



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING FEBRUARY 22, 2021

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

1. OPENING REMARKS

2. MINUTES

A. Planning & Zoning Minutes November 9, 2020

3. QUASI-JUDICIAL HEARING

A. Zoning Variance ZV12021002: 3110 Brookfair Crescent-Terry Lee Pool Screen
Enclosure Setback Variance Request

4. DISCUSSION ITEMS

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

MINUTES
PLANNING & ZONING BOARD MEETING
November 9, 2020
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Chuck Horion, Member Rose Ann Tornatore, Chairman John Schmitz, Member Van Alder, Member Rick Delange

Staff: City Clerk Cheri Schwab, City Attorney John Cary, Community Services Director Fred Hiatt, City Planner Stewart Cruz.

2. MINUTES

A. Planning & Zoning Minutes October 12, 2020

MEMBER RICK DELANGE moved, seconded by MEMBER CHUCK HORION to Approve the Planning & Zoning Minutes of October 12, 2020.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Chairman John Schmitz, Member Rose Ann Tornatore, Member Van Alder

3. QUASI-JUDICIAL HEARING

4. DISCUSSION ITEMS

A. Ordinance 2020-17 Planning & Zoning Reorganization

Chairman Schmitz explained that the proposed ordinance would change the board back to a 5-member board and make it mandatory for alternates to attend all meetings. He felt it was important that all members attend and learn all aspects of the board.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER VAN ALDER to recommend approval of Ordinance 2020-17 to the City Council

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Chairman John Schmitz, Member Rose Ann Tornatore, Member Van Alder

B. Refresher on quasi-judicial proceedings

Attorney Cary provided a training workshop for the board members. The roles of federal, state and local government were discussed along with home rule powers. The history of zoning districts were discussed along with zoning standards such as height, setbacks, buffers, parking, landscaping, etc. Examples of items that could come before the board such as: vested rights, nonconformities and development agreements were explained. Attorney Cary stressed the importance of ex parte communication in regards to quasi judicial hearings.

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 11:41 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING FEBRUARY 22, 2021

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

PLANNING & ZONING BOARD AGENDA MEMORANDUM FEBRUARY 22, 2021 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Zoning Variance ZV12021002: 3110 Brookfair Crescent-Terry Lee Pool Screen
Enclosure Setback Variance Request

SYNOPSIS:

On January 19, 2021 Terry Lee, owner of the property located at 3110 Brookfair Crescent, submitted zoning variance application ZV12021002. The application if approved, would permit a five-foot side yard setback, in lieu of the required 10-foot setback, for the construction of a pool screen enclosure on the south side of the property.

FISCAL IMPACT STATEMENT:

BACKGROUND:

The property owner currently has an open building permit for the construction of a pool, which is currently under construction. The pool has all the required City setbacks, including 10 feet from the southern property line prescribed for the RSF-2 Urban Single-Family Residential Detached District, in which the property is located. Consequently, the proposed screen enclosure cannot be constructed

anywhere else but inside the 10-foot yard side setback. Per the application submitted, the owner is applying for a five foot side yard setback to line up more or less with the residential structure's southern side yard setback of 5.7 feet. The residential structure was built in 1958 (Volusia County Property Appraiser Website, 2021), prior to the adoption of the current zoning regulations. Therefore, the residential structure is "grandfathered." However, all new construction is required to meet the City's Land Development Code and zoning regulations.

The subject application (**Exhibit A**) was submitted on January 19, 2021. Staff's analysis of the application is attached (**Exhibit B**).

LEGAL REVIEW:

RECOMMENDATION:

Based on the staff analysis (Exhibit B) provided, staff is recommending denial of Zoning Variance ZV12021002 as presented.

SUGGESTED MOTION:

A Board member may motion one of the following:

- 1) "I move to approve Zoning Variance ZV12021002 as presented."
OR
- 2) "I move to approve Zoning Variance ZV12021002, on the condition of the following..."
OR
- 3) "I move to deny Zoning Variance ZV12021002, on the basis of..."

- ATTACHMENT:**
1. Exhibit A-Owners Application.1
 2. EXHIBIT B-Staff Analysis



City of Daytona Beach Shores
Community Services Department
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5377

TO: Fred Hiatt – Community Services Director / Building Official

FROM: Stewart Cruz – City Planner

SUBJECT: Zoning Variance ZV 12021002 / 3110 Brookfair Crescent
Terry Lee Pool Screen Enclosure Setback Variance Request - 1st Review

DATE: January 22, 2021

Attached for your review is a variance application for the above-subject. The applicant, Miller's Screens, is applying on behalf of the property owner for a five-foot setback variance on the south side of the property for the construction of a pool screen enclosure. The owner currently has a permit for the construction of a pool which is underway and has a 10-foot setback from the subject property line. Please review and advise if you have any concerns or comments.

City of Daytona Beach Shores
Community Services Department
2990 S. Atlantic Avenue, Daytona Beach Shores, FL 32118
Telephone (386) 763-5377
Fax (386) 763-5370

085201

08520

RECEIVED

JAN 19 2021



VARIANCE APPLICATION BEFORE THE PLANNING AND ZONING BOARD

The Undersigned Applicant requests the Planning and Zoning Board to hear and decide upon this application in accordance with Sec. 14-63 of the Daytona Beach Shores Land Development Code entitled "Planning and Zoning Board Functions, Powers and Duties."

Date Submitted: ___/___/___ Applicable Section of Code: _____

Fees must be paid at the time the application is submitted

Applicant's Name: Edward Miller "CHIP" Email: bigchip752@hotmail.com

Address: P.O. Box 238179 Port Orange, FL 32123 Phone #: 386 756 8770

Property Address: 3110 BROOKFAIR CRESCENT, DAYTONA Bch. SHORES, FL. 32118

Representing Attorney (if any): _____ Email: _____

Address: _____ Phone #: _____

NOTE: Notarized letter of authorization from owner MUST be submitted if application is filed by anyone other than the owner. In addition, all new exhibits introduced at a scheduled hearing must be submitted to the City Clerk to be included as part of the record.

Legal description of the property:

E. 107.6' OF S. 30' OF LOT 6 & N. 30' OF LOT 7 Bk. 15' IN ST Bk. S Rogers North ORLA

M.B.1 Pg 115 PER OR 3974 Pg 5 4313-4316 INC PER D/C 5470 Pg 4753 PER OR 7006

Pg 3150 PER PR 7290 Pg 3263 M. 15 Aug. 33 SEC. 34

Description of your request:

WOULD REQUEST SCREEN POOL ENCLOSURE to go to

5'-0" SIDE SET-BACK, ON EXISTING POOL DECK.

1. Please explain how your application meets the following variance criteria (Sec. 14-63.8):

- a. Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable generally to other lands, structures or buildings in the same zoning classification.

THE EXISTING HOME IS 5'7" FROM PROPERTY LINE.
GRANDFATHERED IN, TO MEET CODE NOW & SETBACK

- b. The special conditions or circumstances do not result from the actions of the applicant and are not primarily economic or financial in nature.

THAT IS CORRECT. NEED SCREEN ENCLOSURE FOR HER (MRS. LEE)
SAFETY. AS DEFINED BY HER HEALTH CONDITION.
ATTACHED DOCUMENT
POOL EXISTING

- c. Literal interpretation or enforcement of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Land Development Code.

CORRECT, SHE HAS CANCER

- d. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification of the regulation at issue.

CORRECT

- e. The variance sought will not authorize or extend any nonconforming use or other nonconformity with respect to the land or structures in question.

CORRECT

- f. The granting of the variance will be in harmony with the general intent and purpose of this ordinance, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification.

CORRECT

- g. The variance sought will be consistent with the City's Comprehensive Plan, its enabling legislation and regulations adopted pursuant thereto.

AND WILL HELP THE M/O ENJOY POOL, WITH NO FURTHER FEAR
OF CANCER. SEE ATTACHED

The applicant must agree that:

2. In granting any variance, the Planning and Zoning Board may prescribe appropriate conditions and safeguards in conformity with this ordinance and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and regulations promulgated hereunder.

Agree (✓)

Disagree ()

Explanation: _____

3. The Planning and Zoning Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun, or completed, or both.

Agree (✓)

Disagree ()

Explanation: UPON APPROVAL, INSTALLATION WILL OCCUR ASAP

4. No conforming use of neighboring lands, structures, or buildings in the same zoning classification and no permitted use of lands, structures or buildings in other zoning classifications shall be considered grounds for the authorization of a variance.

Agree (✓)

Disagree ()

Explanation: _____

5. Concerning ex-parte communications, the applicant shall not speak to the Planning and Zoning Board members upon their visiting the site and prior to the Public Hearing relating to said variance request in order that said board member shall not prejudice themselves prior to said variance request coming before the Planning and Zoning Board in an open proceeding where the Board's decision-making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept.

