

**BOARD OF ADJUSTMENT  
MINUTES OF  
REGULAR MEETING**

July 17, 2025

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, July 17, 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

Leon McCray

Patrick Connors

Charles Cameron

**Board members absent, were as follows:**

Sharlene Barhoo

**Staff members present were:**

Melissa Phillips, Senior Development Review Technician

David Russell, Assistant City Attorney

Mandana Carry, Acting Board Secretary

**1. Call to Order**

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

**2. Roll Call**

Mrs. Carry called the roll and noted members present as indicated above.

**3. Introduction to City Staff**

Mr. Betz introduced staff members in attendance as listed above.

**4. Approval of Minutes**

a. May 15, 2025

A motion was made by Mr. John George, seconded by Mr. Charles Cameron, to approve the minutes of May 15, 2025, meeting as presented. The motion carried (5-0).

## **5. New Cases**

### **5.A Case A BOA 2025-009 Variance from Article 4, Section 4.5.D of the Land Development Code (LDC) 613 Hillside Ave.**

A request by HR Steve Yturriaga (property owner) for a variance from Article 4 (Zoning Districts), Section 4.5.D (Tourist/Office/Retail, T-4) of the CODB Land Development Code (LDC) for a three-unit multifamily home, to reduce the required front yard setback from 10ft to 3ft, and to reduce the required interior side yard setback for a parcel with less than 100ft of frontage from 10ft to 3ft.

This variance approval will allow the reconstruction of the easternmost side of a nonconforming multifamily dwelling unit, which will encroach into required front and side setbacks.

The property is located at **613 Hillside Avenue, Parcel ID 5309-40-00-00.**

#### **Applicant Presentation**

Mr. Steve Yturriaga, property owner, presented his case for reduced setbacks for his homes front yard and interior side yard to approve the reconstruction of the eastern most side of his multifamily dwelling unit.

Mr. Yturriaga stated he hired a contractor to help renovate a portion of his home. This required tearing down a portion of home and then to reconstruct it. The contractor checked with the city and was able to find out that it would be possible to do this, so he went ahead with the renovations based on the approval of the permit.

Then he hired an architect to draw the plans for that portion of the home and to make sure again that the city would be ok if it was torn down and renovated. After he had demolished the building, the city stated they were stopping the permit, and it was issued incorrectly. He is here today to get a variance from this board so he may build the rest of my home with Board approval.

Mr. George asked if he was building it in exact footprint that it was.

Mr. Yturriaga stated yes.

**Public Comments:**

There were no public comments

**Board Action:**

A motion was made by Mr. Conners to approve the variance for review of Case A and approve it, and the motion was seconded by Mr. George.

Motin carries (5-0).

**5.B. Case B BOA2025-010 Variance from Article 4, Section 4.2.C of the Land Development Code (LDC) 243 Lexington Drive.**

A request by H. Steve Rollins (Property Owner), for a variance from **Article 4 (Zoning Districts), Section 4.2.C (Multifamily Residential-12/MFR-12) of the CODB Land Development Code (LDC) for a single-family home, to reduce the required interior side yard setback from 7.5ft to not more than 4ft.**

The applicant also requests a variance from **Article 6 (Mobility and Access), Section 6.3 (Driveway Design and Dimensions) of the CODB LDC for a single-family residential unit, to reduce the minimum required driveway interior side setback from 5ft to 2ft. and to increase the maximum driveway width at point of entry from 20ft to 23ft.**

This variance approval will allow an approximately 200sf (15.5 x13) hard roof screened room, attached to the rear of the home, to encroach into the side setbacks. This approval will also allow the existing driveway to be expanded while not meeting required design standards.

The property is located at **243 Lexington Drive, Parcel ID 5338-06-00-0340.**

**Applicant Presentation**

Scott Darrio, 5934 Brandon Lane, Port Orange: "I am a friend and a contractor of the homeowner. I have known Steve for a long time and a friend. Steve just wanted to extend the roof line to the East and put a screen room in." Mr. Darrio stated that Steve did not want weather to impact the home, so he wanted to enclose the deck and expand the screen room.

Mr. Conners stated he was clarifying that the existing deck is larger than the screen room would end up being.

Mr. Darrio stated yes.

Mr. Betz stated you can see that on page 5 and 6 and it looks like the remodel is on the whole house inside and out.

Mr. Darrio stated yes.

**Public Comments:**

Dan Pazzurro, 221 Lexington Dr., I am for these renovations.

**Board Action:**

A motion was made by Mr. George for Case B- BOA 2505-010 and to accept the case as submitted and was seconded by Mr. Conners.

Motin carries (5-0).

**5.C. Case C BOA2025-011 Variance from Section 3.D of the Bayberry Cove PD, First Amendment 239 Fuchsia Street**

A request by Brandon Kirby of Bob Herrold's Pools (Contractor), on behalf of John Lynam (Property Owner), for an after-the-fact variance from the **First Amendment to the Bayberry Cove Planned District Agreement, Section 3.D (Lot Development Criteria, Specialty Setbacks) for a swimming pool enclosure on a single-family home, to reduce the required interior side yard setback from 5ft to 4.3ft.**

This variance approval will allow a newly constructed, approximately 1,143sf (49.9 x 22.9) screened pool enclosure, attached to the rear of the home, which encroaches into the side setbacks. This variance approval will also properly finalize an expired building permit on this property.

The property is located at **239 Fuchsia Street, Parcel ID 5219-01-00-2430.**

**Applicant Presentation**

Mr. Lewis Fiori, 3193 Crab Trap Dr., New Smyrna Bch: "I represent Bob Herrolds' All-Season swimming pools, I am their designer and am here to ask for a variance."

Mr. Betz, Chair, asked how he was related to applicant.

Mr. Fiori, stated they were hired and that he has been building pools for 38 years, 20 years with this company. When he measured, he did not catch the small tapering of the yard on this property as you head towards the back and that somehow offset the placement, and he did not catch it.

Mr. Betz states it seems it is off by 2/10 of a foot on one side and 7/10 of a foot on another.

**Public Comments:**

There were no public comments

Mr. Conners stated that if we do not approve this that means that the footers would have to come off and you would have to remove them.

Mr. Fiori stated that yes, the screen would come off and the deck would have to be put in new. This has never happened before except in the city of Palm Coast, once.

Mr. Conners stated how this would set a precedence for the board, that some kind of levy or action needs to be taken.

Mr. Betz stated that it was his understanding that each case was reviewed individually on the matter brought before us. Plus, he did not believe the Board had a duty to levy any fines.

Mr. Russell stated that the Board cannot levy fines.

Mrs. Phillips stated that staff does not levy a fine, but because this is an after the fact variance, it is double the fee for the applicant.

**Board Action:**

A motion was made by Mr. George to approve Case C- BOA 2025-011, the motion was seconded by Mr. Cameron.

Motin carries (5-0).

**5.D. Case D BOA2025-012 Variance from Article 4, Section 4.2.B Of the CODB Land Development Code 1328 Moore Street**

A request by Donovan Davis (Contractor), on behalf of Kylan Smith (Property Owner), for an after-the-fact variance from **Article 4 (Zoning Districts), Section 4.2.B (Single-family Residential-5, SFR-5) for a single-family home, to reduce the required interior side yard setback from 10ft to 7.3ft.**

This variance approval will allow an approximately 455sf addition added to the rear of the home which encroaches into the side setback. This variance approval will also properly finalize an expired building permit on this property.

The property is located at **1328 Moore Street, Parcel ID 5238-46-00-1110.**

**Applicant Presentation**

Donovan Davis, 1317 White Herring Dr, Orlando FL., “I am the contractor for Mr. Smith. I was brought in in the middle of this project. The addition was already lined up with the house, on the rear side, when I took over. After addition was completed, it is in the stages leading up to final inspection that it did not pass. They told us it was into the side setbacks.”

Mr. Betz asked why the addition was moved over from its approved survey from the beginning of permit.

Mr. Donovan stated that he did not know why, and that he took over once the framework alignment had already been put up.

Mr. Betz asked how much was done when you took over.

Mr. Donovan stated half was done.

Mr. George stated the permit shows the correct 10-foot setback that was approved. It looks like the contractor aligned it with the house instead of going by the approved plans.

