

**BOARD OF ADJUSTMENT**  
**MINUTES OF**  
**REGULAR MEETING**  
**May 16, 2024**

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, May 16, 2024, in the City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Board members present were as follows:

David Betz, Chair  
Sharlene Barhoo  
Patrick Connors  
John George

Board Members absent were:

Maja Sander Bowler

Staff members present were:

Melissa Phillips, Development Review Technician  
David Russell, Assistant City Attorney  
Becky Groom, Board Secretary

1. **Call to Order**

Mr. Betz called the 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**

Chair Betz introduced staff members in attendance as listed above.

4. **Approval of Minutes**

Chair Betz stated a correction had been made to Item 7 to reflect that Mr. George was elected Vice Chair and not Mr. Connors as was noted.

A motion was made by Mr. Connors, seconded by Ms. Barhoo, to approve the minutes of the February 15, 2024, Board of Adjustment meeting as presented. The motion carried (4-0).

5. **New Cases**

**Case A – BOA2024-004 – Variance from Article 4, Section 4.2.B of the CODB LDC**

A request by Sandra and Evan Cross (Property Owners) for variances from Article 4 (Zoning Districts), Section 4.2.B (Single-Family Residential-5/SFR-5) of the CODB Land Development Code (LDC) for a single-family residential structure, to reduce the required minimum front yard setback from 30 feet to 10 feet and to reduce the required minimum rear yard setback from 25 feet to 5 feet.

This variance will allow a single-family structure to be constructed on this vacant, non-conforming parcel with reduced front and rear yard setbacks.

The property is located on Frances Terrace, Parcel ID 5309-15-01-0229.

**Applicant Presentation:**

Sandra and Evan Cross were in attendance and stated they are the owners of the vacant lot where they plan to build a home.

Mr. Connors stated the request for the front variance is a significant reduction.

Ms. Cross stated the proposed home is 24 feet by 40 feet and the front of the house will face the ocean.

Chair Betz asked if the structures on the property will remain.

Mr. Cross stated the existing structures will be removed.

Chair Betz noted parking for the home will be underneath with a two-story structure on top.

Mr. Cross noted the structure will meet the 35 foot height requirement.

**Public Comments:**

Virgil Atkins, 516 Frances Terrace, Daytona Beach, Florida stated the property was previously used as a parking lot and he does not want a house next to his where the residents will be able to look down on his property.

Ms. Phillips stated the property is zoned for single-family residential and the height limit is 35 feet. Ms. Phillips stated the property was previously illegally used as a parking lot and was not

zoned for commercial use. Ms. Phillips stated the previous owner indicated to Mr. and Mrs. Cross that a duplex could be built on the property, which is not correct.

Gary Atkinson spoke representing several properties in the area: 500, 502, 506, and 529 Frances Terrace. Mr. Atkinson stated he is the mortgage holder on those properties. Mr. Atkinson stated he also has power of attorney to speak on behalf of David Higham at 920 N. Grandview. Mr. Atkinson stated the property owners were not made aware of the proposed action scheduled for this meeting. Mr. Atkinson stated he was the previous owner of the subject property and did not represent to Mr. and Mrs. Cross what could be built on the property.

Alex Atkinson, 502 Frances Terrace, stated he was not made aware of the case being presented today and does not know what is proposed to be constructed on the property.

David Hogue, 420 Frances Terrace, stated a sign was placed on the subject property but he was not made aware of the case being presented today. Mr. Hogue stated he is concerned about the height of the proposed structure and stormwater runoff.

Ms. Phillips stated she provided the applicants with a list of all of the properties within 150 feet of the property. Ms. Phillips stated the owners have provided copies of the envelopes to be mailed to those property owners and have signed an affidavit that the envelopes were mailed. Ms. Phillips stated a copy of the documents are included in the Board packet.

Mr. Cross stated the envelopes were mailed and he does not believe Mr. Atkinson's name was on the list. Mr. Cross stated he plans to improve the property and the house will be as far away from the neighbor's property as possible.

