

BOARD OF ADJUSTMENT  
MINUTES OF  
REGULAR MEETING  
October 19, 2023

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, October 19, 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  
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. David Russell, Assistant City Attorney  
Ms. Becky Groom, Board Secretary

1. **Call to Order**

Ms. Bowler called the October 19, 2023, Board of Adjustment Meeting to order at 2:30 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:** September 21, 2023

**Board Action:**

A motion was made by Mr. Connors, seconded by Ms. Barhoo, to approve the minutes of the September 21, 2023, meeting as presented. The motion carried (6-0).

**5. New Cases**

**Case A – BOA2023-021- Variances from Article 4, Section 4.2.B.3 of the CODB LDC**

A request by Anita and Marvel (Jay) Gallentine (Property Owners) for variances from Article 4 (Zoning Districts), Section 4.2.B.3. (Residential Base Zoning Districts, Single-Family Residential-5) of the CODB Land Development Code (LDC) for a single-family structure, to decrease the minimum front property line setback from 30 feet to 24.9 feet, to decrease the minimum interior side property line setback from 10 feet to 3.5 feet, and to increase the maximum lot coverage from 35% to 45%.

This will allow a 13.5 x 25, 338 s.f. attached garage to be constructed on the east side of the structure/property.

The property is located at 600 Jessamine Boulevard, Parcel ID 5305-01-42-0106.

**Applicant Presentation:**

The applicant, Marvel Gallentine, 836 N. Grandview, Daytona Beach, Florida, stated the variance is for 600 Jessamine Blvd. Mr. Gallentine stated the house was built 25 years ago and the setbacks were different at that time. Mr. Gallentine stated at the time the home was built, the front setback was 25 feet; and the current survey reads the home is 24.9 feet from the property line. Mr. Gallentine stated the current setback requirement is 30 feet; but the 25 feet would allow the garage to blend perfectly with the property. Mr. Gallentine stated the width of the property is needed in order to be able to get a car in and out of the proposed garage. Mr. Gallentine stated the structure will be concrete block with stucco finish.

Ms. Bowler asked if Mr. Gallentine intends to live at the Jessamine address or will the unit be a rental.

Mr. Gallentine stated the unit was previously a rental and he and his wife live next door. Mr. Gallentine stated he requested the city change the zoning to single family and he and his wife are in the process of moving to the Jessamine address.

Mr. Connors asked if Mr. Gallentine has talked with the adjacent property owner about the closeness of the structure to their property.

Mr. Gallentine stated the structure will be adjacent to the master bedroom on the adjacent property; and enclosing the garage will allow more privacy for their master bedroom.

Ms. Gallentine thanked Ms. Phillips for her assistance during this application process.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Harshaw, seconded by Ms. Barhoo, to approve BOA2023-021- Variances from Article 4, Section 4.2.B.3 of the CODB LDC, in accordance with the staff report as presented. The motion carried (6-0).

**Case B – BOA2023-022 – Variances from Article 4, Section 4.5.B.3 of the CODB LDC**

A request by Joseph Torch (property owner) for variances from Article 4 (Zoning Districts), Section 4.5.B.3. (Tourist Base Zone Districts, Tourist Accommodations, T-1) of the CODB Land Development Code (LDC) for a single-family structure, to decrease the minimum front property line setback from 25 feet to 3.2 feet, and to decrease the minimum interior side property line setback from 7.5 feet to 1 foot.

This will allow after-the-fact building permit approval of an 83 s.f. elevated (approximately 6 ft above grade) deck and stairs constructed at the southeast side of the property.

The property is located at 1305 N Atlantic Avenue, Parcel ID 4236-05-04-0510.

**Applicant Presentation:**

Steven Weaver, 1157 Bellaire Drive, spoke on behalf of the applicant, Joseph Torch. Mr. Weaver stated the house was constructed with stairs which have collapsed. Mr. Weaver stated Mr. Torch replaced the stairs and enclosed the front porch as well. Mr. Weaver stated a stop work order was issued since the work was being done without a permit. Mr. Weaver stated he was told by Planning that the stairs could be

constructed in the space where they were previously located; however, Mr. Weaver talked with the Building Official and was informed that the steps would not meet Code. Mr. Weaver stated that Ms. Phillips determined enclosing the porch would require a variance. Mr. Weaver stated the stairs are in the same place as the previous stairs but are longer due to Code requirements.

Mr. George stated a permit was issued to replace the stairs in the previous footprint. Mr. George stated he has an issue with work that was done above and beyond what was approved in the Building Permit.

Mr. Weaver stated the staff report indicates that the variance is the minimum needed to make the stairs compliant, and there is no adverse effect to the health and safety of the community.

Mr. George asked Mr. Weaver if there would have to be a turn in the stairs in order for them to be Code compliant.

Mr. Weaver stated to make them compliant, the stairs would have to be taken apart to make them smaller.

Joseph Torch, 1305 N. Atlantic, Daytona Beach, Florida stated he is the property owner, and he would be unable to get furniture into the building if the steps are made smaller. Mr. Torch stated he would not be able to make a turn on smaller steps.

Mr. Harshaw stated Mr. Torch was cited in March of 2022 for broken steps. Mr. Harshaw asked how long this has been going on and asked if there was a permit when the porch was enclosed.

Ms. Phillips stated she did not know.

Mr. Weaver stated Mr. Torch was cited in March of 2022 when the stairs collapsed. Mr. Weaver stated Mr. Torch obtained a permit and he started the work and enclosed the porch at the same time. Mr. Weaver stated a stop work order was issued since the permit did not cover the enclosure. Mr. Weaver stated no work has been done since the stop work order was issued; however, plans are being worked on to take care of the enclosed porch.

Mr. Betz stated he supports this variance based on the applicant's explanation.

Ms. Bowler stated she agrees.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Betz, seconded by Mr. Harshaw, to approve BOA2023-022 – Variances from Article 4, Section 4.5.B.3 of the CODB LDC, in accordance with the staff report as presented. The motion carried (5-1 with Mr. George voting nay).

**Case C – BOA2023-023 – Variances from Article 4, Section 4.2.C.3 of the CODB LDC**

A request by Randy Gray, on behalf of Lash Larue, LLC (Property Owner) for a variance from Article 4 (Zoning Districts), Section 4.2.C.3 (Residential Base Zoning Districts, Multi-family Residential-12) of the CODB Land Development Code (LDC) to decrease the required lot area minimum from 6,000 s.f. to 5,000 s.f.

This will allow this existing 100 ft. wide by 100 ft. deep parcel to be split into two (2) 50 ft wide by 100 ft. deep parcels.

The property is located at Indiana Street, Parcel ID 5238-38-00-1500.

**Applicant Presentation:**

Randy Gray, 1312 Vine Street, stated he is requesting the variance in order to construct two single-family homes.

Ms. Phillips stated the property was previously two parcels but were combined in 2011.

**Public Comments:**

Sam Davis, 757 Howard, stated he supports this variance request.

**Board Action:**

A motion was made by Mr. George, seconded by Ms. Barhoo, to approve BOA2023-023 – Variances from Article 4, Section 4.2.C.3 of the CODB LDC, in accordance with the staff report as presented. The motion carried (6-0).

**Case F – BOA2023-026 – Variances from Article 6, Sections 6.4 and 6.6 of the CODB LDC**

A request by George Bright and Reggie Theus, on behalf of Bethune Cookman University, Inc. (property owner) for variances from Article 6 (Development Standards), Section 6.4.C.1.d (Property Landscape Perimeters) decreasing the requirement of flowering plants adjacent to a public right-of-way from 25% to approximately 3%, from Section 6.4.F.1.b.iii, reducing the number of required shade trees per 40 linear feet from 8 trees to zero, reducing the number of required small trees per 80 linear feet from 4 trees to zero, and Section 6.6.C, Type C option 3 Buffer requirements of 32 evergreen shrubs to zero, at the south and east property boundaries, as shown in the attached, revised site plan.

This will allow the synthetic athletic practice field to be constructed with decreased perimeter landscaping/buffers.

The property is located at 635 West International Speedway Boulevard, Parcel ID 5339-76-02-0040.

**Applicant Presentation:**

Reggie Theus, 241 Riverside Drive, Holly Hill, Florida spoke on behalf of the applicant, Bethune Cookman University. Mr. Theus stated originally, live oak trees were planned along Jesse Street but the roots from the trees could destroy the athletic field. Mr. Theus stated there will be fencing along Jesse Street with a hedge on the outside. Mr. Theus stated the area near the retention pond will be landscaped. Mr. Theus stated there is a lot of vegetation on the south side and a fence will be placed along that area. Mr. Theus stated sod will be placed in that area.

Mr. Theus thanked city staff for their assistance during the variance process.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Connors, seconded by Ms. Barhoo, to approve BOA2023-026 – Variances from Article 6, Sections 6.4 and 6.6 of the CODB LDC, in accordance with the staff report as presented. The motion carried (6-0).

6. **Review Cases**

Case A - approved 6-0  
Case B - approved 5-1

Case C - approved 6-0  
Case F - approved 6-0

7. **New Business**

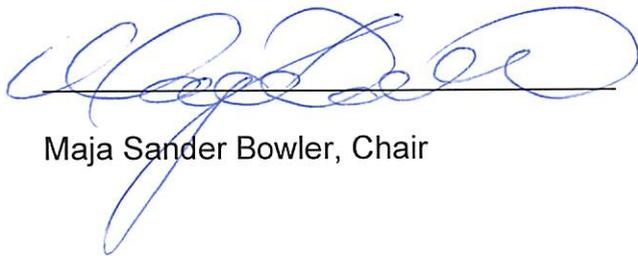
Chair Bowler stated the letter prepared by Mr. Harshaw regarding Board vacancies has been provided to the City Commission.

The Board discussed continuing the meetings at 2:30 p.m.

Mr. Betz stated he will not be available if there is a meeting in November.

8. **Adjournment**

There being no further business, the meeting was adjourned.



Maja Sander Bowler, Chair



Becky Groom, Board Secretary