

BOARD OF ADJUSTMENT
MINUTES OF
REGULAR MEETING
July 18, 2024

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, July 18, 2024, in the City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Board members present were as follows:

David Betz, Chair
John George, Vice Chair
Sharlene Barhoo
Patrick Connors

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**

Chair 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.

Anita Pologa from the City Clerk's Office spoke to the Board and stated she will be meeting with all Advisory Boards and community groups in an effort to fill vacancies on Advisory Boards.

4. Approval of Minutes

A motion was made by Ms. Barhoo, seconded by Mr. Connors, to approve the minutes of the June 20, 2024, meeting as presented. The motion carried (4-0).

5. New Cases

Case A - BOA2024-012 Variance from The Orthopaedic Surgery Center PD Second Amendment

A request by Jessica Gow of Cobb Cole Law Firm, on behalf of GDM&S Properties, LLC and 1871 LPGA Blvd., LLC (Property Owners) for a variance from **The Orthopaedic Surgery Center Planned Development Agreement, Second Amendment, Section 10, Signage, to increase permitted monument sign area from 48ft to 76ft, and to clarify permitted monument sign maximum height as 8ft.**

This variance will allow the existing monument sign at 1871 LPGA Boulevard and the proposed monument sign at 1865 LPGA Boulevard to be 76sf and 8ft high maximum.

These properties are located at **1865 LPGA Boulevard, Parcel ID 5203-00-00-0110 and 1871 LPGA Boulevard, Parcel ID 5203-10-00-0010.**

Applicant's Presentation:

Alanna Smith spoke representing the applicant. Ms. Smith stated a drafting error was made in the sign calculations which resulted in this request. Ms. Smith stated the request is to allow the existing sign to remain and to construct one additional sign to match the existing sign.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. George, seconded by Ms. Barhoo, to approve Case A - BOA2024-012 Variance from The Orthopaedic Surgery Center PD Second Amendment, as presented. The motion carried (4-0).

Case B - BOA2024-013 Variance from Article 4, Section 4.2.B of the CODB LDC

A request by David and Julie Lindesmith (Property Owners) for a variance 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 interior side setback from 10ft to 7ft and to reduce the front setback from 30ft to 27ft.**

This variance will allow a 408sf expansion of the southwest side of the first floor, a second story addition above the south side of the home, as well as expand the existing garage approximately 256sf, for an additional car space.

The property is located at **2107 North Halifax Avenue, Parcel ID 4225-07-01-0020.**

Applicant's Presentation:

David Lindesmith, 2107 N Halifax Avenue, Daytona Beach, Florida stated his request is to add living space to his recently purchased home as well as additional garage space. Mr. Lindesmith stated he would like the site line to remain with the existing structure.

Public Comments:

Thomas Russell, 2027 N Halifax, stated he was in support of this request.

Board Action:

A motion was made by Ms. Barhoo, seconded by Mr. George, to approve BOA2024-013 Variance from Article 4, Section 4.2.B of the CODB LDC, in accordance with the staff report as presented. The motion carried (4-0).

Case C - BOA2024-014 Variance from Renar @ LPGA PMD Agreement, First Amendment

A request by Alex and Arielle Richard (Property Owners) for a variance from the **Renar Golf Communities at LPGA International Planned Master Development Agreement, Exhibit D (Table for Setbacks and Heights), Tract B/Opal Hill, for a swimming pool with screen enclosure, to reduce the required rear setback from 10ft to 5ft.**

This variance will allow an approximately 1,028sf (25.7x40) screen enclosure and pool to be added to the existing single-family home, with a 5ft encroachment into the rear setback.

The property is located at **173 Perfect Drive, Parcel ID 5217-03-00-0340.**

Applicant's Presentation:

Alex and Arielle Richard stated they are planning to add a swimming pool with screen enclosure to their home.

David Colby, all Seasons Pool, stated a very narrow pool would only be permitted with the existing setbacks.

Mr. Connors asked if the property to the rear is buildable.

Ms. Phillips stated the property to the rear is golf course property.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Connors, seconded by Ms. Barhoo, to approve BOA2024-014 Variance from Renar @ LPGA PMD Agreement, First Amendment, in accordance with the staff report as presented. The motion carried (4-0).

Case D - BOA2024-015 Variance from Article 4 Section 4.2.F of the CODB LDC

A request by David Silva of 205, 215 Vlatero Lion Property, LLC. (Property Owner) for an after-the-fact variance from **Article 4 (Zoning Districts), Section 4.2.F (Residential/Professional - RP)** of the CODB Land Development Code (LDC) for a **Multifamily Complex**, to reduce the required lot area minimum from 6,500sf to 6,250sf, to reduce the required lot frontage on an improved street from 100ft to 50ft, to reduce the required interior side yard setback from 7.5ft to 3.4ft, to reduce the required rear yard setback from 25ft to 6.8ft, and to reduce the required minimum spacing between buildings from 25ft to 6.10ft.

This after-the-fact variance will allow a two-story, two dwelling unit (approximately 615sf each unit) structure to be rebuilt in a similar footprint to a previously existing two-unit structure that was destroyed by fire in 2014, while not meeting all design standards for a multifamily complex. This after-the-fact variance will also resolve Code Enforcement case CE2023-1608, for exceeding the scope of work in Building Permit R2308-099.

The property is located at **205 North Wild Olive Avenue, Parcel ID 5305-12-22-0180.**

Applicant's Presentation:

David Silva, 205 N Wild Olive, stated the property was previously damaged by fire. Mr. Silva stated he submitted applications for permits in 2023 to rebuild the foundation; and the permit was approved. Mr. Silva stated he installed stilts and planned to place the structure above the foundation. Mr. Silva stated he was issued a permit for electrical work and the work was done. Mr. Silva stated he was issued a permit for a new driveway and siding. Mr. Silva stated the wood needed to be changed; and the contractor was to request the permit but that was not done. Mr. Silva stated as a result, a Stop Work Order was issued. Mr. Silva stated he then met with Ms. Phillips to get direction on what needed to be done to finish the work. Mr. Silva stated the original building was a tri-plex and there are currently three electric meters on the property. Mr. Silva stated his funding is in place and he is ready to proceed with the work.

Mr. Connors asked about adequate parking for the 3 units.

Mr. Silva stated 2 or 3 cars can be parked on the property and there is available street parking. Mr. Silva stated parking was discussed with the Rental License office.

Mr. Silva stated Ms. Phillips has been very helpful and responsive during this process.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. George, seconded by Ms. Barhoo, to approve BOA2024-015 Variance from Article 4 Section 4.2.F of the CODB LDC, in accordance with the staff report as presented. The motion carried (4-0).

6. **Review of Cases**

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

7. **New Business**

Mr. Connors expressed concern about the amount of paper that is provided to each Board member for each case.

Mr. Betz stated each Board member is required to have a copy of the record should a case be appealed.

Mr. Russell stated Mr. Betz' comments are correct.

8. **Adjournment**

There being no further business, the meeting was adjourned.


David Betz, Chair


Becky Groom, Board Secretary