



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING APRIL 10, 2023

**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 March 13, 2023

3. QUASI-JUDICIAL HEARING

A. Variance ZV2023004: 3126 Liberty Street-Front and Side Yard Variance to Construct Detached Garage

4. ACTION ITEMS

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

MINUTES
PLANNING & ZONING BOARD MEETING
March 13, 2023
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Rose Ann Tornatore, Jeni Groot-Begnaud and Guy Desai.

Staff: City Clerk Cheri Schwab, City Attorney Paul Waters, Community Services Director Stewart Cruz and City Planner Noel Eaton.

2. MINUTES

A. Planning & Zoning Minutes December 12, 2022

MEMBER CHUCK HORION moved, seconded by JENI GROOT-BEGNAUD to Approve the Planning & Zoning Minutes of December 12, 2022.

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

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Rose Ann Tornatore, Jeni Groot-Begnaud

3. QUASI-JUDICIAL HEARING

A. Special Exception SPEX12022030: All Aboard Storage-Shores Depot, Interior Storage Facility Expansion at 2616 S. Atlantic Avenue

The hearing opened at 8:31 am. Under ex-parte communication, board members noted that they had driven by the location and a few stated that they rented storage units from the Port Orange All Aboard Storage location themselves.

The witnesses were sworn in by the City Clerk. City Planner Noel Eaton confirmed that the item was duly noticed. She provided a brief presentation to the board. The application is for a special exception to expand the existing interior storage facility west of the existing building. If approved, it would allow a building 35 feet high (3 stories) with approximately 180 units, averaging 150 sq feet each. The proposed concept plan was shown that included 8 conditions: 1) 35 feet maximum height with a red terra cotta roof feature 2) use the lower elevation of the unimproved parcel as the base elevation 3) on the facade, especially in the rear, use terra cotta colors and create faux windows to create a Mediterranean style 4) provide a 20 foot side setback from the northern property line 5) use low level/ one-story lighting in the rear of the building 6) loading and unloading will only occur on east side of building 7) restrict hours of access to 6:00 am - 9:00 pm 8) provide a landscape buffer to include 6 palm trees per 100 linear feet with each tree having a gray wood trunk at least 6 feet high. The criteria for a special exception was reviewed and staff felt that all criteria had been met. It was noted that all public comments that had been received by staff were included for the record. Staff recommended approval of the project.

Attorney Joey Posey provided a brief applicant presentation. He stated that they had met with the neighbors and had attempted to include their conditions into their concept plan. He did add that the property owner had rights also and that a storage facility had a very low impact in terms of commercial uses. The board asked questions regarding security measures and the applicant responded.

There was no one in favor of the project that wished to comment. The following spoke in opposition to the project:

Donna Marquette was concerned about security on the south side of the building; Daniel Nathan, owner of Cowlicks Ice Cream, spoke of a cross access easement on the property and felt the project was not able to be built as planned; June Kraft was concerned about safety and inspection of what was being stored; Steve Kelly felt the business didn't fit the neighborhood and would decrease his property value; Wendy Kelly was concerned that vagrants would attempt to live inside the building and she was upset that her view would be gone; Ron Raml, President of Sea Havens HOA, thanked Mr. Clark for his willingness to work with them. He felt most homeowners objected to the compatibility of the business in that location.

Attorney Posey disagreed with the owner of Cowlicks. He felt the easement was for parking access and that the same number of spots originally provided by the easement would still be available after construction.

The hearing closed at 9:31 am.

The board held a brief discussion. Ms. Groot would like the description to include interior access only for the storage units. Board Attorney Waters stated that the city had received an indemnification statement from the applicant regarding the easement with Cowlicks.

JENI GROOT-BEGNAUD moved, seconded by MEMBER ROSE ANN TORNATORE to Approve Special Exception SPEX1202203 with the eight conditions stated and the description to include interior access only.

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

Yes: Member Rick Delange, Member Chuck Horion, Member Rose ann Tornatore, Jeni Groot-Begnaud

No: James Lilly

4. ACTION ITEMS

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:39 am.



PLANNING & ZONING BOARD AGENDA MEMORANDUM APRIL 10, 2023 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Variance ZV2023004: 3126 Liberty Street-Front and Side Yard Variance to Construct Detached Garage

SYNOPSIS:

Andrew and Lisa Lowell submitted variance application ZV2023004. This is a request for two variances related to the construction of 24-foot by 30-foot detached garage. The property at 3126 Liberty Street is zoned RSF-2 (Urban Single-Family Residential Detached District) and section 14-17.4. of the Land Development Code (LDC) requires a 30-foot front yard. The applicant is requesting a front yard setback of 16.2 feet, requiring a variance of 13.8 feet. Further, section 14-17.4. of the LDC requires a 10-foot interior side yard. The applicant is requesting an interior side yard setback of 4 feet, requiring a variance of 6 feet to construct a 720 square foot detached garage in the front yard.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. Background

On February 9, 2023, the property owners, Andrew and Lisa Lowell, submitted variance application ZV2023004. This is a request for two variances related to the construction of 24-foot by 30-foot detached garage. The property is designated as "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned RSF-2 (Urban Single-Family Residential Detached District) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district. Section 14-63.8.a of the City's LDC outlines the criteria for the Planning and Zoning Board to consider when evaluating variance requests and has been presented as part of the planning analysis (Attachment B).

B. Analysis

The subject application (Attachment A) and staff's analysis of the application and property (Attachment B) are included.

C. Public Notice

Due public notice has been performed by the applicant and evidence of such has been submitted to the City and is included in the application (Attachement A).

LEGAL REVIEW:

Item is approved by the City Attorney.

RECOMMENDATION:

Based on the staff analysis (Attachment B) provided, staff recommends approval of Variance ZV2023004 as presented.

SUGGESTED MOTION:

A Board member may motion one of the following:

1) "I move to approve Variance ZV2023004 as presented."

OR

2) "I move to approve Variance ZV2023004, on the condition of the following..."

OR

3) "I move to deny Variance ZV2023004, on the basis of..."

ATTACHMENT:

1. Attachment A-Application
2. Attachment B-Planning Analysis

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



BUILDING AND CODES DIVISION
DAYTONA BEACH SHORES

2023004
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: 2/7/23 Applicable Section of Code: _____

Fees must be paid at the time the application is submitted

Applicant's Name: Andrew & Lisa Lowell Email: martyrlisa@live.com

Address: 237 Water St. Guilford, Me Phone #: 207-717-9599

Property Address: 3126 Liberty St. 5034-00-05-0120

Representing Attorney (if any): none 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:

Description of your request: Residential garage on southeast

corner of property

Approx 3'6" from church border - 16'2" from street
will line up north side of building with south side of house

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.

Unique lot dimensions donot allow for adequate size
moving toward front of house would block windows & building
steel building. Access, Turning not Feasible due to lay of land.

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

Pre-existing Lot & building conditions
determine the only possible location. No impact to abutting property
as it is wide open church property.

- 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.

Current attached garage space does not fit a vehicle,
we need a building adequate size to keep our vehicles inside

- 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, any smaller dimension would not allow for typical garage
items, work bench, cabinets, etc.

- 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, only for storage and light maintenance of
my personal property

- 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, there are no other structures other than my house
in close proximity

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

Correct

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.

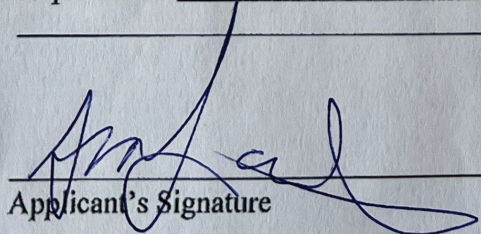
Agree (☒) Disagree ()

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

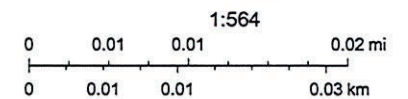
3.30.23
Date

Volusia County Property Appraiser



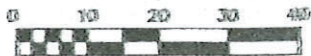
2/7/2023, 1:13:48 PM

- Parcel
- Streets
- Parcel Text
- County Boundary

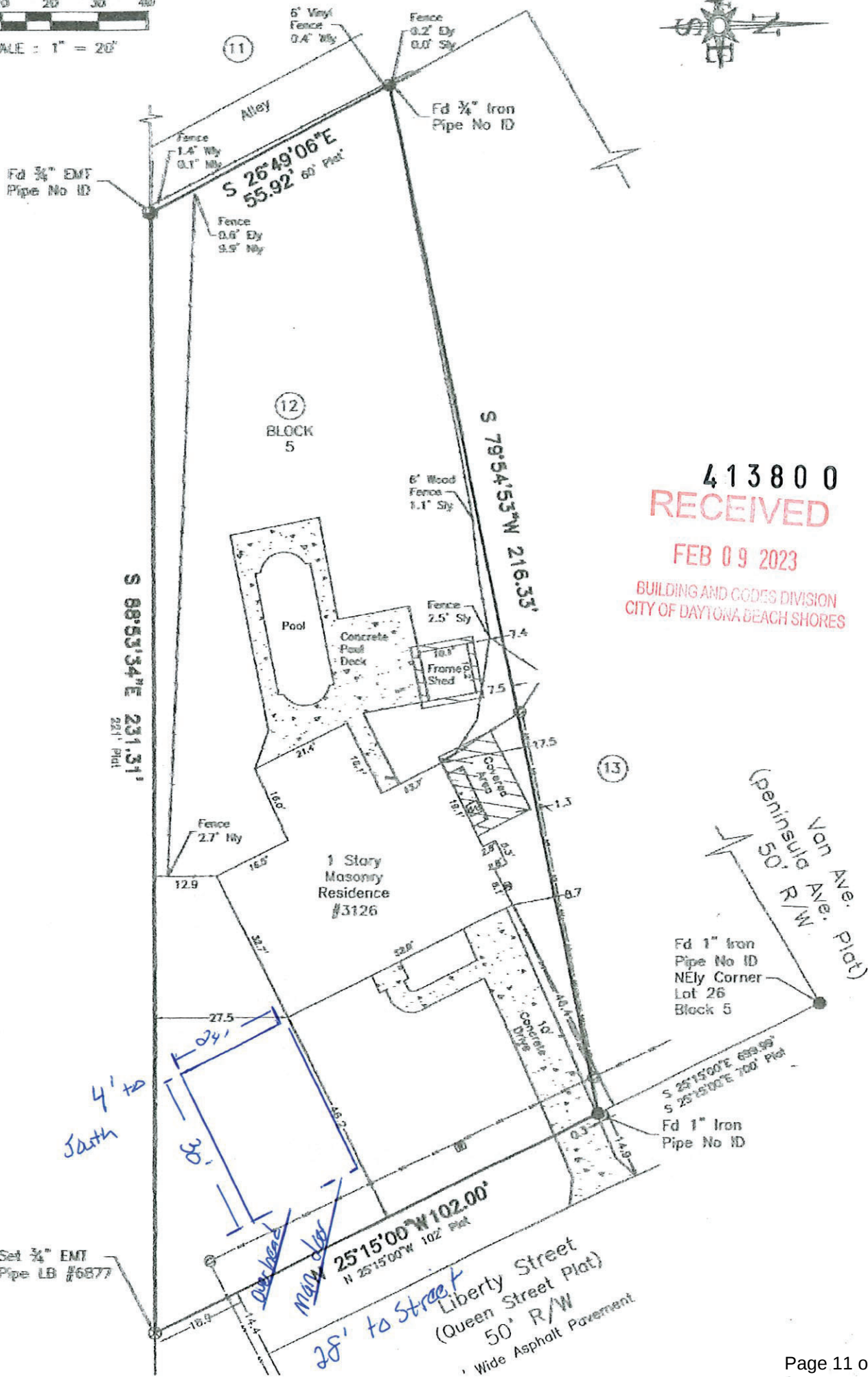
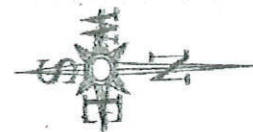


Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors,

ArcGIS Web AppBuilder
VCPA 2021



SCALE : 1" = 20'



413800
RECEIVED

FEB 09 2023

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

**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 3-29-23. 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 2-16-23

Name	Address
Drive In Christian Church	PO Box 7175, Daytona Beach, FL
Property Owners of 3123 Esperanza Ave	3123 Esperanza Ave, Daytona Beach, FL
Marcia McCurley	3124 Liberty St, Daytona Beach, FL
Lynn Karalis Sandpiper Gift Shop	321 Georgetown Dr, Daytona Beach, FL
Tristar Lodging Inc, Hampton Inn	5353 Conroy Rd, Ste 200, Orlando, FL

Hearing Date: April 10, 2023
 Printed Name: Andrew Lowell
 Address: 3124 Liberty St.
Daytona Beach, FL
 Signature: [Signature]

mailing address -
 237 Water St.
 Guilford Me 04443

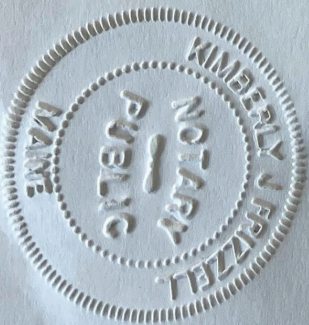
STATE OF FLORIDA
 COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 30th March, by Andrew Lowell and Lisa Lowell, who is personally known to me or who has produced personally known to me as identification.

[Signature]
 Signature

Printed or Typed Name
 Commission #
 My Commission Expires

Kimberly Johnson Frizzell
 Notary Public
 State of Maine
 Comm Exp May 27, 2025



UNITED STATES POSTAL SERVICE

DOVER FOXCROFT
41 NORTH ST
DOVER FOXCROFT, ME 04426-9998
(800)275-8777

02/16/2023 09:50 AM
Product Qty Unit Price Price
First-Class Mail® 1 \$0.63
Letter
Orlando, FL 32811
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Tue 02/21/2023
Certified Mail® \$4.15
Tracking #
70222410000003935475
Return Receipt \$3.35
Tracking #
9590 9402 7515 2098 0676 00

Total \$8.13
First-Class Mail® 1 \$0.63
Letter
Daytona Beach, FL 32116
Weight: 0 lb 0.40 oz
Estimated Delivery Date
Tue 02/21/2023
Certified Mail® \$4.15
Tracking #
70222410000003935482
Return Receipt \$3.35
Tracking #
9590 9402 7515 2098 0675 87

Total \$8.13
First-Class Mail® 1 \$0.63
Letter
Daytona Beach, FL 32118
Weight: 0 lb 0.40 oz
Estimated Delivery Date
Tue 02/21/2023
Certified Mail® \$4.15
Tracking #
70222410000003935499
Return Receipt \$3.35
Tracking #
9590 9402 7515 2098 0675 94

Total \$8.13
First-Class Mail® 1 \$0.63
Letter
Daytona Beach, FL 32118
Weight: 0 lb 0.40 oz
Estimated Delivery Date
Tue 02/21/2023
Certified Mail® \$4.15
Tracking #
70222410000003935505
Return Receipt \$3.35
Tracking #
9590 9402 7515 2098 0675 70

Total \$8.13
First-Class Mail® 1 \$0.63
Letter
Daytona Beach, FL 32118
Weight: 0 lb 0.40 oz
Estimated Delivery Date
Tue 02/21/2023
Certified Mail® \$4.15
Tracking #
70222410000003935512
Return Receipt \$3.35
Tracking #
9590 9402 7515 2098 0675 63

Grand Total: \$40.65

Debit Card Remit \$40.65
Card Name: VISA
Account #: XXXXXXXXXXXXX7728
Approval #: 094954
Transaction #: 497
Receipt #: 037677
Debit Card Purchase: \$40.65
AID: A0000000980840 Chip
AL: US DEBIT
PIN: Verified

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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or scan this code with your mobile device.



or call 1-800-410-7420.

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Domestic Mail Only

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Use on **OFFICIAL USE**

Certified Mail Fee \$4.15
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
Postage \$0.63
Total Postage and Fees \$8.13
Sent To
Street and Apt. No., or PO Box No.
City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

PUBLIC NOTICE

POSTED NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Daytona Beach Shores Planning and Zoning Board will hold a Public Hearing on April 10th at 8:30 a.m. in the City Commission Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida. The purpose of the hearing is to consider a variance request for property located at 3126 Liberty Street, Daytona Beach Shores, Florida. The applicant, Andrew and Lisa Lowell, are requesting the following:

Two variances to construct a 720 sq/ft detached garage in the front yard. The property is located in the RSF-2 (Urban Single-Family Residential Detached) District and Section 14-17.4 of the Land Development Code requires a minimum front yard of 30 feet and a minimum interior side yard of 10 feet. The applicant is proposing a 16.2-foot front yard which requires a variance of 13.8 feet in addition to a 4-foot interior side yard, requiring a variance of 6 feet.

All interested parties are invited to appear at this public hearing and submit oral or written objections or comments. The application is available for public inspection at the City of Daytona Beach Shores, Community Services Department, Planning Division, 2990 South Atlantic Avenue, Daytona Beach Shores, Florida. If it will be necessary to reschedule this public hearing to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

In accordance with the Americans with Disabilities Act (ADA), persons needing special accommodations to participate in the proceedings should contact the City Clerk's Office no later than five days prior to the hearing.

NOTE:

This placard/signage should be placed on the property at least 10 days prior to the hearing near the right-of-way. Placard should be weather resistant and legible to a pedestrian reading it from the sidewalk. For best results utilize a placard with 24" x 36" dimensions.

PUBLIC NOTICE

Exhibit B – Planning Analysis

MEETING DATE: April 10, 2023

SUBJECT: 3126 Liberty Street, front and side yard variances to construct detached garage

APPLICANT: Andrew and Lisa Lowell, property owners

VARIANCE NUMBER: ZV2023004

I. INTRODUCTION:

This is a request for two variances related to the construction of 24-foot by 30-foot detached garage. The property at 3126 Liberty Street is zoned RSF-2 (Urban Single-Family Residential Detached District) and section 14-17.4. of the Land Development Code (LDC) requires a 30-foot front yard. The applicant is requesting a front yard setback of 16.2 feet, requiring a variance of 13.8 feet. Further, section 14-17.4. of the LDC requires a 10-foot interior side yard. The applicant is requesting an interior side yard setback of 4 feet, requiring a variance of 6 feet to construct a 720 square foot detached garage in the front yard.

EXHIBIT 1: Aerial view of 3126 Liberty Street looking west:



II. BACKGROUND

The property is designated as “Low Density Residential” on the City’s Future Land Use Map (FLUM) and is zoned RSF-2 (Urban Single-Family Residential Detached District) on the City’s Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district. The adjacent land uses and zoning designations are as follows:

EXHIBIT 2: Abutting land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Single-Family House	Low Density Residential	RSF-2 (Urban Single-Family Residential Detached District)
South	Daytona Beach Drive-in Christian Church	Public & Quasi Public	P (Public/Quasi Public)
East	Sandpiper Gift Shop & Hampton Inn Overflow Parking	Tourist Oriented Commercial	GC-1 (gift shop) & T-RMF-1 (overflow parking)
West	Single-Family House	Low Density Residential	RSF-2 (Urban Single-Family Residential Detached District)

The subject property at 3126 Liberty Street (Exhibit 1) is located in the Orita Subdivision platted in 1887 and has frontage on Liberty Street. The property abuts a platted alley on the west side known today as Brookfair Crescent however this section of alley is undeveloped and does not currently have or allow for future pedestrian or vehicular access to the subject property. According to the survey, the property is approximately 102 feet wide abutting Liberty Street and 56 feet wide along the rear property line. The property is 206 deep on the north property line and 231 feet along the south property line abutting the Daytona Beach Drive-in Christian Church. There is an existing attached single car garage approximately 14 feet wide by 25 feet deep but does not present enough room for parking or storage for the property owners.

The single-family home sits approximately 46.4 feet from the front property line with an additional 15 feet to the edge of pavement on Liberty Street. A 6-foot white vinyl fence runs along the south side of the property approximately 2.7-9.9 feet north of the south property line and 10.2 feet off the southwest corner of the single-family residence according to the survey provided. Based on aerials, there are two palm trees on the south side of the fence and a landscaped area with two palm trees north of the south fence and directly adjacent to the pool deck (EXHIBIT 3). There is a “covered area” and a 10x10-foot frame shed along the north property line between the residence and north property line.

There is an existing pool and pool deck in the rear yard. Additionally, the water meter and water line are located in the middle of the front of the property and the water line runs straight east into the front of the residence. The single-family home has two picture windows with ocean views in the front of the home.

EXHIBIT 3: Aerial view of rear yard at 3126 Liberty Street looking east:



Due to the existing location of onsite improvements including the position of the single-family home on the property, privacy fence, landscape interior and exterior of the privacy fence and two picture windows presenting ocean views in the front of the home, the property owners are seeking two variances to construct a 24 foot by 30 foot detached garage for vehicle parking and storage in the front yard of the property so that vehicular access can be made from Liberty Street.

III. EVALUATION CRITERIA

Section 14-63.8.a. of the City's 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 is indicated in *italics*; for applicant's response and justification see variance application (Attachment A)]:

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.

Due to the existing location of onsite improvements including the position of the single-family home on the property, the location of the privacy fence along the south edge of the property and existing trees that are both interior and exterior of the privacy fence on the south side of the property, the property and access to the rear yard is restricted presenting a unique circumstance specific to this property. Further due to the location of the water meter and water line to the home and location of two picture windows presenting ocean views in the front of the home, the applicants have proposed to position the detached garage to line up with the south side of the residence as shown in the application exhibit. The property meets the minimum dimensional requirements of the RSF-2 zoning district and the size of the lot is larger than others in the same zoning district, however the other properties along Liberty Street that have similar lot depths do not have angled property lines and the homes are positioned parallel with the side property lines. Furthermore, the six other homes located on this block have an average front yard setback of 95 feet which allows for accessory uses including detached garages to be built in the front yard without variances while the subject property has a front yard setback of 46 feet from the front property line, limiting the available building area. The special condition relates to existing improvements on the property, the restricted access to the rear yard and the lack of available front yard compared to abutting properties with similar lot sizes.

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

According to the Volusia County Property Appraiser, the single-family residence, pool and pool deck were built in 1977 and the shed was built in 1995. The current owners purchased the property in 2014. Therefore, the special conditions do not result from the actions of the applicant and are not primarily economic or financial in nature.

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.

The property has an existing attached single car garage approximately 350 sq/ft but is not adequate size for the parking and storage needs of the owner. Accessory structures including detached garages are commonly enjoyed in the single-family zoning districts in the city. However, due to the special conditions and circumstances articulated in the application and this report, the literal interpretation or enforcement of the provisions of this Ordinance (LDC) would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification due to the existing location of structures and accessory uses on the property as noted in subsection (i) and (ii) above.

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.

As noted above, the property has an existing attached single car garage approximately 350 sq/ft but is not adequate size for the parking and storage needs of the owner. Based on the application and analysis above, it appears that 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.

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 in the application and survey and analysis thereof, it does not appear that the variance 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 (LDC). Additionally, if approved, the variance will not authorize a use of the property not permitted by the zoning classification. The six other homes located on this block have an average front yard setback of 95 feet which allows for accessory uses including detached garages to be built in the front yard without variances. The single family residence is setback only 46 feet from the front property line while there are no other structures on this block that are located less than 75' from the Liberty Street right of way however staff does not believe the proposed improvements would be injurious to the area involved or the surrounding properties as the new structure is at the end of a dead-end street and abutting the Daytona Beach Drive-in Christian Church property. Further, there is an additional 14.4 feet from the front property line to the edge of pavement which would provide the appearance of a 30.6-foot setback from the edge of pavement.

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 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	X	X	X	X	7
Criteria Not Met								
Criteria Partially Met								

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