



CITY OF HOLLY HILL BOARD OF PLANNING AND APPEALS

AGENDA PACKET

TITLE: Board of Planning and
Appeals Meeting

DATE: Monday, December 6, 2010

TIME: 6:30 PM

LOCATION: City Commission Chambers
1065 Ridgewood Avenue
Holly Hill, FL 32117



AGENDA
CITY OF HOLLY HILL, FLORIDA
BOARD OF PLANNING AND APPEALS MEETING
Monday, December 6, 2010
6:30 PM

CITY COMMISSION CHAMBERS
1065 Ridgewood Avenue, Holly Hill, Florida 32117-2898
City Clerk's Office: (386) 248-9441 Fax: (386) 248-9448

1. CALL TO ORDER

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance to the Flag

2. NEW BUSINESS

- A. **V-10-10-27:** Variance Request for 2020 Ridgewood (Boos Development Group)
- B. **V-10-10-15:** Variance Request for 1558 Daytona Avenue (David Eager)
- C. **SCCPA 10-11-14:** Future Land Use Map Amendment (Arthur Ravitch)
- D. **Z-10-11-14:** Rezoning Request for 1976 and 1982 Nova Road (Arthur Ravitch)

3. OLD BUSINESS

- A. None

4. OTHER – Staff Comments

5. ADJOURNMENT

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision made by said body with respect to any matter considered at such meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.

NEW BUSINESS

AGENDA

ITEM: 2

DATE: December 6, 2010

V-10-10-27

Variance Request for 2020 Ridgewood
(Boos Development Group)

AGENDA

ITEM: 2A

DATE: December 6, 2010



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: November 8, 2010
SUBJECT: Variance Request at 2020 Ridgewood Avenue
APPLICANT: David Morse, Boos Development Group, Inc
NUMBER: V-10-10-27
PLANNER: Thomas A. Harowski, AICP

INTRODUCTION: The applicant, who is the authorized representative for the property owner Winston Tomlinson, is requesting a variance from the required side yard setback of 35 feet as required by Section 98-68 of the land development code to permit a side yard setback of 11 feet.

BACKGROUND: The property in question is the former Sonny's restaurant at 2020 Ridgewood Avenue. The applicant is proposing to demolish the existing structure and construct a Family Dollar store on the site. The site plan calls for relocating the proposed building west of the existing structure to allow room along the Ridgewood Avenue frontage for landscaping and two rows of parking. (Refer to Exhibit A, Conceptual Site Plan.) Additional parking is located to the south of the proposed structure and stormwater retention area is located to the west of the structure. Approximately 115 feet west of Ridgewood Avenue, the property line jogs to the south by about 38 feet narrowing the lot from that point to the western end of the parcel.

Section 114-765 of the land development code sets forth the dimensional requirements for all zoning districts. The parcel in question is zoned CC-1 which requires a 10-foot side yard setback. However, Section 98-68 of the land development code sets forth requirements for landscaping and buffering. For commercial projects adjacent to residential uses, this section requires a 35 foot setback. The adjacent property to the north is an existing mobile home park which triggers the additional buffer setback.

The conceptual site plan does meet the standard zoning setback of 10-feet, but does not meet the expanded setback required by the buffer requirements. The applicant is requesting a variance of 23.6 feet from the 35 foot requirement. The applicant is proposing to construct a six-foot masonry wall and to landscape the remaining buffer area in accordance with the requirements of Section 98-67 and 98-68. The applicant contends that the variance is required to meet the minimum

parking requirements established by City code and to allow for effective truck access and maneuvering area on the site. Shifting the building to the south to increase the buffer will result in a less efficient site layout for truck movements and will force required parking to an area of the site where it will be remote from the business entrances.

DISCUSSION: The current situation at the site has a wooden fence along the south line of the mobile home park with restaurant parking immediately adjacent to the fence. No landscaping is provided and the area between the restaurant and the fence also includes a driveway that provides access to the parking to the rear of the restaurant. Thus the area adjacent to the fence and mobile home park has substantial vehicular traffic when the restaurant is in operation.

The proposed site layout will add a wall and landscaping and will place vehicular activity on the site away from the residential use and adjacent to the parking area for the shopping center to the south. The proposed layout also provides for a safer site access from US 1 and provides an effective access for larger trucks making deliveries to the site.

The ordinance sets forth six criteria for authorizing a variance:

Special conditions and circumstances exist which are peculiar to the land, structure or building involved, as distinguished from the applicant himself and which are not applicable to other lands, structures or buildings in the same zoning district.

The shape of the site includes a jog in the north property line that is greater than the required buffer setback. But for the jog in the north property line the site could be effectively developed in full compliance with the 35 foot buffer setback.

The special conditions and circumstances do not result from the applicant's own actions.

The applicant did not modify the property boundaries to create the jog in the northern boundary.

Granting the variance requested will not confer on the applicant any special privilege that is denied by this subpart to other lands, buildings or structures in the same zoning district.

The granting of the variance will allow the most effective development of the site as it would any regular shaped site in the CC-1District.

A literal interpretation of the provisions of this subpart would deprive the applicant of rights commonly enjoyed by the other properties in the same zoning district and would work an unnecessary and undue hardship on the applicant.

Enforcement of the 35 foot buffer setback would result in a less effective and efficient site layout creating a hardship on the applicant.

The variance granted is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

The requested variance is the minimum variance necessary to allow reasonable use of the site.

The grant of the variance will be in harmony with the general intent and purpose of the land development regulations and the comprehensive plan, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed site layout will place vehicular activity farther from the residential use than does the current site development and will provide improved buffering in the form of a wall and added landscaping that is not currently provided.

The provision of the wall meets the requirements of a Type A masonry wall and the proposed 10-foot landscape area also meets the buffer requirements of Section 98-68. But for the presence of the mobile home park adjacent to the site, the 10 foot building setback would also meet the requirements of the CC-1 zoning district. As the buffer provided is the same as would be required even with the larger building setback, the resulting development will not be detrimental to the public welfare.

RECOMMENDATION: Approve the variance of 24-feet to allow an 11-foot side yard setback provided the applicant constructs a six-foot wall and provides a ten foot landscape buffer as required by Section 98-67.

EXHIBITS

LOCATION MAP
VARIANCE AREA
SITE PHOTOS



View of existing parking area from US 1. Southward jog in property line is shown by fence location.



Area of requested variance extends south (left) beginning approximately 11 feet from existing fence line.



View of adjacent parcel from the south. Most of this area will be landscaping and storm water retention area. The variance will not extend west of the proposed building.

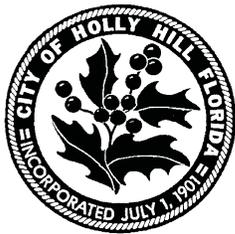
V-10-10-15

Variance Request for 1558 Daytona Avenue
(David Eager)

AGENDA

ITEM: 2B

DATE: December 6, 2010



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: November 10, 2010
SUBJECT: Variance Request for 1558 Daytona Avenue
APPLICANT: David Eager
NUMBER: V-10-10-15
PLANNER: Thomas A. Harowski, AICP

INTRODUCTION: The applicant is requesting a variance of eight feet from the required side yard setback of eight feet to allow construction of a carport to extend into the required side yard.

BACKGROUND: The property at 1558 Daytona Avenue is located on the west side of Daytona Avenue between 15th Place and Flomich Avenue. The properties in this block are through lots extending from Daytona Avenue to Cordova Avenue. The properties in this block are developed with the front of the house facing Daytona Avenue and portion of the lot abutting Cordova Avenue serving as the rear yard. The properties along the west side of Cordova Avenue are development with the front yard access from Cordova Avenue so there is a situation where the front of the houses on Cordova Avenue faces the back of the houses fronting on Daytona Avenue.

The property in question has a yard enclosed with a chain link fence. There is a shed located at the rear property line inside the fence and a driveway to the south of the shed that is accessed from Cordova Avenue. (Refer to pictures.) The applicant desires to construct a carport over the existing driveway. The proposed carport is 18' x 21' x 6'.

DISCUSSION: A variance is to be issued based on meeting specific criteria listed in the land development regulations. The criteria include:

Special conditions and circumstances exist which are peculiar to the land, structure or building involved, as distinguished from the applicant himself and which are not applicable to other lands, structures or buildings in the same zoning district.

The shape of the site includes a jog in the north property line that is greater than the required buffer setback. But for the jog in the north

property line the site could be effectively developed in full compliance with the 35 foot buffer setback.

The special conditions and circumstances do not result from the applicant's own actions.

The placement of the house including entrances to the house from the rear of the property limits the opportunities for driveways to the site and for shifting the driveway to the north away from the side property line. The existing driveway already extends into the required side yard.

Granting the variance requested will not confer on the applicant any special privilege that is denied by this subpart to other lands, buildings or structures in the same zoning district.

The granting of the variance likely does convey a privilege to this lot that is not generally available to other parcels in the zoning district as a carport is not essential to the use of the lot.

A literal interpretation of the provisions of this subpart would deprive the applicant of rights commonly enjoyed by the other properties in the same zoning district and would work an unnecessary and undue hardship on the applicant.

Denial of the variance would likely not work an undue hardship on the applicant, but moving the carport to the north to remove it from the side yard would require reconstruction of the driveway and relocation of the shed, and it may interfere with some access to the main structure.

The variance granted is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

The applicant has reasonable use of the land as a carport is not essential to the residential use of the lot. Construction of the carport would likely enhance the use of the lot.

The grant of the variance will be in harmony with the general intent and purpose of the land development regulations and the comprehensive plan, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Granting of the variance would not be injurious to the area or detrimental to the public welfare. The subject property, as with all of the parcels on the same side of the street, have rear yard activity facing Cordova

Avenue. The addition of the parking structure is consistent with these uses.

Special conditions and circumstances exist which are peculiar to the land, structure or building involved, as distinguished from the applicant himself and which are not applicable to other lands, structures or buildings in the same zoning district.

There are no special conditions associated with the lot other than the placement of the existing driveway adjacent to the property line.

The special conditions and circumstances do not result from the applicant's own actions.

No evidence has been presented that suggests the applicant created the existing conditions on the lot.

RECOMMENDATION: This application clearly meets some of the criteria and probably fails to meet other criteria, suggesting that there is not a clear and complete hardship supporting a variance. Granting a variance would not create a condition that would be an outstanding negative in the neighborhood either.

EXHIBITS

LOCATION MAP
PROPOSED CARPORT LOCATION
SITE PHOTOS



Area where proposed carport will be located is approximately the location where the truck is parked.



View of 1558 Daytona Avenue from the west (Cordova) showing existing shed, fence and driveway. Proposed carport site is approximately where the truck is parked.



View of 1558 Daytona from west. Proposed carport is located right of shed.



Existing homes on opposite side of Cordova.



Existing homes on west side of Cordova.



Longer view of west side of Cordova.

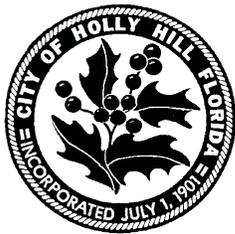
SCCPA 10-11-14

Future Land Use Map Amendment
(Arthur Ravitch)

AGENDA

ITEM: 2C

DATE: December 6, 2010



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: November 16, 2010
SUBJECT: Comprehensive Plan Amendment – 1976/1982 Nova Road
APPLICANT: Arthur Ravitch
NUMBER: SCCPA-10-11-14
PLANNER: Thomas Harowski, AICP

INTRODUCTION: The parcel at 1976 Nova Road was voluntarily annexed into the City in October. Following annexation, the property needs to be amended into the City's comprehensive plan and assigned City zoning. This application for comprehensive plan amendment is a companion action to Z-10-11-14 which is the rezoning.

BACKGROUND: The applicant requested annexation to the City which was completed in October, 2010. The next step in the process is to assign a future land use classification and a city zoning to the parcel. The property consists of two parcels totaling 0.36 acres. The property is located at 1976 and 1982 North Nova Road which is about 200 feet south of the intersection with Alabama Avenue. The parcel is currently designated as Volusia County Mixed Use Industrial on the county's future land use map.

DISCUSSION: The city and the applicant wish to designate the property for commercial use applying a land use classification consistent with the overall development plan for Nova Road. The properties to the north and south of the subject property are designated General Retail Commercial on the future land use map as is nearly all of the property along Nova Road that is currently in the city limits. The General Retail Commercial land use classification establishes development intensity standards for development including:

General commercial development - the ratio of building floor area to total site area shall not exceed 1.95 except for properties fronting on Ridgewood Avenue where a ratio of 4.55 may be permitted. (The ratio is calculated by dividing building floor area by site area.) (Policy 1.1.2)

In Policy 1.1.3 the plan establishes zoning classifications that are consistent with the future land use classifications. These include:

Future Land Use Categories																								
	CF	R-1	R2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	MXD 2	MXD-3	B-1	B-2	-B3	B-4	B-5	B-6	CC-1	I-1	I-2	PUD	
Low Density Residential	M	C	C	C	C	C	N	N	N	M	N	N	N	N	N	M	N	N	N	N	N	N	N	M
Low-Medium Density Residential	M	C	C	C	C	C	N	N	N	M	N	N	N	N	N	M	N	N	N	N	N	N	N	M
Medium Density Residential	M	N	N	N	N	N	C	C	C	N	N	N	N	N	N	M	N	N	N	N	N	N	N	M
High Density Residential	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N	C
Mobile Homes	M	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N	N	M
General Commercial	M	N	M	N	C	N	N	M																
Wholesale Commercial and Industrial	M	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	M
Churches, Schools & Institutions	M	M	M	M	M	N	M	M	M	N	N	N	N	M	M	M	M	M	M	M	M	N	N	M
Recreation and Open Space	C	M	M	M	M	M	M	M	M	M	N	N	N	M	M	M	M	M	M	M	M	M	M	M
Conservation	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	M
Residential-Based Mixed Use	N	N	N	N	N	N	N	N	N	N	M	M	M	N	N	N	N	N	N	N	N	N	N	C
Mixed Use II	N	N	N	N	N	N	N	N	N	N	M	C	M	N	N	N	N	N	N	N	N	N	N	C
Mixed Use III	N	N	N	N	N	N	N	N	N	N	M	M	C	N	N	N	N	N	N	N	N	N	N	C

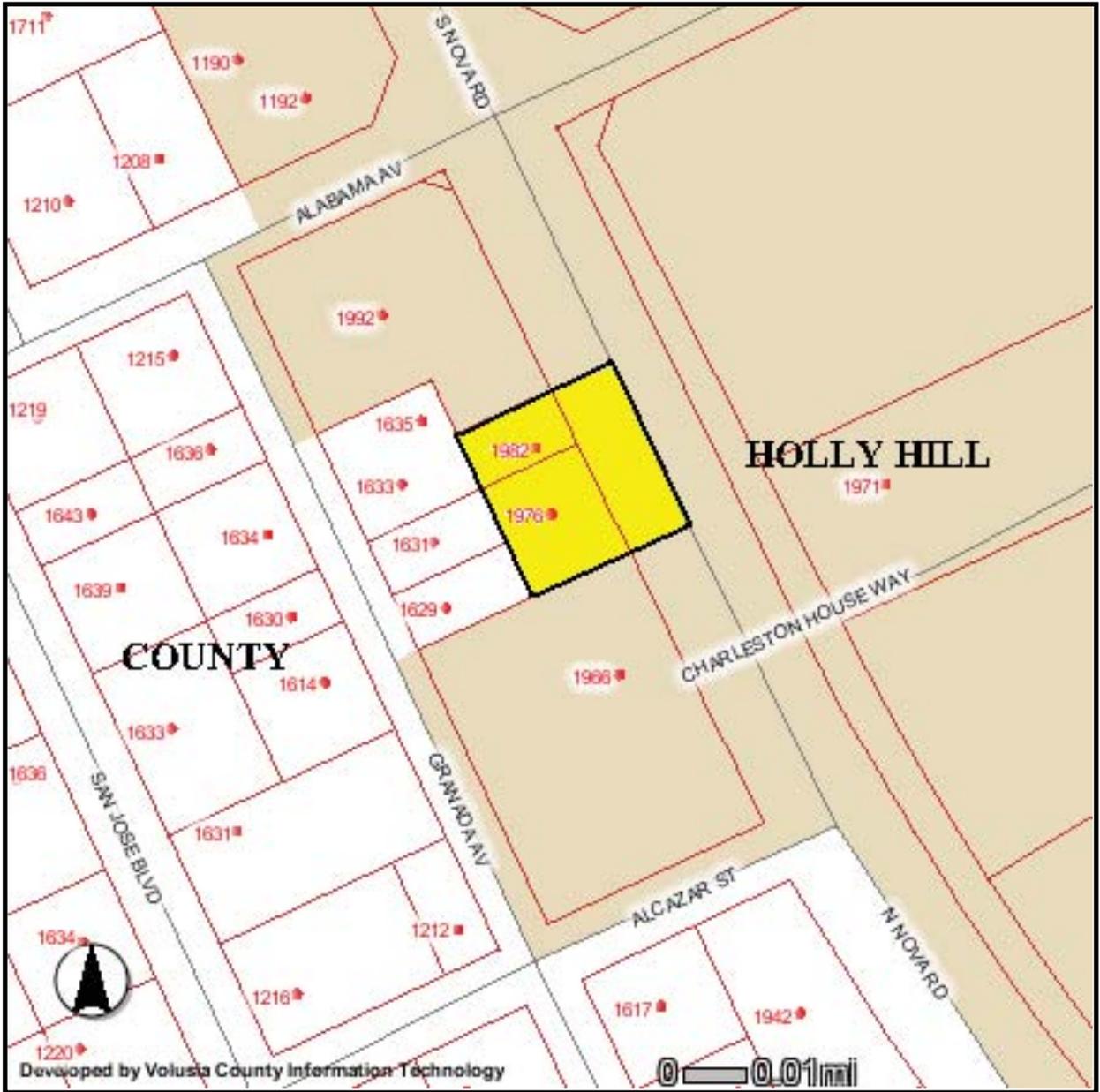
Key: “C” indicates the zoning classification is compatible with the future land use category; “M” indicates the zoning classification may be compatible under certain circumstances; “N” indicates the zoning classification is not compatible with the future land use category.

Exhibit A presents a copy of the current future land use map and a map showing the addition of the subject property as General Retail Commercial.

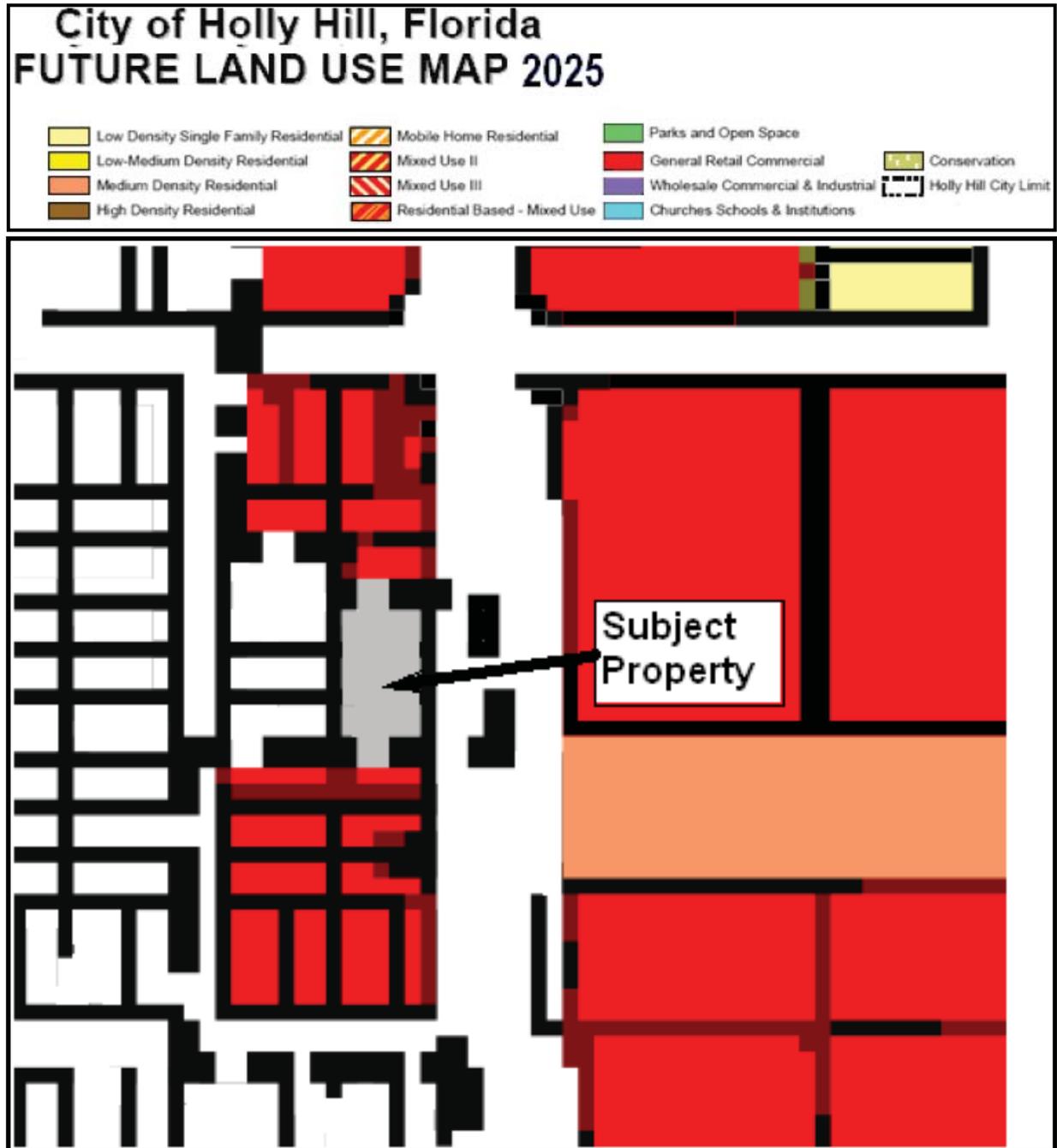
The property is developed with a commercial building and parking area. The site is on a well and septic tank so it will not have an impact on city utilities. Water is available on the east side of Nova Road but there is no current plan to extend water lines to the west side of Nova Road. Sewer is not available north of Flomich Avenue. Traffic generation for the property is already included in the existing traffic volumes for the road network. Thus the addition of the property to the City’s comprehensive plan and future land use map will not impact city services.

RECOMMENDATION: Staff recommends the Board of Planning and Appeals recommend the City Commission designate the parcel as General Retail Commercial on the future land use map.

LOCATION MAP



FUTURE LAND USE MAP



Z-10-11-14

Rezoning Request for 1976 and 1982 Nova Road
(Arthur Ravitch)

AGENDA

ITEM: 2D

DATE: December 6, 2010



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: November 16, 2010
SUBJECT: Zoning Map Amendment – 1976/1982 Nova Road
APPLICANT: Arthur Ravitch
NUMBER: Z-10-11-14
PLANNER: Thomas Harowski, AICP

INTRODUCTION: The parcel at 1976 Nova Road was voluntarily annexed into the City in October. Following annexation, the property needs to be amended into the City's comprehensive plan and assigned City zoning. This application for amending the official zoning map is a companion action to SCCPA-10-11-14 which is the comprehensive plan amendment.

BACKGROUND: The applicant requested annexation to the City which was completed in October, 2010. Following the assignment of a future land use classification, a city zoning classification needs to be assigned to the parcel. The property consists of two parcels totaling 0.36 acres. The property is located at 1976 and 1982 North Nova Road which is about 200 feet south of the intersection with Alabama Avenue. The parcel is currently designated as Volusia County Mixed Use Industrial on the county's future land use map.

DISCUSSION: The staff has recommended assignment of a General Retail Commercial classification to the parcel. Policy 1.1.3 of the comprehensive plan establishes zoning classifications that are consistent with the future land use classifications. These include:

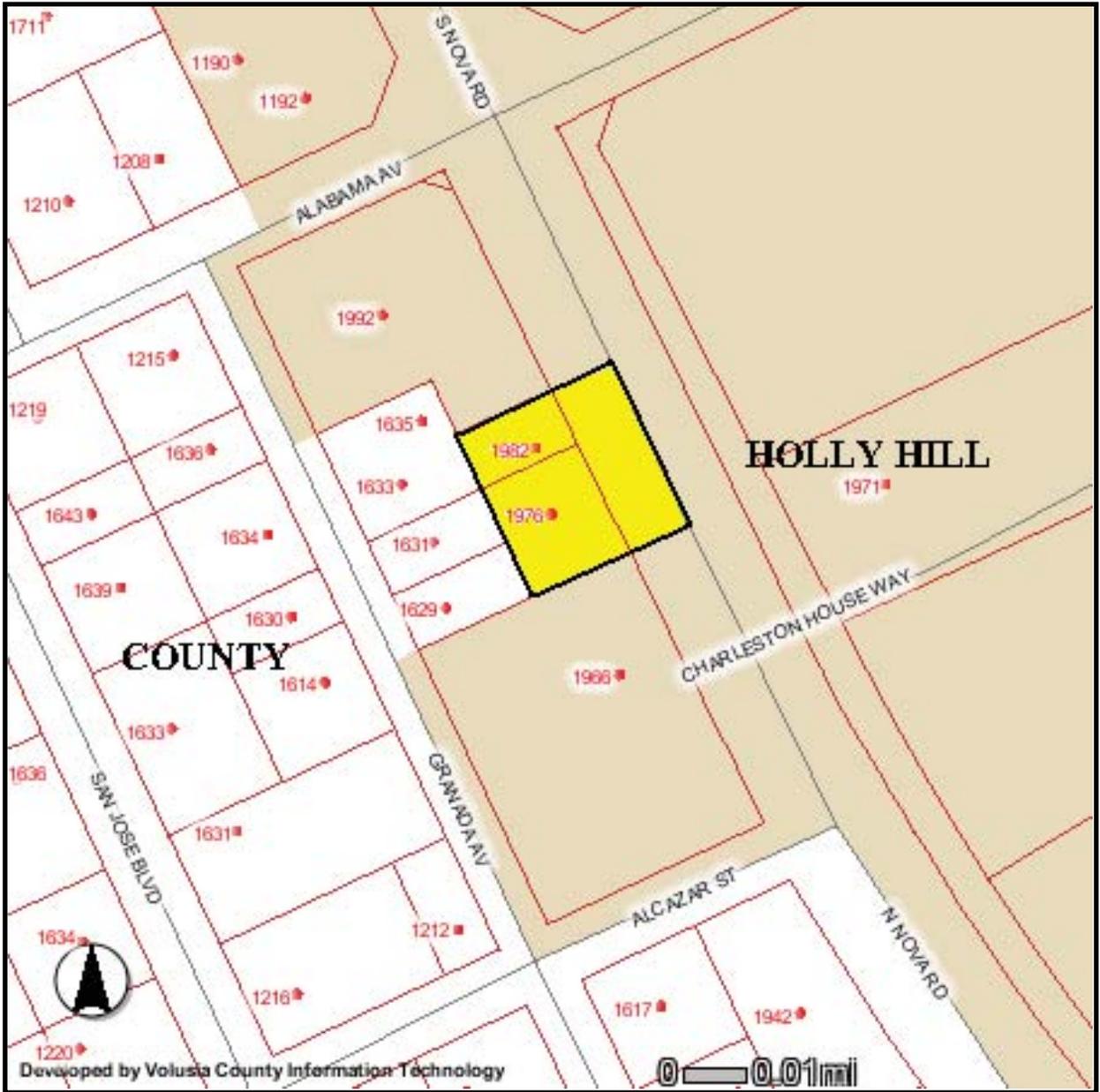
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Low Density Residential	M	C	C	C	C	C	N	N	N	M	N	N	N	N	N	M	N	N	N	N	N	N	M	
Low-Medium Density Residential	M	C	C	C	C	C	N	N	N	M	N	N	N	N	N	M	N	N	N	N	N	N	M	
Medium Density Residential	M	N	N	N	N	N	C	C	C	N	N	N	N	N	N	M	N	N	N	N	N	N	M	
High Density Residential	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	C	
Mobile Homes	M	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N	M	
General Commercial	M	N	M	N	C	N	N	M																
Wholesale Commercial and Industrial	M	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	M
Churches, Schools & Institutions	M	M	M	M	M	N	M	M	M	N	N	N	N	M	M	M	M	M	M	M	M	N	M	
Recreation and Open Space	C	M	M	M	M	M	M	M	M	M	N	N	N	M	M	M	M	M	M	M	M	M	M	
Conservation	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	M	
Residential-Based Mixed Use	N	N	N	N	N	N	N	N	N	N	M	M	M	N	N	N	N	N	N	N	N	N	C	
Mixed Use II	N	N	N	N	N	N	N	N	N	N	M	C	M	N	N	N	N	N	N	N	N	N	C	
Mixed Use III	N	N	N	N	N	N	N	N	N	N	M	M	C	N	N	N	N	N	N	N	N	N	C	

Key: “C” indicates the zoning classification **is compatible** with the future land use category; “M” indicates the zoning classification **may be compatible** under certain circumstances; “N” indicates the zoning classification **is not compatible** with the future land use category.

The zoning on the adjacent parcel to the north is CC-1 Commercial Corridor, and the zoning on the adjacent parcel to the south is I-1 Light Industrial. The applicant desires to use the property for retail sales. The CC-1 Commercial Corridor zoning is consistent with the recommended future land use classification and it is consistent with the adjacent zoning classification to the north.

RECOMMENDATION: Staff recommends the Board of Planning and Appeals recommend the City Commission designate the parcel as CC-1 Commercial Corridor on the official zoning map.

LOCATION MAP



ZONING MAP