Mr. Russell stated if the residents have questions regarding notification to adjacent property owners, the case could be delayed until the next meeting.

Mr. Cross stated he would like the case to be decided today since he cannot make plans to proceed without the Board's action.

Mr. Atkinson stated he would like the case continued.

Ms. Phillips stated the property depth is 50 feet; the front setback is 30 feet and the rear setback is 25 feet so there is no way anything can be placed on the property without variances being granted.

**Board Action:**

A motion was made by Mr. George, seconded by Mr. Connors, to continue Case A – BOA2024-004. The motion failed (0-4).

A motion was made by Mr. George, seconded by Mr. Connors, to approve Case A – BOA-2024-004 in accordance with the staff report as presented. The motion carried (4-0).

**Case B - BOA2024-005 Variance from Article 6, Section 6.10 of the CODB LDC**

A request by Jessica Gow of Cobb Cole Law Offices, on behalf of Daytona 634 Development, LLC (Property Owner) for a variance from the Hillwood Planned District Agreement and Article 6 (Development Standards), Section 6.10.J.7.a.i (Signage, Ground Signs) of the CODB Land Development Code (LDC) to increase the maximum allowable wall signage from 200sf per parcel to 460sf.

This will allow 460sf of wall signage on this parcel.

The property is located at 2519 Bellevue Avenue, Parcel ID 5226-00-00-0150.

**Applicant Presentation:**

Alanna Smith, Cobb Cole Law Offices, spoke representing the applicant. Ms. Smith stated the project is being developed as the Amazon warehouse. Ms. Smith stated there are two wall signs on the south side of the building which are figured into the square footing allowance. Ms. Smith stated the request is to increase the permitted square footage of sign space in order to place additional signage on the building.

Mr. Connors asked why the additional signage is needed.

Ms. Smith stated the request is based on corporate branding requirements and noted the building is 2,000,000sf in size and the signage would have to be larger in order to be visible.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Connors, seconded by Ms. Barhoo, to approve Case B - BOA2024-005 Variance from Article 6, Section 6.10 of the CODB LDC, in accordance with the staff report as presented. The motion carried (4-0).

**Case C - BOA2024-007 Variance from Article 6, Section 6.2.HH.1 of the CODB LDC**

A request by Erika Hughes of VHB, on behalf of Westgate DB Oceanfront Resort, LLC (Property Owner) for a variance from Article 6 (Development Standards), Section 6.2.H.1 (Off-Street Parking and Loading) of the CODB Land Development Code (LDC) to reduce parking space dimensions from 9x21.25 to 9x14 for 60 degrees north parking spaces along A1A; to reduce parking space dimensions from 9x17.5 to 9x14 for 30 degree parking spaces in the drop-off area; and to reduce parking space dimensions from 9x21.25 to 9x16 to the seawall/washout repair area.

This will allow parking space size reductions as part of site plan DEV2023-249, Westgate DB Resort renovations.

This property is located at 1260 North Atlantic Avenue, Parcel ID 4236-21-00-0001.

**Applicant Presentation:**

Erika Hughes of VHB spoke representing the applicant. Ms. Hughes stated the applicant has received comments from staff as part of the site review process. Ms. Hughes stated in order to accommodate an additional landscape buffer along A1A, parking spaces have to be adjusted. Ms. Hughes stated the spaces will be assigned for compact car parking only.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. George, seconded by Ms. Barhoo, to approve Case C - BOA2024-007 Variance from Article 6, Section 6.2.HH.1 of the CODB LDC, in accordance with the staff report as presented. The motion carried (4-0).

6. **Review Cases**

Case A	-	approved 4-0
Case B	-	approved 4-0
Case C	-	approved 4-0

7. **New Business**

There was no new business presented.

8. **Adjournment**

There being no further business, the meeting was adjourned at 3:30 p.m.

  
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David Betz, Chair

  
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Becky Groom, Board Secretary