

BOARD OF ADJUSTMENT
MINUTES OF
REGULAR MEETING
March 20, 2025

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, March 20, 2025, 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
Leon McCray

Board Members absent were:

Charles Cameron

Staff members present were:

Melissa Phillips, Senior Development Review Technician
David Russell, Assistant City Attorney
Mandy Carry, Development Review Technician

1. **Call to Order**

Chair Betz called the meeting to order at 2:30 p.m.

2. **Roll Call**

Ms. Carry 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

A motion was made by Mr. Connors, seconded by Ms. Barhoo, to approve the minutes of the November 21, 2024, Board of Adjustment meeting as presented. The motion carried (5-0).

5. New Cases

Case A – BOA2025-001 – Variance from Article 4, Section 4.2.B 6.10 of the CODB Land Development Code

A request by Keishon Smith (Property Owner) 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 home, to reduce the required rear yard setback from 25 ft to 18 ft. the applicant also requests a reduction of required minimum lot depth from 100 ft. to 58 ft in order to subdivide this parcel into two separate parcels.

This variance approval will allow this parcel to be subdivided into two separate parcels and also allow the existing single-family house on the northernmost area of the parcel to encroach into the required rear yard setback.

The property is located at 851 Bryant Street, Parcel ID 5338-20-03-0380.

Applicant Presentation:

Keishon Smith, the applicant, stated he proposes to subdivide the property.

Chair Betz stated the applicant will have to return to the Board for the new property because a variance will be required for that. Chair Betz stated a non-conforming lot would be created if this variance is approved.

Mr. Smith stated his plan is to eventually have a conforming lot, but he will have to take it one step at a time. Mr. Smith stated he is working with an adjacent property owner to acquire an additional lot, and it will take time to go through that process.

Chair Betz stated he did not know if this request should be approved since at this time the Board does not know if the additional property will be acquired, and approval would create a non-conforming lot.

Mr. Connors stated that even if Mr. Smith does acquire the adjacent property, variances will still be required in order to build on the property.

Chair Betz stated he would like a condition placed on the approval that Parcel 3 (5338-20-03-0392) be combined with the resulting parcel 2, that fronts Laura Street.

Mr. Russell stated the variance could be granted allowing the property owner to create a non-conforming lot. Mr. Russell stated if the property to the west is acquired, then the applicant would be able to create a conforming lot.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Ms. Barhoo, seconded by Mr. McCray, to approve BOA2025-001, Variance from Article 4, Section 4.2.B of the CODB Land Development Code, in accordance with the staff report as presented, with the condition that Parcel 3 (5338-20-03-0392) be combined with the resulting parcel 2, that fronts Laura Street, before any future development occurs on the new lot that is created.

The motion carried (5-0).

Case B - BOA2025-002 After-the-Fact Variance from Article 4, Section 4.2.B of the CODB Land Development Code

A request by Julie Vandestreek (Property Owner) for an after-the-fact variance from Article 4 (Zoning Districts), Section 4.2.B (Single-Family Residential-5/SFR-5) of the CODB Land Development Code (LDC) for an accessory structure to a single-family house to reduce the required rear yard setback from 25 ft. to 18 ft., to reduce the required interior side yard setback from 7.5 ft. to 2.6 ft., and to reduce the minimum spacing between the accessory structure and primary building from 5 ft. to 3.9 ft.

This variance approval will allow a roofed patio structure to encroach into the required rear and interior side yard and structure spacing setbacks. This approval will also provide resolution to Code Enforcement case CE-2025-0020 for construction without building permits.

The property is located at 120 Frazar Road, Parcel ID 5316-04-00-0120.

Applicant Presentation:

Julie Vandestreek, property owner, stated the work was done without a permit and she is requesting an after-the-fact permit. Ms. Vandestreek stated she has provided 12 letters in support of this request.

Public Comments:

Darcy Carroll, 121 Rosalind Avenue, Daytona Beach, Florida stated Ms. Vandestreek's property abuts hers. Ms. Carroll stated work on Ms. Vandestreek's property was done without permits and not in conformance with Building Codes. Ms. Carroll stated a fire pit was installed 6 feet from her

fence. Ms. Carroll stated there are lights hanging over her fence which light her back yard. Ms. Carroll stated when the fire pit is lit, smoke and embers come into her yard.

Chair Betz asked Ms. Phillips if the fire pit has anything to do with this application.

Ms. Phillips stated it is not something that requires a permit.

Jane Kazinsky, 123 Rosalind Avenue, Daytona Beach, Florida, stated the fire pit is an issue for her as well and the rules were not followed for construction on the adjacent property.

Sandra McDonald, 16 Scholl Drive in Connecticut, stated she is a friend visiting Ms. Carroll. Ms. McDonald stated she has concerns about the fire pit. Ms. McDonald stated the Vandestreek's have placed large poles with lights on their property which project onto Ms. Carroll's property.

Ms. Vandestreek stated the lights are not permanent and were placed on the property for a party and can very easily be removed but noted that is not why she is here. Ms. Vandestreek stated the Board has received information from a contractor who will help bring the property up to code.

Board Action:

A motion was made by Mr. George, seconded by Mr. McCray, to approve BOA2025-002 After-the-Fact Variance from Article 4, Section 4.2.B of the CODB Land Development Code, in accordance with the staff report as presented. Ms. Barhoo voted against the approval.

The motion carried (4-1).

6. Review Cases

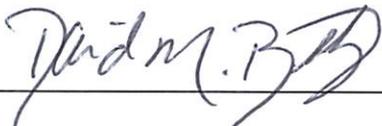
Case A	-	approved 5-0
Case B	-	approved 4-1

7. New Business

There was no new business.

8. Adjournment

There being no further business, the meeting was adjourned.

 5/15/2025

David Betz, Chair



Rebecca Groom, Board Secretary