



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING DECEMBER 9, 2024

**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

- A. Board Oath for Joseph Monaco

2. MINUTES

- A. Planning & Zoning Minutes October 14, 2024

3. QUASI-JUDICIAL HEARING

- A. Zoning Variance ZV12024029: 2830 Gladys Terrace - Ramey, Front Yard Setback Variance to Install Patio Canopy
- B. Zoning Variance ZV12024030: 2902 River Point Drive - Mayberry, Front Yard Setback Variance to Extend Garage

4. ACTION ITEMS

- A. Ordinance 2024-22: Allowing Non-Conforming Land Use for Jet Set of Daytona at 2560 S. Atlantic Avenue

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

MINUTES
PLANNING & ZONING BOARD MEETING
October 14, 2024
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, Member Guy Desai

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

2. MINUTES

A. Planning & Zoning Minutes August 12, 2024

MEMBER CHUCK HORION moved, seconded by MEMBER JAMES LILLY to Approve the Planning & Zoning Minutes of August 12, 2024.

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, Member Guy Desai

3. QUASI-JUDICIAL HEARING

A. Special Exception SPEX12024017: Off-Site Construction Parking for LIV Condominium, two adjacent vacant lots on Dahlia Avenue (Volusia County Parcel ID #s: 6302 05 09 0010 and 6302 05 09 0020)

It was noted that this was a quasi-judicial proceeding, so Attorney Paul Waters swore in all the witnesses. City Planner Gwyn Herstein gave a brief staff presentation. If approved, the site would be used for temporary construction parking for the LIV Condominium project. The LIV Condominium will be located on S. Atlantic Avenue and this temporary parking will be across the street and head west down a side street. The project met all 20 required criteria for the special exception. Two of the criteria are met with conditions, but there are actually four conditions that staff requested with the recommended approval: 1) sand fencing shall be required to conform with LDC; 2) all components added to the site shall be removed upon completion of the use of the site; 3) all signage shall require a sign permit; 4) no staging, storage or stockpiling of construction material shall be allowed on the site. It was noted that the site plan for the project had been previously approved but no applications to begin the work have been received. It is anticipated that the project would take no more than three years. Attorney Rob Merrell, with Cobb & Cole, spoke on behalf of the applicant. Per the city's code, the special exception is something that once you meet the required criteria, it should be presumed approved. He stated that the workers would arrive in the morning, park their trucks and return at the end of the day. There should not be trucks coming and going all day from this area. The Chair opened up the hearing for public comments. There were no comments in favor of the applicant.

The following spoke against the project:

Gabriel Dillon-Bowman inquired who made the final decision on the project. He was not happy with the temporary parking in his neighborhood. Gary Lupinsky explained that he never received personal notice for the hearing and felt he should have. He stated that other condominiums had been built nearby without needing extra temporary parking in the neighborhood. Chris Evans felt that this would

be a nuisance in the neighborhood and did not want large trucks driving through.

Attorney Merrell spoke again reiterating that it was only construction workers' personal vehicles that would be parked on the site. They would not be coming and going throughout the day. Once the building was completed, the site would be seeded and palms planted.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to recommend approval to the City Commission for Special Exception SPEX12024017 with the four conditions as presented.

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

Yes: Member Rick Delange, Member Chuck Horion, Member Rose Ann Tornatore, Member Guy Desai

No: Member James Lilly

4. ACTION ITEMS

A. Regular Site Plan RSP12024020: LUX Condominium, 3159 S. Atlantic Ave.

City Planner Gwyn Herstein provided a brief presentation for the project. It will be a seven-story, 30-unit condominium. The property is currently a vacant lot and is zoned appropriately for a multi-family residence. The proposed site plan is consistent with the city's comprehensive plan and all due public notice had been met. There are three conditions that need to be addressed before final approval can be given by staff. They are: 1) additional safety measures for cars entering the lower level garage are needed; 2) required confirmation from the City of Port Orange for adequate water supply to the project has not been provided; 3) required confirmation that sufficient water pressure will be achieved by the project has not been provided. Staff recommended approval with the three conditions stated.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to recommend approval with the three conditions presented, to the City Commission for the Regular Site Plan RSP12024020: LUX Condominium.

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, Member Guy Desai

5. OTHER

A. Reminder of next Planning & Zoning Board meeting - Thursday, November 7th at 8:30 a.m.

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:47 am.

Cheri Schwab, Recording Secretary

Rick DeLange, Chairman



PLANNING & ZONING BOARD AGENDA MEMORANDUM DECEMBER 9, 2024 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Zoning Variance ZV12024029: 2830 Gladys Terrace - Ramey, Front Yard Setback Variance to Install Patio Canopy

SYNOPSIS:

Property Owner Renee Ramey submitted Zoning Variance Application ZV12024029 to allow the installation of a patio canopy within the irregularly shaped front yard setback of the parcel at 2830 Gladys Terrace. This parcel is zoned RSF-2 (Urban Single-Family Residential Detached District) and, according to the City's *Land Development Code*, Section 14-17.4., a minimum 30-foot front yard setback is required. The applicant has requested a 15-foot front yard setback variance in lieu of the required 30 feet. The building is currently set back 19 feet from the front yard property line. The variance would allow a canopy to be installed along the existing roof-line of the entrance-way alcove at the front door. This canopy addition would be consistent with the roof along the southeast corner of the residential structure.

FISCAL IMPACT STATEMENT:

BACKGROUND:

On September 25, 2024, Property Owner Renee Ramey submitted Zoning Variance Application ZV12024029 to allow installation of a patio canopy within the front setback of the irregularly shaped parcel at 2830 Gladys Terrace. This parcel is required to have a minimum front yard setback of 30 feet, according to the City's *Land Development Code*, Section 14-17.4. Currently, the subject single-family residence at 2830 Gladys Terrace sits 19 feet from the curved front yard (east) property line. This variance, if applied, would allow a 4-foot-deep, 18-foot-wide canopy to be installed along the entrance-way alcove at the residence's front door. While the proposed canopy addition would be located 15.0 feet from the nearest front yard (east) property line, it would be consistent with the existing roof along the southeast corner of the home, which currently has a 19-foot setback from the front yard property line. In addition to the sun-blocking benefits the canopy will provide, the property owner has stated the canopy will better protect her windows from the hundreds of golf balls which land on her property each year from the golf course to the immediate south of the property.

The property is designated "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned RSF-2 (Urban Single-Family Residential Detached District). The existing use of the property

is consistent with the FLUM designation and zoning district. Section 14-63.8.a. of the City's *Land Development Code* outlines the criteria for the Planning and Zoning Board to consider when evaluating variance requests and has been presented as part of the staff's Planning Analysis (Attachment B).

Due Public Notice has been performed by the applicant's contractor, and evidence of such has been provided to the City.

LEGAL REVIEW:

RECOMMENDATION:

Based on the information provided in the Planning Analysis (Exhibit B), staff recommends approval of Zoning Variance ZV12024029 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board Member may make one of the following motions:

- 1) "I move to approve Zoning Variance ZV12024029 as presented."
OR
- 2) "I move to approve Zoning Variance ZV12024029, with the following conditions..."
OR
- 3) "I move to deny Zoning Variance ZV12024029, on the basis of..."

- ATTACHMENT:**
1. Attachment A - Application Package & Public Notice Requirements Met (23 pages) 2830 Gladys Terrace, ZV2024029, Ramey
 2. Attachment B - Planning Analysis & Exhibits A-C (6 pages) ZV12024029, Ramey
 3. Attachment C - Survey (1 page) 2830 Gladys Terrace, ZV12024029, Ramey
 4. Attachment D - Plan (1 page) 2830 Gladys Terrace, ZV12024029, Ramey

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SEP 25 2024

BUILDING AND PERMITS DIVISION
CITY OF DAYTONA BEACH SHORES



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

12024029

5027-01-00-0110

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: 09/25/24

Applicable Section of Code: _____

Fees must be paid at the time the application is submitted

Applicant's Name: KENEE NAMEY Email: PERMITTING@DULANDSCREEN.COM

Address: 2830 GLADYS TERRACE Phone #: 407-862-6060

Property Address: 2830 GLADYS TERRACE, DAYTONA BEACH SHORES, FL 32118

Representing Attorney (if any): N/A Email: N/A

Address: N/A Phone #: N/A

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:

LOT 11 DACHS SUB NUMBER ONE MB 19 PG 63 EXEC R/W PER OR 8980

PG 3958 PER OR 6709 PGS 3040-3041 PER OR 6719 PG 0152 PER OR

6743 PGS 2413-2414 PER OR 7009 PGS 0182-0183 PER OR 7102 PG

Description of your request:

INSTALLATION OF PATIO CANOPY 14'-1" FROM PROPERTY LINE (FRONT) INSTEAD OF

REQUIRED 30'-0" DUE TO SPECIAL SHAPE OF PROPERTY LINE @ FRONT OF

PROPERTY

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.

SHAPE OF PROPERTY LINE LOCATED @ FRONT OF PROPERTY IS A VERY DIFFERENT SHAPE THAN OTHER PROPERTIES IN THE SAME ZONING CLASSIFICATION. THIS CIRCULAR SHAPE ROBS THE PROPERTY OF ANY POSSIBILITY OF COVERAGE OR WORK @ FRONT OF PROPERTY AND MAKES THE EXISTING RESIDENCE NON-COMPLIANT.

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

YES, THE SPECIAL SHAPE/LOCATION OF THE FRONT PROPERTY LINE DOES 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,

CORRECT.

- 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.

- 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.

- 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.

- 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: N/A

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: N/A

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: N/A

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: N/A


Applicant's Signature

Date



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CITY OF DAYTONA BEACH SHORES

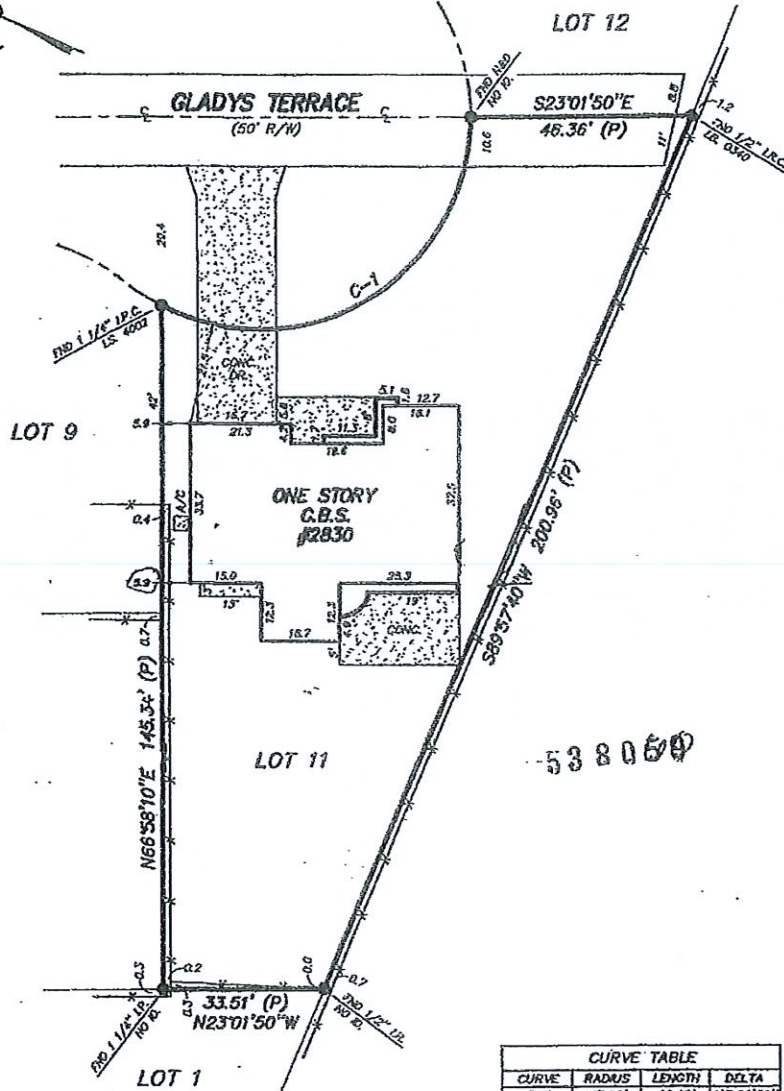


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BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 11, DACH'S SUBDIVISION NUMBER ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 19, PAGE(S) 63, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SCALE: 1"=30'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C-1	45.00'	32.19'	117°22'30"

BUYER'S TITLE, INC.

DRAWN BY:
MP

CHECKED BY:
BRETT

CERTIFIED TO:
BRITTANEY N. RAMEY
AMERICAN EQUITY MORTGAGE, ISADANATIMA
BUYER'S TITLE, INC.
FIRST AMERICAN TITLE INSURANCE COMPANY

COMMUNITY AC:
125155
PAND: 0386 SURF: G FIRM DATE: 04/15/02
FLOOD ZONE: X

SURVEY NO:
46746
FIELD DATE:
07/26/12

RIGHT-OF-WAY LINE	CENTURINE	BOARD WIRE FENCE	WOOD FENCE	CHAIN LINK FENCE	PLASTIC FENCE
A/C - AIR CONDITIONER A - CENTRAL ANGLE BLK - BLOCK C.B. - CHORD BEARING C.B.S. - CONCRETE BLOCK STRUCTURE C.M. - CONCRETE MONUMENT CONC. - CONCRETE D - DEED D.E. - DRAINAGE EASEMENT E - EAST F.F.E. - FINISHED FLOOR ELEVATION FND - FOUND ID - IDENTIFICATION LP - IRON PIPE	LR - IRON ROD L.R.C. - IRON ROD & CAP L - ARC LENGTH L.B. - LAND SURVEYING BUSINESS L.S. - LAND SURVEYOR M - MEASURED N - NORTH NAD - NAIL AND DISK P - PLAT P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.C.P. - PERMANENT CONTROL POINT P.L. - PROPERTY LINE P.O.B. - POINT OF BEGINNING	LR - IRON ROD L.R.C. - IRON ROD & CAP L - ARC LENGTH L.B. - LAND SURVEYING BUSINESS L.S. - LAND SURVEYOR M - MEASURED N - NORTH NAD - NAIL AND DISK P - PLAT P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.C.P. - PERMANENT CONTROL POINT P.L. - PROPERTY LINE P.O.B. - POINT OF BEGINNING		P.O.C. - POINT OF COMMENCEMENT P.O.L. - POINT ON LINE P.R.C. - POINT OF REVERSE CURVE P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENT R - RADIUS R/W - RIGHT OF WAY S/W - SIDEWALK S - SOUTH U.E. - UTILITY EASEMENT W - WEST W.F.S. - WOOD FRAME STRUCTURE O = SET 1/2" L.R.C. PER 18/7371	

BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF GLADYS TERRACE BEING S23°01'50"E PER PLAT

Long Surveying, Inc.

"Specializing in Residential Surveying"

LB No. 7371

143 Villa Di Este Terrace #113

Lake Mary, FL 32746

Office 407-330-9717 or 407-330-9716

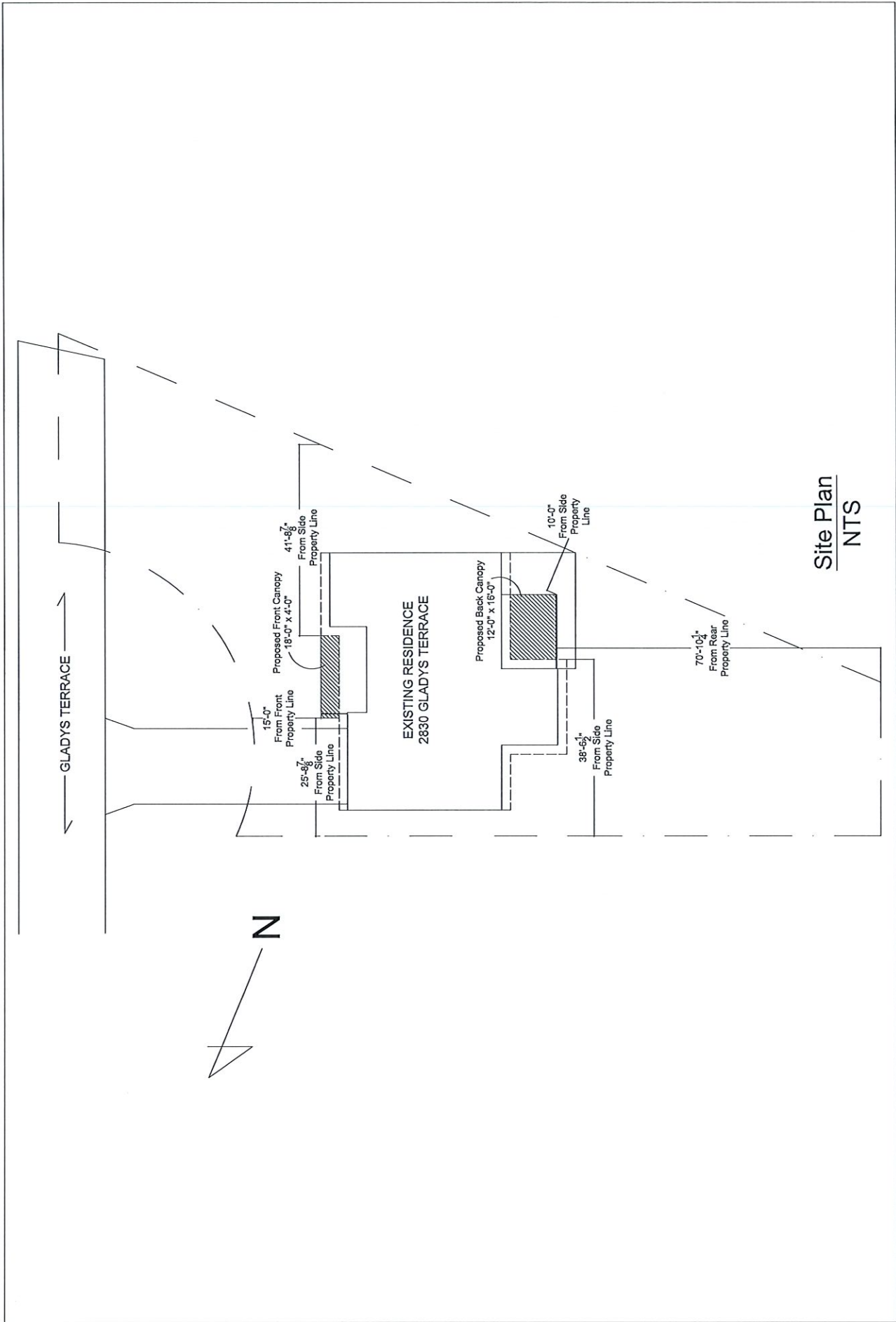
Fax 407-330-9775

WWW.LONGSURVEYING.COM

- NOTES:
- 1) This survey is based on the legal description as provided by the Client
 - 2) This Surveyor has not abstracted the land shown herein for easements, rights of way or restrictions of record which may affect the title or use of the land
 - 3) Do not reconstruct property lines from this map
 - 4) No footing or overhangs were shown located on the lot as shown
 - 5) No improvements or utilities have been located except as shown
 - 6) This survey is not valid without the signature and the original record seal of a Florida Licensed Surveyor and Mapper

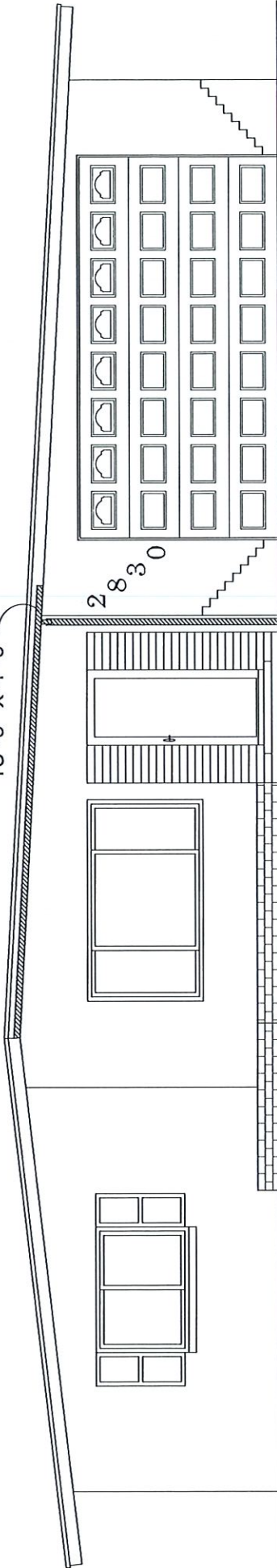
Declaration: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 11C17-5, Florida Administrative Code, pursuant to Section 472.037, Florida Statutes.

by M. Shomberg, P.S.M. No. 5144



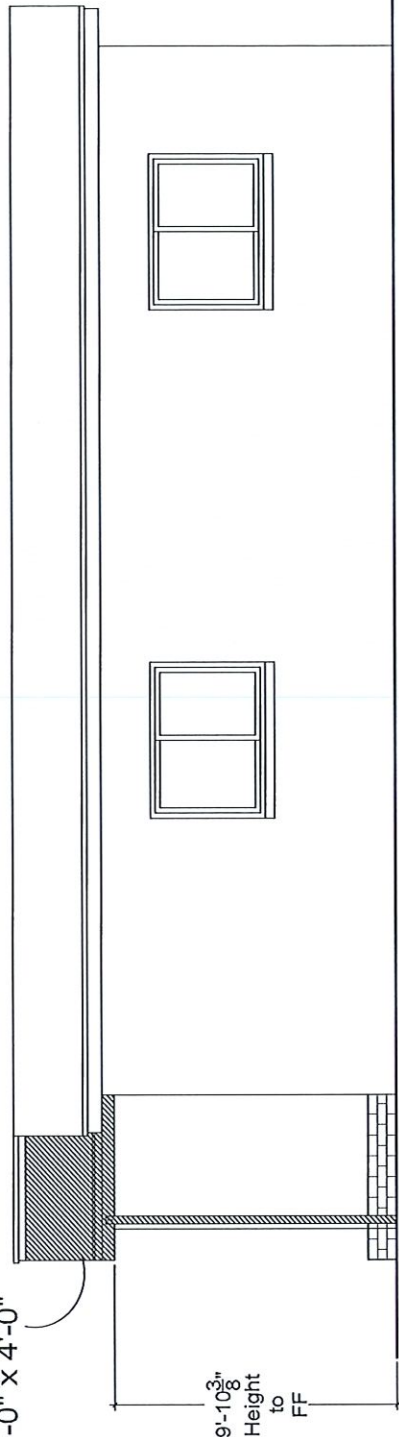
Site Plan
NTS

Proposed Front Canopy
18'-0" x 4'-0"



Front Elevation
 $\frac{1"}{4} = 1'-0"$

Proposed Front Canopy
18'-0" x 4'-0"



Side Elevation
 $\frac{1"}{4} = 1'-0"$

270831
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SEP 25 2024
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Dulando Screen & Awning, Inc. 835 Sunshine Lane Altamont Springs, FL 32714 (407) 862-6060 SCC131149580	DBSS INC. Engineering and Design Services 3622 Avalon Park East Blvd. #2072 ORLANDO, FL 32828 PHONE 321-251-6006	Project Information 2830 Gladys Terrace Daytona Beach, FL 32118 PARCEL ID: 532701000110 Screened Area: II Solid Roof Area: C WIND SPEED: 130 MPH Exposure: C	Ramey This item has been electronically signed and sealed by Scott A. Santomauro on the date and/or time shown using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified by a 3rd Party Certificate Authority on any electronic copy.	Date Created: 6/17/24
				Job Number: 142-24 10F1



November 7th, 2024

Dear Property Owner,

The owners of the property located at 2830 Gladys Terrace, Daytona Beach, FL 32118, which abuts your property, have submitted a variance application to the Planning and Zoning Board of the City of Daytona Beach Shores for the following project:

Installation of a patio canopy at the front of the property. The patio canopy is to be installed approximately 45 feet from Gladys Terrace facing the front of the property. But the patio canopy would be located only approximately 15 feet from the front property line and not the required 30 feet as the property line is curved toward the interior of the lot.

The City of Daytona Beach Shores Planning and Zoning Board will hold a public hearing on this application on Monday, December 9th beginning at 8:30 AM in the City Council Chambers in the Community Center located at 3000 Bellemeade Drive, Daytona Beach Shores. All interested parties may appear at this public hearing and will be given the opportunity to be heard. 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.

The application is available for public inspection at the City of Daytona Beach Shore, Community Service Department, Building & Codes Division, 2990 South Atlantic Avenue, Daytona Beach Shores. For more information, please contact the Building & Codes Division at 386-763-5377.

Dulando Screen & Awning, Inc.
835 Sunshine Lane, Altamonte Springs, FL 32714
(407) 862-6060 Office
www.dulandoscreen.com



Physical and Mailing Addresses of Abutting Properties:

- 1) Oceans West Homeowners Association
S Peninsula Drive,
Daytona Beach, FL 32118
(Mailing Address - 2 Oceans West Boulevard, Daytona Beach, FL 32118-6002)

- 2) Joseph & Maria Deimocentiis
2833 Gladys Ter,
Daytona Beach, FL 32118
(Mailing Address - 75-08 188th St, Flushing, NY 11366)

- 3) Julie Gearheart
2831 Gladys Terr,
Daytona Beach, FL 32118-5920

- 4) Joy McAbee Gard Trust
2829 Gladys Ter,
Daytona Beach, FL 32118-5920

- 5) Trisha & Jordan Gibson
2828 Gladys Ter,
Daytona Beach, FL 32118

- 6) Spiros & Anita Tsolis
102 Gladys Ter,
Daytona Beach, FL 32118-5917

- 7) Michael & Jaqueline St. John
100 Gladys Ter,
Daytona Beach, FL 32118

Dulando Screen & Awning, Inc.
835 Sunshine Lane, Altamonte Springs, FL 32714
(407) 862-6060 Office
www.dulandoscreen.com



HERNDON
821 HERNDON AVE
ORLANDO, FL 32803-5150
(800)275-8777

11/07/2024 04:50 PM

Product	Qty	Unit Price	Price
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First-Class Mail®	1		\$0.73
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Letter
Daytona Beach, FL 32118
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 11/09/2024
Certified Mail® \$4.85
Tracking #:

9589 0710 5270 1595 1292 27
Total \$5.58

First-Class Mail®	1		\$0.73
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Letter
Fresh Meadows, NY 11366
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Tue 11/12/2024
Certified Mail® \$4.85
Tracking #:

9589 0710 5270 1595 1292 34
Total \$5.58

First-Class Mail®	1		\$0.73
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Letter
Daytona Beach, FL 32118
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Estimated Delivery Date
Sat 11/09/2024
Certified Mail® \$4.85
Tracking #:

9589 0710 5270 1595 1292 41
Total \$5.58

First-Class Mail®	1		\$0.73
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Letter
Daytona Beach, FL 32118
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Estimated Delivery Date
Sat 11/09/2024
Certified Mail® \$4.85
Tracking #:

9589 0710 5270 1595 1292 58
Total \$5.58

First-Class Mail®	1		\$0.73
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Letter
Daytona Beach, FL 32118
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Estimated Delivery Date
Sat 11/09/2024
Certified Mail® \$4.85
Tracking #:

9589 0710 5270 1595 1292 65
Total \$5.58

First-Class Mail®	1		\$0.73
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Letter
Daytona Beach, FL 32118
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Estimated Delivery Date
Sat 11/09/2024
Certified Mail® \$4.85
Tracking #:

9589 0710 5270 1595 1292 72
Total \$5.58

First-Class Mail® 1 \$0.73
Letter
Daytona Beach, FL 32118
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 11/09/2024
Certified Mail® \$4.85
Tracking #:

9589 0710 5270 1595 1292 89
Total \$5.58

Grand Total: \$39.06

Credit Card Remit \$39.06

Card Name: VISA
Account #: XXXXXXXXXX5730
Approval #: 19892G
Transaction #: 696
AID: A0000000031010 Contactless
AL: VISA CREDIT

Text your tracking number to 28777 (2US) 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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Thank you for your business.

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or scan this code with your mobile device,



or call 1-800-410-7420.

UFN: 116929-0808
Receipt #: 840-53270046-3-4286579-2
Clerk: 21

9589 0710 5270 1595 1292 27

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Daytona Beach, FL 32118
 9589 0710 5270 1595 1292 27

Certified Mail Fee	\$4.85	0808
	\$0.00	21
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	\$0.73	
Total Postage and Fees	\$5.58	
Sent To <u>Dean West</u>		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Daytona Beach, FL 32118
 9589 0710 5270 1595 1292 58

Certified Mail Fee	\$4.85	0808
	\$0.00	21
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	\$0.73	
Total Postage and Fees	\$5.58	
Sent To <u>Gard Trust</u>		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Fresh Meadows
 HE 2627 5657 0225 0720 6956

Certified Mail Fee	\$4.85	0808
	\$0.00	21
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	\$0.73	
Total Postage and Fees	\$5.58	
Sent To <u>Deincentis</u>		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1595 1292 65

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For delivery information, visit our website at www.usps.com™.

Daytona Beach, FL 32118
 9589 0710 5270 1595 1292 65

Certified Mail Fee	\$4.85	0808
	\$0.00	21
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	\$0.73	
Total Postage and Fees	\$5.58	
Sent To <u>Gibson</u>		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1595 1292 41

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For delivery information, visit our website at www.usps.com™.

Daytona Beach, FL 32118
 TH 2627 5657 0225 0720 6956

Certified Mail Fee	\$4.85	0808
	\$0.00	21
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	\$0.73	
Total Postage and Fees	\$5.58	
Sent To <u>Bearhead</u>		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1595 1292 72

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com™.

Daytona Beach, FL 32118
 9589 0710 5270 1595 1292 72

Certified Mail Fee	\$4.85	0808
	\$0.00	21
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	\$0.73	
Total Postage and Fees	\$5.58	
Sent To <u>SOLIS</u>		
Street and Apt. No., or PO Box No.		
City, State, ZIP+4®		

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

9589 0710 5270 1595 1292 89

Certified Mail Fee \$4.85

Extra Services & Fees (check box, add fees 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 \$0.73

Total Postage and Fees \$5.58

Sent To St John

Street and Apt. No., or PO Box No.

City, State, ZIP+4®



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Tracking Number:

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9589071052701595129227

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Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.

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Moving Through Network
In Transit to Next Facility, Arriving Late
November 11, 2024

Departed USPS Regional Facility
ORLANDO FL DISTRIBUTION CENTER
November 7, 2024, 9:42 pm

Arrived at USPS Regional Facility
ORLANDO FL DISTRIBUTION CENTER
November 7, 2024, 8:25 pm

Departed Post Office
ORLANDO, FL 32803
November 7, 2024, 5:51 pm

USPS in possession of item
ORLANDO, FL 32803
November 7, 2024, 4:44 pm

Feedback

Tracking Number:

Remove X

9589071052701595129234

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Latest Update

Your item was delivered to an individual at the address at 11:27 am on November 12, 2024 in FRESH MEADOWS, NY 11366.

Get More Out of USPS Tracking:
USPS Tracking Plus®

Delivered
Delivered, Left with Individual
FRESH MEADOWS, NY 11366
November 12, 2024, 11:27 am

See All Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Feedback

Text & Email Updates	▼
USPS Tracking Plus®	▼
Product Information	▼

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9589071052701595129241

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Latest Update

Your item was delivered to an individual at the address at 9:44 am on November 9, 2024 in DAYTONA BEACH, FL 32118.

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DAYTONA BEACH, FL 32118

November 9, 2024, 9:44 am

See All Tracking History

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Feedback

Text & Email Updates



USPS Tracking Plus®



Product Information



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Tracking Number:

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Latest Update

Your item was delivered to an individual at the address at 9:47 am on November 9, 2024 in DAYTONA BEACH, FL 32118.

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USPS Tracking Plus[®]

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Delivered, Left with Individual
DAYTONA BEACH, FL 32118
November 9, 2024, 9:47 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Feedback

Text & Email Updates



USPS Tracking Plus[®]



Product Information



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Tracking Number:

Remove X

9589071052701595129265

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Latest Update

Your item was delivered to an individual at the address at 9:43 am on November 9, 2024 in DAYTONA BEACH, FL 32118.

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USPS Tracking Plus[®]

Delivered
Delivered, Left with Individual
DAYTONA BEACH, FL 32118
November 9, 2024, 9:43 am

See All Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates

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Product Information

See Less ^

Feedback

Tracking Number:

9589071052701595129272

Remove X

Copy

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Latest Update

Your item was delivered to an individual at the address at 9:31 am on November 8, 2024 in DAYTONA BEACH, FL 32118.

Get More Out of USPS Tracking:
USPS Tracking Plus®

Delivered
Delivered, Left with Individual
DAYTONA BEACH, FL 32118
November 8, 2024, 9:31 am

See All Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

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Product Information

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Tracking Number:

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9589071052701595129289

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Latest Update

Your item was delivered to an individual at the address at 10:52 am on November 12, 2024 in DAYTONA BEACH, FL 32118.

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USPS Tracking Plus®

Delivered

Delivered, Left with Individual

DAYTONA BEACH, FL 32118

November 12, 2024, 10:52 am

See All Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates

USPS Tracking Plus®

Product Information

Feedback

See Less ^



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 11/23/24. 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 N/A. 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 11/07/24.

Name	Address
OCEANVIEW HOA	8 PENINSULA DRIVE, DAYTONA BEACH, FL 32118
JOSEPH & MARIA PENNOCENTIO	2833 GLADYS TER, DAYTONA BEACH, FL 32118
JULIE GEARHEART	2831 GLADYS TER, DAYTONA BEACH, FL 32118
JOY MCABEE GARD TRUST	2829 GLADYS TER, DAYTONA BEACH, FL 32118
TRISHA & JORDAN GIBSON	2828 GLADYS TER, DAYTONA BEACH, FL 32118
OPRIMO DANITA TROUS	102 GLADYS TER, DAYTONA BEACH, FL 32118
MICHAEL & JACQUELYN ST. JOHN	100 GLADYS TER, DAYTONA BEACH, FL 32118

Hearing Date: 12/09/24 @ 8:30AM
 Printed Name: XENIA NICASIO "ROLANDO GREEN"
 Address: 835 BUNGALOW LANE,
ALBAMONT SPRINGS, FL 32714
 Signature: 

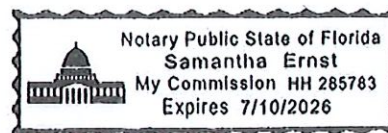
STATE OF FLORIDA
 COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 27TH OF NOVEMBER, by XENIA NICASIO, who is personally known to me or who has produced N/A as identification.


 Signature

Printed or Typed Name
 Commission #
 My Commission Expires

Samantha Ernst
285783
7/10/2026



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Daytona Beach Shores Planning and Zoning Board will hold a Public Hearing on December 9th at 8:30 AM in the City Council Chambers in the Community Center located at 3000 Bellemend Drive, Daytona Beach Shores, Florida. The purpose of the hearing is to consider a variance request for property located at 2830 Gladys Terrace, Daytona Beach, FL 32118. The applicant Renee Ramey is requesting installation of a canopy at the front of the property 15 ft closer to the front setback than allowed due to the odd shape of the front property line.

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, Building & Codes 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.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Daytona Beach Shores Planning and Zoning Board will hold a Public Hearing on December 9th at 8:30 AM in the City Council Chambers in the Community Center located at 3000 Bellemend Drive, Daytona Beach Shores, Florida. The purpose of the hearing is to consider a variance request for property located at 2830 Gladys Terrace, Daytona Beach, FL 32118. The applicant Renee Ramey is requesting installation of a canopy at the front of the property 15 ft closer to the front setback than allowed due to the odd shape of the front property line.

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, Building & Codes 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.

	PLANNING ANALYSIS
SUBJECT:	Zoning Variance ZV12024029: To place a patio canopy within the required front yard setback
LOCATION:	2830 Gladys Terrace in Daytona Beach Shores
PROPERTY OWNER:	Renee Ramey
APPLICANT:	Renee Ramey with Ted Linze of Dulando Screen
STAFF CONTACT:	Gwyn Herstein, City Planner, PH: 386-763-5376

I. INTRODUCTION

Property Owner Renee Ramey submitted Zoning Variance Application ZV12024029 to allow a patio canopy to be installed within the irregularly shaped front yard setback of the parcel at 2830 Gladys Terrace. This parcel is zoned RSF-2 (Urban Single-Family Residential Detached District) and, according to the City's *Land Development Code*, Section 14-17.4., a minimum 30-foot front yard setback is required. The applicant has requested this variance to allow a canopy to be installed along the existing roof-line of the entrance-way alcove at the front door. This canopy addition would be consistent with the roof along the southeast corner of the residence; however, the proposed canopy would be located 15.0 feet from the nearest front property line.

Exhibit A: Aerial View of 2830 Gladys Terrace in Daytona Beach Shores



Source: Volusia County Property Appraiser, 2024

II. BACKGROUND

The property is designated "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned RSF-2 (Urban Single-Family Residential Detached District). The existing use of the property is consistent with the FLUM designation and zoning district. Section 14-63.8.a. of the City's *Land Development Code* outlines the criteria for the Planning and Zoning Board to consider when evaluating variance requests. These criteria are detailed in this analysis.

This parcel is required to have a minimum front yard setback of 30 feet, according to the City's *Land Development Code*, Section 14-17.4. Currently, the subject single-family residence at 2830 Gladys Terrace sits 19 feet from the atypical front property line. This variance, if approved, would allow a 4-foot-deep, 18-foot-wide canopy to be installed along the entrance-way alcove at the residence's front door. While the proposed canopy addition would be located 15.0 feet from the nearest front yard (east) property line, it would be consistent with the existing roof along the southeast corner of the home. In addition to the sun-blocking benefits the canopy will provide, the property owner has stated the canopy will better protect her windows from the hundreds of golf balls which land on her property each year from the golf course to the immediate south of the property.

III. EXISTING ZONING AND LAND USE

Table 1 below provides a description of the zoning district designation and current land use (i.e., existing development) for the subject and abutting properties.

