

BOARD OF ADJUSTMENT
MINUTES of
REGULAR MEETING
February 15, 2024

The regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, February 15, 2024, in the City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Board members present were as follows:

Maja Sander Bowler, Chair
Sharlene Barhoo
David Betz
Patrick Connors

Board Members absent were:

John George

Staff members present were:

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

1. **Call to Order**

Ms. Bowler 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**

Ms. Bowler introduced staff members in attendance as listed above.

4. **Approval of Minutes**

Chair Bowler stated she would like the minutes to reflect that Mr. George indicated he would be willing to serve as Chair if asked by the Board.

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

At this time, the Board agreed to appoint the Chair and Vice Chair, as indicated under Item 7.

Board Action:

A motion was made by Mr. Connors, seconded by Ms. Barhoo, to elect Mr. Betz to serve as Chair and Mr. George as Vice Chair. The motion carried (4-0).

Mr. Betz continued the meeting serving as Chair.

5. **New Cases**

Case A – BOA2023-027 – Variance from Article 4, Section 4.7.H 6.10 of the CODB LDC – 402 Harvey Avenue

A request by Paul Culver Construction and Gerald and Debra Cluley and Thomas and Diane Raynes (Property Owners) for a variance from Article 4 (Zoning Districts), Section 4.7.H (Redevelopment Beachside - Surfside Village/RDB-6) of the CODB Land Development Code (LDC) to reduce the required minimum lot area for a duplex from 10,890sf to 9,500sf and to reduce the required minimum lot depth for a duplex from 100ft to 95ft.

This will allow the construction of a duplex on this vacant parcel.

The property is located at 402 Harvey Avenue, Parcel ID 5304-01-16-0010.

Applicant Presentation:

Richard Daniels of Paul Culver Construction spoke representing the applicants, Thomas and Diane Raynes. Mr. Daniels stated the proposed project meets all of the required setbacks and parking requirements but does not meet the depth requirements. Mr. Daniels stated the project would fit within the community and requests approval.

Gerald Cluley stated is the property owner and he currently lives in a home on North Oleander and will move into this home once it is constructed.

Public Comments:

Jenny Nazak, 501 Harvey, Daytona Beach, Florida stated she lives near this property and the lot has been vacant for a long time. Ms. Nazak stated construction of a home on this site will help restore the area to its original design.

Board Action:

A motion was made by Ms. Bowler, seconded by Ms Barhoo, to approve BOA2023-027 – Variance from Article 4, Section 4.7.H 6.10 of the CODB LDC – 402 Harvey Avenue, in accordance with the staff report as presented. The motion carried (4-0).

Case B - BOA2024-002 Variance from Article 4, Section 4.7.U of the CODB LDC -112 S Martin Luther King Blvd.

A request by Zahn Engineering on behalf of N&N Consulting/Hemis Ivey and Oliver Ross (Property Owners) for a variance from Article 4 (Zoning Districts), Section 4.7.U (Redevelopment Midtown - Midtown Center Mixed Use/RDM-1) of the CODB Land Development Code (LDC) to increase the maximum front yard setback for a multifamily residential structure from 25ft to 149ft.

This variance will allow a 3-story, 24-unit multifamily structure to be constructed on this vacant parcel with an increased maximum front setback.

The property is located at 112 South Martin Luther King Boulevard, Parcel ID 5339-76-01-0060.

Applicant Presentation:

John Zemball, Zahn Engineering, 150 S. Palmetto, Suite 201, Daytona Beach, Florida spoke representing the property owner. Mr. Zemball stated he spoke with Dennis Mrozek, Planning Director, who stated this is a through lot and would have to meet the requirements of Section 11.4.a.. Mr. Zemball stated this lot is 340 feet deep and the applicant is requesting to construct 24 units on 3 acres; and the Zoning District allows 40 units per acre so what is proposed is a lesser density than what is permitted.

Mr. Connors noted there are only 8 parking spaces provided for 24 units.

Mr. Zemball stated the use is proposed for student housing; and the Code does not require any parking. Mr. Zemball stated the application sets aside parking, including a handicapped space. Mr. Zemball stated there is a planned parking lot adjacent to this site and the applicant plans to negotiate for use of parking in that area.

Ms. Barhoo asked if the building would be used for housing other than student housing.

Mr. Zemball stated applications will not be rejected that are submitted by people other than students.

Mr. Russell stated concerns about the parking is not a basis for the Board to deny the application.

Public Comments:

Jenny Nazak, 501 Harvey, Daytona Beach, Florida spoke in support of this project.

Board Action:

A motion was made by Mr. Connors, seconded by Ms. Bowler, to approve BOA2024-002 Variance from Article 4, Section 4.7.U of the CODB LDC -112 S Martin Luther King Blvd., in accordance with the staff report as presented. The motion carried (4-0).

Case C - BOA2024-003 Variance from Article 4, Section 4.2.C of the CODB LDC – Illinois Street 5238-38-00-1120

A request by Hamid Reza “Ray” Toutouchian (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) to reduce the required minimum street side yard setback for a single-family residential structure from 15ft to 7.5ft.

This variance will allow a single-family structure to be constructed on this vacant parcel with a reduced street side yard setback.

The property is located on Illinois Street, Parcel ID 5238-38-00-1120.

Applicant Presentation:

Reza Toutouchian, property owner, stated he is requesting the variance so he will be able to put a wider house on the lot. Mr. Toutouchian stated the proposed house will be 1741sf which will be a two-bedroom home.

Ms. Bowler stated since the adjacent property owners are not in attendance, she assumes there is no opposition.

Mr. Toutouchian stated he has spoken with the neighbors, and they are fine with what is proposed.

Public Comments:

Jenny Nazak, 501 Harvey, Daytona Beach, Florida spoke in support of this project.

Board Action:

A motion was made by Ms. Bowler, seconded by Ms. Barhoo, to approve BOA2024-003 Variance from Article 4, Section 4.2.C of the CODB LDC – Illinois Street 5238-38-00-1120, 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

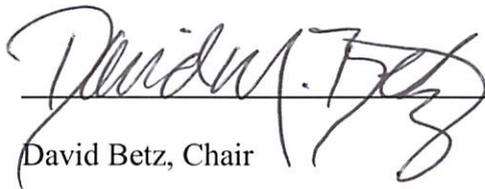
7. New Business

Election of Chair and Vice-Chair

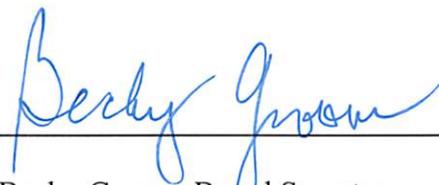
This item was handled at the beginning of the meeting. Mr. Betz was elected Chair and Mr. John George was elected Vice Chair.

8. Adjournment

There being no further business, the meeting was adjourned.



David Betz, Chair



Becky Groom, Board Secretary