Agree (✓)

Disagree ()

Explanation: _____

* Terry Lee
Applicant's Signature

1-4-21
Date



MILLER'S SCREEN

3111 Opportunity Court Ste D
South Daytona, FL 32119

085201

RECEIVED

JAN 19 2021

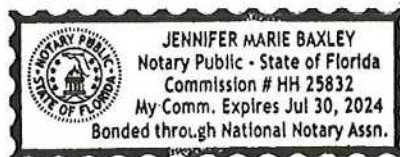
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

I Terry Lee authorize Miller's Screen & Repair LLC,
Edward Miller to apply for Variance on our behalf at 3110 Brookfair
Crescent Daytona Beach Shores, FL 32118.

Customer Signature: *Terry Lee* Date: _____

Notary Public

Signature: *Jennifer Baxley* Date: 1/8/21
Printed Name: Jennifer Baxley Date: 1/8/21



Blue Water Pools
1731 S. Ridgewood Ave.
South Daytona, FL 32119

RECEIVED

085201 JAN 19 2021

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

I Brock Miller, Owner of Blue Water Pools, applied for a permit at the Lee's residence 3110 Brookfair Crescent Daytona Beach Shores. I applied for and got my permit to build the pool from the corner of the house.

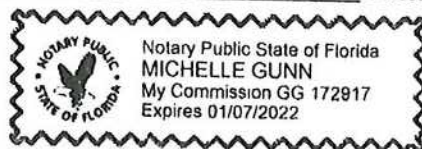
Since finishing the pool at this residence, our screen contractor (Miller's Screen & Repair) applied for a permit to build the enclosure and found out there is evidently a set back issue from 5'7 to 10ft set back. I did not know at the time of building the pool that there was an issue with the set back being anything different than the 5'7. My permit was approved and no issues were made aware to me of any kind.

Signature:  Date: 1-18-21

Notary Public:

Signature:  Date: 1.18.2021

Printed Name: MICHELLE GUNN Date: _____





**Marshfield Clinic
Health System**

Marshfield Medical Center
1000 N Oak Avenue
Marshfield, WI 54449-5703

December 30, 2020

085201

RECEIVED

JAN 19 2021

**BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES**

RE: Terry Lee

To Whom It May Concern :

The above named patient has a history of multiple skin cancers. She is requesting she be allowed to keep the cover over her pool to prevent additional ultraviolet exposure.

If you have any questions or concerns, please feel free to get in touch with me.

Sincerely,

Brandi Sparks-Luther NP
Dermatology

BSL:elr

C:
Mrs Terry Lee
2722 Biron Dr E
Wisc Rapids WI 54494

Corporate Warranty Deed

This Indenture, made, October 25, 2018 A.D.

Between

BrookFair Crescent Properties, LLC whose post office address is: 13 Mar Azul N., Ponce Inlet, Florida 32127 a limited liability company existing under the laws of the State of Florida, Grantor and Robert Lee and Terry Lee, husband and wife whose post office address is: 2722 Biron Drive East Wisconsin Rapids, Wisconsin, 54494.
Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Volusia, State of Florida, to wit:

The Easterly 107.6 feet of Lot Six (6), excepting the Northerly 20 feet thereof; and the Easterly 107.6 feet of the Northerly 30 feet of Lot Seven (7) all in Block 5, Rodger's North Orita, as per map recorded in Map Book 085201 Page 115, of the Public Records of Volusia County, Florida, excepting therefrom that portion thereof taken for the widening of Brookfair Drive, Daytona Beach, Florida.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

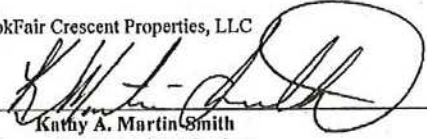
Parcel Identification Number: 5334-02-05-0070

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

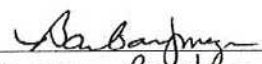
In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

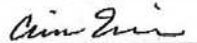
BrookFair Crescent Properties, LLC

By:


Kathy A. Martin-Smith
Its Managing Member

Signed and Sealed in Our Presence:


Witness First Name: Barbara J. Meehan


Witness First Name: Chris Ellison

State of Florida
County of Volusia

(Corporate Seal)

The foregoing instrument was acknowledged before me this October 25, 2018, by Kathy A. Martin-Smith, Managing Member of BrookFair Crescent Properties, LLC A limited liability company existing under the laws of the State of Florida, on behalf of the company.

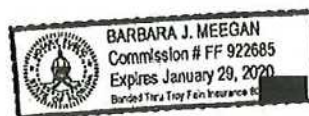
She is personally known to me or has produced a driver's license as identification.


Notary Public
Notary Printed Name: _____

(Seal)

My Commission Expires::

Prepared by:
Surfside Title Services, Inc.,
302 Dunlawton Avenue
Port Orange, Florida 32127
File Number: 15508



Summary

Altkey: 3460600
LEE ROBERT & TERRY

Land & Agriculture

Bldg(s) - Residential

Bldg(s) - Commercial

Misc Improvements

Bldg(s) - Sketch

Values

Permits

Map

Pictometry



085201

RECEIVED

JAN 19 2021

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Home	Search ▼	Downloads	Exemptions	Agriculture	Maps	Tangible	Links	Contact
------	----------	-----------	------------	-------------	------	----------	-------	---------

Summary

Land & Agriculture

Bldg(s) - Residential

Bldg(s) - Commercial

Misc Improvements

Bldg(s) - Sketch

Values

Permits

Map

Pictometry

Alikey: 3460600

LEE ROBERT & TERRY

Parcel ID: 533402050070

3110 BROOKFAIR CRESCENT, DAYTONA BEACH
SHORES

1 of 1

[Return to Search Results](#)

Actions

[Neighborhood Sales](#)[Printable Summary](#)[Printable Version](#)

Reports

[Export to Excel - Real Pr](#)[Mailing List](#)[Proposed Tax Notice](#)[Go](#)

Links

[Search Help](#)

Parcel

Short Parcel Id 533402050070
 Property Location 3110 BROOKFAIR CRESCENT, DAYTONA BEACH
 SHORES, 32118
 PC Code 0100 - SINGLE FAMILY
 Total Bldgs 1
 Neighborhood 3107 - ORITA SUB
 Business Name
 Homestead Property Yes

Primary Owner

Owner LEE ROBERT & TERRY

In Care Of

Mailing Address 3110 BROOKFAIR CRESCENT

DAYTONA BEACH SHORES FL 32118

[Change Mailing Address Online](#)

All Owners

#	Owner 1	Owner 2	Owner %	Owner Type(s)
0	LEE ROBERT & TERRY		100	TE - Tenancy In the Entirety

Legal

Millage Group 403-DAYTONA BEACH SHORES
 Legal Description E 107.6 FT OF S 30 FT OF LOT 6 & OF N 30 FT OF LOT 7
 EXC E 15 FT IN ST BLK 5 ROGERS NORTH ORITA MB 1
 PG 115 PER OR 3974 PGS 4313-4316 INC PER D/C 5970
 PG 4763 PER OR 7006 PG 3150 PER OR 7290 PG 3263
 PER OR 7315 PG 1518 PER OR 7615 PG 2670-2672
 Map TWP-RNG-SEC 15 - 33 - 34
 Subdivision-Block-Lot 02 - 05 - 0070
 Date Created 29-DEC-81
 Year Annexed

Sales

Book/Page	Instr Type	Inst #	Sale Date	V/I	Sale Price
7615 / 2670	WD-WARRANTY DEED	2018217441	10/25/2018	I	\$213,000
7615 / 2671	WD-WARRANTY DEED	2018217442	10/22/2018	I	\$100
7615 / 2672	WD-WARRANTY DEED	2018217443	10/18/2018	I	\$100
7315 / 1518	WD-WARRANTY DEED	2016191721	09/23/2016	I	\$100
7006 / 3150	WD-WARRANTY DEED	2014118420	07/01/2014	I	\$130,000
3974 / 4313	WD-WARRANTY DEED	1995000143	12/15/1994	I	\$50,100
3777 / 1153	PR-vcpa pr	1992136398	09/15/1992	I	\$100
1887 / 0086	WD-WARRANTY DEED		02/15/1977	I	\$25,900
1852 / 0983	WD-WARRANTY DEED		08/15/1976	I	\$18,000

County Links

Property Tax Bill [CLICK HERE](#)
 Link to Permits [CLICK HERE](#)

Other Links

Google Street Address [CLICK HERE](#)
 Bing Maps [CLICK HERE](#)

Home	Search ▾	Downloads	Exemptions	Agriculture	Maps	Tangible	Links	Contact	
------	----------	-----------	------------	-------------	------	----------	-------	---------	--

Summary**Land & Agriculture****Bldg(s) - Residential****Bldg(s) - Commercial****Misc Improvements****Bldg(s) - Sketch****Values****Permits****Map****Pictometry**

Altkey: 3460600

LEE ROBERT & TERRY

Parcel ID: 533402050070

3110 BROOKFAIR CRESCENT, DAYTONA BEACH
SHORES

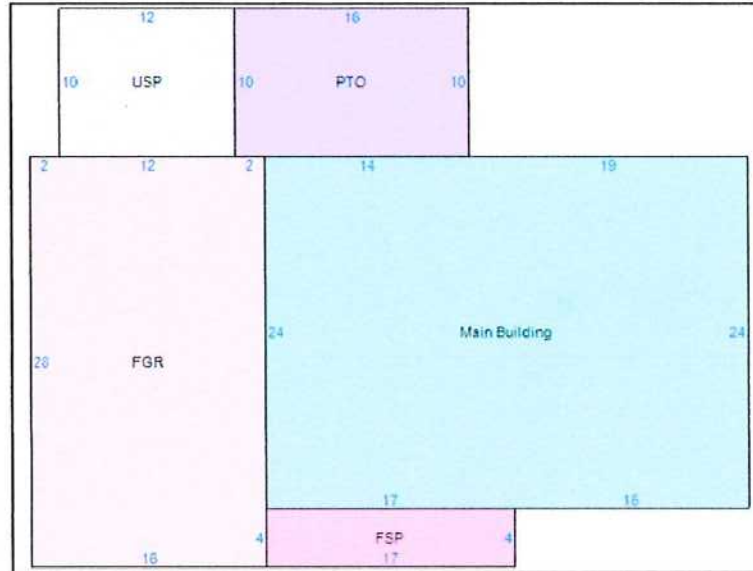
1 of 1

[Return to Search Results](#)**Actions**

- Neighborhood Sales
- Printable Summary
- Printable Version

Reports

- [Export to Excel - Real Pr](#)
- [Mailing List](#)
- [Proposed Tax Notice](#)

Go**Links**[Search Help](#)

Options ▾

Type	Line #	Item	Area
Dwelling	0	Main Building	792
Dwelling	1	FSP.Porch, Screened Finished	68
Dwelling	2	USP.Porch, Screen Unfinished	120
Dwelling	3	FGR.Finished Garage	448
Dwelling	4	PTO.Patio	160
Outbuilding	1	RSTRGSHD - RSH-STORAGE, SHED RESIDENTIAL	80

Data Copyright Volusia County Florida
Last Updated: 05/Oct/2020

Powered by [iasWorld Public Access](#). All rights reserved.

**LONG
SURVEYING,
INC.**



Long Surveying, Inc.

"Specializing in Residential Surveying"

LIB No. 7371

1061 S. Sun Dr. Ste. #1113

Lake Mary, FL 32746

Office 407-330-9717

FAX 407-330-9775

www.longstaffe.co.uk

DRAIN BY:
MP

CHECKED BY:
BRETT

DEPT. OF THE ARMY
ROBERT J. LEE

COMMUNITY NO:
125100

140100
PAGE: 5

0386

U200
FLOOD ZONE

PLANK DATE:
09/29/17

SURVEY NO.

FIELD DATE:

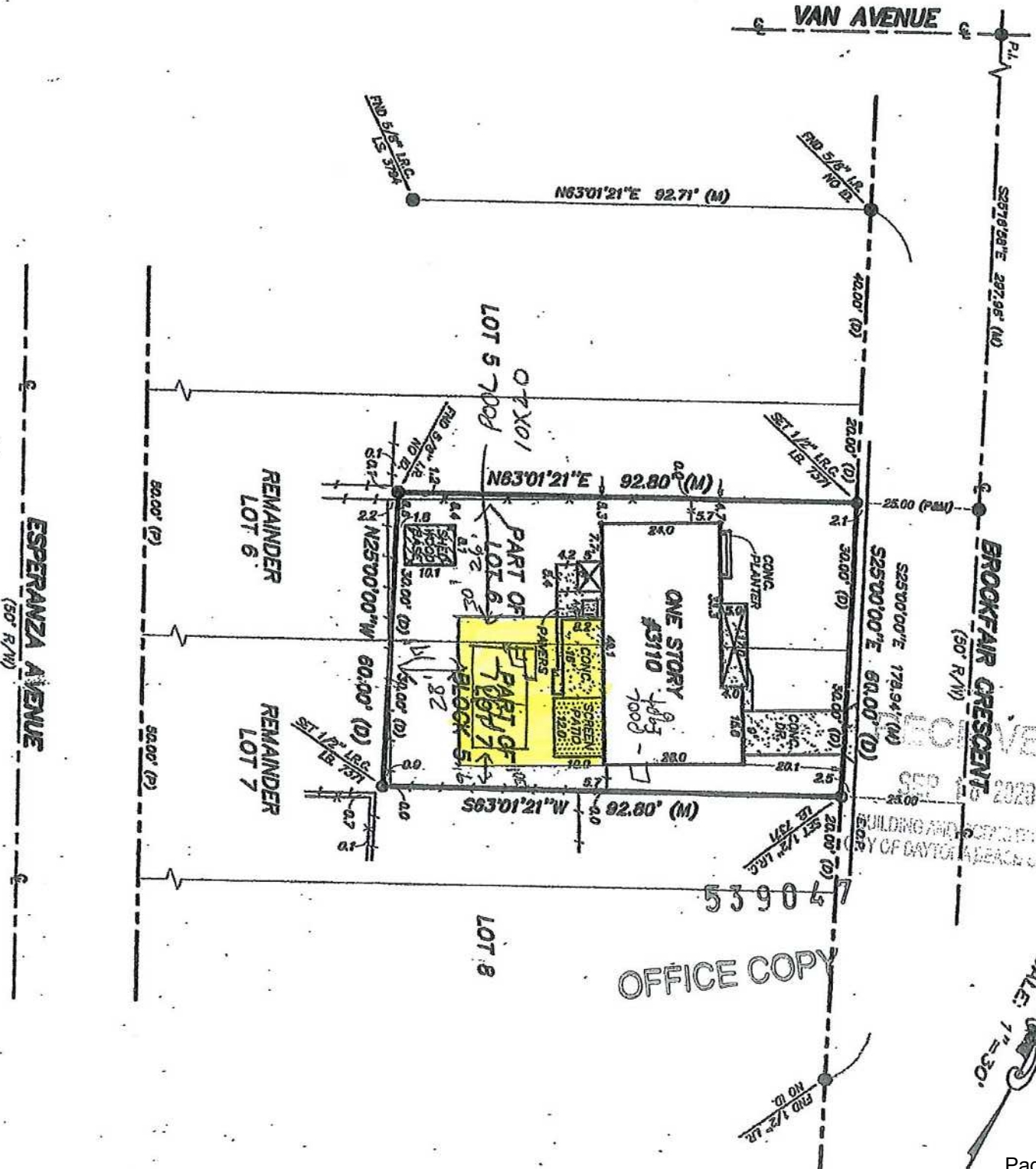
105430

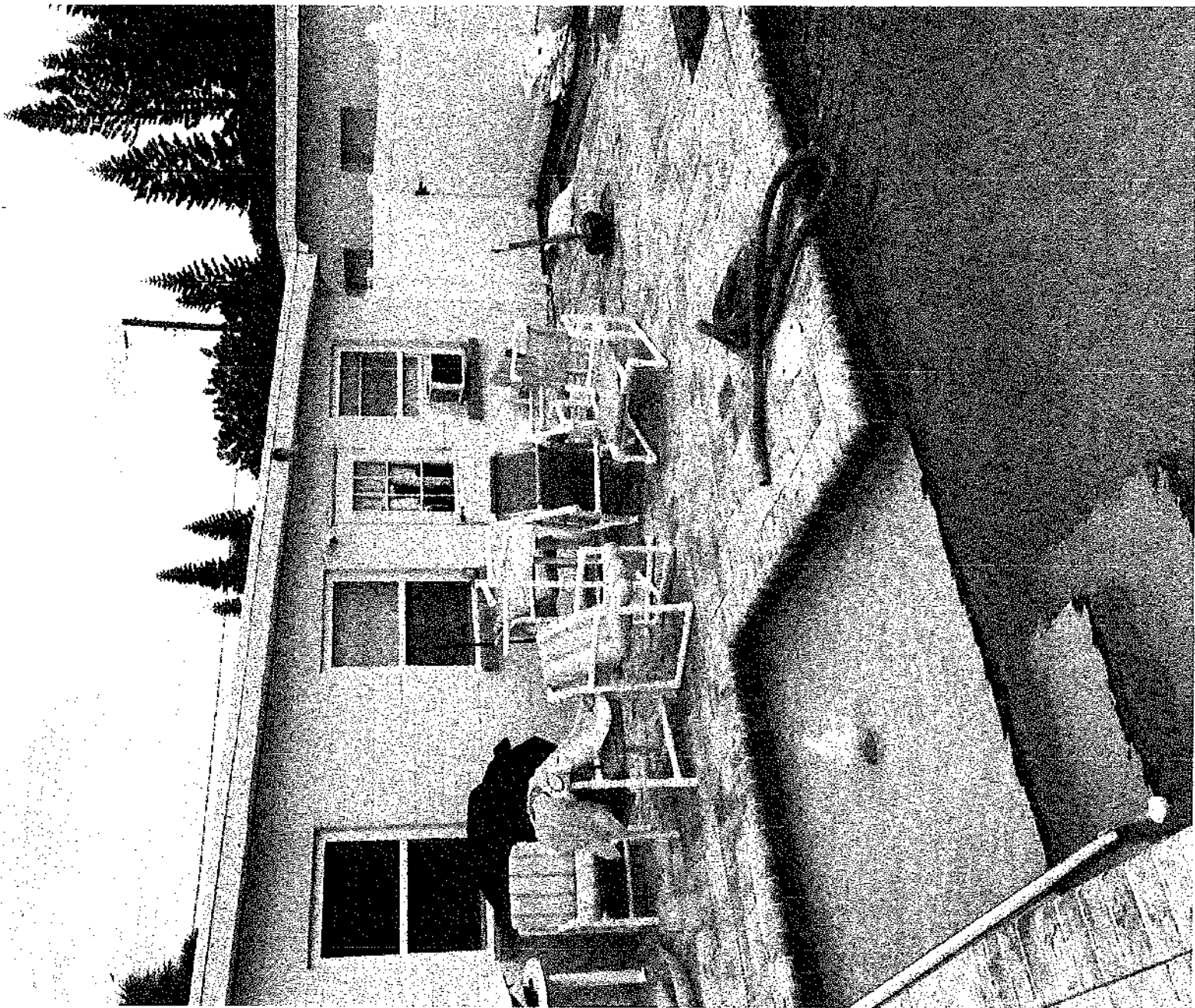
02/18/20

Boundary Survey

SCALE: 1"=30'

Page 17 of 21





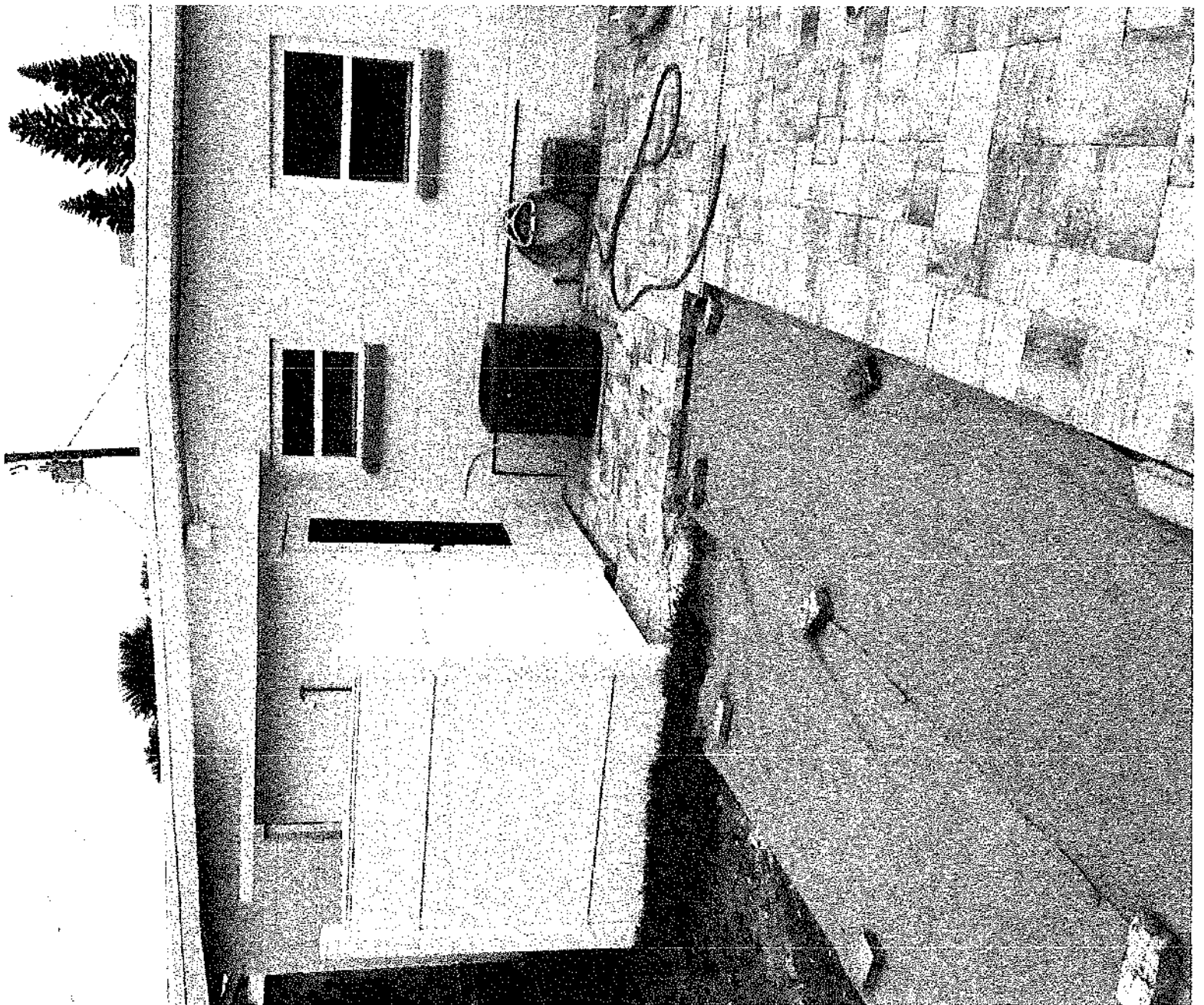


EXHIBIT B
ZV12021003 STAFF ANALYSIS

Section 14-63.8.a of the City's Land Development Code outlines the criteria for the Planning and Zoning Board to consider when evaluating variance requests. To justify a variance request, the applicant must demonstrate the following [please note staff's comments are underlined]:

- i. *Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable generally to other lands, structures or buildings in the same zoning classification.*

The applicant notes that the existing single-family residential structure is located 5.7 feet from the property line and is "grandfathered."

Staff could not determine any special condition or circumstance which is peculiar to the land, structure or building involved and which is not applicable generally to other lands, structures, or buildings in the same zoning classification. The fact that the residential structure was built in 1958 prior to the establishment of the existing Land Development Code (LDC) does not constitute a special condition or circumstance unique to the property, which is generally not applicable to other lands in the same zoning district.

- ii. *The special conditions or circumstances do not result from the actions of the applicant and are not primarily economic or financial in nature.*

The application notes that the screen enclosure is required for the owner's safety due to her health condition.

The screen enclosure permit was applied for on November 12, 2020 while the pool permit was approved and issued on September 30, 2020. At the time of the screen enclosure permit application, pool construction was already underway. Therefore, it appears the variance request is the result of a self-imposed hardship.

- iii. *Literal interpretation or enforcement of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of this Ordinance.*

All new or redeveloped properties and improvements thereon in the RSF-1 District must meet the current required LDC regulations, including but not limited to setbacks. In addition, every property in the RSF-1 District is entitled to accessory structures and uses providing the current LDC development standards are met. Therefore, the literal interpretation or enforcement of the provisions of this Ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the LDC.

- iv. *The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.*

The variance, if authorized, would represent the minimum variance that will afford relief and would represent the least modification possible of the regulation at issue.

- v. *The variance sought will not authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in question.*

Based on the information provided, it does not appear that the variances sought will authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in question.

- vi. *The granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification.*

The granting of the variance, if authorized, would be in harmony with the general intent and purpose of the Ordinance. Also, if approved, the variance will not authorize a use of the property not permitted by its zoning classification. It also appears that the variance, if authorized, would not be injurious to the area involved or the surrounding properties.

- vii. *The variance sought will be consistent with the City's Comprehensive Plan, its enabling legislation and regulations adopted pursuant thereto.*

The variance sought would be consistent with the City's Comprehensive Plan, its enabling legislation and regulations adopted pursuant thereto.

Based on staff's interpretation of the facts and evidence provided, **Table 2** below was derived to assist the Board's decision-making process:

Table 1: Authorization Criteria Summary (per Section 14-63.8.a)*

Criteria	A	B	C	D	E	F	G	Total
Criteria Met				X	X	X	X	4
Criteria Not Met	X	X	X					3
Criteria Partially Met								0

NOTE: * Pursuant to prior and current legal counsel, a successful variance application can only be achieved if all evaluation criteria are met.