Harshaw

Board Members absent were as follows:

Ms. Sharlene Barhoo
Mr. John George

Staff members present were as follows:

Ms. Melissa Phillips, Development Review Technician
Mr. Ben Gross, City Attorney
Mr. David Russell, Assistant City Attorney
Ms. Becky Groom, Board Secretary

1. Call to Order

Ms. Bowler called the June 15, 2023, Board of Adjustment Meeting to order at 2:35 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 18, 2023

Ms. Bowler stated that on Page 3, she had asked if some of the structures had been permitted and noted that permitting may not have been required at that time and she would like that note added to the minutes.

Board Action:

A motion was made by Mr. Betz, seconded by Mr. Harshaw, to approve the minutes of the May 18, 2023, meeting as corrected. The motion carried (4-0).

5. **Continued Case:** Continued from March 16, 2023, Meeting

Case C – BOA2023-007- Variances from Article 4, Section 4.7.U.3 and Article 6, Section 6.3.G.6

A request by Wilfredo Guzman of As Built Florida, on behalf of Erinogert Zhutaj (property owner), for variances from Article 4 (Zoning Districts), Section 4.7.U.3 (Redevelopment Base Zoning Districts, Midtown Center Mixed Use - RDM-1) of the CODB Land Development Code (LDC) requirements for a single-family structure, to decrease the required 5,000sf minimum lot area to 2,400sf; to decrease the required 10ft minimum front yard setback to 6.6ft; to decrease the required 5ft minimum interior side yard setback to 2ft; and to increase the maximum 35yo accessory structure coverage in relation to the primary structure to 68%.

The applicant also seeks variances from CODB LDC Article 6 (Development Standards) Section 6.3.G.6 (Mobility & Access, Driveway Locations & Dimensions) requirements for a single-family structure/use, to decrease the required 12ft minimum driveway width at point of entry to 9.8ft; and to decrease the required 5ft minimum driveway setback from the interior side property line to 1ft.

This approval will allow for the following structures, installed/constructed on property without building permit submission or approval, to remain as built: a 120sf addition to the existing, nonconforming home, a 445sf detached, partially enclosed carport, and an approximately 990sf concrete slab and driveway.

The property is located at 542 Foote Court, Parcel ID 5339-21-01-0081.

Applicant Presentation:

Wilfredo Guzman spoke representing the owner. Mr. Guzman stated the drawings have been submitted as was requested by the Board. Mr. Guzman stated the fence is in line with the other fences. Mr. Guzman stated he does have concerns about the survey.

Ms. Phillips stated the fence is outside of his property boundary so that is not something the Board could approve.

Ms. Bowler asked what is proposed in the revised application for the carport.

Mr. Guzman stated the concrete will need to be cut in order to comply with the City. Mr. Guzman stated the concrete blocks on the other side will be removed.

Ms. Bowler asked if the new proposal is to remove the two strips of concrete.

Mr. Guzman stated yes.

Ms. Bowler asked if the carport will be brought up to code.

Mr. Guzman stated yes.

Ms. Bowler asked if the covered porch will be removed in its entirety.

Mr. Guzman stated yes.

Mr. Betz asked about removing the deck on the eastside and if there is siding on the house.

Mr. Guzman stated yes.

Mr. Betz asked about the driveway and noted it slopes to the west toward the neighbor's house. Mr. Betz stated he is concerned about the water going onto the neighbor's property. Mr. Betz asked what will be put in place of the blocks that will be removed.

Mr. Guzman stated the area should be gravel.

Mr. Harshaw asked if a French drain could be installed.

Mr. Guzman stated a French drain and catch basin could be installed.

Mr. Betz stated he is fine if a French drain could be installed. Mr. Betz asked the total lot coverage.

Ms. Phillips stated the lot coverage will be increased from 35% to 68%; and maximum lot coverage in this district is 60%.

Mr. Harshaw stated there is concrete to the fence on each side. Mr. Harshaw asked if the applicant would have a problem placing a French drain on both sides.

Mr. Guzman stated there is about 3' to 4" of concrete and a French drain could be placed there.

Mr. Harshaw noted there are no gutters on the carport.

Ms. Bowler stated the recommendation from the Board is to remove the deck on the east side as well as the siding and the dirt underneath; on the west side of the property, two rows of concrete block will be removed and will be replaced with gravel, French drain, or whatever is appropriate; the carport will be brought up to code; and the fence will be moved to the property line.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Betz, seconded by Mr. Connors, to approve Case C – BOA2023-007- Variances from Article 4, Section 4.7.U.3 and Article 6, Section 6.3.G.6, in accordance with the staff report as presented, including the condition that a French drain be installed on the west side of the driveway. The motion carried (4-0).

6. **New Cases:**

Case A - BOA2023-014 Variances from Article 4 Section 4.2.B.3 of the CODB LDC

A request by Scott Martin (Property Owner) for variances from Article 4 (Zoning Districts), Section 4.2.B.3. (Residential Base Zone Districts, Single-family Residential-5) of the CODB Land Development Code (LDC) for a single-family structure, to decrease the minimum front setback from 25 feet to 13.5 feet, to decrease the minimum interior side property line setback from 7.5 feet to 4.6 feet, and to increase the maximum lot coverage from 35% to 39%.

This will allow a 12x20, 240sf, carport to be constructed on property.

The property is located at 118 Milton Road, Parcel ID 5322-04-14-0090.

Applicant Presentation:

Scott Martin, 118 Milton Road, stated the house was built in the 1950's and the floor of the garage is 5' below ground level. Mr. Martin stated the driveway slopes toward the garage and rain flows into the garage. Mr. Martin stated he wants to expand the carport to reduce the amount that is exposed to rain. Mr. Martin stated the garage has a 20 foot slab and there is about 10 feet of dirt where the water drains. Mr. Martin also noted there is a sump pump inside the garage.

Mr. Connors asked if gutters could be placed on both sides.

Mr. Martin stated yes.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Harshaw, seconded by Mr. Connors, to approve Case A - BOA2023-014 Variances from Article 4 Section 4.2.B.3 of the CODB LDC, in accordance with the staff report as presented, including the placement of gutters on the carport. The motion carried (4-0).

7. **Review Cases**

Case C (Continued from May 18, 2023) - approved 4-0
Case A - approved 4-0

8. **New Business**

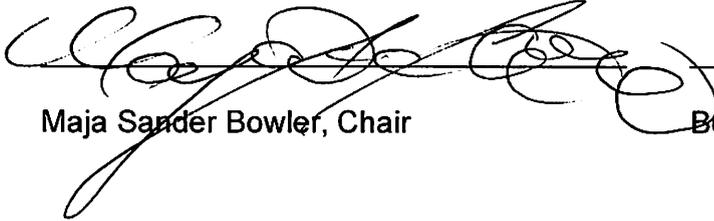
Ms. Phillips stated the Board agreed to discuss the meeting time at next month's meeting when the entire Board is in attendance.

Mr. Gross noted that Mr. Betz' reappointment is on the City Commission agenda.

Ms. Phillips stated there are still vacancies on the Board for Zones 2 and 6.

9. **Adjournment**

There being no further business, the meeting was adjourned.

A complex, cursive handwritten signature in black ink, written over a horizontal line. The signature is highly stylized and difficult to decipher.

Maja Sander Bowler, Chair

A cursive handwritten signature in black ink, written over a horizontal line. The signature is clearly legible and reads "Becky Groom".

Becky Groom, Board Secretary