

MINUTES
PLANNING & ZONING BOARD MEETING
April 11, 2022
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

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

Staff: City Clerk Cheri Schwab, City Attorney John Cary, City Planner Stewart Cruz.

2. MINUTES

A. Planning & Zoning Minutes March 14, 2022

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to Approve the Planning & Zoning Minutes of March 14, 2022.

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

Yes: Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose Ann Tornatore

3. QUASI-JUDICIAL HEARING

A. Zoning Variance ZV12022008: Blue Coast Shop Rebuild - 3110 S. Atlantic Avenue

The hearing opened at 8:32 am. Board member Chuck Horion stated that he had received a text message from the property owner asking for his support. There were no other ex-parte communications.

City Planner Stewart Cruz gave a brief presentation to the board. He noted that all due public notice had been met. The original structure was built in 1956 and considered a non-conforming structure. During the summer of 2020, a fire destroyed most of the building. The property had previously been granted a live-work status with the owner living in the apartment upstairs. The property owner would like to rebuild and re-instate her business. There are five variances requested for the following areas: front yard setback, parking and landscaping. The seven criteria for variances were reviewed and it was staff's opinion that the criteria had been met. Staff recommended granting the five variances.

Attorney Michael Woods spoke on behalf of the applicant. Her husband passed in June 2020, and less than 30 days later the building was destroyed by fire. It was determined that a lithium battery spontaneously caught fire. The property owner, Shannon Burk, has been working with her insurance company ever since in an effort to rebuild. The contractor, Herman Stoll, estimated twelve months for construction.

Chairman Schmitz opened up the hearing for anyone to speak in favor of the applicant.

There were approximately 30 people in attendance, all in support of the applicant. Rebecca

Holmes spoke stating that the family-owned store was a valuable resource for visitors. There was no one to speak against the applicant.

The hearing closed at 9:00 am.

The board members held a brief discussion. The overall consensus was allowing the business to rebuild was more favorable than having another vacant lot in the city. All the members greatly favored family-owned businesses.

MEMBER CHUCK HORION moved, seconded by MEMBER ROSE ANN TORNATORE to Approve Zoning Variance ZV12022008: Blue Coast Shop Rebuild - 3110 S. Atlantic Avenue.

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

Yes: Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose Ann Tornatore

4. ACTION ITEMS

- A. Ordinance 2022-11: Extension of Nonconforming Freestanding Sign Compliance Amortization Period

Board Attorney Cary read the ordinance by title. City Planner Stewart Cruz explained that at the March 8th City Council meeting, he was asked to extend the sign program. The existing program has been in place for the past 10 years and was scheduled to end this month. During the past ten years, two major hurricanes affected the area and we have been in a pandemic for the past two years that has impacted the economy. The council requested to extend the program for one more year.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to recommend approval of Ordinance 2022-11 to the City Council.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3 No = 1).

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

No: James Lilly

5. OTHER

- A. Nomination of Chairman and Vice-Chair for the upcoming year

Board members questioned the recent ordinance that adopted new term limits for members. It was decided to table this item until the May meeting.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER JAMES LILLY to table the item until the May board meeting.

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

Yes: Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose Ann Tornatore

6. BOARD COMMENTS

Board member Tornatore related an incident that occurred on Sunday, April 10th. She stated she was at Red Lobster, attending a "Make a Wish" Foundation event. It was her observation that a Code Enforcement Officer asked them to leave due to not having a special event permit. She claimed everyone was very disappointed and she felt it could have been handled better. Mr. Cruz will look into this matter and get in contact with the Manager of Red Lobster.

7. ADJOURNMENT

The meeting ended at 9:28 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman