

**MINUTES
BOARD OF PLANNING AND APPEALS MEETING
CITY OF HOLLY HILL, FLORIDA**

July 1, 2013

1. CALL TO ORDER

Roll Call

Michael Myer called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 6:30 p.m. Attending with Michael Myer were Board members Nick Mostert, and David Heald.

Absent: Board member Art Cappuccio.

Also attending were the following staff members: City Attorney Scott Simpson, and City Planner Thomas Harowski, and City Clerk Valerie Manning.

A. Invocation

Mr. Myer delivered the Invocation.

B. Pledge of Allegiance to the Flag

Mr. Mellette led the Pledge of Allegiance.

2. MINUTES

Minutes from the Board of Planning and Appeals Meeting – June 10, 2013 (*City Clerk*)

Mr. Mellette moved APPROVAL for the Minutes, seconded by Mr. Heald.

The motion **CARRIED** 4-0 by roll call vote: Mellette – Yes, Heald – Yes, Mostert – Yes, and Myer – Yes.

3. NEW BUSINESS

A. V-2013-03 – The Market Sign Variance Request

City Planner Thomas Harowski gave a brief staff report as it pertains to the Market sign variance request by administration.

Mr. Myer opened public participation. No one spoke.

Mr. Mostert moved APPROVAL for V-2013-03 – The Market Sign Variance Request, seconded by Mr. Mellette.

The motion **CARRIED** 3-1 by roll call vote: Mostert – Yes, Mellette – Yes, Heald – No, and Myer – Yes

B. Discussion – Setbacks for Accessory Uses

City Planner Thomas Harowski spoke briefly about sheds and setbacks for accessory uses to the Board. There was *consensus* from the Board to leave things the way they are.

4. OLD BUSINESS

Z-2013-08 - Revisions to buffer requirements in Redevelopment District Overlay

City Planner Thomas Harowski spoke briefly pertaining to the revisions to the buffer requirements in the Redevelopment District Overlay and the Board agreed to the third option as described in Sec. 114-637. Modifications to Regulations.

Mr. Heald moved APPROVAL for Z-2013-08 - Revisions to buffer requirements in Redevelopment District Overlay, seconded by Mr. Mostert.

The motion **CARRIED** 4-0 by roll call vote: Heald – Yes, Mostert – Yes, Mellette – Yes, and Myer – Yes

5. COMMUNICATIONS FROM BOARD MEMBERS & STAFF

None.

6. ADJOURNMENT

The meeting officially adjourned at approximately 7:20 p.m.

Valerie Manning
City Clerk



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: August 5, 2013
SUBJECT: 1586 Moravia Avenue Variance Request
APPLICANT: Conrad Bernhardt
NUMBER: V-2013-04
PLANNER: Thomas Harowski, AICP

INTRODUCTION:

The applicant is requesting relief from the provisions of Section 114-741 which requires that accessory structures greater than 300 square feet in area shall be located only in the buildable area of a lot and not in any required yard setback. The subject property is zoned R-1 which has a rear yard setback of 30 feet and side yard setbacks of 10 feet. The applicant wishes to place a shed closer to the rear property line than 30 feet.

BACKGROUND:

1586 Moravia is a single-family home on a large lot located on the west side of Moravia Avenue between 15th Place and Flomich Street. The property ownership is 150 feet on Moravia and a lot depth of 200 feet. The house is setback about 41 feet from Moravia with side yard setbacks of 58.6 feet on the south and 25.6 feet on the north. There is a garage and carport structure located behind the house. The property is served by an unpaved driveway on the south side of the house. A portion of the survey is included in the application packet showing the structure and driveway access.

The property is heavily wooded and the applicant has marked the approximate location of trees on the survey document. While the survey shows a notch in the rear property line, the applicant owns the small abutting parcels, so the ownership is squared off along the entire rear property line.

The applicant has marked on the sketch data on the survey the location of a 20 x 25 foot storage shed at 30 feet from the rear property line and 10 feet from the south property line. This location would conform with the land development regulations, but the property owner wishes to locate the shed closer to the rear

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property line. He is proposing to put the shed at 15 feet from the rear property line. This placement would require a variance of 15 feet or 50% of the setback requirement.

The applicant has submitted a statement of how the proposal qualifies for a variance. A copy of the statement is included with the staff report.

DISCUSSION:

In the submittal, the applicant makes the following points in support of the variance request.

1. The site has extensive tree cover and placement of the shed in another location will cause the removal of at least some of the trees.
2. Placement of the shed 30 feet from the rear property line will essentially waste the lot area between the rear of the shed and the back property line.
3. The proposed placement of the shed will result in the best use of the property while avoiding negative impacts to trees.

As we discussed at the last BOPA meeting, the City of Holly Hill requirements for the placement of larger yard sheds are among the more restrictive in Volusia County. The following table compares community requirements.

Minimum Setbacks for Accessory Uses

Government	Zone	Lot			Front	Rear	Side	Accessory
		Size	Width	Depth				
Daytona Beach	R-1a	9000	75	100	30	25	10	25
Daytona Bch Sh	RSF-1	10000	85		30	25	10	5
Debary	R-3	10000	85		30	20	8	5
Deland	R1AA	10000	100		30	25	15	7.5
Deltona	R-1A	9500	80		25	10	6	10
Edgewater	R-2	10000	80	125	30	20	10	5
Holly Hill	R-1	10500	90	115	35	30	10	30
New Smyrna	R-2	8625	75	115	30	7.5	7.5	7.5
Orange City	R-1	9000			25	30	10	10
Ormond Beach	R-2	10000	100		30	25	8	7.5
Port Orange	R10SF	10000	90		30	25	10	15
South Daytona	R-1a	10000	100	100	25	25	10	5
Volusia Co.	R-3	10000	85		30	20	8	5

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The applicant's ownership is approximately 30,000 square feet. Regardless of other community requirements, however, development in the City of Holly Hill is required to meet the current codes unless a variance is granted. The criteria required to be considered in issuing a variance are discussed below.

Are there special conditions unique to the land?

The lot is heavily wooded and if tree removal is to be avoided, there are limited locations where a larger accessory structure can be placed. However, it is possible to locate a larger shed on the property meeting the required setbacks. As the applicant notes a conforming location would leave a fairly large space behind the shed to the property line that may have limited usefulness.

Are the special conditions resulting from action by the applicant?

The applicant's desire to have a larger accessory structure and place the structure closer to the property line have precipitated the variance request.

Will a literal interpretation of the code deny the applicant rights commonly enjoyed by others in the zoning district?

The applicant could choose a smaller shed and it is possible to locate the shed in a conforming location, although there would be some reduction in utility of some portions of the lot.

Will granting the variance give the applicant a special privilege?

It is common throughout the City to have sheds, even larger sheds closer to property lines. Often these sheds are older or perhaps installed without permits.

Is the variance the minimum variance needed to resolve the problem?

The applicant desires to place the shed closer to the property line and is suggesting a distance of 10 to 15 feet from the rear property line. The shed could be feasibly placed farther from the property line.

Would the variance be in harmony with the City code?

Locating the shed closer to the rear property line would not cause a major conflict with the comprehensive plan or zoning purpose. The proposed location is somewhat less than the current rule.

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Would granting the variance be detrimental to the public welfare?

The variance would result in placing the shed closer to the rear property line, but it is in the rear yard where impacts to adjacent properties are minimal. Any avoidance of tree removal that may result would be a general benefit to the public welfare.

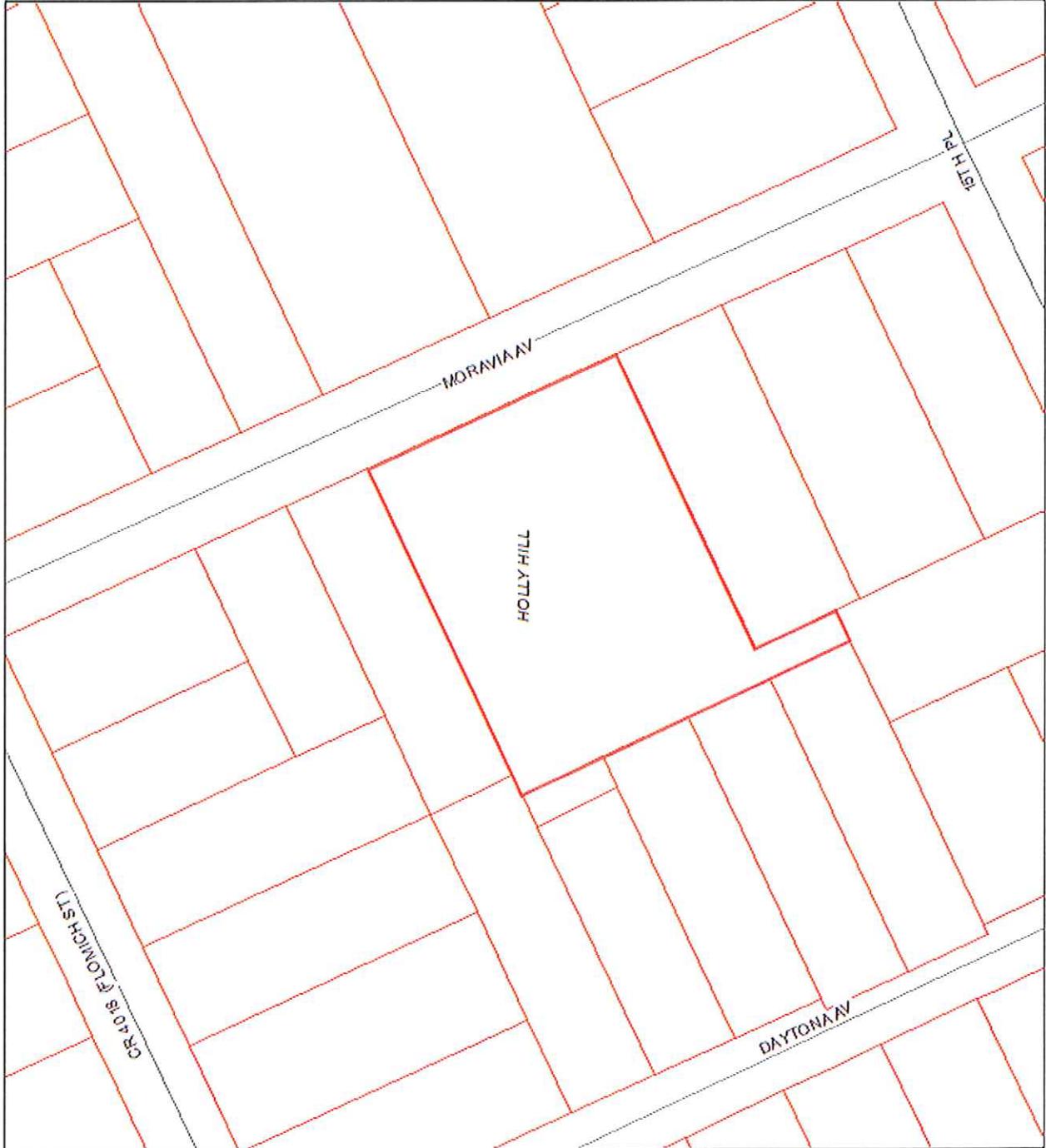
Is the request consistent with preservation of the public welfare?

The proposed variance would have a very minor impact on other properties and the community at large.

RECOMMENDATION:

There are locations on the lot where a larger shed could be placed meeting the requirements of the code. The variance requested by the applicant would likely have minimal impacts to adjacent properties. If the Board determines that the preservation of tree cover and the increased utility of the applicant's lot outweighs the other considerations regarding the placement of the shed, the Board should specify the minimum distance from the rear property line that is allowable.

1586 MORAVIA LOCATION MAP



Scale 1:1,000 - 1 in = 83 ft



Date Created: 10-Jul-13 03:07 PM

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information source to determine the accuracy of the data. SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER



CITY OF HOLLY HILL

PRE- APPLICATION MEETING FORM

You must set up a pre-application meeting **before** submitting your application. Please (386) 248-9424 or fax this completed form to (386) 248-9498 or email tharowski@hollyhillfl.org Tom Harowski, City Planner.

The following background information is required to schedule a pre-application meeting. Staff will use this to research the project site in preparation for the meeting. Although this is the minimal amount of background material required, more information is welcome. Please reference the list of Recommended Pre-Application Materials. Please attach additional sheets or plans as needed.

APPLICANT	OWNER
Name: <u>Conrad Bernhardt</u>	Name: <u>same</u>
Address: <u>1586 MORAVIA</u>	Address: _____
City/State/Zip: <u>Holly Hill</u>	City/State/Zip: _____
Phone: <u>252-8296</u> Fax: _____	Phone: _____ Fax: _____
E-Mail Address: _____	E-Mail Address: _____
Contact Person: _____	Contact Person: _____

My application will be: (Please check the type of request)

- A Rezoning from _____ to _____.
- A Special Exception/Conditional Use for a _____.
- A Variance to REAR YARD setbacks
- A Minor/Major Amendment to _____.

PROJECT INFORMATION

Tax parcel number(s): 4243 -05 -00 -0161

Address of parcel: 1586 MORAVIA

Size of parcel: 160 x 200 Existing zoning: R-1

Future Land Use: LOW DENSITY RES.

Existing Use of Property: SFR

You are recommended to submit the following with this form:

- A signed and sealed survey of the property (should be no more than 2 years old)
- Legal description of the subject property, if not on the survey
- A site plan to scale (for Special Exceptions & Variances)
- Written description of the request

Violation(s): _____
TRS Meeting Date: _____
EMD Required: YES NO
N/C Lot Letter Required: _____
Unrecorded Subdivision: _____
Other: _____

STAFF USE ONLY

Planner's Comments/Notes: Code requires 20' setback for school.

Notifications Discussed

Date Submitted: 6/20/13 Taken By: [Signature] Time: 9:10 (a.m./p.m.)



GENERAL LAND DEVELOPMENT APPLICATION

1065 Ridgewood Avenue, Holly Hill, Florida 32117
Phone: (386) 248-9424 Fax: (386) 248-9498

Date Received: 3/9/13 Application ID: V-2013-04 Received By: YAF

REQUESTED ACTION

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Comp Plan Amend | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Site Plan | <input type="checkbox"/> PUD |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Special Exception | <input type="checkbox"/> Subdivision Major | <input type="checkbox"/> Subdivision Minor |
| <input type="checkbox"/> Waiver Request | <input type="checkbox"/> Other: _____ | | |

Describe Request: VARIANCE FROM REAR YARD SETBACK TO ALLOW SHED WITHIN REAR YARD SETBACK

✓ APPLICANT INFORMATION:

Name: CONRAD & CAROLINE BERNHARDT E-Mail: BERNHARDTC@BELL SOUTH.NET
 Address: 1586 MORAVIA AVE Phone: 672-7932
HOLLY HILL FL. Fax: _____
 Owner Agent for Owner Attorney for Owner

✓ OWNER INFORMATION:

Name: CONRAD & CAROLINE BERNHARDT E-Mail: BERNHARDTC@BELL SOUTH.NET
 Address: 1586 MORAVIA AVE Phone: 672-7932
HOLLY HILL FL. Fax: _____

✓ PROPERTY INFORMATION:

Address: 1586 MORAVIA AVE HOLLY HILL FL. 32117
 General Location: SOUTH OF FLOMICH
 Current Zoning: SFR Current Land Use: LOW DENSITY USE
 Parcel Size: 150X200 Tax Parcel #: 4243.05.00.0161
 Legal Description Attached Yes No Survey Attached Yes No

Pre-Application Meeting Date: 6/20/13
(Attach Pre-Application Form)

Application Fee: \$ 150.00

Applicant's Signature: CB Bernhardt
(Signature)

6-20-13
(Date)

CONRAD BERNHART
(Print)

Owner's Signature: _____
(Provide letter of Authorization) (Signature)

(Date)

(Print)

Applications must be complete to initiate the preview process.

Any questions please contact our City Planner, Tom Harowski at (386) 248-9424, fax (386) 248-9498 or email him at tharowski@hollyhillfl.org

VARIANCE REQUIREMENTS

The following items must be completed in sufficient detail to allow the City to determine if the application complies with the criteria for approving a variance.

1. What special condition(s) and circumstance(s) exist that are peculiar to your land, structure, building, or sign and are not applicable to other lands, structures, buildings, or signs in the same zoning classification?

THE LOCATION FOR THIS SHED IS THE ONLY ^{OPEN} AREA THAT WILL NOT NEGATIVELY IMPACT THE MATURE TREES LOCATED ON MY PROPERTY. MY LOT INCLUDES STABLEY OAKS, HICKORY, PINES BOY AND ALSO PALM TREES. RELOCATION OF THE SHED WILL REQUIRE REMOVAL OF MANY TREES.

2. Were these special condition(s) and circumstance(s) the result of actions by you? YES NO
If Yes, Explain.

3. Would literal interpretation of the code deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the City Code? YES NO If Yes, Explain

LITERAL INTERPRETATION OF THE CODE WILL RESULT IN THE LOSS OF A LARGE PORTION OF MY PROPERTY, RENDERING THE ADDITIONAL OFFSET UNUSABLE.

4. Will granting the variance requested confer on the applicant any special privilege that is denied by code to other lands, buildings or structures in the same zoning district? YES NO Explain

5. Explain how the Variance(s) you are requesting is/are the minimum Variance(s) that will make it possible for you to make reasonable use of your land, building, structure or sign.

AN OFFSET OF 10' TO 15' ON THE BACK PROPERTY LINE ^{SITE LOCATION} AND 10' OF THE SOUTH SIDE WILL RESULT IN THE BEST USE OF THE PROPERTY AND WILL NOT RESULT IN THE REMOVAL OF ANY TREES.

6. Would the granting of the variance be in harmony with the general intent and purpose of the Code and the city's comprehensive plan? YES NO Explain

7. Would the granting of the variance be injurious to the area involved or otherwise detrimental to the public welfare? YES NO Explain

GRANTING OF THIS ORDINANCE WILL RESULT IN THE BEST USE OF THE PROPERTY & WILL NOT REQUIRE ANY MATURE TREES TO BE REMOVED.

8. The general intent and purpose of the Comprehensive Plan Ordinance (Section 78-5) is to foster and preserve public health, safety, comfort and welfare, and aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the city. Is your request for Variance(s) consistent with this intent and purpose? YES NO Explain

CONRAD R. BERNHARDT

Print Applicant Name

CR Bernhardt

Applicant Signature

CAROLINE R. BERNHARDT

Print Applicant Name

Caroline Bernhardt

Applicant Signature

6.20.13

Date

Date

