



AGENDA
CITY OF HOLLY HILL, FLORIDA
BOARD OF PLANNING AND APPEALS MEETING
Monday, April 1, 2013
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. MINUTES

Board of Planning and Appeals Regular meeting – March 4, 2013 (*City Clerk*)

3. NEW BUSINESS

- A. V-2013-02: 828 Narcissus: Applicant is seeking a variance request for a driveway setback

4. OLD BUSINESS - NONE

5. COMMUNICATIONS

6. 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.

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

March 4, 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, J.D. Mellette, Art Cappuccio, and David Heald.

Also attending were the following staff members: City Attorney Scott Simpson, 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 – February 4, 2012 (*City Clerk*)

*Mr. Mostert moved **APPROVAL** for the **Minutes**, seconded by Mr. Mellette.*

The motion **CARRIED** 5-0 by roll call vote: Mostert – Yes, Mellette – Yes, Cappuccio – Yes, Heald – Yes and Myer – Yes

3. NEW BUSINESS

A. Selection of Chairman

*Mr. Mostert moved **APPROVAL** for **Mike Myer to continue as the Board Chairman**, seconded by Mr. Mellette.*

The motion **CARRIED** 4-1 by roll call vote: Mostert – Yes, Mellette – Yes, Cappuccio – Yes, Heald – Yes and Myer – No

B. Selection of Vice Chairman

Mr. Mostert moved APPROVAL for Art Cappuccio to be the Vice-Chairman, seconded by Mr. Heald.

The motion **CARRIED** 4-1 by roll call vote: Mostert – Yes, Heald – Yes, Cappuccio – No, Mellette – Yes and Myer – Yes

C. CPA-2013-01 AND Z-2013-02: 947 Center Avenue – Comprehensive Plan Amendment and Rezoning

City Planner Thomas Harowski gave a brief staff report as it pertains to the Comprehensive Plan Amendment and Rezoning request from Mr. Bill Robertson.

Mr. Myer opened public participation.

The following individuals came forward to speak:

- Bill Robertson, owner of 947 Center Avenue, Holly Hill – Addressed the Chairman and Board members pertaining to his request for a comp plan amendment and rezoning of that property. Informed the board that as of last Saturday he rented the building to a beauty supply business and hopes that it does well there.
- Steve Smith, 1410 Riverside Drive, Holly Hill – Addressed the Chairman and Board members by sharing his concerns about Mr. Robertson's request to rezone and amend the comprehensive plan; the survey done on that property is old and spoke about the notices to inform the public about the amendment and rezoning.
- Floyd Flurry, Holly Hill – Addressed the Chairman and Board members by stating that he is okay with request as long as it doesn't draw out the wrong crowd.
- Chuck Hinemiller(?), Holly Hill – Addressed the Chairman and Board members by informing them that his mother lives next door to this property and Mr. Smith was just speaking on behalf of his mother; suggested that the Board consider combining the two properties as it pertains to the City's rules and regulations.

Mr. Myer closed public participation.

Mr. Mellette moved APPROVAL for CPA-2013-01 AND Z-2013-02, seconded by Mr. Heald.

The motion **CARRIED** 5-0 by roll call vote: Mellette – Yes, Heald – Yes, Mostert – Yes, Cappuccio – Yes, and Myer – Yes

D. V-2013-01: 1515 Ridgewood Avenue – Variance from requirement of 1000 square feet of lot area per client for adult day care

City Planner Thomas Harowski gave a brief staff report as it pertains to the variance request for an adult day care by Mr. Ryan Kennedy.

Mr. Myer opened public participation.

The following individual came forward to speak:

- Arthur Kowitz, 1501 Ridgewood Avenue, Holly Hill – Addressed the Chairman and Board members by sharing his concerns about the variance request from Mr. Ryan Kennedy for an adult day care facility at that location. Mr. Kowitz mentioned the parking area already has its issues with the businesses that are there now; ingress and egress issues; shared his concerns about the extra density being requested; not in favor of this request.

Mr. Myer closed public participation.

There was some discussion amongst the Chairman, board members, Mr. Harowski, and Attorney Simpson about the B4 zoning district. After discussing the issue, staff came across some findings in the Code that this may already be a permitted use and this item would end up being a muted issue.

*Mr. Mostert moved **FOR DENIAL** of V-2013-01, seconded by Mr. Cappuccio.*

The motion **CARRIED** 5-0 by roll call vote: Mostert – Yes, Cappuccio – Yes, Mellette – Yes, Heald – Yes, and Myer – Yes

4. OLD BUSINESS - NONE

5. COMMUNICATIONS FROM BOARD MEMBERS & STAFF

Mr. Myer and Attorney Simpson welcomed the new board members. Attorney Simpson took some time to discuss briefly with the new members regarding rules and regulations, Sunshine Law as it pertains to zoning, land use and city issues, quasi-judicial and legislative hearings, and ex parte communications.

6. ADJOURNMENT

The meeting officially adjourned at approximately 8:05 p.m.



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: APRIL 1, 2013
SUBJECT: DRIVEWAY SETBACK VARIANCE
APPLICANT: DEREK HILL, 828 NARCISSUS
NUMBER: V-2013-02
PLANNER: THOMAS HAROWSKI

INTRODUCTION:

The applicant is seeking a variance from Section 11-741 which requires an accessory structure to meet the minimum setback requirements for the side yard to allow a driveway to extend to within one foot of the current property line.

BACKGROUND:

The applicant is the owner of a single-family residence at 828 Narcissus Avenue. The applicant's property is zoned R-2 which requires a minimum 75-wide lot with a side yard setback of 8-feet. The current parcel has a lot width of 60 feet which is more in line with our R-3 zoning district, and several other lots on the same block are undersized for the R-2 zoning as well.

The applicant is seeking to expand the existing driveway to the south of the current one-car driveway from the street to the rear of the house. There is an existing 6-foot fence extending across the side yard from the house to the property line that screens the proposed driveway area from view from the street. The fence extends down the side property line separating the applicant's lot from the house to the south. The house currently has a one-car garage and one-car driveway. The construction of the driveway will allow access to the storage area and parking on a paved surface. The fence will screen about half of the proposed concrete surface from public view.

The applicant has submitted a survey showing the existing development on the lot and a sketch showing the proposed development. These drawings are attached along with a copy of the application. The applicant contends that the proposed variance is not at odds with the overall character of the neighborhood and will not cause a negative impact to adjacent properties while allowing

STAFF REPORT

City of Holly Hill Community Development Department

adequate room to park a vehicle alongside the existing driveway and alongside the house on a paved surface.

DISCUSSION:

The criteria for a variance are addressed in the application submitted by the applicant. Staff comments are as follows:

Special circumstances and conditions exist: The primary issue is the undersized lot relative to the zoning necessarily pushes the driveway closer to the property line given the location of the existing garage and driveway.

Circumstances do not result from the applicant's actions: The house was built in 1961 when single car garages were more the norm, and the house was apparently constructed to meet the zoning regulations in force at the time.

Granting the variance will not confer a special privilege: The applicant notes that there are a number of houses in the neighborhood with driveways that are two car widths, and that the granting of the variance will not be at odds with the neighborhood character.

A literal interpretation of the code will create a hardship: Limiting the driveway to the area outside the required side yard setback will create a less than standard width 2-car driveway and limit the ability to store vehicles on a fully paved surface in the enclosed and screened area.

The variance is the minimum variance: The applicant contends that the proposed width of the driveway is the minimum area needed to accommodate larger private vehicles.

The variance is in harmony with the code: The code allows drives to connect to the street with a width up to 24-feet. This width cannot be achieved at this location without the requested variance.

