



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING FEBRUARY 14, 2022

**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 Jan. 10, 2022

3. QUASI-JUDICIAL HEARING

A. Sign Variance Application ZV 12021031: Holiday Inn Express - 3301 S. Atlantic Avenue

B. Zoning Variance ZV12021047: South Atlantic Real Estate Group/Chris Pollard - 2422 S. Atlantic Avenue

C. Rezoning Application RZ12021040: Coby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

D. Rezoning Application RZ12021043: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

4. ACTION ITEMS

- A. Future Land Use Map Amendment CPA12021041: Colby & Jennifer Caldwell - 6
Carter Terrace, Annexed Property
- B. Future Land Use Map Amendment CPA12021044: Larry & Barbara Pollack - 3102
Liberty Street, Annexed Property

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

MINUTES
PLANNING & ZONING BOARD MEETING
January 10, 2022
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rose ann Tornatore, Jeni Groot-Begnaud, Member Chuck Horion, Member Anthony Rembiszewski

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

2. MINUTES

A. Planning & Zoning Minutes from November 8, 2021

MEMBER CHUCK HORION moved, seconded by MEMBER ANTHONY REMBISZEWSKI to Approve the Planning & Zoning Minutes from November 8, 2021.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Chuck Horion, Member Rose ann Tornatore, Member Anthony Rembiszewski, Jeni Groot-Begnaud

3. QUASI-JUDICIAL HEARING

A. Sign Variance Application ZV 12021031: Holiday Inn Express - 3301 S. Atlantic Avenue

MEMBER CHUCK HORION moved, seconded by JENI GROOT-BEGNAUD to Continue the Sign Variance Application ZV 12021031 until the meeting on February 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Chuck Horion, Member Rose ann Tornatore, Member Anthony Rembiszewski, Jeni Groot-Begnaud

B. Rezoning Application RZ12021045: 3232 La Paloma Ave - Westminster By The Sea Presbyterian Church

City Planner Stewart Cruz provided background on the history of the property. The church bought the home in 2007 and up to recently used it as a parsonage. In 2003, the city adopted a new zoning map and it was digitally produced by a third party. At that time, an error occurred with the map and the property looked to be classified as "P" for Public use. Based on this map, the city granted the church authorization to operate a counseling center. A

neighbor contacted the city shortly after regarding this. This application will rezone the property to "P" from RSF-2 residential. He explained that all criteria had been met and staff recommended the rezoning.

Rev. Jeffrey Sumner spoke to the board. He explained that the Assistant Pastor had resided in the house until he recently deceased. The church wanted to use the property and decided to open a counseling center for family therapy only. Clinical Dir. Lisa Benitez shared background on the counseling provided. It is mainly for children and family matters. They have found that doing so in a home setting produces great results.

The following audience members spoke against the rezoning application:

Blake Kenton, who lives next door, states there is excessive traffic and he does not support the counseling center being located in a single family home.

Barbara Loiacono also stated the increase in traffic and people around the area. She felt it was a safety issue and could diminish the property value.

Kahri Kenton explained that she was unhappy with the counseling center next door because she has small children and was worried about their safety. Their street was a family neighborhood.

Andrea Benezette stated she was against the counseling center because it made the street more active. She inquired if the center could be moved inside the church.

Sara Durrwachter also felt there was too much traffic created by the counseling center.

Attorney Kayla Hathaway represents the Kentons. Based on a mistake on the zoning map, she felt this could constitute spot zoning. She stated that the Kentons have observed the impact on their neighborhood for the past six months and are very unhappy.

Tanya Setter stated her concerns were the increase in traffic and cars speeding through the neighborhood.

Audience members in favor of the rezoning:

Debra Soncek explained that she lives in the neighborhood and could clearly see the house with the counseling center. She has not observed the troubles that the other neighbors have stated. She felt it was the locals who were driving fast on the street. The counseling center was good for the community and did not pose a threat.

Laura Walker, Administration Director for WBTS, explained that all their counseling centers were located in residential areas. The staff is licensed and registered with the state. It is just children and family therapy sessions, no substance abuse at this location. The home setting makes it ideal for the sessions.

Ms. Tornatore inquired if the church would put a hedge barrier between the homes to act as a buffer. Rev. Sumner stated that the use of the property was to help others. He would look into buffer and perhaps better signage. City Planner Cruz explained that a buffer was not required and that the application was not spot zoning as someone earlier implied.

MEMBER ANTHONY REMBISZEWSKI moved, seconded by MEMBER CHUCK HORION to recommend approval on the Rezoning Application RZ12021045 to the City Council.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Chuck Horion, Member Rose ann Tornatore, Member Anthony Rembiszewski, Jeni Groot-Begnaud

4. ACTION ITEMS

- A. Ordinance 2022-04: Treasure Island Development Agreement - 2025 S. Atlantic Avenue, Fraile St/Armstrong Ave, etc.

City Planner Stewart Cruz explained that the proposed ordinance would approve a Development Agreement between the owners of the Treasure Island property and the city. There are 9 parcels involved. The proposed agreement would allow for demolition of the structure at 2025 S. Atlantic and also restore the property. It was explained that the DA had two options; 1) 5 years to acquire a Certificate of Occupancy for a single hotel development on the combined east parcels or 2) 5 years to acquire a Certificate of Occupancy for the hotel and 15 years to acquire a Certificate of Occupancy for a multi-family building on the Sunny Shores parcel. It included very detailed property preparation and maintenance on all property owned. Any incentives would start one day after the demolition and restoration of the site. There are also several deviations from the city's LDC. Late last week, the applicant supplied a revised DA for staff, the council and board to consider. The main differences were the time duration from 5 years to 8 years and the owners wanted the incentives immediately, not after the demolition. Mr. Cruz explained that the City Council would be shown this revised agreement at their meeting next evening.

Attorney Rob Merrill spoke on behalf of the property owners. He stated that there were a few outstanding items that staff would work through.

Audience members Denise Ferrara, Sandy Murphy and Anne Ruby all spoke in favor of the project. They all live in the area and are anxious to see something begin. They hoped the work would include a lighted crosswalk, sheltered bus benches and native plants.

MEMBER CHUCK HORION moved, seconded by JENI GROOT-BEGNAUD to recommend approval of Ordinance 2022-04 to the City Council with the version that staff provided for the 5 year plan.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Chuck Horion, Member Rose ann Tornatore, Member Anthony Rembiszewski, Jeni Groot-Begnaud

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 10:10 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman



PLANNING & ZONING BOARD AGENDA MEMORANDUM FEBRUARY 14, 2022 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Sign Variance Application ZV 12021031: Holiday Inn Express - 3301 S. Atlantic Avenue

SYNOPSIS:

On October 25, 2021, Ray Webb with Kenko Signs, Inc, submitted sign variance ZV12021031 for and on behalf of Holiday Inn Express DBS Hospitality, LLC, owner of the property located at 3301 S. Altantic Avenue. The application submitted was initially incomplete, then had two advertising errors, hence the delay in hearing the subject application. If approved, the variance would permit a monument style sign 25% larger and 25% wider than permitted on site.

FISCAL IMPACT STATEMENT:

BACKGROUND:

The property owner is requesting a sign variance that would permit a sign 12'6" in height and 10' wide in lieu of the maximum permitted 10' and 8', respectively. This equates to a monument style sign that is 25% larger and 25% wider than permitted on site.

The subject application (**Exhibit A**) and staff's analysis of the application (**Exhibit B**) are attached .

LEGAL REVIEW:

Approve if the Board finds that the application meets the ordinance criteria for a variance.

RECOMMENDATION:

Based on the staff analysis (**Exhibit B**) provided, staff recommends denial of Variance ZV12021031 as presented.

SUGGESTED MOTION:

A Board member may motion one of the following:

1) "I move to approve Variance ZV12021031 as presented."

OR

2) "I move to approve Variance ZV12021031, on the condition of the following..."

OR

3) "I move to deny Variance ZV12021031, on the basis of..."

- ATTACHMENT:**
1. Exhibit A-Holiday Inn Sign Variance Application
 2. Holiday Inn Express-EXHIBIT B-Staff Analysis

220,000 CK # 8145
Y 220.60

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



12021031

236709

RECEIVED

OCT 05 2021

SIGN VARIANCE APPLICATION

The Undersigned Applicant requests the Building Official or Planning and Zoning Board to hear and decide upon this application in accordance with Sec. 6-10 and Sec. 14-63 of the Daytona Beach Shores Land Development Code as applicable.

Date Submitted: 9/20/21 Applicable Section of Code: _____

Fees must be paid at the time the application is submitted

Applicant's Name: HOLIDAY INN Email: _____

Address: 3301 S. ATLANTIC AVE. Phone #: _____
DAYTONA BEACH, FLA.

Property Address: _____

Representing Attorney (if any): RAYMOND WEBB Email: ledpartnersH@gmail.com

Address: 1539 GARDEN AVE. Phone #: 386 527 6506
HOLLY HILL, FLA.

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:
(SEE ATTACHED)

Description of your request:
HEIGHT REQUEST TO ALLOW 12'6" IN HEIGHT
IN LIEU OF 10' OVERALL BECAUSE OF
VEHICLES BLOCKING SIGN OVERALL
NOTE! ALSO WIDTH BECOMES ISSUE BASED ON
HOLIDAY INN STANDARDS

**AFFIDAVIT OF COMPLIANCE WITH THE PUBLIC NOTICE
REQUIREMENTS OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA**

I, the undersigned, hereby certify that I have mailed or caused to be mailed by First Class, Certified Mail, to the named property owners listed below whose property is abutting the property which is the subject of an application and public hearing pursuant to the City of Daytona Beach Shores Code of Ordinances, a notice containing the time, date and purpose of the public hearing and address of the subject property. The notices were sent at least thirty (30) days prior to the meeting date. A copy of the notice and signed certified mail return cards are attached. The subject property was also posted with a placard on _____. A legal advertisement of the type and size required by the Daytona Beach Shores Code of Ordinances was placed in the Daytona News-Journal on _____. A proof of publication affidavit is attached.

The names and addresses of the following property owners were obtained from the Volusia County Property Appraiser's Office and mailed to said property owners on 10.31.21

Name

Address

FORNARI DARK

3259 S. ATLANTIC AVE.
DAYTONA SHORES, FLA. 32118

LE MER
CONDOMINIUMS

3255 S. ATLANTIC AVE.
DAYTONA BEACH, FLA. 32118
SHORES

Hearing Date:

Printed Name:

Address:

RAYMOND WEBB
1539 CARRAN AVE.
HOWELL, FLA. 32117
Raymond Webb
10-4-21

Signature:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this October 4 2021, by Raymond Webb, who is personally known to me or who has produced as identification.

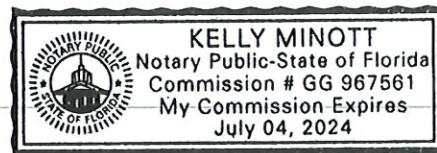
Signature

Kelly Minott
96967561
7/4/2024

Printed or Typed Name

Commission #

My Commission Expires



1. Please explain how your application meets the following variance criteria (Sec. 6-10):

(a) Exceptional narrowness, shallowness, or shape of the premises on which the sign is located:

LOCATION OF SIGN IS UNIQUE BASED ON LOCATION
BEING IN MIDDLE OF PARKING AREA
EASILY BLOCKED BY TRUCKS AT 10' OVERALL
MAKING SIGN NECESSARY FOR VISUAL
IMPACT OF BEING SEEN NORTH & SOUTH

Or

(b) Exceptional topographic conditions or physical features uniquely affecting the premises on which the sign is located:

SEE (A)

Or

(c) Exceptional conditions or features of the existing built environment uniquely affecting the premises on which the sign is located:

SEE (A)

The applicant must agree that:

2. In granting any variance, the Building Official or 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 (X)

Disagree ()

Explanation: _____

3. The Building Official or 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: IF REASONABLE AMOUNT OF TIME

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 Building Official or 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 Building Official or Planning and Zoning Board in an open proceeding where the Building Official or 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: _____

Raymond M. M. M.
Applicant's Signature

9.28.21
Date



(386) 736-5901

[Home](#) / Parcel Summary for 3463455

[Summary](#)
[TRIM Notice](#)
[Permits](#)
[Map](#)
[Pictometry](#)
[Print](#)

Alternate Key: 3463455
Parcel ID: 533503010010
Township-Range-Section: 15 - 33 - 35
Subdivision-Block-Lot: 03 - 01 - 0010
Business Name: HOLIDAY INN EXPRESS
Owner(s): DBS HOSPITALITY LLC - FS - Fee Simple
 - 100
Mailing Address On File: 730 S ATLANTIC AVE STE 102
 ORMOND BEACH FL 32176
[Update Mailing Address](#)
Physical Address: 3301 S ATLANTIC AVE, DAYTONA
 BEACH SHORES 32118
Building Count: 1
Living Units: 100
Neighborhood: 7021 - OCEANFRONT HOTELS-
 MIDSCALE
[Neighborhood Sales](#)
Subdivision Name:
Property Use: 3900 - HOTELS/MOTELS
Tax District: 403-DAYTONA BEACH SHORES
2021 Proposed Millage Rate: 18.5812
Homestead Property: No - [Apply for Homestead Online](#)
Agriculture Classification: No - [Additional Information](#)
Legal 1: LOTS 1 TO 3 INC BLK A PORT ORANGE
 BEACH MB 4 PG 130 PER OR 2
Legal 2: 859 PG 1875 PER OR 5646 PG 4480 PER
 OR 6380 PGS 4850-4852 IN
Legal 3: C PER OR 6502 PGS 0514-0521 INC



Values & Exemptions

Land & Buildings

Sales

Legal

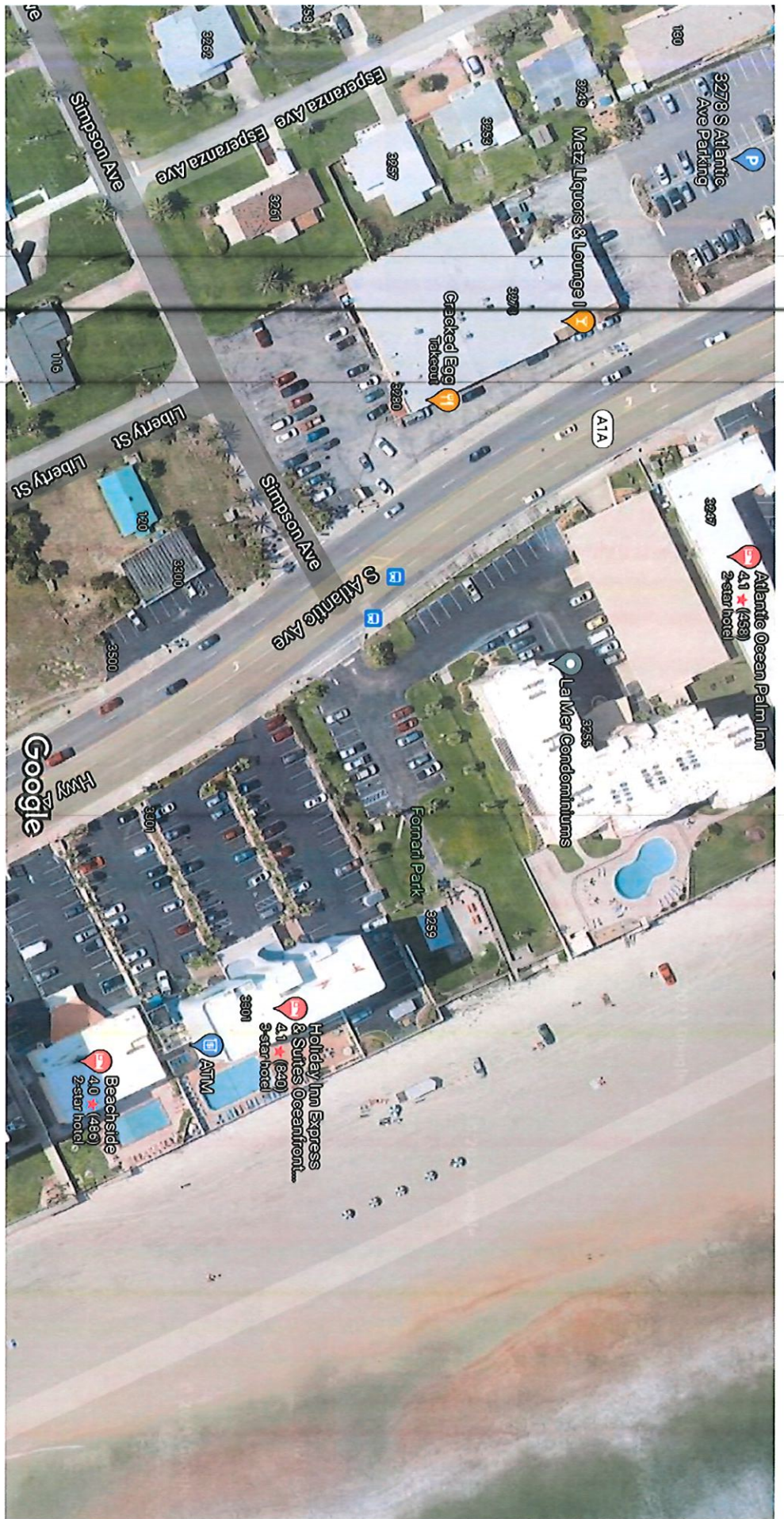
Property Tax Bill

Property Values

Tax Year:	2021 Working	2020 Final	2019 Final
Valuation Method:	1-Market Oriented	1-Market Oriented	1-Market Oriented
Improvement	Cost	Cost	Cost
Value:	\$2,782,762	\$3,134,547	\$3,001,381
Land Value:	\$1,672,800	\$1,672,800	\$1,672,800
Just/Market Value:	\$4,455,562	\$4,807,347	\$4,674,181

[Back to Top](#)

Working Tax Roll Values by Taxing Authority







REMOVE EXISTING SIGN

SPECIFICATIONS:

**MANUFACTURE & INSTALL (1)
NEW DOUBLE FACE ILLUMINATED
MONUMENT SIGN.**

**ALL ALUMINUM CONSTRUCTION
W/ (4) LIGHTED CABINETS.
CABINETS TO HAVE ACRYLIC
FACES W/ PRINTED VINYL
GRAPHICS & COPY.**

INTERNAL LED ILLUMINATION.

**SIGN TO BE INSTALL INTO
EXISTING PLANTER BOX
& INTO EXISTING 10" STEEL
BASE POLE.**

50 SQUARE FEET

- CONTRACTOR- KENCO SIGNS
- 2020 FBC 7th EDITION
- 160 MPH WIND SPEED (ASCE 7-10)
- CF=1.2 CLASS D RISK CATEGORY 2



DATE:	07/07/21
DESIGNER:	RICK Z
REVISIONS / DATE:	
1) 10/28/21	REDUCE CABINET TO 5'X10'
2)	
3)	

[illegible]

EXHIBIT B
ZV12021031 STAFF ANALYSIS

I. Background

The property is located at 3301 S. Atlantic Avenue and houses the Holiday Inn Express and Suites, which is a 100-unit hotel in the “T” Hotel/Motel Zoning District of Daytona Beach Shores. The monument sign ordinance adopted in 2012 provided a 10-year amortization period for nonconforming signs to be removed and meet the new monument sign provisions established that year. The deadline to remove nonconforming signs is April 9, 2022. Considering this, the owner applied to the city last fall to permit a new monument style sign. However, upon plan permit review by the Building Department, it was discovered that the permit application did not meet the city’s monument sign height and sign width regulations. At this point the sign contractor revised the plans to those seen in Exhibit 1. However, those dimensions also do not meet city monument sign standards, hence the application in question today.

NOTE-1: The monument sign dimension standards for the “T” District are: height = 10 feet, with an additional two feet for architectural embellishment; width = 8 feet; square footage = 64sf.

NOTE-2: The relevant monument sign dimensions proposed in this application are: height = 12.5feet; width = 10 feet.

II. Evaluation Criteria

Section 6-10.1.2 of the City’s Land Development Code (LDC) outlines the criteria for the Building Official or Planning and Zoning Board to consider when evaluating sign variance requests. To justify a sign variance request, the applicant must demonstrate a special or unique hardship due to one of the following [NOTE: required criteria in *italics*]:

(a) Exceptional narrowness, shallowness, or shape of the premises on which the sign is located;
or

Applicant Response: According to the applicant, the location of the sign is unique based on the location being in the middle of a parking area, which are blocked by vehicles with an overall height of 10’ making the 12’6” sign necessary for visual impact to be seen when travelling in a northbound or southbound manner on the adjacent S. Atlantic Avenue road.

Staff Comments: The applicant did not provide any justification for a wider sign. The subject property has a typical rectangular shape. In addition, per the Volusia Property Appraiser’s Website (2022), the subject property has an approximate lot width and depth of approximately 193’ x 230’. However, the average width and depth of hotel properties within 1100’ of the site are 123’ and 275’, respectively per the Volusia Property Appraiser’s Website (2022). Therefore, the subject property depth is 45’ less than the average within the area surveyed. Therefore, in the case of lot depth, the smaller size is a unique circumstance, but the shape and lot width are not unique.

(b) Exceptional topographic conditions or physical features uniquely affecting the premises on which the sign is located; or

Applicant Response: The applicant references his statement in criterion (a).

Staff Comments: Based on a site visit conducted, staff could not identify any physical feature uniquely affecting the premises to justify the requested variance.

(c) Exceptional conditions or features of the existing built environment uniquely affecting the premises on which the sign is located.

Applicant Response: The applicant references his statement in criterion (a).

Staff Comments : The new sign proposal utilizes the existing footer/planter box on site probably due to cost and practicality considerations. As seen in **Exhibit 2**, this area is subject to partial view blockage from four (4) adjacent parking stalls if larger vehicles are parked in these locations. This is because according to <https://vehq.com/average-size-of-half-ton-truck/>, the average height of a half-ton truck such as a Ford F-150, Chevy Silverado 1500, Nisan Titan, Toyota Tundra, etc., is 6.36 feet. As seen in **Exhibit 1**, the bottom of the sign face is approximately at the 5.5 feet height mark. If the stalls are limited to compact, or smaller vehicles, then the issue of view blockage should not arise. According to <https://www.smartmotorist.com/average-car-length> the average compact vehicle such as Honda Civic is 4.9 feet, well below the bottom of the sign face height of the proposed sign. However, enforcing a restricted vehicle type requirement can be very challenging for a hotelier.

Additionally, an alternative action by the owner/contractor could be to eliminate the extra 1.5 to 2 feet crown at the top of the sign to result in an overall sign height of 10 feet consistent with the city's sign height regulation for hotel properties.

NOTE: Staff was unable to identify any exceptional condition or feature that would justify additional sign width and the applicant did not present any reasons for the request in the application submitted.

III. Board Approval Limitations

Section 6-10.1.4 of the LDC mandates that the board may grant a variance, relating to monument signs, from the provisions of the square footage and height standards of this ordinance not exceeding twenty-five (25) percent more than the associated square footage or height standards contained in this chapter. Based on the proposed height and width dimensions (12.5' height & 10' wide), the variance if approved would permit a monument style sign 25% larger and 25% wider than permitted on site consistent with the aforementioned regulations.

Based on staff's interpretation of the facts and evidence provided, **Table 1** below was derived to assist the Board's decision-making process:

Table 1: Authorization Criteria Summary (per Section 6-10.1.2)*

Criteria	a	b	c	Total
Criteria Met				0
Criteria Not Met		X		1
Criteria Partially Met	X		X	2

NOTE: * Pursuant to Section 6-10.1.2 of the LDC, at least one of the three criteria shall be fully satisfied for granting of a sign variance.

EXHIBIT 1: Sketch of Proposed Sign – 3301 S. Atlantic Avenue

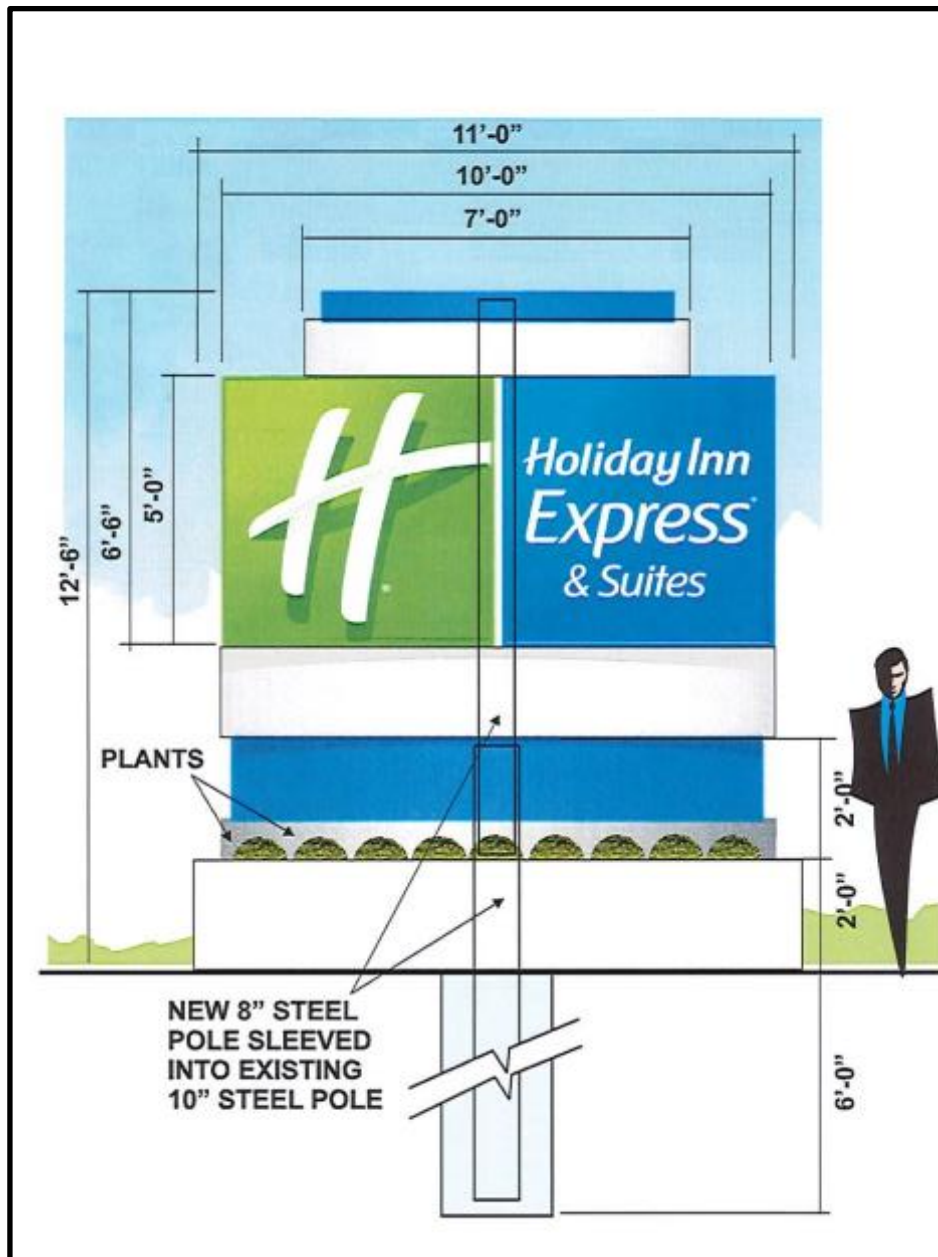


EXHIBIT 2: Aerial View of Sign Location – 3301 S. Atlantic Ave





PLANNING & ZONING BOARD AGENDA MEMORANDUM FEBRUARY 14, 2022 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Zoning Variance ZV12021047: South Atlantic Real Estate Group/Chris Pollard - 2422 S. Atlantic Avenue

SYNOPSIS:

Applicant Chris Pollard, owner of the property located at 2422 S. Atlantic Avenue, has applied to the City for a variance from Sec. 14-43.3 of the Daytona Beach Shores Land Development Code to allow the construction of an overhang structure to be permitted into an additional two feet into the front yard setback along S. Atlantic Avenue and an additional 2.75 feet into the front yard setback along Cheshire Road. The owner is in the process of renovating the existing structure and beautifying the subject property.

FISCAL IMPACT STATEMENT:

BACKGROUND:

The subject application (**Exhibit A**) and staff's analysis of the application (**Exhibit B**) are attached .

LEGAL REVIEW:

Approve only if the variance criteria are met.

RECOMMENDATION:

Based on the staff analysis (**Exhibit B**) provided, staff recommends denial of Variance ZV12021047 as presented.

SUGGESTED MOTION:

A Board member may motion one of the following:

- 1) "I move to approve Variance ZV12021047 as presented."
- OR

2) "I move to approve Variance ZV12021047, on the condition of the following..."

OR

3) "I move to deny Variance ZV12021047, on the basis of..."

- ATTACHMENT:**
1. Exhibit A-Chris Pollard-South Atlantic Real Estate Group Variance Application
 2. EXHIBIT B-Staff Analysis
 3. A-1 SITE PLAN

Pa. 12-13-21
cc#01321G
\$220.00

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



12021047

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."

RECEIVED

Date Submitted: 12/13/21

Applicable Section of Code: _____

DEC 13 2021

217635

Fees must be paid at the time the application is submitted

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Applicant's Name: Chris Pollard Email: Chris@chrispollard.net

Address: 2422 S Atlantic Ave Phone #: 407-694-7300

Property Address: same

Representing Attorney (if any): n/a 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:

Lots 20 & 21 & Lot 22 exc S 30 ft of N 41.6 ft
of W 30 ft BLK 14 Bridgeport Heights Resub exc Part
in Rd Per or 4960 Pg 2320 per or 5638 Pg 134 per or
5722 PGS 1499-1501 per or 617

Description of your request:

Overhang (see Attached)

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.

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

- 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.

- 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.

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

- 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.

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

See Attached

4 COPIES

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: _____

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: _____

Applicant's Signature

Date

- a. The existing building was constructed closer to the road than the adjacent buildings on the north and south, which leaves less room for the roof overhang.
- b. The building is existing and was not constructed by the applicant. Furthermore, the special conditions of the building are not financial in nature. The request to allow the overhang is intended to improve the aesthetics of the building and to enhance a pedestrian-friendly environment along Atlantic Avenue.
- c. The literal interpretation of the code is that the overhang is part of the roof. The overhang is actually a shading and aesthetic feature and is not integral with the roof of the building. The overhang in question does not cover any interior portion of the building and is not connected to the building's actual roof system. Therefore, the literal interpretation of the overhang of the roof deprives the applicant's aesthetic improvements of the building.
- d. The requested variance of 30" of additional overhang is a minimal request and only occurs along the building's frontage on Atlantic Avenue and a small portion of its frontage along Cheshire Road.
- e. The request does not extend any non-conforming use. The current professional office use is a permitted use in the zoning district.
- f. The request is in harmony with the general intent of the Land Development Code since it seeks to improve the aesthetic condition of the street and building. Additionally, the request improves the appearance and values of the surrounding properties and area.
- g. The variance request is consistent with many of the goals, objectives, and policies of the Comprehensive Plan. The request seeks to manage future growth by adapting and reusing an existing building, it responds to market needs by improving and investing in existing building stock, it encourages pedestrian activity by providing shade and cover, it reduces energy consumption through additional shading, it helps enhance the streetscape and appearance of one of the City's main thoroughfares. All of these attributes are found specifically in Goals 1-1, 1-2, and 10-1 of the Future Land Use Element.

- | | |
|---|--|
| REAL ESTATE GROUP
Daytona Beach Shores, Florida | |
|---|--|

Page

EXHIBIT B
ZV12021047 STAFF ANALYSIS

I. Background

The subject property is located in the “GC-RD” General Commercial Redevelopment District at 2422 S. Atlantic Avenue (**Exhibit 1**). Sec. 14-31.1.8 of the LDC provides that the front yard setback in the GC-RD District shall be 20 feet. However, Sec. 14.43.3 of the LDC states the following:

“Chimneys, fireplaces, pilasters, roof overhangs, unenclosed balconies and stairways shall not project over three and one-half (3½) feet and under no circumstances shall the sideyard setback be less than five (5) feet. The board of adjustments shall not grant any variance to this setback requirement.” [Underline added for emphasis.]

The applicant is undergoing a building renovation and property enhancement project to beautify the property. Included in the building renovation component is the addition of an overhang system to provide architectural enhancement of the building and cover for visitors during inclement weather. The proposed overhang is 5.5 feet wide and due to the building layout on the property the overhang protrudes an additional 1.5 to 2 to 2.75 feet more into the front yard setback than permitted by the LDC along S. Atlantic Avenue and Cheshire Road, respectively.

II. Evaluation Criteria

Section 14-63.8.a of the City’s Land Development Code (LDC) 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 [NOTE: required criteria in *italics*]:

- 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.*

Applicant’s Response: The building was constructed closer to the road than the adjacent buildings on the north and south, which leaves less room for the roof overhang.

Staff Comment: Staff could not identify any special conditions or circumstances peculiar to the land, structure or building that would justify the variance requested. In addition, according to the plan provided, only the southern portion of the building was built in the area that is now today’s front yard setback. The existing building setback along S. Atlantic Avenue range from 20.5 to 20 feet. Further, the LDC contemplated situations in which buildings are built close to or on the setback line or within the setback (as in the case of an older building) by providing the 3.5-foot overhang allowance articulated in Sec. 14-43.3 of the LDC.

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

Applicant’s Response: The applicant noted that the building was built under different ownership and the overhang is intended to improve the aesthetics of the building and enhance a pedestrian friendly environment along S. Atlantic Avenue.

Staff Comment: As noted ins Sec. (i) above, staff could not identify any special conditions or circumstances peculiar to the land, structure or building that would justify the variance requested. However, it should be noted the applicant could also improve the building aesthetics and enhance the pedestrian environment with a narrower overhang system.

- 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.*

Applicant's Response: The applicant argues that the overhang is not a part of the roof system and as such, interpreting it as such deprives the applicant's aesthetic improvements of the building.

Staff Comment: Staff does not follow the position taken by the applicant. If the overhang is construed to not be a part of the roof system then it would not be allowed to encroach 3.5 feet or more into the required yard setbacks because then the overhang would be deemed a part of the building proper as an architectural feature and restricted to the 20-foot front yard setback prescribed in Sec. 14-31.1.8 of the LDC.

Therefore, per sections i and ii of this analysis, 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 this Ordinance.

- 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.*

Applicant's Response: The applicant states that the variance requested is 30 inches and minimal.

Staff Comment: The minimum required width of a handicap route is 42 inches or 3.5 feet. This is consistent with the LDC allowance for building features such as overhangs. Therefore staff believes that while not optimal, the applicant could improve the building aesthetics and enhance the pedestrian environment with a narrower overhang system meeting code.

- 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.*

Applicant's Response: The applicant states that the variance does not extend any non-conforming use.

Staff Comment: 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.*

Staff Comment: The granting of the variance, if authorized, would be in harmony with the general intent and purpose of the Ordinance. Additionally, if approved, the variance will not authorize a use of the property not permitted by its zoning classification. Lastly, it 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.*

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

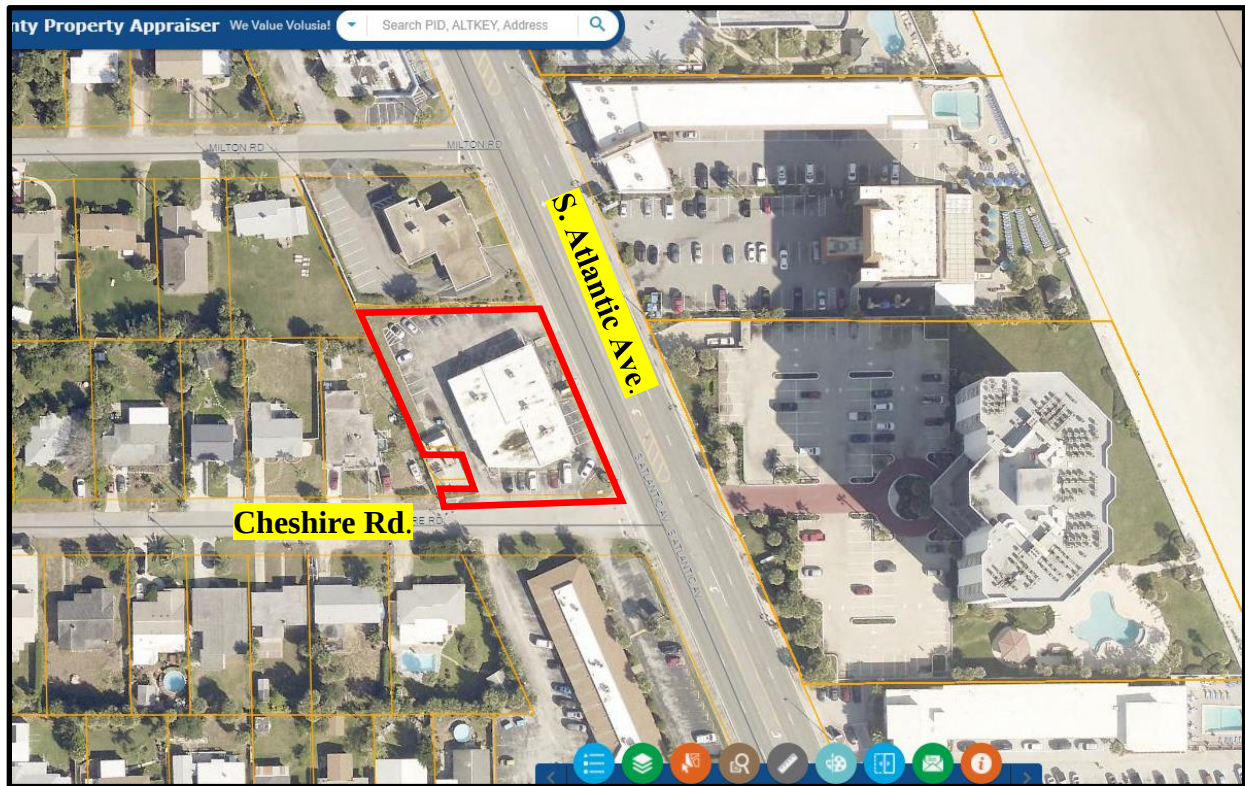
Based on staff's interpretation of the facts and evidence provided, **Table 1** below was derived to assist the Board's decision-making process:

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

Criteria	i	ii	iii	iv	v	vi	vii	Total
Criteria Met					X	X	X	3
Criteria Not Met	X	X	X	X				4
Criteria Partially Met								0

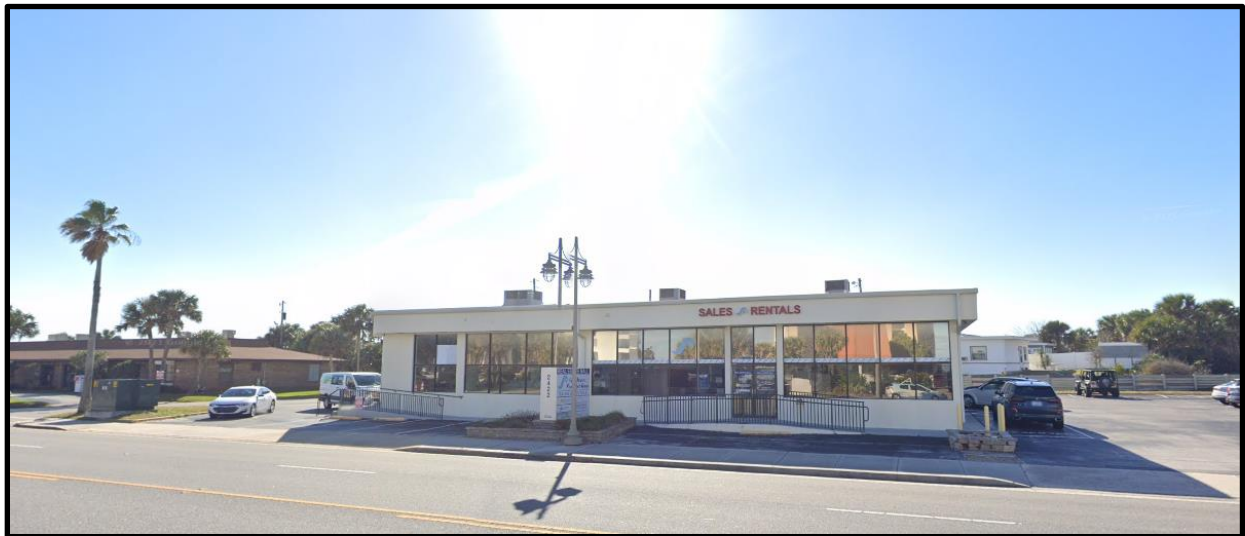
NOTE: * Pursuant to prior and current legal counsel, a successful variance application can only be achieved if all evaluation criteria are met.

EXHIBIT 1
Aerial Map – 2422 S. Atlantic Avenue



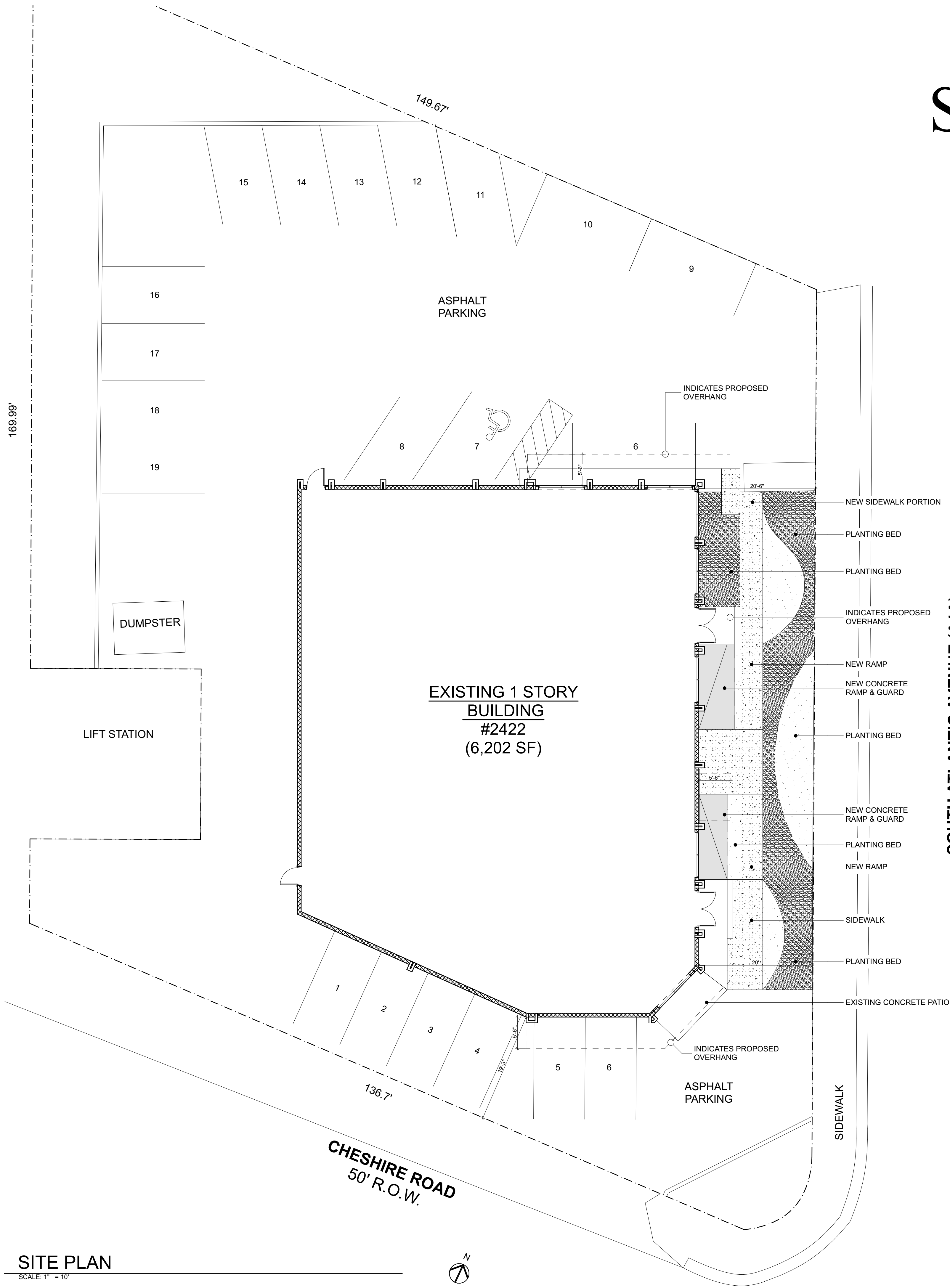
Source: Volusia Property Appraiser (2022)

Street View – 2422 S. Atlantic Avenue



Source: GoogleMaps (2021)

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SITE PLAN

Construction Documents for South Atlantic Real Estate Group Exterior Remodel

2422 South Atlantic Ave, Daytona Beach Shores, FL 32118

THIS PROJECT CONFORMS TO THE FOLLOWING CODES

2020 Florida Building Code Building (7th Edition)
2020 Florida Building Code Residential (7th Edition)
2020 Florida Building Code Energy Conservation (7th Edition)
2020 Florida Building Code Fuel Gas (7th Edition)
2020 Florida Building Code Mechanical (7th Edition)
2020 Florida Building Code Plumbing (7th Edition)

2020 Florida Fire Prevention Code (7th Edition)
2020 National Electric Code

OCCUPANCY: B - BUSINESS SPRINKLERED

OWNER:

Chris Pollard
2422 South Atlantic Ave
Daytona Beach Shores, FL 32118

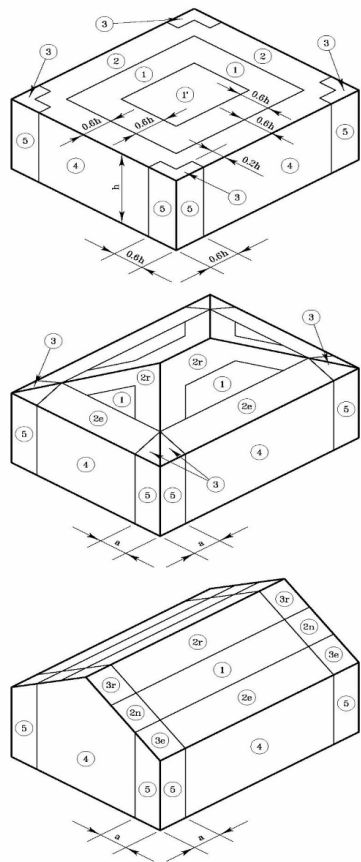
ARCHITECT:

RATLIFF ARCHITECTURE + URBAN DESIGN, pl
132 Canal Street
New Smyrna Beach, FL 32168
386.957.1419

Contact: Ian Ratliff, Architect

WIND LOAD INFORMATION

Basic Building Structural Information			
This table was prepared using Windhead Calculator Plus Software available from www.windtools.com			
This information was created in accordance with Chapter 16 of the 2020 Florida Building Code. The Component and Cladding Pressures were generated using the method in Part 2 of Chapter 20 of ASCE 7-16.			
Floor & Roof Live Loads		(B • Office Buildings)	
Offices:	50 psf uniform; 2000 lbs concentrated		
Lobbies:	100 psf uniform; 2000 lbs concentrated		
First Floor Corridors:	100 psf uniform; 2000 lbs concentrated		
Upper Floor Corridors:	80 psf uniform; 2000 lbs concentrated		
Roofs:	20 psf uniform; 300 lbs concentrated		
(Balcony and Deck live loads are 150% of the adjacent space served.)			
Wind Design Data			
Ultimate Wind Speed:	140 mph	Nominal Wind Speed:	108 mph
Risk Category:	II	Wind Exposure:	D
Enclosure Classification:	Enclosed	End Zone Width (0.6h):	9.00 ft.
Internal Pressure Coefficient:	0.18	Roof Geometry:	Flat
Roof Slope:	1.0 in 12 (4.8°)	Mean Roof Height:	15 ft.
(The Ultimate Wind speed was used to determine the Component and Cladding design pressures.)			
(This Building is in a Wind-Borne Debris Region, and all exterior glazed openings shall be protected from wind-borne debris.)			
Components and Cladding			
Roof Zone 1:	+21.0 psf max., -82.6 psf min.		
Roof Zone 1':	+21.0 psf max., -47.5 psf min.		
Roof Zone 2:	+21.0 psf max., -108.9 psf min.		
Roof Zone 3:	+21.0 psf max., -148.5 psf min.		
Overhang at Roof Zone 1:	-74.7 psf min.		
Overhang at Roof Zone 1':	-74.7 psf min.		
Overhang at Roof Zone 2:	-101.0 psf min.		
Overhang at Roof Zone 3:	-140.5 psf min.		
Wall Zone 4:	+51.9 psf max., -56.2 psf min.		
Wall Zone 5:	+51.9 psf max., -69.4 psf min.		
Design Soil Bearing Capacity:	2,000 psf		



PROJECT DESCRIPTION

EXTERIOR REMODEL OF AN EXISTING BUILDING TO INCLUDE NEW CONCRETE RAMPS, SIDEWALK PORTIONS, STOREFRONT SYSTEM, PARAPET WALLS, AND DECORATIVE EXTERIOR TRIM, AND A NEW ROOF SYSTEM. NO CHANGE TO EXISTING BUILDING FOOTPRINT. NO CHANGE TO OCCUPANCY.

PROJECT DATA

LOT AREA:	23,336 SF
EXISTING BUILDING AREA:	6,202 SF
EXISTING BUILDING COVERAGE:	(27.5%)
REQUIRED PARKING (6,202/400):	16 SPACES
SPACES PROVIDED:	19 SPACES

SHEET INDEX

ID	Name
A-1	SITE PLAN
A-2	NOTES
A-3	AS-BUILT/DEMOLITION PLAN
A-4	FLOOR PLANS
A-5	ROOF FRAMING & ROOF PLAN
A-6	ELEVATIONS
A-7	SECTIONS
A-8	DETAILS
A-9	PERSPECTIVES

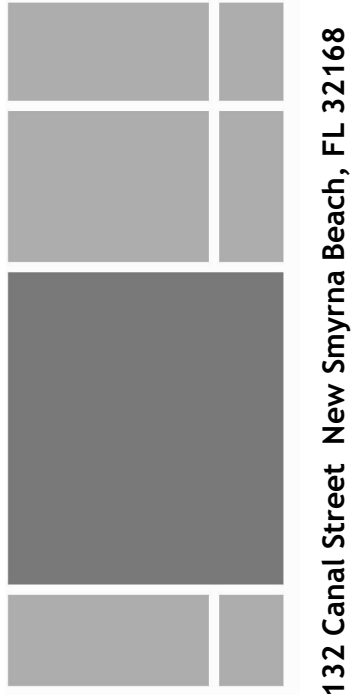
SOUTH ATLANTIC REAL ESTATE GROUP
2422 S. Atlantic Avenue Daytona Beach Shores, Florida

REV:	
REV:	
REV:	
REV:	
REV:	
DATE:	10/8/2021

SITE PLAN
SHEET NUMBER

A-1

Ian Charles Ratliff, Architect
AR94377



RATLIFF
architecture + urban design, pl
386.957.1419 AA26002012
132 Canal Street New Smyrna Beach, FL 32168
ratliffarchitecture.com



**PLANNING & ZONING BOARD AGENDA MEMORANDUM
FEBRUARY 14, 2022 AGENDA**

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Rezoning Application RZ12021040: Coby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

SYNOPSIS:

NOTE: This item will be continued.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Continue if requested.

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None



**PLANNING & ZONING BOARD AGENDA MEMORANDUM
FEBRUARY 14, 2022 AGENDA**

TO: The Members of the Planning & Zoning Board

FROM:

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Rezoning Application RZ12021043: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

SYNOPSIS:

NOTE: This item will be continued.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Continue if requested.

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None



**PLANNING & ZONING BOARD AGENDA MEMORANDUM
FEBRUARY 14, 2022 AGENDA**

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Future Land Use Map Amendment CPA12021041: Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

SYNOPSIS:

NOTE: This item will be continued.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Continue if requested.

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None



**PLANNING & ZONING BOARD AGENDA MEMORANDUM
FEBRUARY 14, 2022 AGENDA**

TO: The Members of the Planning & Zoning Board

FROM:

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Future Land Use Map Amendment CPA12021044: Larry & Barbara Pollack - 3102
Liberty Street, Annexed Property

SYNOPSIS:

NOTE: This item will be continued.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Continue if requested.

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None