**Public Comments:**

There were no public comments

**Board Action:**

A motion was made by Mr. George to accept Case D-BOA 2025-012 and approve it as presented. The motion was seconded by Mr. McCray.

Motin carries (5-0).

**5.E. Case E BOA2025-013 Variance from Article 4, Section 4.2.C Of the CODB Land Development Code 1621 Illinois Street**

A request by Tanesha Swanson of Swanson Consulting, on behalf of Harris Global Management, LLC. (Property Owner), for a variance from **Article 4 (Zoning Districts), Section 4.2.C (Multifamily Residential-12/MFR-12) for a single-family home, to reduce the required street side yard setback from 15ft to 7.5ft.**

This variance approval will allow a 1,748sf home to be constructed on this vacant parcel while not meeting the required street side setback.

The property is located at **1621 Illinois Street, Parcel ID 5238-38-00-1120.**

**Applicant Presentation**

Tanesha Swanson, 5078 Lane, Coco Fl., consultant for applicant, stated this is one of three variances needed for new construction. There was a previous approval, time has lapsed on the issuance of this permit, and we are looking to get approval again.

It is a very narrow lot, and we have let the new property owners know this upfront. Harris Global homes wants to give more living space to folks and less yard space. These homes are pretty standard for a three-two home.

Mr. Betz stated these lots are very small, very hard when you are trying to redevelop an area.

**Public Comments:**

Mr. OB Williams, Odal Van Williams Jr., "I am a property owner in Madison Heights. This property is being built around the corner from me, I would ask to approve this. This would be an improvement from looking at the garbage and the woods that are bad. I wanted to stop in and give my support for these homes."

**Board Action:**

A motion was made by Mr. Connors that Case E-BOA-2025-013 be approved, the motion was seconded by Mr. Cameron.

Motin carries (5-0).

5.F. **Case F BOA2025-014 Variance from Article 4, Section 4.2.F of the CODB Land Development Code-540 N. Charles Street**

A request by Tanesha Swanson of Swanson Consulting, on behalf of Legacy Investment Team, LLC. (Property Owner), for a variance from **Article 4 (Zoning Districts), Section 4.2.F (Residential/Professional, R/P) for a single-family home, to reduce the required front yard setback from 25ft to 20ft and to reduce the required rear yard setback from 25ft to 20ft.**

This variance approval will allow a 2,170sf, two story home to be constructed on this vacant parcel while not meeting the required front and rear setbacks.

The property is located at **540 North Charles Street, Parcel ID 5338-44-01-0060.**

### **Applicant Presentation**

Tanesha Swanson, 5078 Lane, Coco FL., consultant for applicant, stated this next variance is more personal, she used to live on this street. It is a redevelopment project to bring new homes into area. This will eliminate dilapidated homes, bring new construction to area and reduce transients in the neighborhood. They are asking for a 5' variance for this home. The homes in the area were mostly two stories back when neighborhood was originally constructed. Now the idea is to bring them back and give more living space to families. The construction has been placed on hold until they get a variance.

### **Public Comments:**

Fred Hoffman, 882 E. Coquina Dr., "I own a home at 544 N Charles St. which is next to this home under construction. The representative said that the homes on this street are mostly 2 stories. That is not the case, all the homes except one are 2 stories on this road. They are asking to build a home of 2,170 sf of home, one question is where are children going to play? This home is pretty large, built on a small lot. So, I object."

Mr. Betz asked if he had seen the specs for the home and states the variance request is for the setbacks on second floor. Mr. Hoffman's issue is with child's play area, which they will still have.

Mr. Hoffman stated this was his only objection.

Ms. Swanson stated that she grew up in a 2 story multi family home in that area. The idea was to bring more multi-family homes to the neighborhood, as such there are many empty lots still available for new construction and redevelopment.

### **Board Action:**

A motion was made by Mr. George that case F- BOA-2025-014 be approved, the motion was seconded by Mr. Connors.

Motion carries (5-0).

### **5.G. Case G BOA2025-015 Variance from Section 3.D of the-Oak Bluff PMHD 1130 Coquina Bluff**

A request by Tina Owens (Property Owner), for an after-the-fact variance from the **Oak Bluff Planned Mobile Home Development Agreement, Section 3.D (Description of Development, Mobile Home Unit Restrictions) to reduce the required interior side yard setback from 5ft to 4.1ft.**

The applicant also requests a variance from **Article 6 (Mobility and Access), Section 6.3 (Driveway Design and Dimensions) of the CODB LDC for a single-family residential unit, to reduce the minimum required driveway interior side setback from 5ft to 4.1ft.**

This variance approval will allow the carport attached to a newly installed, 1,743sf manufactured home, and 119sf shed at the rear of the home, to encroach into the side setback. This variance approval will also approve the newly poured concrete driveway to encroach into the side setback.

The property is located at **1130 Coquina Bluff, Parcel ID 4244-15-00-0090.**

### **Applicant Presentation**

Tina Owens, owner of property, "I am doing an after-the-fact variance for this property. We had gone by the original survey, where everything that is placed is right. However, when they went to the site-built survey the guy moved it in. The pictures show where the original flag was and then the newly placed flag.

I called the survey company and asked them to please come back out and redo it. As of this day they told me it was still under review. I cannot tell you if they made a mistake. I do know the house has sat there since Dec. 2023. We cannot move in because I cannot get a Certificate of Occupancy. I have a disabled daughter and a 90-year-old father, I need room. Instead, I am paying two rents until this is resolved."

Mr. George stated that the construction was based on first survey, the post construction the second survey was wrong.

Mrs. Owens stated it was same company and yes, they just came and moved the flag over, and I cannot get an answer from them. I do not know why, I was not there when they did the survey. They don't tell you they are coming. Plus, let me add I lost 265 and a half feet of my property because of the vegetation retention area no one disclosed to me, in the back of my home.

### **Public Comments:**

Mr. Richard Gudlewski, 1399 Blackcherry St, which adjoins the applicant's property. "I noticed in the preparation of the property for the new placement of the home, that the company came and took the iron rods out of the sidelines. I have no idea where the stake is at this point in time. The other point is we have purchased a second home on that same street, and the owner stated the company made him pull up his driveway three times before

they approved it. We need to have these folks get their act together. My point is what we do for one person on this street should be done for all.”

Mrs. Barbra Gudlewski, 1399 Blackcherry St., wanted to know if it is the same surveyor. “We spent \$13,000 on a shed only to be told it cannot be placed. I too lost my back yard to the vegetation and retention area. I ask you what recourse do we have, does she have, then what do I have in the future?”

Mrs. Phillips stated this vegetation and retention area is written in the original plat of this development agreement. Anytime she receives calls about any new build in this subdivision, she lets everyone know ahead of time. She tells them this is a requirement for this location. It is written in the plat through St. John’s Water Commission.

Mr. McCray asked if these submittals were submitted as an administrative adjustment, would that not grant her the variance?

Mr. Betz stated yes, in fact she is only 3 or 4 inches away from the administration being able to approve it.

Mr. Russell stated that it is up to this Board to decide if the criteria have been met for this application. But yes, anyone can apply for a variance. This Board decides based upon the evidence presented if the criteria of the Code are satisfied.

**Board Action:**

A motion was made by Mr. George that case G- BOA-2025-015 be approved, the motion was seconded by Mr. Cameron.

Motin carries (5-0).

**6. Review Cases**

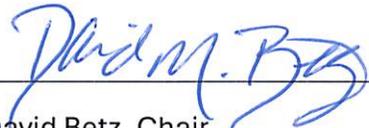
- Case A – Approved 5-0
- Case B – Approved 5-0
- Case C – Approved 5-0
- Case D – Approved 5-0
- Case E – Approved 5-0
- Case F – Approved 5-0
- Case G – Approved 5-0

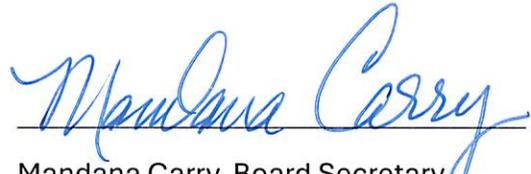
**7. New Business**

There was no new business

**8. Adjournment**

There being no further business, the meeting was adjourned 3:37 pm.

  
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David Betz, Chair

  
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Mandana Carry, Board Secretary