RECOMMENDATION:

The Board of Planning and Appeals should recommend the variance if the board agrees the variance criteria have been met.

Should the board recommend the variance; staff additionally recommends that the applicant be required to construct a shallow swale along the south side of the driveway between the paved area and the property line. The swale will help limit storm water run-off from impacting the property to the south.



GENERAL LAND DEVELOPMENT APPLICATION

1065 Ridgewood Avenue, Holly Hill, Florida 32117

Phone: (386) 248-9424 Fax: (386) 248-9498

Date Received: 2/27/13 Application ID: V-2013-02 Received By: JAB

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: _____

✓ APPLICANT INFORMATION:

Name: DEREK HILL E-Mail: derekhill@aol.com

Address: 828 narcissus Ave Phone: (386) 589-8957

Holly Hill, FL 32117 Fax: _____

- Owner Agent for Owner Attorney for Owner

✓ OWNER INFORMATION:

Name: DEREK R. HILL E-Mail: derekhill@aol.com

Address: 828 narcissus Ave Phone: (386) 589-8957

Holly Hill, FL 32117 Fax: _____

✓ PROPERTY INFORMATION:

Address: 828 narcissus Ave - Holly Hill, FL 32117

General Location: _____

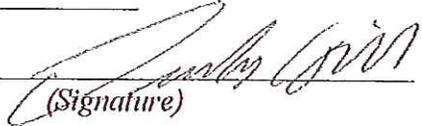
Current Zoning: Residential Current Land Use: Single Family

Parcel Size: 600 X 137 Tax Parcel #: 37-15-32-18-01-0260

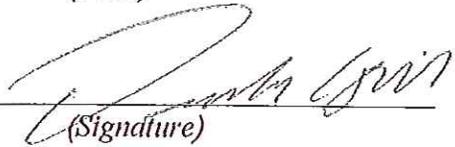
- Legal Description Attached Yes No Survey Attached Yes No

Pre-Application Meeting Date: Wes 2/13/13 @ 11:30am
(Attach Pre-Application Form)

Application Fee: \$ _____

Applicant's Signature:  _____
(Signature) (Date)

DEREK R. HILL
(Print)

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

DEREK R. HILL
(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



CITY OF HOLLY HILL VARIANCE CHECKLIST AND REQUIREMENTS

VARIANCE APPLICATION CHECKLIST

- Pre-Application Meeting Form completed and meeting held prior to completion of application
- Application Fee and Estimated Deposit
- Completed Variance Application
- List of property owners requiring individual notification
- One signed and sealed surveys of the property (no more than 2 years old).
- Legal Description (Digital in MS Word)
- Notarized Authorization of Owner (if applicant is other than owner or attorney for owner).
- A Description of the Variance and how it complies with the City Code, *Sec. 82-317*.

PUBLIC NOTIFICATION (Sec. 82-314)

- a) The applicant shall provide written notice to property owners regarding his intention to seek a variance and shall pay all costs of providing such notice as follows:
- 1) An applicant seeking a variance for property located in any single-family or multifamily residential zoning district (R-1 through R-9) shall provide written notice to abutting property owners, as identified in the current tax roll.
 - 2) An applicant seeking a variance for property in any commercial or industrial zoning district (B-1 through B-6, CC-1, I-1 and I-2) shall provide written notice to property owners, as identified in the current tax roll, within 300 feet of the property perimeter which is the subject of a variance request.
 - 3) In addition to written notice provided in accordance with either subsection (1) or (2) of this section, city staff shall also post a notice on the subject property ten days prior to the board of planning and appeals meeting. Two signs shall be posted on corner properties.
- b) A notice letter will be provided to the applicant by the City. The written notices shall be made at least ten days prior to the date of hearing before the board of planning and appeals. The written notice shall be sent by certified mail, return receipt requested.

BOARD OF PLANNING AND APPEALS (BOPA) PUBLIC HEARING (Section 82-313)

This is an advisory body consisting of five (5) members appointed by the City Commission. A public hearing is held the first Monday of every month, at 6:30 p.m. in the City Commission Chambers, 1065 Ridgewood Avenue, Holly Hill, Florida 32117. Following the public hearing and discussion of each application, the BOPA votes on its recommendation to the City Commission. They may accept, modify, return, or seek additional information.

CITY COMMISSION (Section 82-315 and 82-316)

The City Commission schedules public hearings the second and fourth Tuesday of each month at 7:00 p.m. p.m. in the City Commission Chambers, 1065 Ridgewood Avenue, Holly Hill, Florida 32117. At this public hearing, the City Commission votes to approve, deny, or continue the application.

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?

My lot is narrow, house is 15 feet from property line, as my neighbors are 9.5 well. My neighbors have also had variances due to the tight lots.

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

My home was built in 1961. I believe there was very little thought involved in setbacks.

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

The five foot setback rule would not allow me to perform in a normal manner. I would like to have a normally wide driveway.

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

My neighbors have had variances for the same work to be completed.

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.

This Variance will allow me to park on Drive without the chance of breaking of concrete edge. Or Damage to new Driveway.

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

I believe the setback would cause the property to look odd. also do to the fact my adjacent owner have done the same work and Variance simply because it is better use of property and looks better.

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

This work to be completed will not only make my property better. It is no way will harm any other adjacent properties

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

This would be the correct way to complete the task at hand. 95 part of my property clean up, and swamp. Also repairing many small items to improve appearance

DEREK HILL

Print Applicant Name

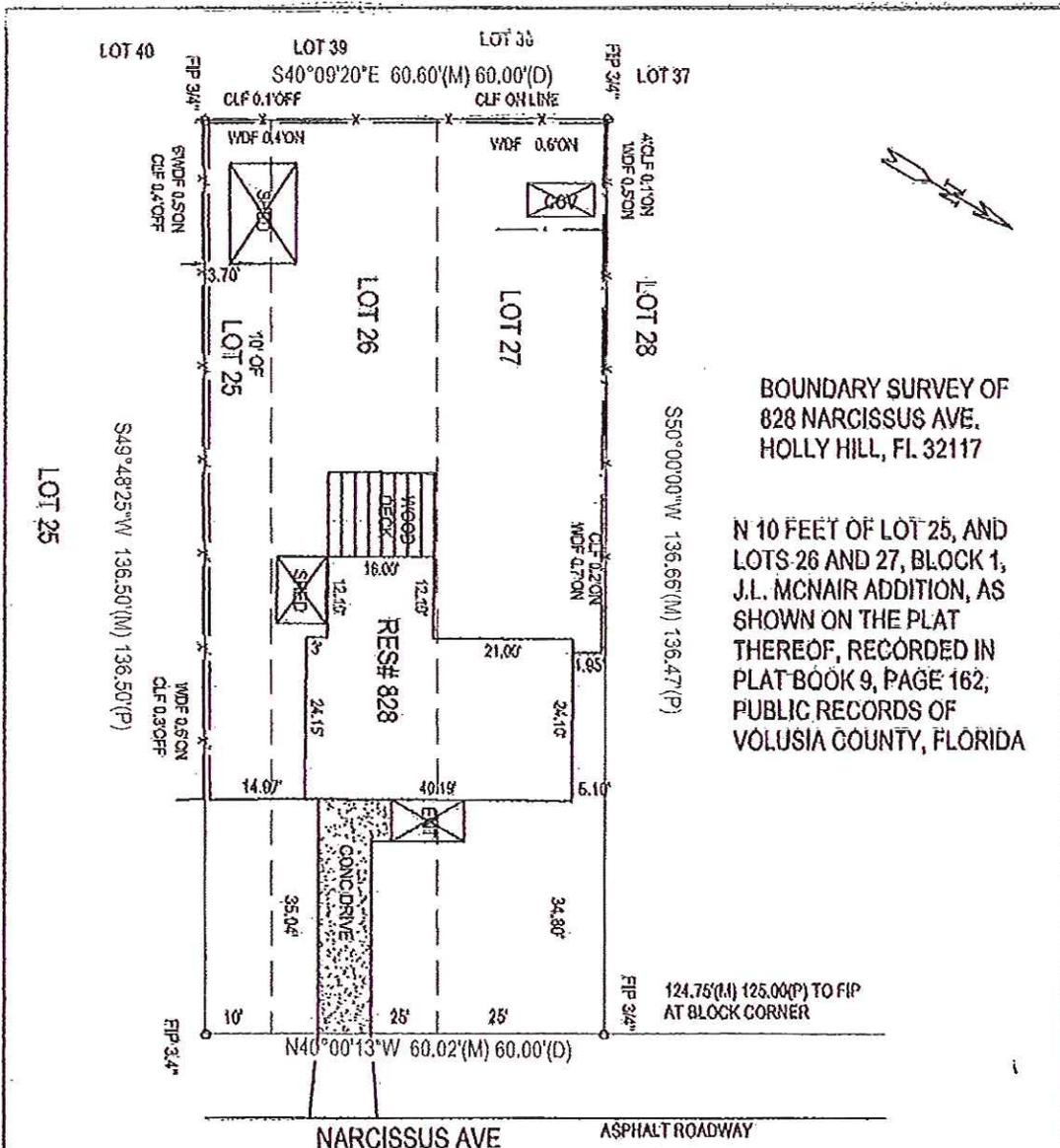
Applicant Signature

Print Applicant Name

Applicant Signature

Date

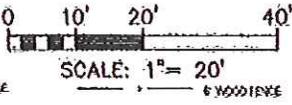
Date



BOUNDARY SURVEY OF
828 NARCISSUS AVE.
HOLLY HILL, FL 32117

N 10 FEET OF LOT 25, AND
LOTS 26 AND 27, BLOCK 1,
J.L. MCNAIR ADDITION, AS
SHOWN ON THE PLAT
THEREOF, RECORDED IN
PLAT BOOK 9, PAGE 162;
PUBLIC RECORDS OF
VOLUSIA COUNTY, FLORIDA

UNLESS NOTED OTHERWISE, THIS IS AN AS-BUILT SURVEY SHOWING IMPROVEMENTS
IN RELATION TO PROPERTY AND PLAT MONUMENTS FOUND.
THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CURRENT OWNERS OF THE
PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE
THERE TO WITHIN ONE YEAR OF THE FIELD DATE NOTED ON THIS SURVEY.



- CONCRETE SIDEWALK
- AREA ENCLOSED BY FENCE
- CORNER MONUMENT
- CENTERLINE FENCE

NOTES: (1) IN COMPLIANCE WITH F.A.C. 61G17-6.0031-4-E, IF LOCATION OF EASEMENTS OR RIGHTS-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. (2) IF APPLICABLE, FENCES SHOWN HEADER ON OR OFF LINES. (APPROX.) (3) NO EXCAVATION OR MAPPING OF UNDERGROUND IMPROVEMENTS HAS BEEN PERFORMED. CORNER MARKERS ARE 1/2" DIAMETER UNLESS NOTED OTHERWISE.
BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE
LEGEND: (C) = CALCULATED, C# = CURVE NUMBER, CB = CURVE BOX, CP = CURVE POINT, CS = CONCRETE SLAB, CLP = CURVE LINE POINT, CCHC = CONCRETE CURVE, CSW = CONCRETE SIDEWALK, (D) = DATA, DE = DRAINAGE EASEMENT, EB = ELECTRIC BOX, EOL = EDGE OF LOT, E/P = EDGE OF PAVEMENT, (F) = FIELD/FENCE, FCOR = FENCE CORNER, FOR = FENCE CORNER, FID = FOUND IRON ROD, FIM = FOUND IRON MONUMENT, FIP = FOUND IRON PIPE, FIR = FOUND IRON ROD, FIM = FOUND IRON MONUMENT, FID = FOUND IRON ROD & DISK, FA = FENCE ANCHOR, D = DIMENSIONAL, (M) = MEASURED, M# = MARKER, M#F = NO MARKER FOUND, DIM = DIMENSION, O/A = OVER ALL, (P) = PLAT, P/E = PLOT EQUIP, PP = POWER POLE, PQR = POINT OF BEGINNING, POC = POINT OF CONVERGENCE, PSM = PERMANENT SURVEY MONUMENT, R/W = RIGHT OF WAY, SR = SET 1/2" IRON ROD LB 6012, S#D = SET NAIL AND DISK LB 6012, DS = TRANSFORMER, TOB = TOP OF BANK, TP = TYPICAL PLOT, UC = UTILITY EASEMENT, WD = WATER BOX, W#F = WOOD FENCE

