

MINUTES
PLANNING & ZONING BOARD MEETING
March 8, 2021
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

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

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

2. MINUTES

A. Planning & Zoning Minutes February 22, 2021

MEMBER CHUCK HORION moved, seconded by MEMBER RICK DELANGE to Approve the Planning & Zoning Minutes February 22, 2021.

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 ZV12021003: 2902 S. Peninsula Drive - Vitulano Residential Structure and Pool Waterfront Setback Variance Requests

The Chair opened the public hearing. Several members disclosed that they had driven by the subject property.

City Planner Stewart Cruz provided the background details on the property. It is a single family residence located at 2902 S. Peninsula Drive. The owners wish to demolish the current structure and build a new two story home with a pool. The applicant is requesting the following three variances: to allow a 4.33 foot covered balcony/patio encroachment into the 25-foot waterfront yard setback in lieu of the maximum 3.5 foot allowance; a 10-foot front yard setback in lieu of the required 30-foot setback; and a 15-foot waterfront yard setback in lieu of the required 25-foot setback. All due public notice has been met. The property is unique as it has two waterfronts on both the north and west side. It is the only property in the city that has two waterfront boundaries. The code does not provide for any exemptions for waterfront property on the river. Even though the existing structure is non-conforming, once it is demolished, the new construction must meet the city's codes. Mr. Cruz reviewed the seven criteria that must be met for each variance with the board. It was staff's determination that the criteria was met in full only for the variance on the pool structure. The other two

variances were only partially met.

Attorney Joey Posey spoke for the applicants. He stated that city staff had worked well with the owners. He felt the owners would be penalized for staying within the city's codes and having to lessen the size of their home. The variance for the balcony and patio is strictly to hide the air handlers. The current structure is only four feet from the property line and the new home would be ten feet away. He thought that was an improvement. The board inquired what the square footage of both the old home compared to what was proposed. The current home is 2,800 sq. feet and the proposed would be 3,936 sq. feet. Mr. Lilly inquired how long ago they purchased the property. The response was five years ago. He next asked if the code had been changed in the past five years and the response was that it had not. Ms. Tornatore thought that if the design was scaled down, it could easily meet the parameters of the existing code.

The Chairman asked for any public input.

Ms. Lisa Sbordon, a neighbor located at 2900 S. Peninsula, spoke. Her main concern is that the proposed home would be a 2-story structure that would encroach on her view if placed so close to the northern border of the property. She wants to be sure she can still see the river from her home.

Applicant Deanna Vitulano stated that she felt there would still be a view to the north from the neighbor's home. She further explained that the balcony would cover the air conditioning unit which she considered an eyesore. Attorney Posey explained that the applicant had reworked the footprint a few times and the current plan has the house situated farther back from the water.

The public hearing was closed. Attorney Cary advised that if the board choose, it could accept the variance on the pool structure and ask to continue the remaining two. This would allow the applicant time to re-design the structure and bring it back to the board. Ms. Tornatore again stated that she felt the house could be scaled down to allow the structure to fit within the limits of our code.

MEMBER JAMES LILLY moved, seconded by MEMBER ROSE ANN TORNATORE to Approve the Zoning Variance ZV12021003 of a 15-foot waterfront yard setback for the swimming pool only and to deny the remaining two variances.

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

Yes: Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose Ann Tornatore **No:** Rick Delange

4. DISCUSSION ITEMS

5. OTHER

A. **Nomination of Chair and Vice-Chair**

Ms. Tornatore nominated John Schmitz for Chair. This was seconded by Mr. Lilly. There were no other nominations and the vote was unanimous.

Mr. Delange nominated Rose Ann Tornatore for Vice Chair. This was seconded by Mr. Lilly. There were no other nominations and the vote was unanimous.

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:15 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman