

MINUTES
PLANNING & ZONING BOARD MEETING
February 22, 2021
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rose Ann Tornatore, Chairman John Schmitz, Member Chuck Horion, Member Rick Delange, Member James Lilly

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

2. MINUTES

A. Planning & Zoning Minutes November 9, 2020

MEMBER CHUCK HORION moved, seconded by MEMBER RICK DELANGE to Approve the Minutes of November 9, 2020.

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

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore

3. QUASI-JUDICIAL HEARING

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

The Chairman called the hearing to order.

Several board members disclosed that they had driven by the property to view the site of the variance request. City Planner Stewart Cruz provided the background details on the property. It is a single-family residence owned by Robert and Terry Lee. The variance requested is a 5-foot side yard setback in lieu of the 10-foot requirement. He mentioned that all due public notice requirements were met prior to the meeting except the affidavit had not been notarized. Mr. Cruz explained that would be taken care of directly after the meeting at City Hall. Photographs of the site were shown to the board members. There is a current building permit for the new swimming pool that is under construction. The proposed screen enclosure would be 30 feet by 30 feet and would be in line with the roof height of the home. The property itself is a non-conforming structure as it was build in the late 1950's. The screen would line up with the south facing wall of the existing building. There are no exceptions in the City's Land Development Code for side yard setbacks. Of the seven criteria that must be met to grant a variance, staff felt that only four were met. Staff recommended a denial for the request.

The applicant representative, Chip Miller of Miller's Screen addressed the board. Blue Water Pool company built the pool and at the time there was no mention of a screen enclosure. There was an existing screen room and the owners initially planned to utilize that. During construction, it was determined that the screen room had to be torn down. It seems Blue Water Pool was not aware of the side yard requirements when they designed the pool. It does run to the edge of the house. There are documents in the packet that show Mrs. Lee has skin cancer and the screen enclosure would provide the necessary shade for her to be outside.

The Chairman asked for anyone in favor of the variance to speak. Audience member Robin Engum stated that he lived next door to the property and would be the most affected. He felt it was a beautiful pool that was built to code. The proposed enclosure would be in line with the house and pool providing the owners with cover from the sun. He added that the enclosure would also be an additional safety measure for any young children in the area as the clasp is typically higher on a screen door to a pool. He requested that the board approve the variance.

There was no one who wished to speak against the variance.

The board began a brief discussion. Mr. Lilly inquired if the variance was denied, could the applicant modify their plan and staff replied they could. Any modification would still need to meet the city's codes. Mr. Cruz explained that normally there would be one primary contractor who would handle all required permits to ensure that codes were followed.

MEMBER RICK DELANGE moved, seconded by MEMBER ROSE ANN TORNATORE to Approve the Zoning Variance ZV12021002. The board felt that all criteria had been met as follows: due to the non-conformity of the residence with only 5.7 feet from the property line, it is grandfathered in; the property owner has valid health conditions that are documented and requires the screen enclosure; the screen enclosure would also provide a layer of security around the pool.

Vote: Motion carried by roll call vote (summary: Yes = 4 No = 1).

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

No: James Lilly

4. DISCUSSION ITEMS

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:17 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman