

BOARD OF ADJUSTMENT
May 24, 2018

A regular meeting of the City of Daytona Beach Board of Adjustment was held on Thursday, May 24, 2018 at 1:00 p.m. in the City Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, Florida.

Board members present were as follows:

Mr. Roger Stine, Chair
Mr. Trey Harshaw, Vice Chair
Ms. Sharlene Barhoo
Ms. Maja Sander Bowler
Mr. Larry Riley

Board Members absent were as follows:

Mr. Gary Libby
Mr. Thomas Leek
Mr. Eddie Gentle

Staff members present were as follows:

Ms. Carly Meek, Assistant City Attorney
Ms. Hannah Ward, Planner
Ms. Becky Groom, Board Secretary

1. Call to Order

Mr. Stine called the May 24, 2018 Board of Adjustment Meeting to order at 1:05 p.m.

2. Roll Call

Ms. Groom called the roll and noted members present as indicated above.

3. Introduction of City Staff

Mr. Stine introduced staff members in attendance, as listed above.

3. Approval of Minutes

The minutes were approved as presented.

New Cases:

5. **Case A – BOA2018-003 – Variances from Article 6, Section 6.10.K.2.a and Section 6.10.I.c of the Land Development Code (LDC)**

A request by Robert A. Merrell III, Esquire, with Cobb Cole, on behalf of Embry Riddle Aeronautical University, for variances from Article 6 (Development Standards), Section 6.10.K.2.a and Section 6.10.J.7.c of the Land Development Code (LDC) to construct a 25' ground sign with approximately 222 square feet of sign area. The property is located at 2315 Beville Road. The zoning on the property is Business Professional (BP), and the Future Land Use (FLU) on the property is Office Transition.

A letter was provided to the Board from Rob Merrell, Cobb & Cole, requesting that this item be delayed to the July 24, 2018 Board of Adjustment meeting.

Board Action:

A motion was made by Mr. Riley, seconded by Mr. Harshaw, to continue Case A – BOA2018-003 – Variances from Article 6, Section 6.10.K.2.a and Section 6.10.J.7.c of the Land Development Code (LDC) to the July 24, 2018 Board of Adjustment meeting, as requested by the applicant. The motion carried (5-0).

6. **Case B – BOA2018-004 – Variances from Article 4, Section 4.2.B.3 of the Land Development Code (LDC)**

A request by Hamid (Ray) Toutouchian, with Ray's Homes, on behalf of property owners Kassem and Nancy Kyberry, for a variance from Article 4 (Zoning Districts), Section 4.2.B.3 to reduce the required interior side yard setback from 10' to 7.75' to accommodate the construction of single-family detached dwelling. The property is located at 219 Zelda Boulevard. The zoning on the property is Single-Family Residential-5 (SFR-5), and the Future Land Use (FLU) on the property is Level 1 Residential.

Applicant's Presentation:

Hamid (Ray) Toutouchian, 219 Zelda, was in attendance and stated two lots were subdivided. Mr. Toutouchian stated construction started and at that time, the Utility Department employees were on site locating the sewer line and advised Mr. Toutouchian that there was a 15' utility easement through the property. Mr. Toutouchian stated construction stopped and he started to work on obtaining a variance in order to move the house so it would fit on the lot. Mr. Toutouchian stated as a result, he encroached into the easement by 2'3". Mr. Toutouchian stated he had the property surveyed and the survey did not reveal the easement.

Ms. Ward stated the easement runs north to south along the west boundary of the property.

Dottie Bradbrook, 215 Zelda, stated she lives adjacent to 219 Zelda and received notification of today's meeting. Ms. Bradbrook stated moving the house to the right is fine with her. Ms. Bradbrook stated she feels moving the house over will help with the drainage of the property.

Board Action:

A motion was made by Mr. Riley, seconded by Ms. Bowler, to approve Case B – BOA2018-004 – Variances from Article 4, Section 4.2.B.3 of the Land Development Code (LDC), in accordance with the staff report as presented. The motion carried (5-0).

7. **Review of Cases**

Case A – continued to the July 24, 2018 Board of Adjustment meeting.
Case B – approved (5-0)

8. **New Business – Board Reappointments**

Ms. Ward stated the City Commission recently reappointed the following individuals to the Board of Adjustment: Trey Harshaw; Sharlene Barhoo; Maja Sander Bowler; and Thomas Leek.

9. **Adjournment**

There being no further business, the meeting was adjourned at 1:14 p.m.



Roger Stine, Chair



Becky Groom, Board Secretary