Table 1: Zoning and Land Use Area Description

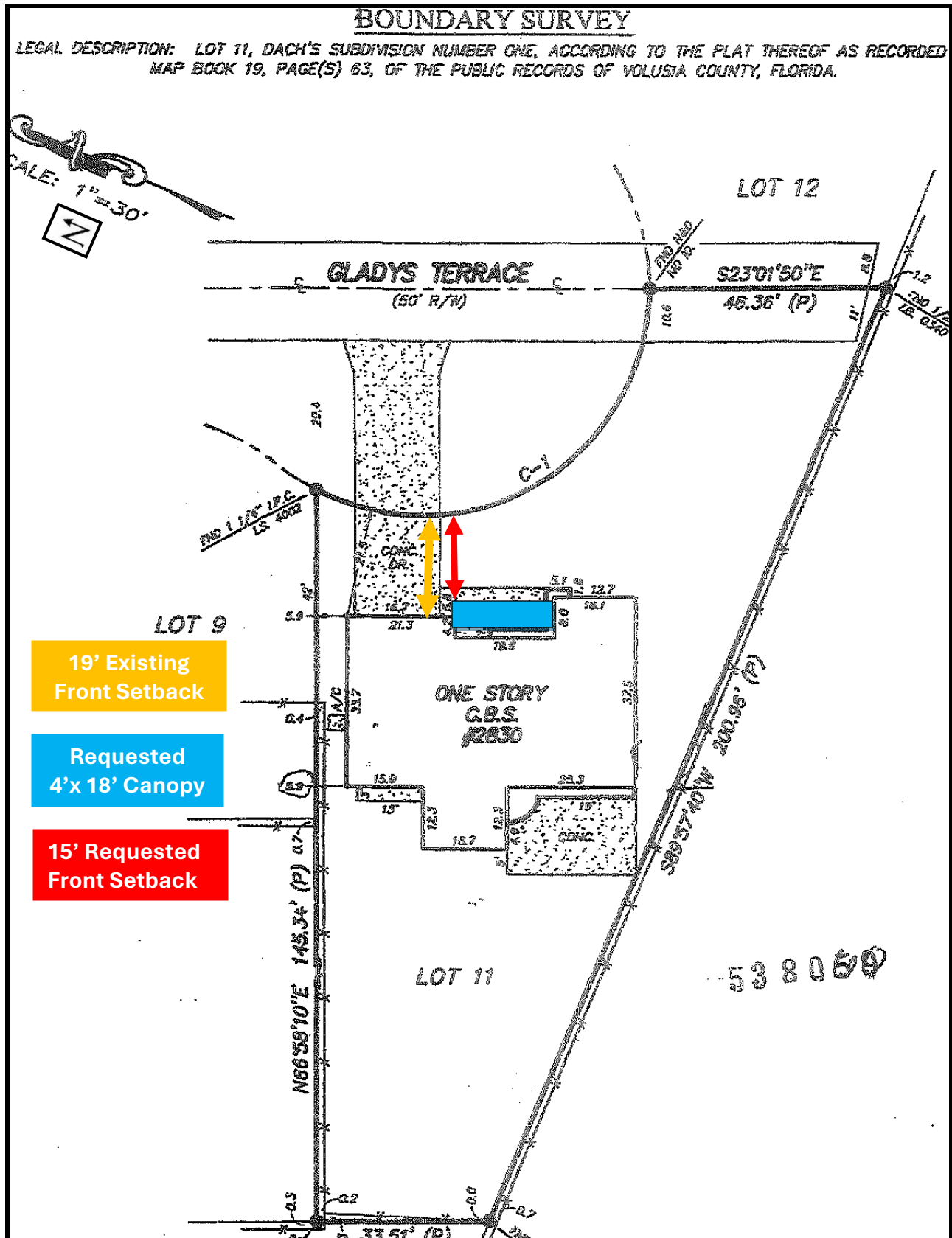
Location	Zoning	Current Land Use
Subject Property	RSF-2	Single-Family Residence
North	Volusia County Properties	Single Family Residences
South	PUD	Oceans West Golf Course, Oceans Cloverleaf North
East	Volusia County Property	Single-Family Residences
West	Volusia County Property	Single-Family Residence

Notes: RSF-2: Urban Single-Family Residential Detached District; PUD: Planned Unit Development

IV. VARIANCE REQUEST

As demonstrated in **Exhibit B** below, the requested variance, if approved, will allow a front yard setback of 15 feet in lieu of the 30 feet required on the east side of the property, specifically for the placement of a patio canopy along 18 feet on the east side of the home.

Exhibit B: Variance Request



V. EVALUATION CRITERIA

Section 14-63.8.a. of the City's *Land Development Code* 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** in Agenda Item Packet)]:

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.*

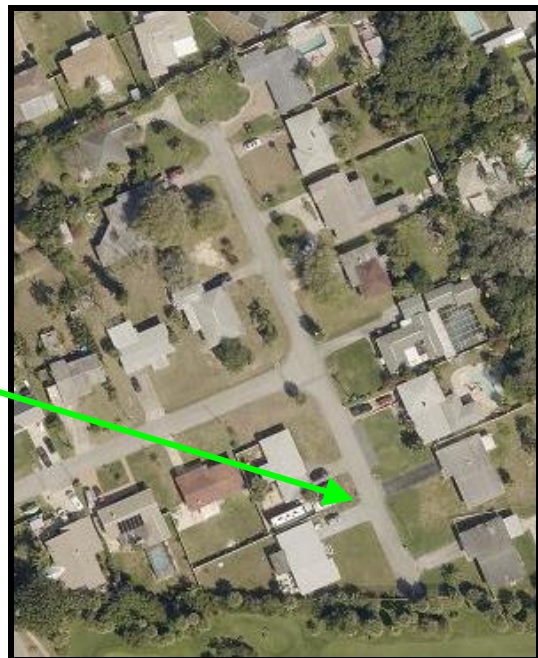
Applicant's response: "Shape of property line located @ front of property is a very different shape than other properties in the same zoning classification. This circular shape robs the property of any possibility of coverage or work @ front of property and makes the existing residence non-compliant."

Staff Comment: This property has an atypical shape which establishes an atypical front yard setback when compared with other properties in the neighborhood and with similarly zoned properties in Daytona Beach Shores. This property appeared to be re-platted with an allowance for a cul-de-sac, though the roadway did not utilize this allowance when developed (**Exhibit C**). Without the cul-de-sac allowance, this residence would be located approximately 40 feet from the front yard property line and this variance request would be unnecessary.

Exhibit C: Property Lines (left) and Roadway Utilization (right) of same area



Source: ArcGIS, 2024



Source: Volusia County Property Appraiser, 2024

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

The applicant was not responsible for the creation of these special circumstances. This property was re-platted with a cul-de-sac allowance in the front yard. The circumstances are not 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.*

Literal interpretation of the provisions of the RSF-2 district dimensional requirements would prevent the applicant from improving the existing 1960-built residence in a manner available to most other single-family residences in the same zoning classification. The current zoning regulations, including setbacks, were not in effect at that time.

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.*

The variance request for a 15-foot-deep front yard setback represents the minimum variance that will afford relief to allow a patio canopy to be placed in-line with the southern side of the east face of the residence. No other variance need has been identified.

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.*

The variance, if approved, will not authorize or extend any non-conforming use or other non-conformity.

vi. *The granting of this variance, if authorized, would 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.*

If granted, 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. The variance will not authorize a use of the property which is not permitted in the RSF-2 zoning district.

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 the regulations adopted pursuant thereto.

Based on staff's interpretation of the facts and evidence provided, **Table 2** below is provided to assist the Board in its decision-making process:

Table 2: Front Yard Setback Authorization Criteria Summary (per *LDC*, 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								

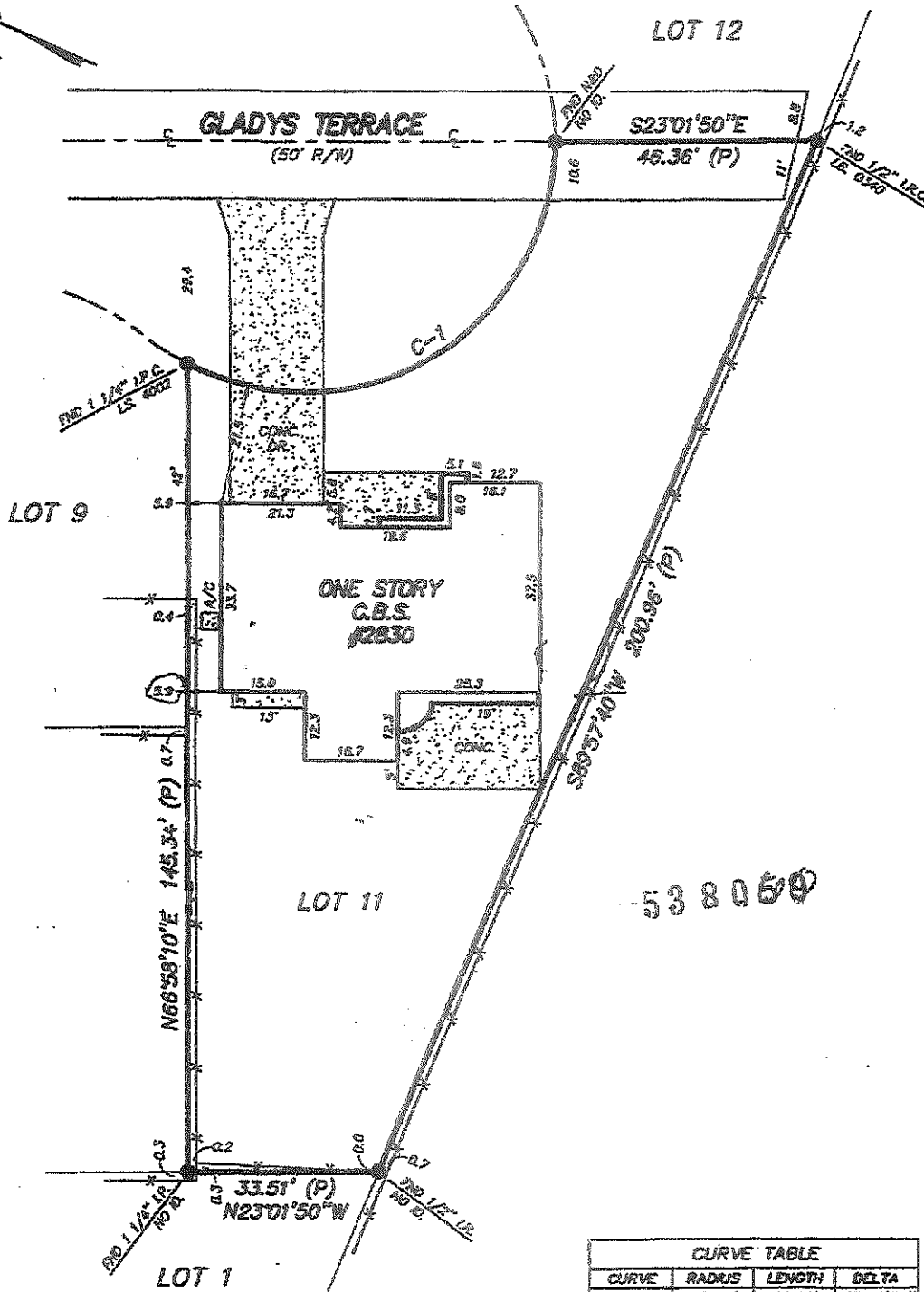
* **NOTE:** Pursuant to prior and current legal counsel, a successful variance application can only be achieved if all evaluation criteria are met.

VI. STAFF RECOMMENDATION

Based on the analysis herein, staff recommends approval of Zoning Variance ZV12024029 as presented.

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 11, DACH'S SUBDIVISION NUMBER ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 19, PAGE(S) 63, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C-1	45.00'	92.19'	117°22'50"

BUYER'S TITLE, INC.

RIGHT-OF-WAY LINE	CENTERLINE	CHAIN LINE FENCE	PLASTIC FENCE
A/C - AIR CONDITIONER A - CENTRAL ANGLE BLK - BLOCK C.B. - CHORD BEARING C.B.S. - CONCRETE BLOCK STRUCTURE C.M. - CONCRETE MONUMENT CONC. - CONCRETE D - DEED D.E. - DRAINAGE EASEMENT E - EAST F.F.E. - FINISHED FLOOR ELEVATION FND - FUND ID. - IDENTIFICATION I.P. - IRON PIPE	LB - LONG ROD L.R.C. - LONG ROD & CAP L - ARC LENGTH L.S. - LAND SURVEYING BUSINESS L.S. - LAND SURVEYOR M - MEASURED N - NORTH R&D - RAIL AND DISK P - PLAT P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.C.P. - PERMANENT CONTROL POINT P.L. - PROPERTY LINE P.O.B. - POINT OF BEGINNING	P.O.C. - POINT OF COMMENCEMENT P.O.L. - POINT ON LINE P.R.C. - POINT OF REVERSE CURVE P.R.S. - PERMANENT REFERENCE SIGN P.T. - POINT OF TANGENT R - RADIUS R/W - RIGHT OF WAY S/W - SIDEWALK S - SOUTH U.E. - UTILITY EASEMENT W - WEST W.F.S. - WOOD FRAME STRUCTURE O - SET 1/2" L.R.C. PER 1897371	

DRAWN BY:
MP

CHECKED BY:
BRETT

CERTIFIED TO:
BRITTANEY M. RAMEY
AMERICAN EQUITY MORTGAGE, ISADANATIMA
BUYER'S TITLE, INC.
FIRST AMERICAN TITLE INSURANCE COMPANY

COMMUNITY NO:
125155
PANEL:
0386
FLOOD ZONE:
X

SURVEY NO:
46746
FIELD DATE:
07/26/12

BEARINGS SHOWN HEREON ARE BASED UPON
THE CENTERLINE OF GLADYS TERRACE BEING
S23°01'50"E PER PLAT

Long Surveying, Inc.

"Specializing in Residential Surveying"

LB No. 7371

143 Villa Di Este Terrace #113

Lake Mary, FL 32746

Office 407-330-9717 or 407-330-9716

Fax 407-330-9775

WWW.LONGSURVEYING.COM

NOTES:

- 1) This survey is based on the legal description as provided by the Client.
- 2) This Surveyor has not abstracted the land shown herein for easements, rights of way or restrictions of record which may affect the title or use of the land.
- 3) Do not reconstruct property lines from building lines.
- 4) No existing or existing lower level located except as shown.
- 5) No improvements or alterations have been located except as shown.
- 6) This survey is not valid without the signatures and the original record of a Florida Licensed Surveyor and Mapper.

Declaration: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Don M. Shoemaker, P.S.M., No. 5144

GLADYS TERRACE

N

EXISTING RESIDENCE
2830 GLADYS TERRACE

Proposed Back Canopy
12'-0" x 16'-0"

Proposed Front Canopy
18'-0" x 4'-0"

38'-6 $\frac{1}{2}$ "
From Side
Property Line

10'-0"
From Side
Property Line

41'-8 $\frac{7}{8}$ "
From Side
Property Line

70'-10 $\frac{1}{4}$ "
From Rear
Property Line

Site Plan
NTS



PLANNING & ZONING BOARD AGENDA MEMORANDUM DECEMBER 9, 2024 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Zoning Variance ZV12024030: 2902 River Point Drive - Mayberry, Front Yard Setback Variance to Extend Garage

SYNOPSIS:

Zac Brooks of Coomber Construction submitted Zoning Variance Application ZV12024030 on behalf of property owners, Sylvia and Ronald Mayberry, to allow the extension of the existing garage into the front yard setback of the parcel at 2902 River Point Drive. This parcel is zoned RSF-2 (Urban Single-Family Residential Detached District) and, according to the City's *Land Development Code*, Section 14-17.4., a minimum 30-foot front yard is required. The applicant has requested this variance to allow the garage extension to be located 20.0 feet from the front yard property line in lieu of the required 30-foot setback.

FISCAL IMPACT STATEMENT:

BACKGROUND:

On October 7, 2024, Zac Brooks of Coomber Construction submitted Zoning Variance Application ZV12024030 on behalf of property owners, Sylvia and Ronald Mayberry, to allow the extension of the existing garage into the front yard of the parcel at 2902 River Point Drive. This parcel is required to have a minimum front yard yard setback of 30 feet, according to the City's *Land Development Code*, Section 14-17.4.

The property is designated "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned RSF-2 (Urban Single-Family Residential Detached District). The existing use of the property is consistent with the FLUM designation and zoning district. Section 14-63.8.a. of the City's *Land Development Code* outlines the criteria for the Planning and Zoning Board to consider when evaluating variance requests and has been presented as part of the staff's Planning Analysis (Attachment B).

Due Public Notice has been performed by the applicant's contractor, and evidence of such has been provided to the City.

LEGAL REVIEW:

RECOMMENDATION:

Based on the information provided in the Planning Analysis (Exhibit B), staff recommends denial of Zoning Variance ZV12024030 as presented, on the basis that the application has not satisfied all seven (7) zoning variance criteria outlined in Sec. 14-63.8.a of the Daytona Beach Shores Land Development Code.

SUGGESTED MOTION:

A Planning and Zoning Board Member may make one of the following motions:

1) "I move to approve Zoning Variance ZV12024029 as presented."

OR

2) "I move to approve Zoning Variance ZV12024029, with the following conditions..."

OR

3) "I move to deny Zoning Variance ZV12024029, on the basis of..."

ATTACHMENT:

1. Attachment A - Application Package & Public Notice Requirements Met, 2902 River Point Drive, ZV12024029, Mayberry
2. Attachment B - Exhibits A - C (5 pages) ZV12024030, Mayberry
3. Attachment C - Aerial View of River Point Drive Properties (1 page) 2902 River Point Drive, ZV12024029, Mayberry
4. Attachment D - Survey (1 page) 2902 River Point Drive, ZV12024029, Mayberry
5. Attachment E1 - Architectural Plan (1 page) 2902 River Point Drive, ZV12024029, Mayberry
6. Attachment E2 - Floor Plan (1 page) 2902 River Point Drive, ZV12024029, Mayberry
7. Attachment E3 - Elevations (1 page) 2902 River Point Drive, ZV12024029, Mayberry

RECEIVED

270844

OCT 07 2024

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES



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

12024 030

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: 09/23/24

Applicable Section of Code: _____

Fees must be paid at the time the application is submitted

Applicant's Name: Zac Brooks Email: zac@coomberconstruction.com

Address: 2526 Hibiscus Dr Edgewater Fl 32141 Phone #: 386-428-3833

Property Address: 2902 River Point Dr, Daytona Beach Shores, FL 32118

Representing Attorney (if any): _____ 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:

LOT 13 RIVER POINT SUB MB 34 PG 113 PER OR 5241 PGS 4632-463
3 PER OR 6491 PG 3758

Description of your request:

Modify the existing 35' front setback to 20' to allow garage addition on left side of existing
single family home for extension of garage for elderly couple to be able to park their
existing truck per plans provided. Proposed new addition extends existing garage 16' off
of the existing garage per plans provided.

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.

No special conditions exist.

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

The purpose of the garage addition is to accommodate this elderly couples existing truck making it so that they can park the existing vehicle they are not Financial or economic 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.

The lot across the street located under the county jurisdiction at 2903 River pointe Drive, Daytona Beach Shores, FL 32118 has a similar front setback of 20' that we are requesting per the plans provided.

- 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.

Ideally, we would like the 20' setback but if the 20' front setback is not approved, we would also be open to a 25' setback. The purpose of the addition is to accommodate this elderly couple to be able to park their existing truck in the garage.

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

The requested variance only extends the front garage, still stays within the side yard setback and is well under the allowed buildable and impervious areas of the site.

- 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.

By adding the 16' to the existing garage does not affect the surrounding homes and dose not block anyone's view.

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

Any new construction will comply with all existing codes and regulations.

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.

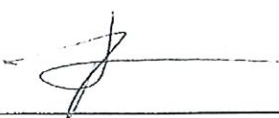
Agree (☒) Disagree (☐)

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

10/01/24

Date

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OCT 07 2024

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

NOTARIZED AUTHORIZATION OF OWNER

I/We, Sylvia & Ronald Mayberry

PRINT OWNER'S NAME

as the sole or joint fee simple title holders(s) of the property described (or referenced) as:

LOT 13 RIVER POINT SUB MB 34 PG 113 PER OR 5241 PGS 4632-463
3 PER OR 6491 PG 3758

(TAX PARCEL NUMBER(S) AND/OR LEGAL DESCRIPTION)

authorize

Zachariah Brooks - Coomber Construction

to act as my agent

(PRINT AGENT'S NAME)

to seek

Variance Application - Statement of ownership

on the above property

(TYPE OF APPLICATION)

Ronald Mayberry
OWNER'S SIGNATURE

Sylvia Mayberry
OWNER'S SIGNATURE

DATE

DATE

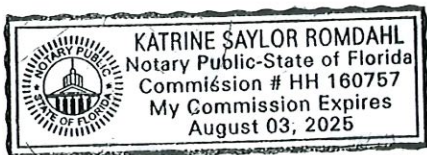
STATE OF Florida

COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 7 day of October, 20 24
(DATE)

by Sylvia & Ronald Mayberry ☐ who is/are personally
(OWNER(S))

known to me or ☒ who has/have produced Drivers License as
(TYPE OF IDENTIFICATION)
identification and who did not take an oath.



NOTARY PUBLIC, STATE OF Florida

Type or Print Name:

Katrine S. Romdahl

Commission No.: HH 160757

My Commission Expires: 8/03/25

****STAFF USE ONLY****

PROJECT NAME: _____

APPLICATION NUMBER: _____

RSN: _____



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

270844

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OCT 07 2024

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Property Summary

Alternate Key: 3434340
Parcel ID: 532709000130
Township-Range-Section: 15 - 33 - 27
Subdivision-Block-Lot: 09 - 00 - 0130
Owner(s): MAYBERRY SYLVIA P - TE - Tenancy in the Entirety - 100%
MAYBERRY RONALD N - TE - Tenancy in the Entirety - 100%
Mailing Address On File: 2902 RIVER POINT DR
DAYTONA BEACH SHORES FL 32118
Physical Address: 2902 RIVER POINT DR, DAYTONA BEACH SHORES 32118
Building Count: 1
Neighborhood: 3101 - DACHS SUB # 1 (5327-01)--DACH
Subdivision Name: RIVER POINT
Property Use: 0100 - SINGLE FAMILY
Tax District: 403-DAYTONA BEACH SHORES
2024 Proposed Millage Rate: 16.7206
Homestead Property: Yes
Agriculture Classification: No
Short Description: LOT 13 RIVER POINT SUB MB 34 PG 113 PER OR 5241 PGS 4632-463
3 PER OR 6491 PG 3758

Property Values

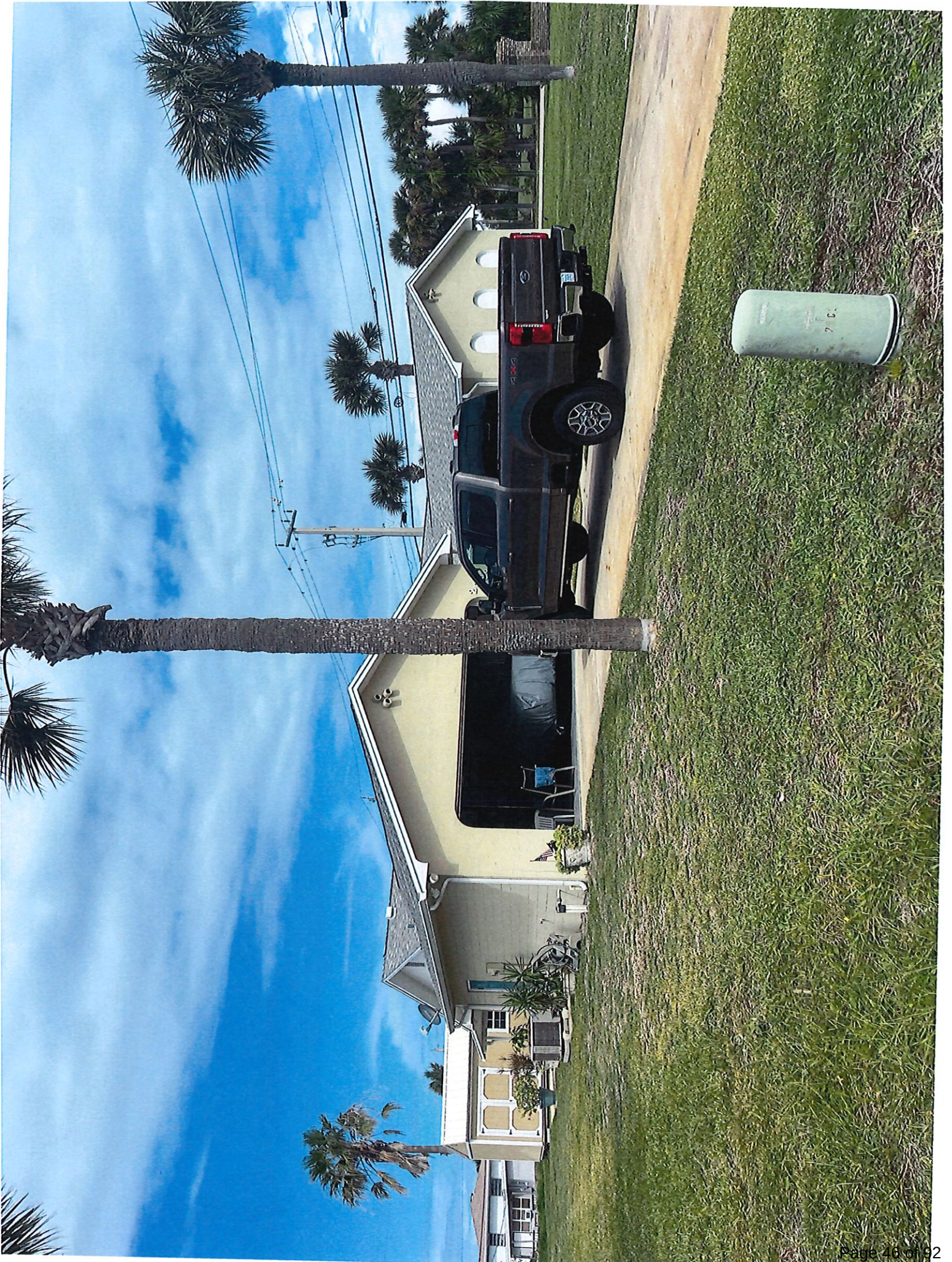
Tax Year:	2024 Working	2023 Final	2022 Final
Valuation	1-Market Oriented	1-Market Oriented	1-Market Oriented
Method:	Cost	Cost	Cost
Improvement	\$177,601	\$151,929	\$214,673
Value:	\$167,143	\$158,840	\$87,362
Land Value:	\$344,744	\$310,769	\$302,035
Just/Market			
Value:			

Working Tax Roll Values by Taxing Authority

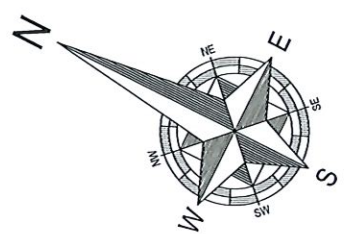
Values shown below are the 2024 WORKING TAX ROLL VALUES that are subject to change until certified. Millage Rates below that are used in the calculation of the Estimated Taxes are the 2024 PROPOSED MILLAGE RATES. The Just/Market listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority	Just/Market Value	Assessed Value	10C/100 Taxable Value	Millage Rate	Estimated Taxes
● CAPITAL	\$344,744	\$183,895	\$180,000	\$153,895	\$230.85
0017 IMPROVEMENT					
● DISCRETIONARY	\$344,744	\$183,895	\$180,000	\$153,895	\$115.12
0012					
● REQ LOCAL	\$344,744	\$183,895	\$180,000	\$153,895	\$467.39
0011 EFFORT					
● GENERAL FUND	\$344,744	\$183,895	\$155,000	\$128,895	\$423.59
0050					









VARIANCE NOTES

PROPOSING NEW GARAGE ADDITION TO BE 20' OF PROPERTY LINE TO FACILITATE ELDERLY COUPLE EXISTING TRUCK FOR EASIER ACCESS TO EXISTING HOME. NEW BUILDABLE AREA ONLY ADDS 3% TO EXISTING BUILDABLE LOT AREA, AND THE IMPERVIOUS IS ALMOST THE SAME. LOT 2903 ACROSS THE STREET HAS A 20' FRONT SETBACK OR AT LEAST WAS BUILT THAT WAY ORIGINALLY. IF 20' OFF OF PROPERTY LINE IS NOT ACCEPTABLE, COULD WE BE CONSIDERED FOR 25'.

[illegible]

THE FOLLOWING REQUIREMENTS SHALL BE MET:

1. THE PROTECTIVE, ANNUAL COVER OVER EXPOSED BARS SHALL BE 3 INCHES IN THICKNESS.
2. THE PROTECTIVE, ANNUAL COVER SHALL BE 1/2 INCH THICK FOR ALL EXPOSED BARS AND 2 INCHES FOR ALL 1/2 INCH AND LARGER BARS WHERE CONCRETE IS FORMED AND WILL BE EXPOSED TO THE EFFECTS OF WEATHER. IN WARMER CLIMATES WHERE CONCRETE IS FORMED AND WILL BE EXPOSED TO THE EFFECTS OF WEATHER, THE PROTECTIVE, ANNUAL COVER SHALL BE 1/2 INCH THICK FOR ALL EXPOSED BARS AND 1 INCH FOR ALL 1/2 INCH AND LARGER BARS.
3. THE PROTECTIVE, ANNUAL COVER SHALL BE 1/2 INCH THICK FOR ALL EXPOSED BARS AND 1 INCH FOR ALL 1/2 INCH AND LARGER BARS WHERE CONCRETE IS FORMED AND WILL BE EXPOSED TO THE EFFECTS OF WEATHER. IN WARMER CLIMATES WHERE CONCRETE IS FORMED AND WILL BE EXPOSED TO THE EFFECTS OF WEATHER, THE PROTECTIVE, ANNUAL COVER SHALL BE 1/2 INCH THICK FOR ALL EXPOSED BARS AND 1 INCH FOR ALL 1/2 INCH AND LARGER BARS.

CROUTING
MAGNET PROTRUSIONS EXTENDING 1/2" HIGH OR MORE INTO CELLS OR CAVITIES TO BE CROUTED SHALL BE REMOVED FOR CROUT POLISH OVER 5 FREE SPACES TO BE CROUTED SHALL BE FREE OF MORTAR DROPPINGS, DEBRIS, LOOSE AGGREGATES AND ANY MATERIALS DETERMINED TO MAGNET CROUT. ALL CELLS CONTAINING NONFERROUS OR ALUMINUM BELLS SHALL BE CROUTED SOLD.

CLEAROUT OPENINGS SHALL BE PROVIDED FOR CELLS CONTAINING SPUNED REINFORCEMENT WHEN THE GREAT PIER EXCEEDS 3 FEET IN HEIGHT.
CLEAROUT OPENINGS SHALL HAVE A MINIMUM AREA OF 12 SQUARE INCHES AND A MINIMUM SPACING OF 3 INCHES.

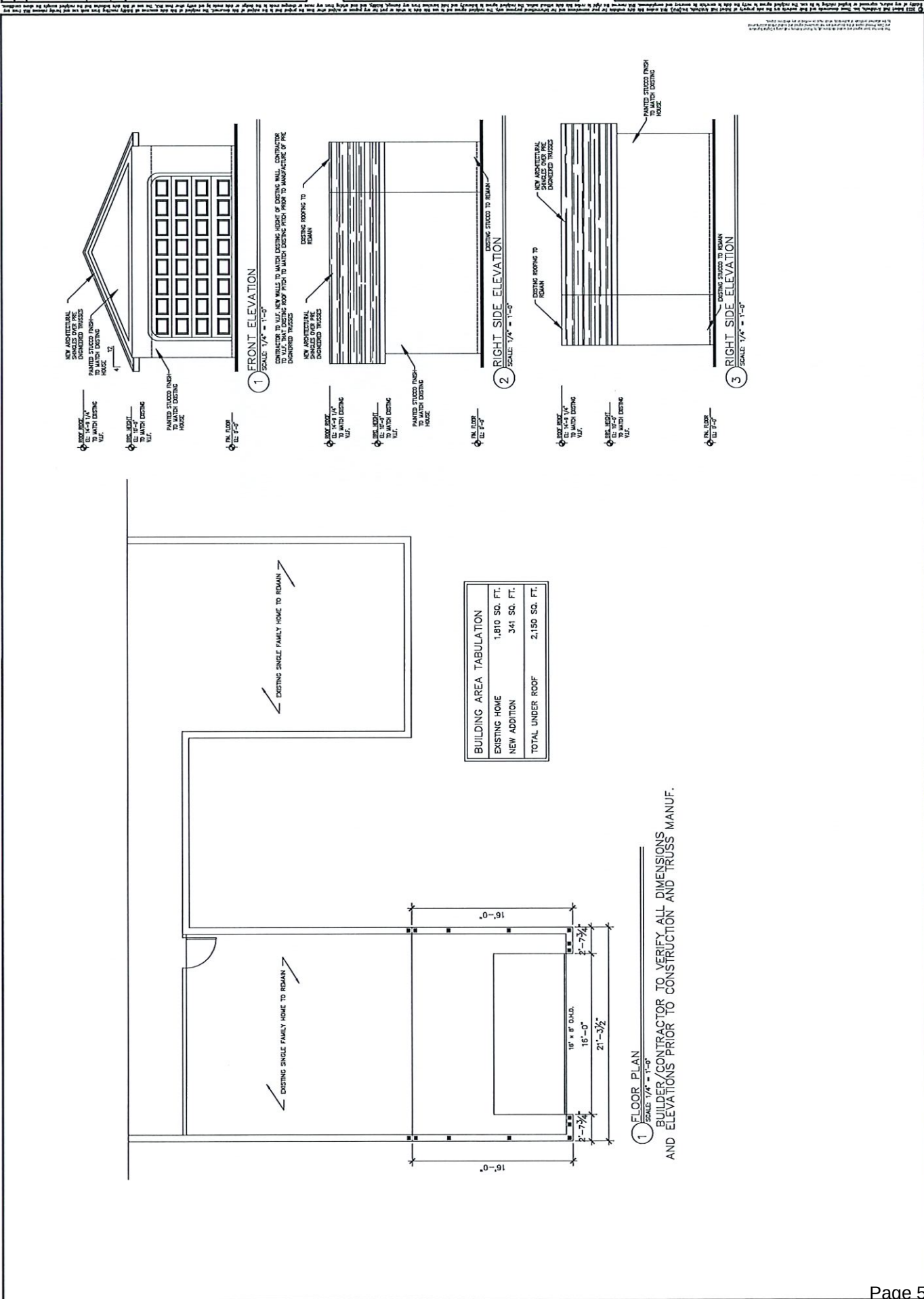
[illegible]

3. ASH A 300 FOR SHEET PILING, ANCHORS AND TIES.
A CONTINUOUS LOAD PATH BETWEEN FOUNDATIONS, WALLS, AND ROOF SHALL BE PROVIDED.
APPROVED CONNECTORS, ANCHORS AND OTHER FASTENING DEVICES SHALL BE INSTALLED IN
ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. WOOD FASTENERS ARE NOT OTHERWISE
SPECIFIED. FASTENERS SHALL BE PROVIDED IN ACCORDANCE WITH TABLE 2304.1.1 OF THE FLORIDA
BUILDING CODE.
ANCHORS, ROOF TIES, FRAMING SYSTEMS

[illegible]

BUILDER/CONTRACTOR TO VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO CONSTRUCTION AND TRUSS MANUF.





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 11/27/24. 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 11/24. A proof of publication affidavit is attached. not needed

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 11/06/24.

Name	Address
<u>Caldwell, Thomas</u>	<u>6097 Oxbow Bend Ln Port Orange FL 32128</u>
<u>Mercer, Gregory</u>	<u>2904 River Point Dr Daytona Beach Shores FL 32118</u>
<u>Jeske, Frank</u>	<u>2772 S Peninsula Dr Daytona Beach FL 32118</u>
<u>Elko, Beverly (Property Agent)</u>	<u>555 W Granada Blvd Est Armona Beach FL 32114</u>
<u>Smith, Phil (President)</u>	<u>3 Oceans West Blvd Unit 6A3 Daytona Beach Shores FL 32118</u>
<u>Christopher, Ron (Secretary)</u>	<u>2 Oceans West Blvd Unit 1184 Daytona Beach 32118</u>
Hearing Date:	<u>12/09/24</u>
Printed Name:	<u>Kathrine Romdahl</u>
Address:	<u>2902 River Point Dr Daytona Beach FL 32118</u>
Signature:	<u>Kathrine Romdahl</u>
	<u>• Oceans West Home Shores FL 32118</u>
	<u>Owners Assoc.</u>
	<u>2 Oceans West Blvd Daytona Beach FL 32118</u>

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 27 November 24 by Kathrine Romdahl, who is personally known to me or who has produced n/a as identification.

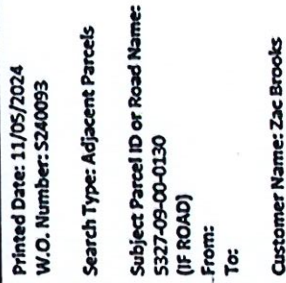
Signature

Printed or Typed Name
Commission #
My Commission Expires

Tahna M. Cubbedge
HH324259
10-20-26



TAHNA M. CUBBEDGE
Notary Public
State of Florida
Comm# HH324259
Expires 10/20/2026



DISCLAIMER: Surrounding Owners Request Prepared by Volusia County Property Appraisers Office The Volusia County Property Appraiser and staff are constantly working to provide and publish the most current and accurate information possible. No warranties, expressed or implied are provided for the data herein, its use, or its interpretation. Additionally, the Appraiser's data is not as current as the Clerk of the Court data causing mismatches - which are beyond our control. Again, one must remember that the primary use of the assessment data contained is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

Yellow Highlighted Information is redacted pursuant to Florida Statute 119.071. Please provide a copy of the documents being mailed to our office at 123 W. Indiana Ave., Room 102, DeLand, FL 32720. We will mail the information to this property owner for you. If you have any questions, please call 386-822-5717.

[illegible]

Notice of Public Hearings

Notice is hereby given that the City of Daytona Beach Shores will hold Public Hearings to consider a site plan application for the property generally located at 2902 River Point Dr, Daytona Beach Shores FL 32118, having Volusia County Parcel ID No. 532709000130. The applicant, Zac Brooks, General Contractor of Z.B Ventures LLC DBA Coomber Construction, is requesting approval to modify the existing 35' front setback to 20' to allow a garage addition on the left side of the existing single-family home, extending the garage to accommodate an elderly couple's truck.

Planning and Zoning Board, December 9th 2024 at 8:30 am

The hearings will be held in the City Council Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida

All interested parties are invited to appear at these Public Hearings and submit oral or written objectives or comments. The application is available for public inspection at the City of Daytona Beach Shores, Community Service Department, Planning Division, 2990 S. Atlantic Avenue, Daytona Beach Shores, Florida. For more information, please contact the Planning Division at (386) 763-5376

Anyone who wishes to appeal any decision by the City with respect to any matter considered at said public hearings will need a record of the proceedings of the Public Hearings, including all testimony and evidence, and should arrange in advance for the making of a verbatim transcript of the Public Hearings.

The Public Hearing may be continued to one or more dates. The dates, times, and places of any continuation of the Public Hearings will be announced at the continued Public Hearings and no further notice regarding said continuation is required to be published.

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 seven working days prior to the hearing.

If you have any questions, please contact:

Coomber Construction
CGC1531472
2526 Hibiscus Dr
Edgewater FL 32141
386-428-3833

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
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Official USE

Daytone Beach, FL 32118

Certified Mail Fee \$4.85

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 \$0.73

Total Postage and Fees \$5.58

Postmark Here

11/06/2024

Sent To: Phil Smith

Street and Apt. No., or PO Box No. 2000 West Blvd Unit 6A13

City, State, ZIP+4® Daytone Beach FL 32118

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

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☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.73

Total Postage and Fees \$5.58

Postmark Here

11/06/2024

Sent To: Phu Christopher

Street and Apt. No., or PO Box No. 2000 West Blvd Unit 109

City, State, ZIP+4® Daytone Beach FL 32118

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

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Postage \$0.73

Total Postage and Fees \$5.58

Postmark Here

11/06/2024

Sent To: Oceans West Homeowners Assoc.

Street and Apt. No., or PO Box No. 2000 West Blvd

City, State, ZIP+4® Daytone Beach FL 32118

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

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☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.73

Total Postage and Fees \$5.58

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11/06/2024

Sent To: Gregory & Melonie Morser

Street and Apt. No., or PO Box No. 2004 Pine Point Dr

City, State, ZIP+4® Daytone Beach FL 32118

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☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.73

Total Postage and Fees \$5.58

Postmark Here

11/06/2024

Sent To: Frank Teske

Street and Apt. No., or PO Box No. 2772 S. Rainsville Dr

City, State, ZIP+4® Daytone Beach FL 32118

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

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Phil Smith
 3 Oceans West Blvd
 Unit 6A3
 Daytona Beach Shores FL 32118

2. Article Number (Transfer from service label)
 9590 9402 5858 0038 8929 45
 7022 0410 0001 2616 6258

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressed
 B. Received by (Printed Name) ☒ Date of Delivery 11/8/24
 C. Date of Delivery
 D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Collect on Delivery
☐ Insured Mail
☐ Signature Confirmation™
☐ Restricted Delivery

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Oceans West Homeowners Assoc.
 2 Oceans West Blvd
 Daytona Beach FL 32118

2. Article Number (Transfer from service label)
 9590 9402 5858 0038 8929 21
 122 0410 0001 2616 6257

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressed
 B. Received by (Printed Name) ☒ Date of Delivery 11/8/24
 C. Date of Delivery
 D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Collect on Delivery
☐ Insured Mail
☐ Signature Confirmation™
☐ Restricted Delivery

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Frank Seake
 2772 S Peninsula Dr
 Daytona Beach FL 32118

2. Article Number (Transfer from service label)
 9590 9402 5858 0038 8929 47

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressed
 B. Received by (Printed Name) ☒ Date of Delivery 11/8/24
 C. Date of Delivery
 D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Collect on Delivery
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SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
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1. Article Addressed to:
 Thomas Catwell
 6097 Oxford Road Ln
 Port Orange FL 32128

2. Article Number (Transfer from service label)
 9590 9402 5858 0038 8928 91
 7022 0410 0001 2616 6233

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressed
 B. Received by (Printed Name) ☒ Date of Delivery 11/8/24
 C. Date of Delivery
 D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

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☐ Priority Mail Express®
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☐ Adult Signature Restricted Delivery
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 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Gregory & Melonie Menden
 2904 Riverbank Dr
 Daytona Beach Shores FL 32118

2. Article Number (Transfer from service label)
 9590 9402 5858 0038 8929 14
 022 0410 0001 2616 6240

PS Form 3811, July 2015 PSN 7530-02-000-9053

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 B. Received by (Printed Name) ☒ Date of Delivery 11/8/24
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 D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
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☐ Registered Mail™
☐ Adult Signature Restricted Delivery
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 ■ Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:
 Beverly Elko
 550 W Granada Blvd
 E6
 Ormond Beach FL 32174

2. Article Number (Transfer from service label)
 9590 9402 5858 0038 8929 14

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressed
 B. Received by (Printed Name) ☒ Date of Delivery 11/8/24
 C. Date of Delivery
 D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Collect on Delivery
☐ Insured Mail
☐ Signature Confirmation™
☐ Restricted Delivery

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Ron Christopher
 2 Oceans West Blvd
 Unit 110A
 Daytona Beach Shores FL 32118

2. Article Number (Transfer from service label)
 9590 9402 5858 0038 8929 38
 022 0410 0001 2616 6271

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressed
 B. Received by (Printed Name) ☒ Date of Delivery 11/8/24
 C. Date of Delivery
 D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Collect on Delivery
☐ Insured Mail
☐ Signature Confirmation™
☐ Restricted Delivery

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the City of Daytona Beach Shores will hold Public Hearings to consider a site plan application for the property generally located at 2902 River Point Dr, Daytona Beach Shores FL 32118, having Volusia County Parcel ID No. 532709000130. The applicant, Zac Brooks, General Contractor of Z.B Ventures LLC DBA Coomber Construction, is requesting approval to modify the existing 35' front setback to 20' to allow a garage addition on the left side of the existing single-family home, extending the garage to accommodate an elderly couple's truck.

Planning and Zoning Board, December 9th 2024 at 8:30 am
The hearings will be held in the City Council Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida

All interested parties are invited to appear at these Public Hearings and submit oral or written objectives or comments. The application is available for public inspection at the City of Daytona Beach Shores, Community Service Department, Planning Division, 2990 S. Atlantic Avenue, Daytona Beach Shores, Florida. For more information, please contact the Planning Division at (386) 763-5376

Anyone who wishes to appeal any decision by the City with respect to any matter considered at said public hearings will need a record of the proceedings of the Public Hearings, including all testimony and evidence, and should arrange in advance for the making of a verbatim transcript of the Public Hearings.

The Public Hearing may be continued to one or more dates. The dates, times, and places of any continuation of the Public Hearings will be announced at the continued Public Hearings and no further notice regarding said continuation is required to be published.

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 seven working days prior to the hearing.

If you have any questions, please contact:
Coomber Construction
CGC1531472
2526 Hibiscus Dr
Edgewater FL 32141
386-428-3833





	PLANNING ANALYSIS
SUBJECT:	Zoning Variance ZV12024030: To extend garage into the required front yard setback
LOCATION:	2902 River Point Drive in Daytona Beach Shores
PROPERTY OWNERS:	Sylvia and Ronald Mayberry
APPLICANT:	Zac Brooks of Coomber Construction
STAFF CONTACT:	Gwyn Herstein, City Planner, PH: 386-763-5376

I. INTRODUCTION

Zac Brooks of Coomber Construction submitted Zoning Variance Application ZV12024030 for property owners, Sylvia and Ronald Mayberry, to allow the extension of the existing garage into the front yard setback of the parcel at 2902 River Point Drive. This parcel is zoned RSF-2 (Urban Single-Family Residential Detached District) and, according to the City's *Land Development Code*, Section 14-17.4., a minimum 30-foot front yard setback is required. The applicant has requested this variance to allow the garage extension to be located 20.0 feet from the front yard property line along River Point Drive.

Exhibit A: Aerial View of 2902 River Point Drive in Daytona Beach Shores



Source: Volusia County Property Appraiser, 2024

II. BACKGROUND

On October 7, 2024, Zac Brooks of Coomber Construction submitted Zoning Variance Application ZV12024030 for property owners, Sylvia and Ronald Mayberry, to allow the extension of the existing garage into the front yard (south side) of the parcel at 2902 River Point Drive. This parcel is required to have a minimum front yard setback of 30 feet, according to the City's *Land Development Code*, Section 14-17.4. Currently, the subject single-family residence sits 35.9 feet from the front (south) property line. This variance would allow the garage to be extended by 15.9 feet, placing it 20 feet from the front (south) property line.

The property is designated "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned RSF-2 (Urban Single-Family Residential Detached District). The existing single-family use of the property is consistent with the FLUM designation and zoning district. Section 14-63.8.a. of the City's *Land Development Code* outlines the criteria for the Planning and Zoning Board to consider when evaluating variance requests and has been presented as part of the staff's Planning Analysis (**Table 2**).

III. EXISTING ZONING AND LAND USE

Table 1 below provides a description of the zoning district designation and current land use (i.e., existing development) for the subject and abutting properties.

Table 1: Zoning and Land Use Area Description

Location	Zoning	Current Land Use
Subject Property	RSF-2	Single-Family Residence
North	RSF-2	Vacant Lot
East	PUD	Oceans West Golf Course, Oceans Cloverleaf North
South	RSF-2	Single-Family Residence
West	RSF-2	Single-Family Residence

Notes: RSF-2: Urban Single-Family Residential Detached District; PUD: Planned Unit Development

IV. VARIANCE REQUEST

As shown in **Exhibit B** below, the requested variance, if approved, would allow a front yard setback of 20 feet in lieu of the 30 feet required on the south side of the property, specifically to allow a garage extension of 15.9 feet in the front yard (south side) of the residence.

TABLE [P]

LENGTH	DELTA
40.14'	91°59'39"

TABLE [M]

LENGTH	DELTA
40.76'	93°25'21"

30-Foot Front Setback

Proposed 20-Foot Front Setback

Section 14-63.8.a. of the City's *Land Development Code* 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**) in Agenda Item Packet]:

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: "No special conditions exist."

Staff Comments: No 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.

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 purpose of the garage addition is to accommodate this elderly couples exiting truck making it so that they can park the existing vehicle they are not Financial or economic in nature."

Staff Comments: No special conditions or circumstances exist based on *Criterion i*.

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.*

Literal interpretation of the provisions of the RSF-2 district dimensional requirements would not deprive the applicant of rights commonly enjoyed by other single-family residences in the same zoning classification. Other single-family residences are not utilizing decreased front yard setbacks by right.

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.*

Based on the application and plans submitted, the variance, if authorized, appears to represent the minimum variance that will afford relief and would 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.*

The variance sought will not authorize or extend any nonconforming use or other non-conformity with respect to the land or structure in question.

vi. *The granting of this variance, if authorized, would 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.*

Granting the variance would be in harmony with the general intent and purpose of the applicable *Land Development Code*, Section 14-17, and would not be injurious to the area involved or surrounding properties. The variance, if granted, will not authorize a use of the property which is not permitted in the RSF-2 zoning district.

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

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

Based on staff's interpretation of the facts and evidence provided, **Table 2** below is provided to assist the Board in its decision-making process:

Table 2: Front Yard Setback Authorization Criteria Summary (per *LDC*, Section 14-63.8.a.)*

Criteria	i	ii	iii	iv	v	vi	vii	Total
Criteria Met				X	X	X	X	4
Criteria Not Met	X		X					2
Criteria Not Applicable		X						1

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

VI. STAFF RECOMMENDATION

Based on the analysis herein, staff recommends denial of Zoning Variance ZV12024030, on the basis that the application has not satisfied all seven (7) zoning variance criteria outlined in Sec. 14-63.8.a of the Daytona Beach Shores Land Development Code.

Attachment C: Aerial View of River Point Drive Properties



Source: Volusia County Property Appraiser, 2024

LEGAL DESCRIPTION: LOT 13, RIVER POINT SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 34, PAGE 113, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.



2902 RIVER POINT DRIVE
DAYTONA BEACH SHORES, FL.

LONG
SURVEYING,
INC.

Long Surveying, Inc.

"Specializing in Residential Surveying"

LB No. 7371

1061 S. Sun Dr. Ste. #1113

Lake Mary, FL 32746

Office 407-330-9717 or 407-330-9716

Fax 407-330-9775

www.longsurveying.com

DRAWN BY:
ROHIT-LD

CHECKED BY:
BRETT

CERTIFIED TO:

SYLVIA AND RONALD MAYBERRY

COMMUNITY NO:
125155

PANEL:
0386

FLOOD ZONE:
X

SUFFIX:
J

F.I.R.M. DATE:
09/29/17

SURVEY NO.
99868

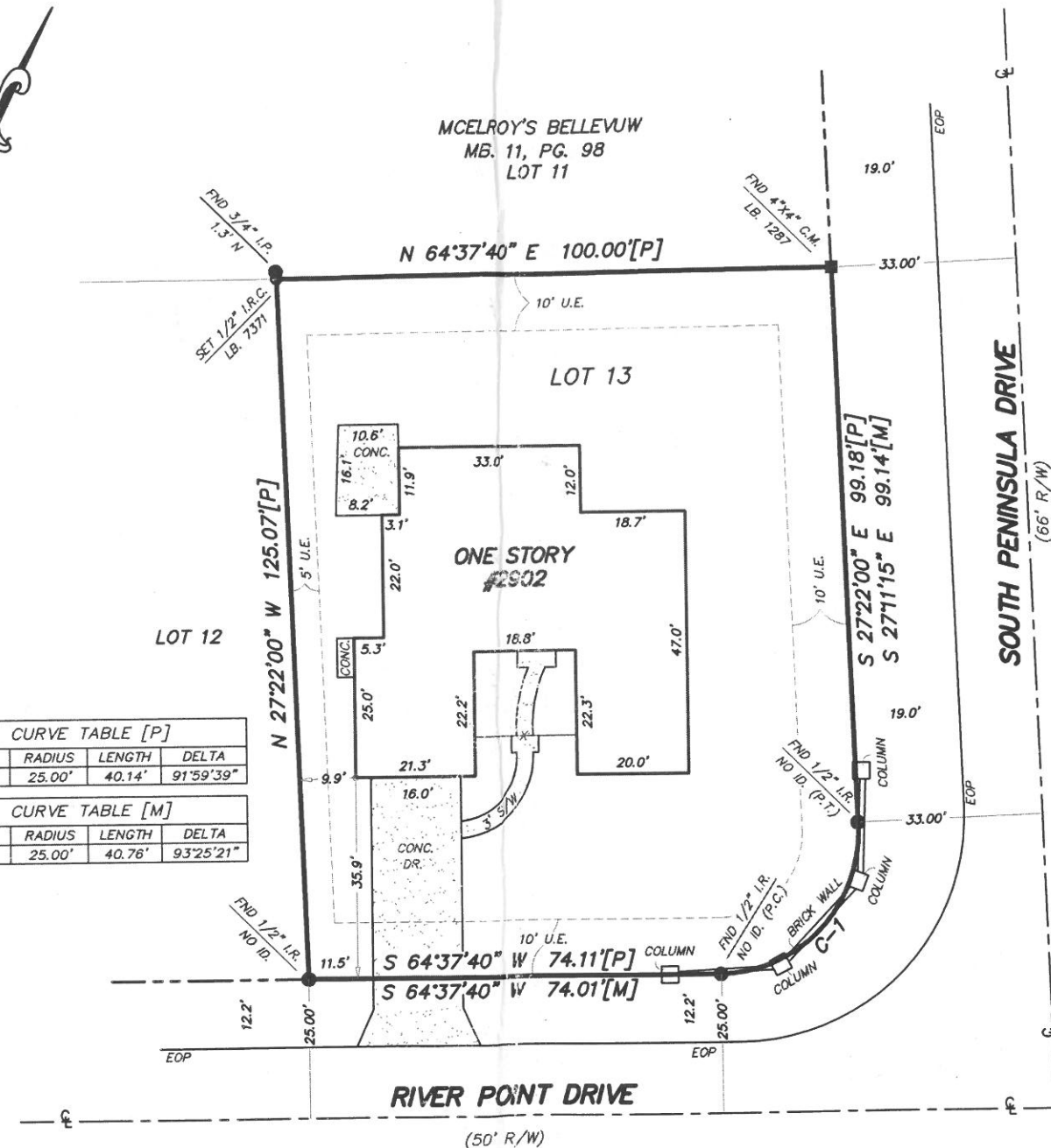
FIELD DATE:
06/12/19

Boundary Survey



CURVE TABLE [P]			
CURVE	RADIUS	LENGTH	DELTA
C-1	25.00'	40.14'	91°59'39"

CURVE TABLE [M]			
CURVE	RADIUS	LENGTH	DELTA
C-1	25.00'	40.76'	93°25'21"



- A/C - AIR CONDITIONER
- A.E. - ALLEY EASEMENT
- B.C. - BLOCK CORNER
- BLK - BLOCK
- C.B. - CONCRETE BLOCK
- C.B.S. - CONCRETE BLOCK STRUCTURE
- C.M. - CONCRETE MONUMENT
- CONC. - CONCRETE
- D - DEED
- D.E. - DRAINAGE EASEMENT
- E.O.P. - EDGE OF PAVEMENT
- F.C.C. - FOUND CROSS CUT
- F.F.E. - FINISHED FLOOR ELEVATION
- FND - FOUND
- ID. - IDENTIFICATION
- I.P. - IRON PIPE
- I.R. - IRON ROD
- I.R.C. - IRON ROD & CAP
- L - ARC LENGTH
- L.B. - LAND SURVEYING BUSINESS
- L.S. - LAND SURVEYOR
- L.E. - LANDSCAPE EASEMENT
- M - MEASURED
- M.E. - MAINTENANCE EASEMENT
- N&D - NAIL AND DISK
- P - PLAT
- P.E. - PEDESTRIAN EASEMENT
- P.C. - POINT OF CURVATURE
- P.C.C. - POINT OF COMPOUND CURVATURE
- P.C.P. - PERMANENT CONTROL POINT
- P.L. - PROPERTY LINE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.O.L. - POINT ON LINE
- P.R.C. - POINT OF REVERSE CURVE
- P.R.M. - PERMANENT REFERENCE MONUMENT
- P.D.A.E. - PRIVATE DRAINAGE AND ALLEY EASEMENT
- P.T. - POINT OF TANGENT
- R - RADIUS
- R/W - RIGHT OF WAY
- S/W - SIDEWALK
- U.E. - UTILITY EASEMENT
- W.F.S. - WOOD FRAME STRUCTURE
- F.P.L.E. - FLORIDA POWER & LIGHT EASEMENT.
- RIGHT-OF-WAY LINE
- CENTERLINE
- x --- BARB WIRE FENCE
- /// --- WOOD FENCE
- x --- CHAIN LINK FENCE
- + + + --- PLASTIC FENCE

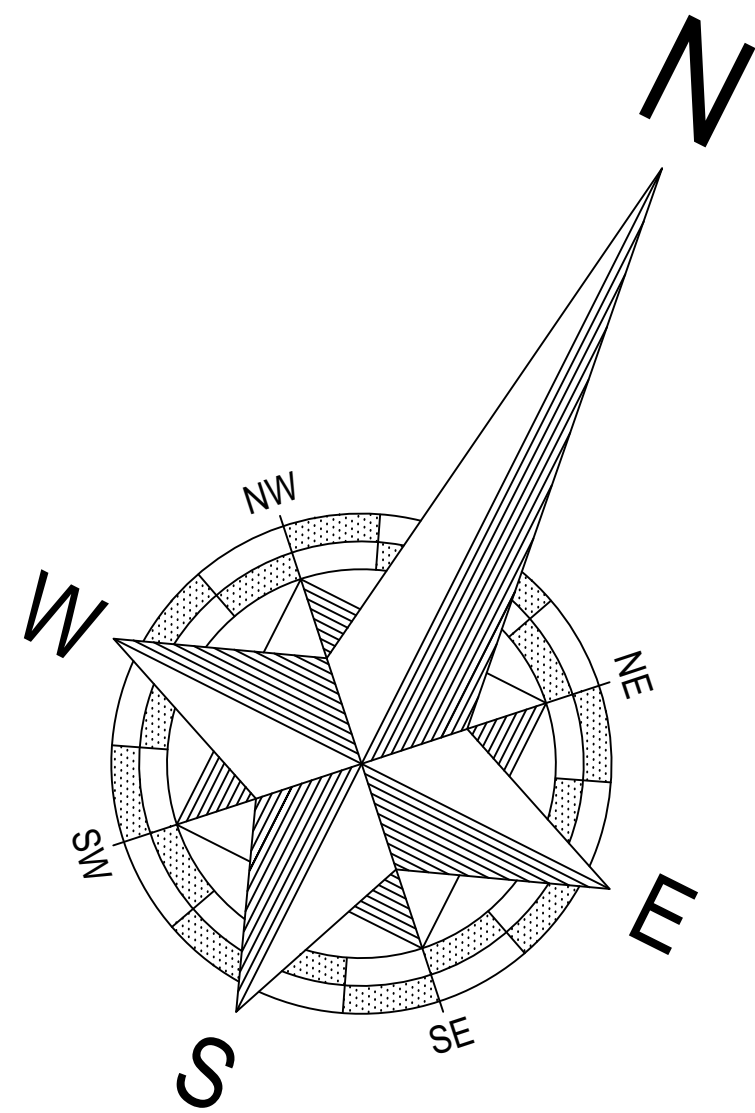
BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF RIVER POINT DRIVE BEING S 64°37'40" W PER PLAT

NOTES:

- 1) This survey is based on the legal description as provided by the Client
- 2) This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land
- 3) Do not reconstruct property lines from building ties
- 4) No footing or overhangs have been located except as shown
- 5) No improvements or utilities have been located except as shown
- 6) Not valid without a signature and the authenticated electronic seal or the original raised seal of a Florida licensed Surveyor and Mapper

Certification: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 47, Part 1, Florida Administrative Code, pursuant to Section 475.02, Florida Statutes.

No. 5910
STATE OF FLORIDA
PROFESSIONAL SURVEYOR & MAPPER
LEON L. HAMPTON P.S.M. NO. 5910



EXISTING SITE

TOTAL SITE:	12,389	100%
BUILDABLE:	2,604	21%
IMPERVIOUS:	3,658	30%

PROPOSED SITE

TOTAL SITE:	12,389	100%
BUILDABLE:	2,945	24%
IMPERVIOUS:	3,690	30%

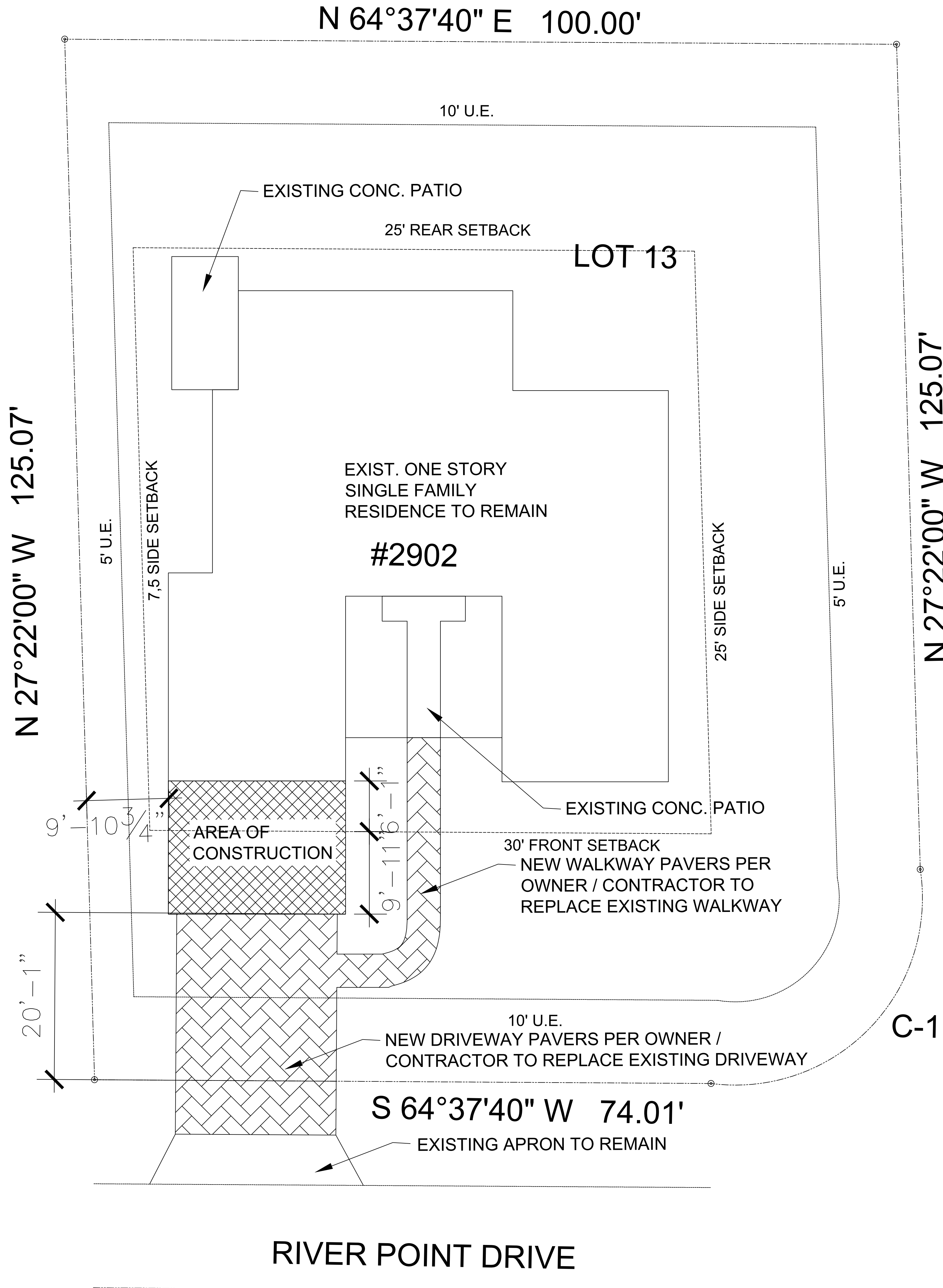
VARIANCE NOTES

PROPOSING NEW GARAGE ADDITION TO BE 20' OF OF PROPERTY LINE TO FACILITATE ELDERLY COUPLE EXISTING TRUCK FOR EASIER ACCESS TO EXISTING HOME.

NEW BUILDABLE AREA ONLY ADDS 3% TO EXISTING BUILDABLE LOT AREA, AND THE IMPERVIOUS IS ALMOST THE SAME.

LOT 2903 ACROSS THE STREET HAS A 20' FRONT SETBACK OR AT LEAST WAS BUILT THAT WAY ORIGINALLY.

IF 20' OFF OF PROPERTY LINE IS NOT ACCEPTABLE, COULD WE BE CONSIDERED FOR 25'.



SOUTH PENINSULA DRIVE



ROBERT HALL
ARCHITECTS, INC.
2795 SPRUCE CREEK BLVD.
PORT ORANGE, FLORIDA 32128
hallarchitects@gmail.com

ARCHITECTURAL SITE PLAN
MAYBERRY RESIDENCE
2902 RIVER POINT DR, D.B.S., FL

Plans prepared by:

MATTHEW FERGUSON
construction services
PHONE 13661230257 EMAIL: MTF@A100.COM

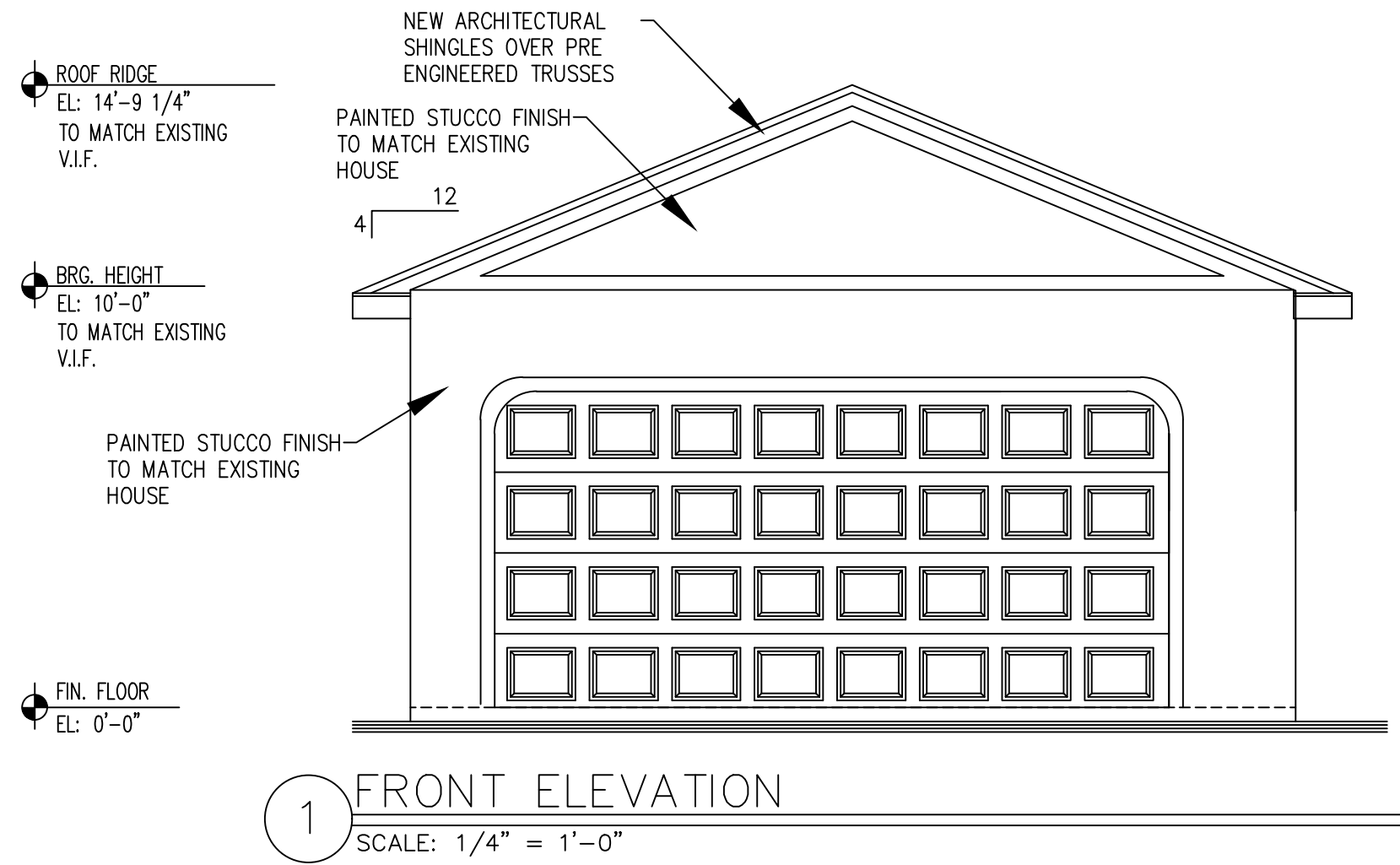
REV# DATE

DESCRIPTION

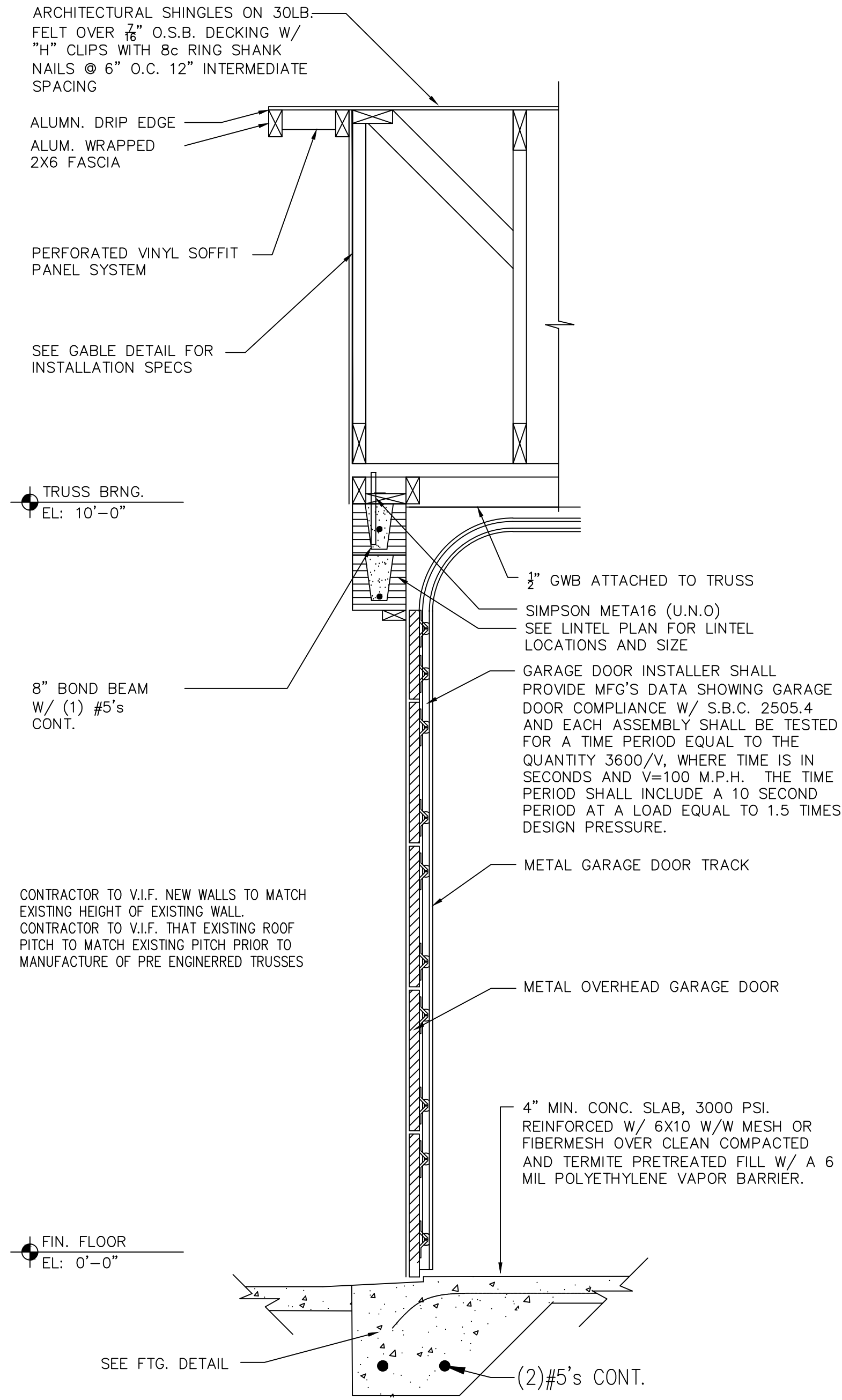
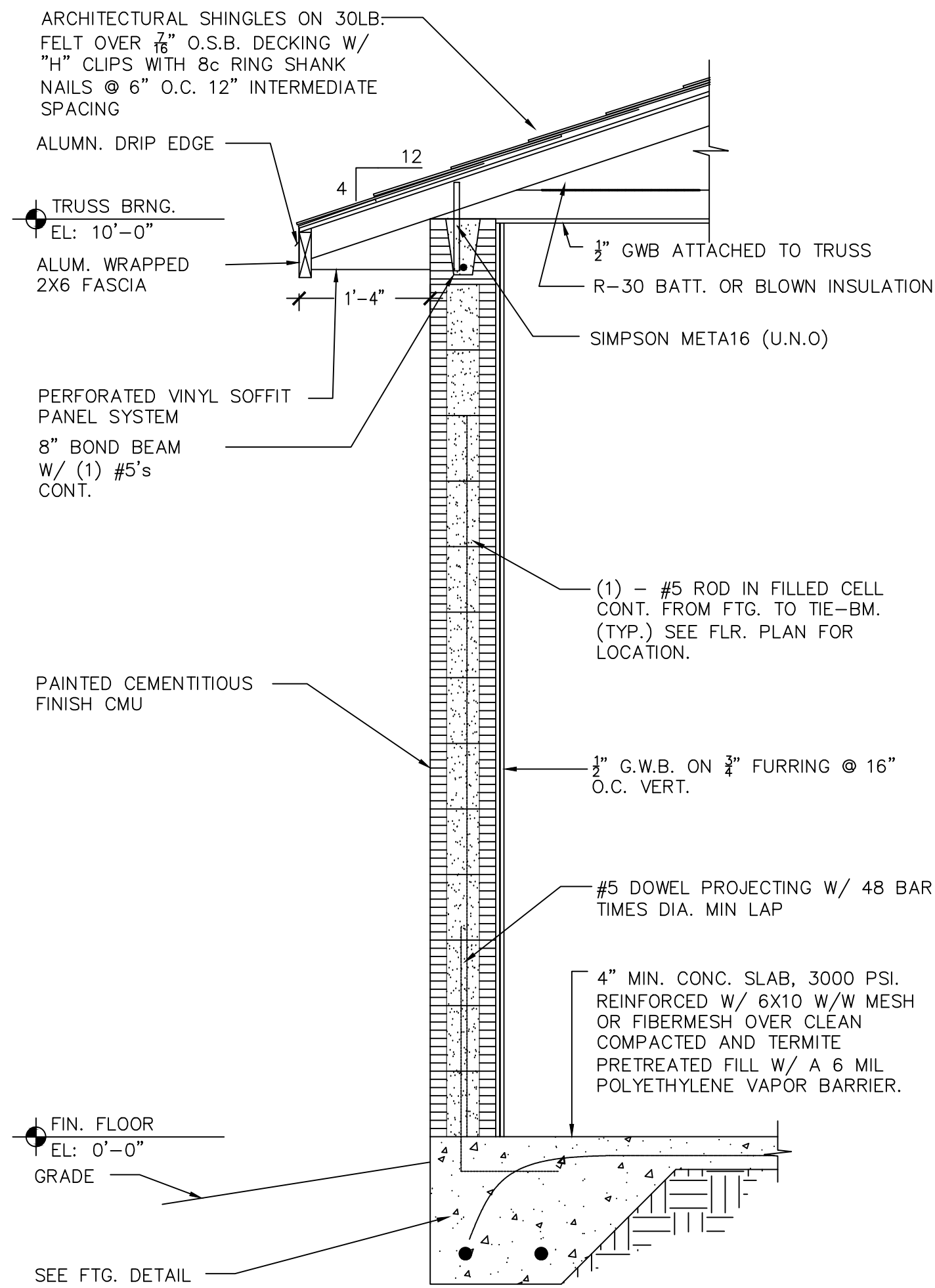
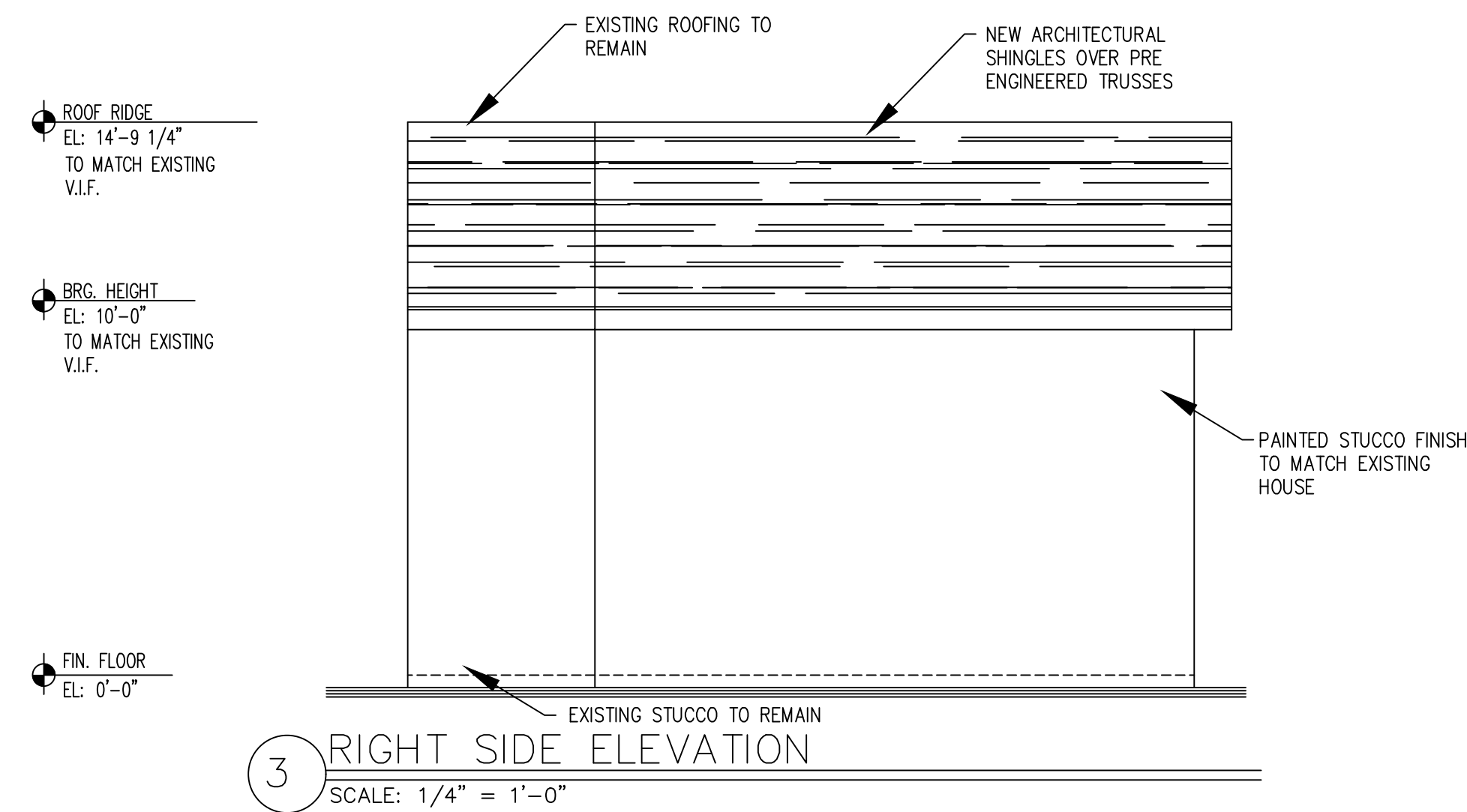
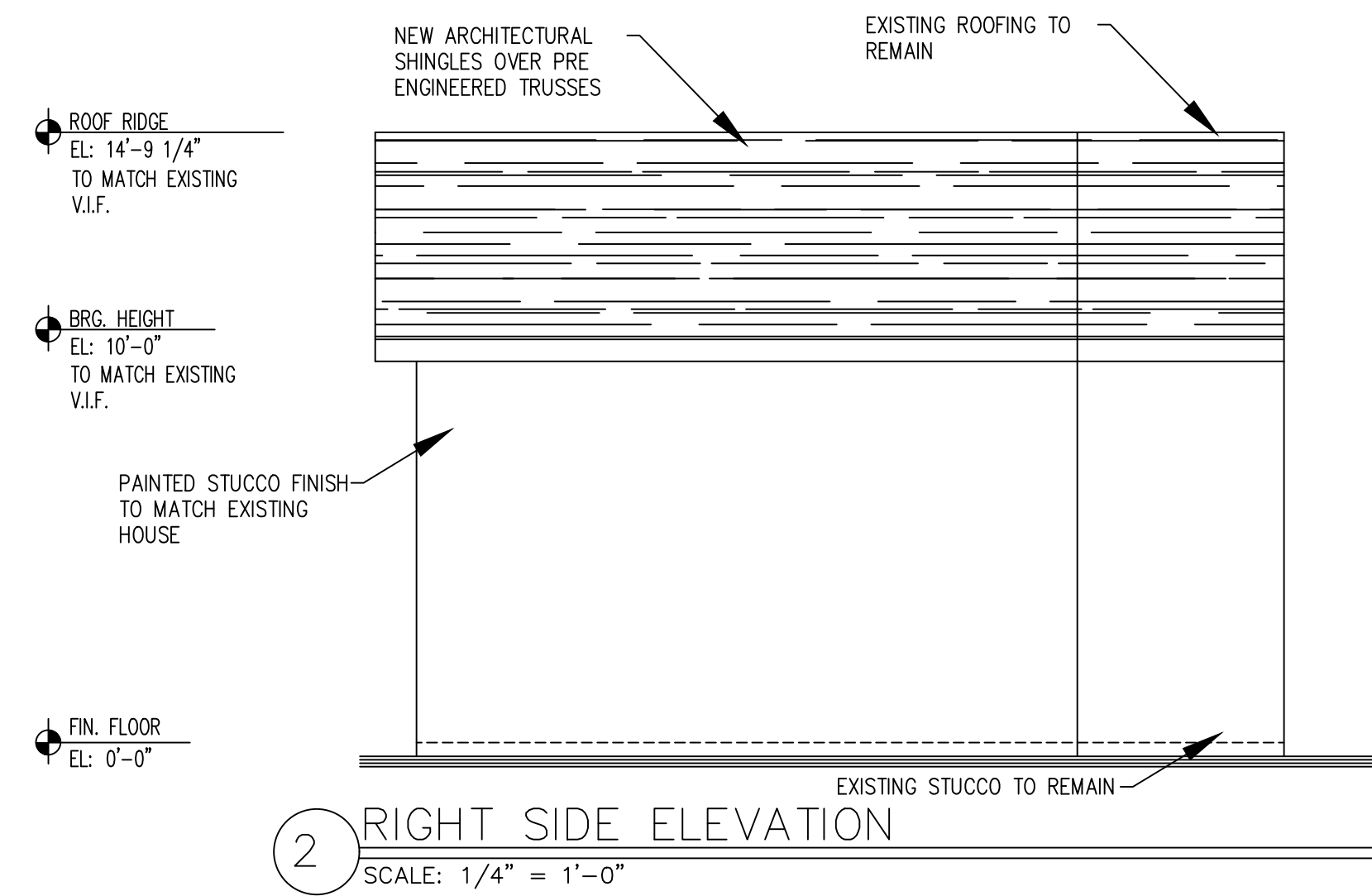
DATE: 09-17-24
DRAWN BY: MTF

NCARB REGISTRATION NO. 46021
FL REGISTRATION NO. AR0016887
KY REGISTRATION NO. 4088
IN REGISTRATION NO. AR11200184

SHEET NO.
C-1



CONTRACTOR TO V.I.F. NEW WALLS TO MATCH EXISTING HEIGHT OF EXISTING WALL. CONTRACTOR TO V.I.F. THAT EXISTING ROOF PITCH TO MATCH EXISTING PITCH PRIOR TO MANUFACTURE OF PRE ENGINEERED TRUSSES



DATE: 08-16-24

DRAWN BY: MTF

REV# DATE

DESCRIPTION

Plans prepared by:

MATTHEW FERGUSON
construction services
PHONE 13861230257 EMAIL: MTF@A100.COM

FLOOR PLAN

MAYBERRY RESIDENCE
2902 RIVER POINT DR, D.B.S., FL

ROBERT HALL
ARCHITECTS, INC.
2795 SPRUCE CREEK BLVD.
PORT ORANGE, FLORIDA 32128
hallarchitects@gmail.com

ARCHITECTURE
DESIGN
PLANNING

NCARB REGISTRATION NO. 46021
FL. REGISTRATION NO. AR0016887
KY. REGISTRATION NO. 4088
IN. REGISTRATION NO. AR11200184

SHEET NO.
A-2
Page 70 of 92

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CITY COMMISSION AGENDA MEMORANDUM DECEMBER 9, 2024 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Ordinance 2024-22: Allowing Non-Conforming Land Use for Jet Set of Daytona at 2560 S. Atlantic Avenue

SYNOPSIS:

Ordinance 2024-22, if approved, would allow Body Art Gallery, doing business as Jet Set of Daytona, to continue operating a non-conforming body art establishment in the "GC-RD" General Commercial-Redevelopment District at 2560 S. Atlantic Avenue in Daytona Beach Shores.

FISCAL IMPACT STATEMENT:

BACKGROUND:

Hurricane Ian impacted our area on September 28 and 29, 2022. While many buildings and structures in Daytona Beach Shores sustained damage, the plaza at 2518 S. Atlantic Avenue, where the Jet Set of Daytona body art establishment was located, sustained enough damage to prevent occupancy of all tenants of the plaza. The body art use was a nonconforming use for Jet Set of Daytona at that address, but the business had operated there legally for over twenty years.

On January 10, 2023, the City Commission of the City of Daytona Beach Shores approved Ordinance 2022-29, which authorized businesses with existing non-conforming uses operating in the "GC-RD" General Commercial-Redevelopment District, to temporarily relocate from sites substantially damaged during Hurricane Ian, to other sites in the same zoning district. The Ordinance included a two (2) year sunset clause, meaning the described provisions will expire on January 9, 2025.

Jet Set of Daytona, the only business which utilized the non-conforming use relocation authorization under Ordinance 2022-29, re-opened at its current address at 2560 S. Atlantic Avenue. Through legal counsel, in a letter dated September 16, 2024, the Jet Set of Daytona business owner, Gad Benchetrit, requested the business be allowed to permanently operate from the new location due to factors enumerated in said letter (see included Cobb & Cole letter).

At the City Commission's direction, the City Attorney and staff have drafted an ordinance which will allow this business to remain permanently at the new location of 2560 S. Atlantic Avenue as a

nonconforming use, provided the business is not discontinued for a period of six (6) months or more, pursuant *LDC*, Section 14-13. Further, the ordinance will require the business owner to cause non-public-safety-required lighting to be off during specific hours, daily. If this or a similar ordinance is not approved, the business will be required to terminate its nonconforming use at its current location on or by January 9, 2025.

PLANNING & ZONING BOARD

The Daytona Beach Shores Planning and Zoning Board will hear this item on December 9, 2024. The Board's recommendation will be provided at the City Commission hearing on December 10, 2024.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2024-22 as presented.

SUGGESTED MOTION:

A City Commissioner may motion as follows:

1. "I move to approve Ordinance 2024-22 as presented."
- OR
2. "I move to approve Ordinance 2024-22 with the following changes..."
- OR
3. "I move to deny Ordinance 2024-22 on the basis of the following..."

- ATTACHMENT:**
1. Exhibit A (4 pages) Ord. 2024-22 Allows Jet Set of Daytona to remain at 2560 S. Atlantic Ave.
 2. Exhibit B (2 pages) Letter of Request Re Jet Set of Daytona
 3. PZ Planning Analysis & Exhibits C-E (6 pages) Ord.2024-22, Jet Set of Daytona
 4. Exhibit F (3 pages) Business Impact Estimate
 5. Exhibit G (5 pages) Ordinance 2022-29 Allowed Jet Set of Daytona to move to 2560 S. Atlantic Ave., adopted Jan 10, 2023

ORDINANCE NO. 2024-22

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ALLOWING BODY ART GALLERY, INC. DOING BUSINESS AS THE JET SET OF DAYTONA BUSINESS TO REMAIN AS A NONCONFORMING USE IN THE “GC-RD” GENERAL COMMERCIAL-REDEVELOPMENT DISTRICT AT 2560 SOUTH ATLANTIC AVENUE AS A RESULT OF THE EXTRAORDINARY CIRCUMSTANCES CAUSED BY HURRICANE IAN; PROVIDING FOR FINDINGS, IMPLEMENTING ADMINISTRATIVE ACTIONS, SAVINGS PROVISION, CONFLICTS, SEVERABILITY, NON-CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Daytona Beach Shores to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of Daytona Beach Shores shall adopt and enforce land development regulations for the purpose of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, Jet Set of Daytona (the “business”) is a business primarily engaged in body art; and

WHEREAS, the business has been located for a period of 23 years at the commercial plaza at 2518 S. Atlantic Avenue (the “plaza”) and such plaza was zoned “GC-1” Tourist-Oriented Commercial District at the time of the business’s opening; and

WHEREAS, body art was an approved use in the “GC-1” Tourist-Oriented Commercial District in 2001, 23 years ago; and

WHEREAS, the property the plaza occupies was rezoned to the “GC-RD” General Commercial-Redevelopment District on December 9, 2008, at which time, body art became a nonconforming use at this property; and

WHEREAS, Hurricane Ian struck the City of Daytona Beach Shores on September 28 and September 29, 2022, during which the plaza sustained substantial damage; and

WHEREAS, after Hurricane Ian, the owner of Jet Set of Daytona requested the City temporarily allow the relocation of his business in the GC-RD District to 2560 S. Atlantic Avenue until adequate repairs were made at the plaza and such request was granted pursuant to Ordinance 22-29, for a period of two (2) years from the ordinance’s adoption, or to January 9, 2025; and

WHEREAS, Hurricane Ian passed and recovery efforts have taken place in the City of Daytona Beach Shores; and

WHEREAS, the current owner of the plaza has communicated that the plaza may be re-developed and the location may no longer be used as a commercial plaza; and

WHEREAS, the owner of Jet Set of Daytona has made improvements to its current location at 2560 S. Atlantic Avenue and has successfully operated at such location since its relocation there with no reported incidents or complaints to the code enforcement division; and

WHEREAS, the owner of the business has now requested that Jet Set of Daytona be permitted to remain as a non-conforming use at 2560 S. Atlantic Avenue so long as it is not discontinued for a period of six (6) months, pursuant to the City’s *Land Development Code*, Section 14-13.; and

WHEREAS, the owner of the business has agreed to utilize only lighting reasonably required for the safety of employees, customers, and members of the public after 10:00 p.m. every evening; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, on December 9, 2024, the Planning and Zoning Board of the City of Daytona Beach Shores heard and recommended approval of this Ordinance; and

WHEREAS, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City Daytona Beach Shores*; and

WHEREAS, the City Commission of the City of Daytona Beach Shores finds that it is in the best interest of the businesses, citizens and visitors of the city to adopt this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION ONE. **RECITALS AS FINDINGS.** The “WHEREAS” clauses are hereby incorporated by reference herein and constitute the findings of the City Commission of the City of Daytona Beach Shores.

SECTION TWO. The City Commission of the City of Daytona Beach Shores hereby authorizes the Jet Set of Daytona business to permanently locate as a non-conforming use at 2560 S. Atlantic Avenue and to remain there so long as such use is not discontinued for a period of six (6) months, pursuant to the City's *Land Development Code*, Section 14-13. and the owner shall comply with the following:

1. Except for lighting reasonably required for public safety and existing signage, all exterior lighting shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions.

SECTION FOUR. SAVINGS. The prior actions of the City of Daytona Beach Shores relating to nonconforming uses, as well as any and all related actions and activities, are hereby ratified and affirmed.

SECTION FIVE. CONFLICTS. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION SIX. SEVERABILITY. If any Section or portions of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION SEVEN. NON-CODIFICATION. This Ordinance shall not be codified in the *City Code of the City of Daytona Beach Shores* or, the *Land Development Code of the City of Daytona Beach Shores*.

SECTION EIGHT. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption and may be extended as provided herein.

SIGNATURES ON NEXT PAGE

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2024.

Adopted on second reading this _____ day of _____, 2024.

Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Croity
Michael O. Sznapstajler
Andrew C. Grant
Matthew S. Welch
Robert E. Doan
William A. Rice
Douglas J. Collins
Sara E. Glover
Holly W. Zitzka



Daytona Beach • DeLand
One Daytona Boulevard, Suite 600
Daytona Beach, Florida 32114
(386) 255-8171 | CobbCole.Com

Jessica L. Gow
Sydney V. Cichon
Anthony E. Aguianno
Baylee D. Bunyard
Anne M. Kehrli
Alanna V. Smith

OF COUNSEL
Lary D. Marsh
Ira Halford

William M. Cobb (1881-1939)
Thomas T. Cobb (1916-2004)
W. Warren Cole, Jr. (1926-2008)

September 16, 2024

VIA EMAIL

Members of City Commission
City of Daytona Beach Shores
2990 S Atlantic Avenue
Daytona Beach Shores, FL 32118

VIA EMAIL

Mr. Kurt Swartzlander
City Manager
City of Daytona Beach Shores
2990 S Atlantic Avenue
Daytona Beach Shores, FL 32118

Re: Request for Amendment to Land Development Code for Nonconforming Use —
Jetset Tattoos & Piercings

Dear Mr. Swartzlander and Commission Members:

Our firm has the pleasure of representing Jetset Tattoos & Piercings (“Jetset Tattoos”), a tattoo and body piercing studio which has operated in the Daytona Beach Shores community for over 20 years. The purpose of this letter is to request an amendment to the Daytona Beach Shores Land Development Code to allow Jetset Tattoos to continue as a legally nonconforming use in its current zoning designation, as further detailed below.

For 23 years, Jetset Tattoos operated out of the plaza formerly known as the “Pappas Plaza” located at 2516 S Atlantic Avenue in Daytona Beach Shores (the “Original Location”). When the Original Location was destroyed by Hurricane Ian in 2022, Jetset Tattoos moved to its current location at 2560 S Atlantic Avenue (the “Current Location”), under a temporary ordinance passed by the City, Ordinance No. 2022-29, that permitted nonconforming businesses affected by the hurricane to relocate while repairs were being made. Jetset Tattoos invested approximately \$50,000 to build out the space and resume operations at the Current Location.

Recently, the Original Location was acquired by a new owner, who has indicated that he does not intend to continue operating it as a commercial plaza and plans to demolish the site in the future. While the new owner has offered Jetset Tattoos the opportunity to remain at the Original Location under a shorter term than their original lease, this arrangement would require Jetset Tattoos to independently fund significant interior buildout and improvements, including but not limited to new exterior signage, lighting, flooring, counters, plumbing, and electrical work. These upgrades are estimated to cost in excess of \$120,000, a substantial burden for our client given the temporary nature of the lease.

While Jetset Tattoos fully respects the new owner's right to manage his property as he sees fit, the financial demands associated with returning to the Original Location are prohibitive. Moreover, Jetset Tattoos has successfully operated out of the Current Location without any difficulties – while the footprint of the current location is smaller than the original location, Jetset Tattoos has found that the current location is appropriately scaled for the area and that operations have occurred without any resident comments or concerns. We understand that tattoo shops are not a permitted use under the General Commercial Redevelopment District (GC-RD) zoning classification for the Current Location.

In light of these circumstances, we respectfully request that the City Commission consider amending the Daytona Beach Shores Land Development Code to allow Jetset Tattoos to continue its operations as a nonconforming use under its current zoning designation at the Current Location, restricting this change to allow a use that has been established under temporary authorization to remain in place so long as the use is not discontinued for a period of six (6) months. Given Jetset Tattoos' longstanding history in the Daytona Beach Shores community and its successful transition to the Current Location, we believe that permitting this nonconforming use would not only preserve a valued local business but also maintain continuity for its customers and employees.

Thank you for your attention to this matter. Please do not hesitate to reach out should you have any questions.

Sincerely,



Jessica Gow
Direct Dial (386) 323-9225
Email Jessica.Gow@cobbcole.com

cc: Stewart Cruz
Community Services Director
City of Daytona Beach Shores
2990 S Atlantic Avenue
Daytona Beach Shores, FL 32118

	PLANNING ANALYSIS
SUBJECT:	Ord.2024-22 (Exhibit A): Body Art Gallery, Inc. dba Jet Set of Daytona to remain as a nonconforming use at 2560 S. Atlantic Ave.
LOCATION:	2560 S. Atlantic Avenue in Daytona Beach Shores
REQUESTOR:	Gad Benchetrit, owner of Body Art Gallery, Inc. dba Jet Set of Daytona, through Attorney Jessica Gow of the Cobb & Cole Law Firm
SUMMARY:	Ordinance 2024-22 would allow Body Art Gallery, doing business as Jet Set of Daytona, to continue operating a non-conforming body art establishment in the "GC-RD" General Commercial-Redevelopment District at 2560 S. Atlantic Avenue in Daytona Beach Shores
RECOMMENDATION:	Approval as Presented
READING:	Planning & Zoning Board
STAFF CONTACT:	Gwyn Herstein, City Planner, PH: 386-763-5376

I. BACKGROUND

Hurricane Ian impacted our area on September 28 and 29, 2022. While many buildings and structures in Daytona Beach Shores sustained damage, the plaza at 2518 S. Atlantic Avenue, where the Jet Set of Daytona body art establishment was located, sustained enough damage to prevent occupancy of all tenants of the plaza. The body art use was a nonconforming use for Jet Set of Daytona at that address, but the business had operated there legally for over twenty years.

On January 10, 2023, the City Commission of the City of Daytona Beach Shores approved Ordinance 2022-29, which authorized businesses with existing non-conforming uses operating in the "GC-RD" General Commercial-Redevelopment District, to temporarily relocate from sites substantially damaged during Hurricane Ian, to other sites in the same zoning district. The Ordinance included a two (2) year sunset clause, meaning the described provisions will expire on January 9, 2025.

Jet Set of Daytona, the only business which utilized the non-conforming use relocation authorization under Ordinance 2022-29, re-opened at its current address at 2560 S. Atlantic Avenue. Through legal counsel, in a letter dated September 16, 2024, the Jet Set of Daytona business owner, Gad Benchetrit, requested the business be allowed to permanently operate from the new location due to factors enumerated in said letter (see included Cobb & Cole letter – **Exhibit B**).

At the City Commission's direction, the City Attorney and staff have drafted an ordinance which will allow this business to remain permanently at the new location of 2560 S. Atlantic Avenue as a nonconforming use, provided the business is not discontinued for a period of six (6) months or more, pursuant *LDC*, Section 14-13. Further, the ordinance will require the business owner to cause non-public-safety-required lighting to be off during specific hours, daily. If this or a similar ordinance is not approved, the business will be required to terminate its nonconforming use at its current location on or by January 9, 2025.

II. PROPOSED ORDINANCE

The proposed regulations contained in Ordinance 2024-22 are consistent with the City's adopted Comprehensive Plan Update (2030). The proposed ordinance would accomplish the following:

1. Authorize Body Art Gallery, Inc. dba Jet Set of Daytona to permanently locate at 2560 S. Atlantic Avenue as a non-conforming use, for as long as the use is not discontinued for a period over six (6) months.
2. Cause said business owner/staff to utilize only existing signage and the lighting required for public safety purposes between the hours of 10:00 p.m. and 7:00 a.m. daily.

III. EXISTING ZONING AND LAND USE

Table 1 below provides a description of the zoning district designation and current land use (i.e., existing development) for the subject and abutting properties.

Table 1: Zoning and Land Use Area Description

Location	Zoning	Current Land Use
Subject Property	GC-RD	Beach Plaza: Ace Hardware, Smoke & Toke Vape
North	P	Andrinopoulos Park
Southeast	GC-RD	Cherry Hill Ice Cream Cafe
Southwest	GC-1	Pet Grooming, Wow Factor Interiors, A Hair Affair
East	T-RMF-1	Peninsula Condominium
West	City of Daytona Beach	Single-Family Residences

Notes: GC-RD = General Commercial-Redevelopment District; P = Public; GC-1 = Tourist-Oriented Commercial District; T-RMF-1 = Hotel/Motel-Residential Multifamily District (High Density).

As seen in **Table 1** above and **Exhibit C**, the subject property has a zoning designation of GC-RD.

IV. CITY COMMISSION

The City Commission approved this Ordinance during its 1st reading at the November 12, 2024, City Commission meeting. The 2nd reading of this ordinance is scheduled for December 10, 2024, at which time, the City Commission will be provided the recommendation made by the Planning and Zoning Board.

V. STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Board recommends approval of Ordinance 2024-22 as presented to the City Commission.

Exhibit C - Zoning Map for 2560 S. Atlantic Avenue



Source: Volusia County, ArcGIS 2024

Zoning Districts for City properties near 2560 S. Atlantic Avenue:

GC-RD – General Commercial-Redevelopment District

GC-1 – Tourist-Oriented Commercial District

P – Public

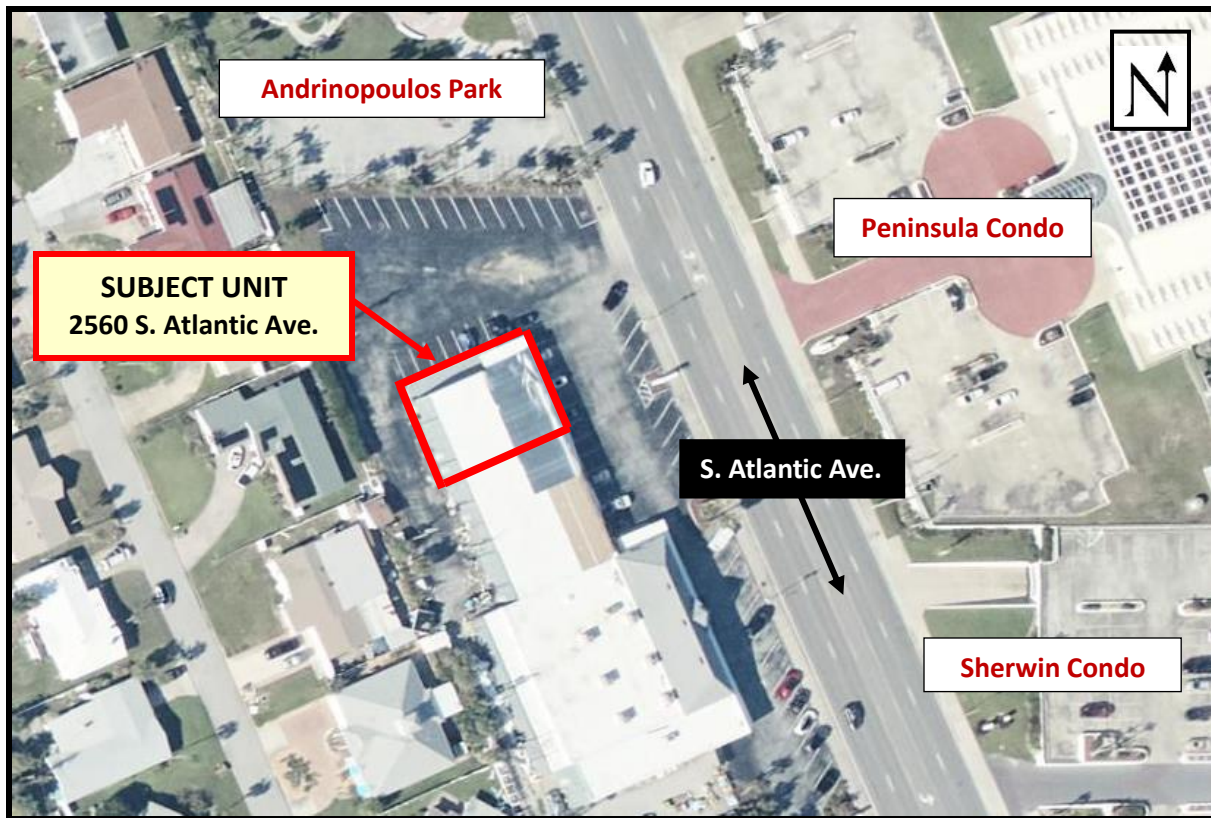
RMF-3 – Multifamily Residential District (Low Density)

T/RMF-1 – Hotel-Motel District/Multifamily Residential District (High Density)

Exhibit D – Site Location Maps for 2560 S. Atlantic Avenue



Source: NOAA Imagery AOIs/ESRI Community Map Contributors, ArcGIS 2024



Source: NOAA Imagery AOIs/ESRI Community Map Contributors, ArcGIS 2024

EXHIBIT E

Streetview of North End of Beach Plaza at 2560 S. Atlantic Ave.



Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City of Daytona Beach Shores has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City of Daytona Beach Shores may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

Proposed ordinance’s title/reference:

ORDINANCE 2024-22

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ALLOWING BODY ART GALLERY, INC. DOING BUSINESS AS THE JET SET OF DAYTONA BUSINESS TO REMAIN AS A NONCONFORMING USE IN THE “GC-RD” GENERAL COMMERCIAL-REDEVELOPMENT DISTRICT AT 2560 SOUTH ATLANTIC AVENUE AS A RESULT OF THE EXTRAORDINARY CIRCUMSTANCES CAUSED BY HURRICANE IAN; PROVIDING FOR FINDINGS, IMPLEMENTING ADMINISTRATIVE ACTIONS, SAVINGS PROVISION, CONFLICTS, SEVERABILITY, NON-CODIFICATION, AND AN EFFECTIVE DATE.

Applicable Exemptions:

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:

- ☐ Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
- ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Business Impact Estimate:

The City of Daytona Beach Shores hereby publishes the following information:

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

The purpose of Ordinance 2024-22 is to allow a decades-old Daytona Beach Shores business, which had been operating in the temporary location of 2560 S. Atlantic Ave. as authorized by Daytona Beach Shores Ordinance 2022-29, to permanently utilize this location as a non-conforming use.

The public, in the form of neighboring businesses, citizens, and visitors to the area, is served by the continued operation of a successful business through the daily upkeep of the premises, the year-round occupancy of the storefront, and the services offered to its patrons.

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

Ordinance 2024-22 has no direct compliance costs.

- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

There are no new fees or charges associated with Ordinance 2024-22.

- (c) An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

There will be no regulatory costs associated with Ordinance 2024-22.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:

Ordinance 2024-22 is estimated to have no negative impact on businesses in the City of Daytona Beach Shores but is likely to positively impact at least the four other businesses operating from the same commercial plaza.

4. Additional information the governing body determines may be useful (if any):

None

Note: The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.

ORDINANCE NO. 2022-29

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA RELATED TO THE TEMPORARY RELOCATION OF BUSINESSES WITH NONCONFORMING USES THAT HAVE INCURRED SUBSTANTIAL DAMAGE AS A RESULT OF HURRICANE IAN IN THE “GC-RD” GENERAL COMMERCIAL REDEVELOPMENT DISTRICT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SUNSET PROVISION; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Daytona Beach Shores to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of Daytona Beach Shores shall adopt and enforce land development regulations for the purpose of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, on September 23, 2022, the Governor of the State of Florida issued **Executive Order 22-218** to declare a state of emergency for all counties in the state of Florida, including Volusia County, due to the impending effects of Hurricane Ian; and

WHEREAS, on September 24, 2022, the Governor of the State of Florida issued **Executive Order 22-219**, amending **Executive Order 22-218**; and

WHEREAS, on September 27, 2022, the City Manager of the City of Daytona Beach Shores issued a **Declaration of Local Emergency** for Hurricane Ian, consistent with Section 2-9(b) of the Charter of the City of Daytona Beach Shores; and

WHEREAS, Hurricane Ian struck the City of Daytona Beach Shores on September 28 and September 29; and

WHEREAS, on September 29, 2022 the President of the United States declared a major disaster for the State of Florida as a result of Hurricane Ian, which was noticed in the Federal Register as FEMA-4673-DR; and

WHEREAS, Hurricane Ian has passed and recovery efforts have begun in the City of Daytona Beach Shores; and

WHEREAS, the commercial plaza at 2518 S. Atlantic Avenue sustained substantial damages that prohibited its occupancy due to the impacts of Hurricane Ian; and

WHEREAS, the commercial plaza at 2518 S. Atlantic Avenue is located in the “GC-RD” General Commercial Redevelopment District; and

WHEREAS, the commercial plaza at 2518 S. Atlantic Avenue has a bonafide business with a nonconforming use; and

WHEREAS, the owner of the business with a nonconforming use located in the commercial plaza at 2518 S. Atlantic Avenue has requested the City temporarily allow the relocation of his business in the GC-RD District until adequate repairs can be made at the plaza; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, on December 12, 2022 the Planning and Zoning Board of the City of Daytona Beach Shores heard and recommended approval of this Ordinance; and

WHEREAS, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City Daytona Beach Shores*; and

WHEREAS, the City Commission of the City of Daytona Beach Shores finds that it is in the best interest of the businesses, citizens and visitors of the city adopt this Ordinance; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION ONE. RECITALS. The “WHEREAS” clauses are hereby incorporated by reference herein.

SECTION TWO. The City Commission of the City of Daytona Beach Shores hereby authorizes businesses with existing non-conforming uses located in the “GC-RD” General Commercial Redevelopment District to temporarily relocate to another property located in the GC-RD District, provided however the business was substantially damaged as a direct result of impacts of Hurricane Ian such that occupancy of the business space is infeasible and prohibitive and providing as follows:

1. The subject business was a bonafide business established in the GC-RD zoning district at the time of impact from Hurricane Ian.

2. The business space or building is substantially damaged enough to prohibit occupancy.
3. The business is not an Adult Entertainment Establishment as defined in Sec. 2½-3 of the Daytona Beach Shores Code of Ordinances.
4. The new temporary business location is located in the GC-RD zoning district.
5. The business owner applies for and receives a Business Tax Receipt with the City of Daytona Beach Shores for the proposed location.
6. The business owner applies for and receives a Certificate of Use with the City of Daytona Beach Shores for the proposed location.
7. Within the two-year sunset period, the business may be reestablished at its original location in the GC-RD District and maintain its nonconformity.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions.

SECTION FOUR. SUNSET. This authorization granted herein shall expire two (2) years subsequent to the effective date of this ordinance.

SECTION FIVE. SAVINGS. The prior actions of the City of Daytona Beach Shores relating to nonconforming uses, as well as any and all related actions and activities, are hereby ratified and affirmed.

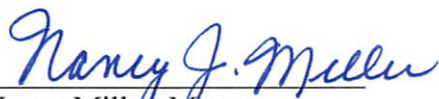
SECTION SIX. CONFLICTS. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION SEVEN. SEVERABILITY. If any Section or portions of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

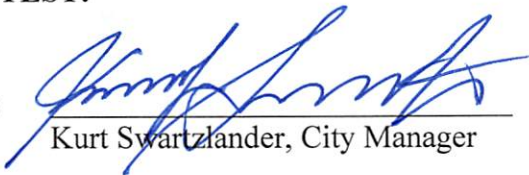
SECTION EIGHT. NON-CODIFICATION. This Ordinance shall not be codified in the *City Code of the City of Daytona Beach Shores* or, the *Land Development Code of the City of Daytona Beach Shores*.

SECTION NINE. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption and may be extended as provided herein.

CITY OF DAYTONA BEACH SHORES, FLORIDA

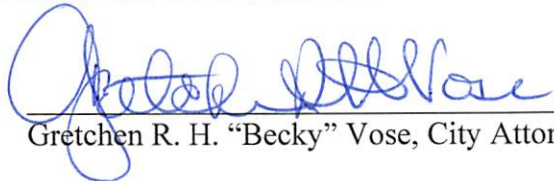
By: 
Nancy Miller, Mayor

ATTEST:

By: 
Kurt Swartzlander, City Manager


Cheri Schwab, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: 
Gretchen R. H. "Becky" Vose, City Attorney

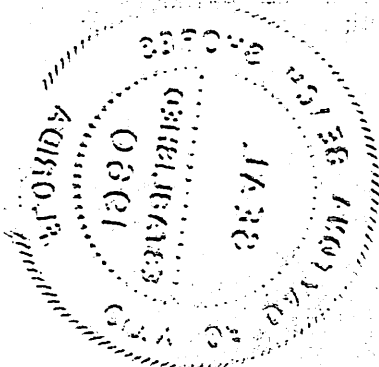
Passed and adopted on first reading this 13 day of December, 2022.

Posted this 10 day of January, 2023.



202 10
CHARTERED BY THE STATE

[Signature]
CHARTERED BY THE STATE



APPROVED BY THE BOARD OF REGENTS
[Signature]
CHARTERED BY THE STATE

For [Signature] of the State of New York
For [Signature] of the State of New York