Know It Now, Inc.
Fisler Business Center
LOCATION - 2011 HEDGECOCK AVENUE, DUNEDON, FL
A. 407-261-1181 VOICE 727-415-8305 FAX 727-736-2455

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61-117, FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 61-17 OF THE FLORIDA ADMINISTRATION CODE.

CERTIFIED EXCLUSIVELY TO THE BELOW PARTIES

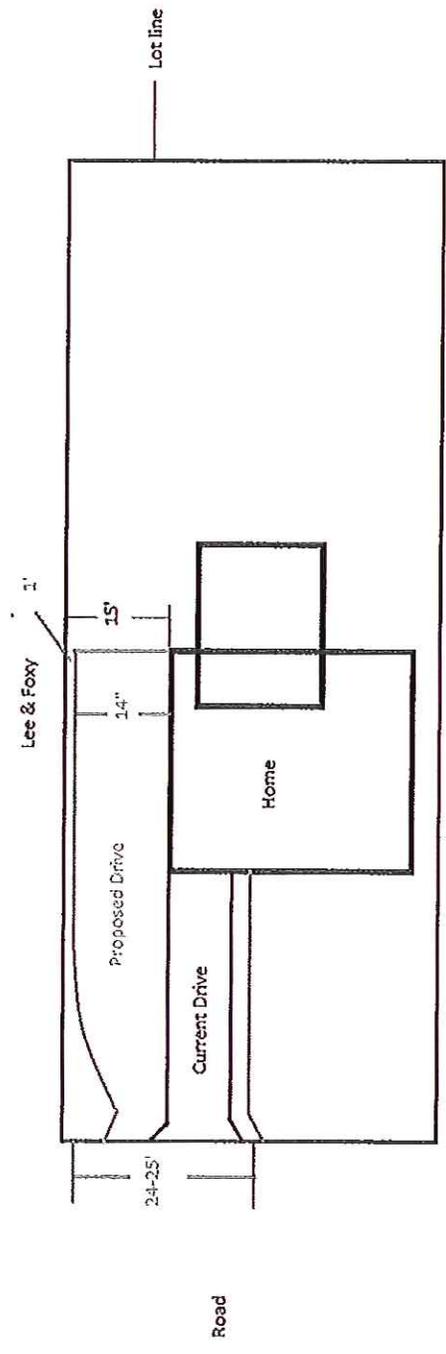
DEREK RICHARD HILL



DATE OF FIELD WORK: 2-18-13
DATE SIGNED: 2-18-13

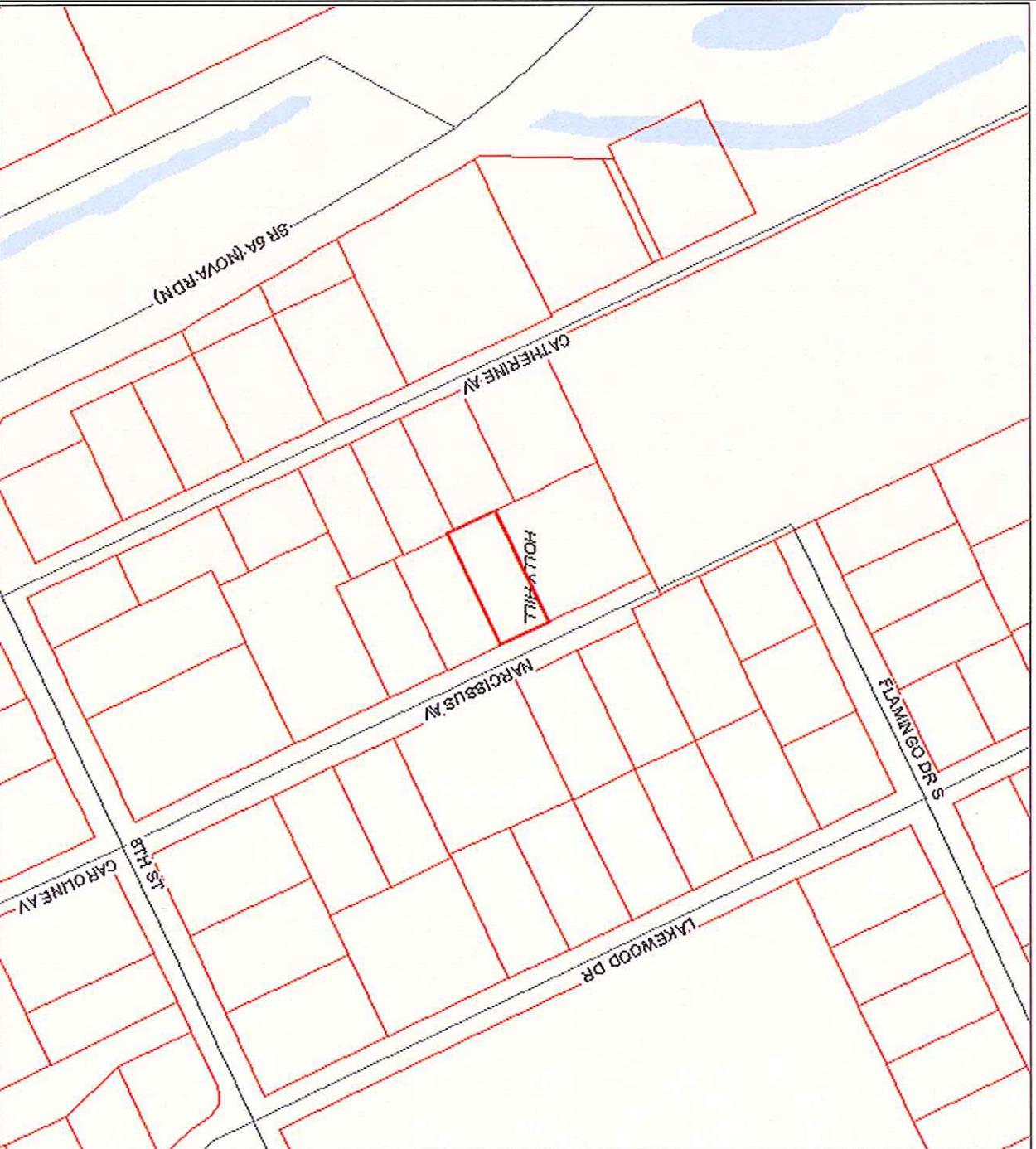
Bill Hyatt

FLORIDASURVEYOR@AOL.COM BILL HYATT



Gary's Place

828 NARCISSUS LOCATION MAP



Scale: 1/2" = 67'
Date Created: 27-Feb-13 11:09 AM

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 the information should review or consult the primary data and information source: PARCEL DATA VOLUSIA COUNTY PROPERTY APPRAISER