

**BOARD OF ADJUSTMENT
MINUTES OF
REGULAR MEETING**

August 21, 2025

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, August 21, 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, 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. July 17, 2025

A motion was made by Mr. John George, seconded by Mr. Charles Cameron, to approve the minutes of July 17, 2025, meeting as presented.

The motion carried (5-0).

5. New Cases

5a. Case A - BOA2025-016 - Variance from Article 4 (Zoning Districts), Section 4.2.B (Single-Family Residential-5/SFR-5), of the CODB Land Development Code

A request by Eugene and Jennifer Sullivan (Property Owners), for a 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 rear yard setback from 25ft to 12ft.**

This variance approval will allow an approximately 402sf hard roof to be added inside the existing screened patio at the rear of the home.

The property is located at **1313 Ruthbern Road, Parcel ID 5340-14-02-0160.**

Applicant Presentation

Eugene and Jennifer Sullivan, owners, stated that they are retired and are doing renovations to their home. Outside, in the patio area, they have a screen that they want a portion covered by roofing, so they can put patio furniture and sit and relax in shade. The area in question would be a 10'x11' section of the proposed 402sf roof under their screen enclosure, that would be causing this variance of 13' into rear setback of 25' for the property.

Mr. Sullivan stated his contractor told him he will need to add footers and will have to have a new screen enclosure.

Mr. George asked if it was for the screen enclosure with the footers then the permit would have to be changed.

Mr. Sullivan stated no, the screen and footers are going to be on a different permit that will be applied for later by the contractor. He stated this variance is for the 10x 11' roof section that will hang over under the screen they have now.

Mr. Betz (Chair) asked the purposes of this area.

Mr. Sullivan stated his mother in law has Melanoma and that they wanted more shade and cover for patio furniture.

Mrs. Sullivan stated It gets wet in that location, very hot because there is no insulation on roof, a hazard really, plus we wanted to add some more shade to be able to sit. Furthermore, it is always wet and moldy in that area and they would like to put a cover over it so that if they put patio furniture out it would stay dry.

Mr. Conners asked if the yellow highlighted section in the pictures was already in existence. So, there is no roof out there now.

Mr. and Mrs. Sullivan both answered no, there is no roof.

Mr. Betz asked if they were also extending the screen a little bit.

Mr. Sullivan stated it will just be a smaller section that is a 10'x8' area and that is being covering on the corner of the rear of home, but still under the existing screen.

Mr. Conners stated that he was trying to understand that the 4' or so is the new part of this patio to be screened and covered, where extension is going.

Mr. Sullivan stated yes.

Mr. Betz asked if anyone would like to discuss or make any comments.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. John George to approve the variance for review of Case A BOA2025-016 and approve it, and the motion was seconded by Mr. Leon McCray.

Motion carries (5-0).

5.b. Case B- BOA2025-017- Variance from 3.D.1 of the First Amendment to the Minto- Tomoka Parcel B Planned District Agreement

A request by Coby Moore of CM Designs, Inc. (Pool Contractor), on behalf of Elizabeth Harvey (Property Owner), for an after-the-fact variance from the **First Amendment to the Minto-Tomoka Parcel B Planned District Agreement, Section 3.D.1 (Lot Development Criteria, Specialty Setbacks) for a swimming pool enclosure on a single-family home, to reduce the required rear yard setback from 5ft to 3.9ft.**

This variance approval will allow a newly constructed, approximately 1,102sf (40.2 x 27.4) screened pool enclosure, attached to the rear of the home, which encroaches into the rear setback. This variance approval will also complete and finalize a building permit on this property.

The property is located at **292 Blue Starfish Place, Parcel ID 5206-01-00-1710.**

Applicant Presentation

Mr. Coby Moore, Pool Contractor), stated he built and installed pool and deck for Elizabeth Harvey, the owner. He stated that he had submitted the plans for the pool and deck which were approved by the city, plus the HOA approved it. The plans we used had given us plenty of room, we even pulled back some. However, once the final survey was drawn, that is when we noticed the corner of the deck was a couple of inches, maybe 15 or so, into setbacks. The project was completely done, and the plans and plot plan we used must have been slightly off of the home. The right corner is only a few inches off because there should have been plenty of room according to survey we were using.

Mr. Betz asked if there was anyone that would like to speak.

Mr. Connors asked if that was a conservation area or a retention pond behind home.

Mr. Coby stated it was a retention area, but a lot of land before you even get to retention part.

Mrs. Phillips stated to Mr. Connors and board that the area in the rear of home was open space for drainage.

Mr. Betz asked if anyone would like to make any comments or questions.

Public Comments:

There were no public comments

Board Action:

A motion was made by Mr. John George for Case B-BOA2025-017 and to accept the case as submitted and was seconded by Mr. Charles Cameron.

Motion carries (5-0).

5.c. Case C - BOA2025-018 Variance from Section 3.C.v (Description of Development, Signage) of the International Speedway Square, LTD. Planned Commercial Development Agreement

A request by Guy Wingo Signs (Sign Company), on behalf of Havertys Furniture (leasing tenant) for a variance from **Section 3.C.v (Description of Development, Signage) of the International Speedway Square, LTD. Planned Commercial Development Agreement** to increase the allowable wall signage per tenant frontage from 200 square feet maximum to 286sf, specifically for the Havertys store at Unit 600.

This variance approval will allow a 286sf wall sign to be installed on Unit 600's 160 linear feet frontage, exceeding the permitted wall signage maximum of 200sf.

The property is located at **2500 West International Speedway Boulevard, Unit 600/ Parcel ID 5222-19-00-0010.**

Applicant Presentation

Mr. Wingo, of Guy Wingo Signs, and Mr. Guy Hamel on behalf of Haverty's Furniture store made a case for variance approval. Mr. Wingo stated that Haverty's is moving from their old location into the International Speedway Square. The new location has advanced store frontage at the International Speedway Blvd. The building is quite large and we designed the signage to scale, that is when we ran into some issues.

The hardship is that they are well off the road, and other natural screen walls making it hard to see the signs. The other stores and tree line We are asking for an allowance to enlarge the letters to scale so that it will be not only visible but aesthetically pleasing to read. There was a lot of negative space and we had to utilize it better. We are really increasing the scale of the letters from 200sf to 286sf. We wanted it to look presentable and have it to scale not overwhelming.

Mr. George asked if the International Speedway Square is that a separate entity that owns that area and has an agreement with the city.

Mrs. Phillips stated correct, that is the Planned development agreement that was specific to that parcel.

Mr. George asked if the maximum 200 sf signage was that a city rule or was it just from this planned agreement for this area.

Mrs. Phillips stated it is actually a city code, 2 square feet for every 1 linear ft of frontage with a maximum of 200sf. That is straight from the business district signage code. The PD just copied that from the city into their agreement.

Mr. George asked the applicants if they had approval from the International Speedway Square.

Mr. Wingo stated yes.

Mr. George asked if the existing Haverty's sign letters were within the approved guidelines.

Mr. Wingo stated yes.

Mr. Cameron asked what is the height of the lettering for the "furniture".

Mr. Wingo stated 20 inches.

Mr. Cameron asked what the visibility is for those letters.

Mr. Wingo stated approximately 500-550 ft. The 200sf is normally sufficient. However, the fascia is so large that if you were to put a little sign up it would look over whelming.

Mr. Cameron stated it seems that scale you are proposing seems to reasonable for the size of the building, but it does seem aesthetically pleasing. I think it is reasonable.

Public Comments:

There were no public comments

Board Action:

A motion was made by Mr. Patrick Connors to approve Case C-BOA2025-018, the motion was seconded by Mr. Charles Cameron.

Motion carried (5-0).

5.d. Case D - BOA2025-019 Variance from Article 4 (Zoning Districts), Section 4.2.C (Multifamily Residential-12/MFR-12) of the CODB Land Development Code

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) of the CODB Land Development Code, 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 on **Illinois Street, Parcel ID 5238-38-00-1150**

Applicant Presentation

Ms. Tanesha Swanson, on behalf of Harris Global Mgt., stated she was back again before the board and just like last month needs a variance on a parcel that is too tight to build a single-family residence on. She requested the same variance that was given across the street to fit a single-family home on a vacant parcel. The variance would be for the street side setbacks. This reduction would allow for a home to be built in a restrictive parcel.

Mr. Connors asked if the City has any plans to have sidewalks placed in this neighborhood.

Mrs. Phillips stated that would be a Public Works question. They handle these matters.

Ms. Swanson stated that she was aware of the changes being made in the redevelopment of the neighborhood. They have been transparent with the new owners and informed them that in the future there may be more traffic around their home. We took that into account when placing these homes on the lots.

Mr. Betz stated that when you look at the plans there is a large right of way in the gutter and in the property line, looks like 14 ft. page 2.

Mrs. Phillips stated that it is correct, there is about 12 to 13 ft between the edge of concrete and parcel boundary.

Mr. Betz stated so yeah there is plenty of room.

Mr. Conners stated there is a big push through state for folks not to be in the road.

Mr. Betz asked if there was anyone that would like to speak.

Public Comments:

There were no public comments

Board Action:

A motion was made by Mr. John George to accept Case D-BOA2025-019 and approve it as presented. The motion was seconded by Mr. Patrick Conners. Motion 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

7. New Business

Mr. Betz stated we have new news. Mr. George has rendered his resignation from the board today. We thank you for your service to our board. He is pursuing other things in his career; we wish him the best of luck.

So, we will be getting a new member soon, and at the next meeting we will have to appoint a new Vice Chair.

Mr. Conners stated I know this is not new business but again with Starfish Place, we see how the survey not being correct. I still struggle with idea we cannot rectify that. How can we fine or go after these surveyors that are not reporting accurately.

Mrs. Phillips stated it may be that the final surveys may or may not be 100 percent accurate. We depend on surveyors, and they are putting their name and state license on the line when they stamp these surveys and give them to people. We depend on them and that the information is accurate. I have questioned the accuracy of surveys, but we have to accept them. The burden is on the surveyor.

Mr. Russell stated that if the surveyor makes a mistake, it is really a private matter between them and owners or contractor that hired them. If the surveyor is

reputable, they should have an errors and omissions policy that states they will cover anything in that situation that went wrong.

Mrs. Phillips stated that what we tend to see a lot is that these developments build a house and produce a final survey for us. Then the homeowner adds a pool or screen room for example and they have to again get a survey redrawn and that is where we see the errors pop up.

Mr. Conners stated that when this came up last time, the only way to stop this is to go through the state, which I understand. As a homeowner I would want to look for a certified surveyor, it seems wrong that they are allowed to get away with these mistakes.

8. Adjournment

There being no further business, the meeting was adjourned 3:15 pm.


David Betz, Chair

Mandana Carry, Board Secretary