AGENDA

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS MEETING

Wednesday September 11, 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 meeting - August 5, 2013 *(City Clerk)*
3. **NEW BUSINESS**
   - **A.** **V-2013-04 1322** - Riverside Drive request for side yard and rear yard setback variance
4. **OLD BUSINESS**
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

August 5, 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, Art Cappuccio and David Heald.

Absent: Board member J.D. Mellette.

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

A. Invocation

Mr. Myer delivered the Invocation.

B. Pledge of Allegiance to the Flag

Mr. Myer led the Pledge of Allegiance.

2. MINUTES

Minutes from the Board of Planning and Appeals Meeting – July 1, 2013 *(City Clerk)*

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

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

3. NEW BUSINESS

A. V-2013-04 – 1586 Moravia Avenue Rear Yard Setback – Variance Request

City Planner Thomas Harowski gave a brief staff report as it pertains to 1586 Moravia Avenue Rear Yard Setback – Variance Request. Mr. Harowski informed the Board that this item will go before the City Commission on Tuesday, August 27th for consideration.

Mr. Myer opened public participation. No one spoke.

*Mr. Mostert moved **APPROVAL** for **V-2013-04 – 1586 Moravia Avenue Rear Yard Set Back – Variance Request,** seconded by Mr. Heald.*

DRAFT

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

4. OLD BUSINESS

None.

5. COMMUNICATIONS FROM BOARD MEMBERS & STAFF

Mr. Harowski informed the Board that the next BOPA meeting falls on Labor Day, and the 9th is a Commission meeting for Budget. There was ***consensus*** from the Board to move their meeting to Wednesday, September 11 at 6:30 PM.

6. ADJOURNMENT

The meeting officially adjourned at approximately 7:15 p.m.

_____
Valerie Manning
City Clerk

DRAFT

STAFF REPORT

City of Holly Hill

Community Development Department

Board of Planning and Appeals
Agenda Item

DATE:	**August 19, 2013**
SUBJECT:	**1322 Riverside Drive Variance Request**
APPLICANT:	**Frank Bell, Property Owner**
NUMBER:	**V-2013-05**
PLANNER:	**Thomas Harowski, AICP**

INTRODUCTION:

The applicant is seeking to add a second story to an existing garage. The garage is within both the rear and side yard setbacks for the R-1 Zoning classification and the addition of the second story would be increasing an existing non-conforming use. Therefore, a variance is required to permit the intended construction.

BACKGROUND:

The property at 1322 Riverside Drive is a non-conforming lot measuring 50.7 feet on Riverside Drive by approximately 150 feet in depth. The R-1 zoning classification requires a minimum lot size of 90 feet by 115 feet, so the lot is non-conforming as to width and conforming as to depth. A survey dated 7-31-13 has been provided by the applicant.

In 2007 the property owner demolished an existing home that was located close to the rear lot line and constructed a new two-story home and single-story detached garage. The demolition permit 07-00000986 was issued on June 29, 2007. On September 4, 2007 permit 07-00001209 was issued to construct a new single family home with a detached garage. The construction plans accompanying the permit showed the house with a front yard setback of 42'-3", side yard setbacks of 13'-4" and 8'-4", and a rear yard setback of 44'. The garage had a rear yard setback of 7 feet and side yard setbacks of 19'-6" and 7 feet. The required side and rear setbacks for both the house and detached garage are 30 feet for the rear setback and 10 feet for each side setback.

Therefore the plan, as approved and permitted by the City, had setback violations for both the house and the garage. The records show no variances or other action taken to allow the construction with lesser setbacks than allowed by the code. In discussions with the applicant, he stated that no comments were made by city representatives regarding the placement of the house other than the front setback.

DISCUSSION:

The applicant is now seeking to add a second story to the existing and permitted garage structure. To allow the second story construction a variance is required for the rear setback to allow construction within seven feet of the rear lot line instead of the 30 feet required and to allow construction within seven feet of the south property line instead of the required 10 feet. Granting of a variance to allow the second story construction will also resolve the setback issues relating to the existing garage construction.

The applicant has submitted his application responding to the questions asked of a variance request and a copy of the application is included with the staff report. Clearly the setback issues should have been addressed at the time the permit issued, but apparently this was not done and therefore, we do not have any record of actions or conditions at that time that might have supported a variance action. However, I do want to note the following factors.

- The existing lot is very narrow relative to the minimum standards of the district. The placement of the garage would require the garage to be shifted as close to the south property line as possible in order to allow a car to make the turn into the garage through the north-facing garage door. The 19 feet the garage is setback from the north property line is actually less area than the City would require to access a parking space in surface parking lot.

- Taking an additional three feet off of the garage depth to meet the south setback would leave a total structure depth of 21 feet. This would be a very minimal depth to accommodate a vehicle when allowing for the depth of the wall structure.

- The house is also shifted to the south to allow a driveway along the north property and a set of standard stairs. The encroachment of the existing house is about 1.5 feet.

- The new house is actually farther from the property line than the former residential structure. According to survey data in the file the former house was 4.72 feet from the rear property line, 4.5 feet from the north property line, and 1.13 feet from the south property line.

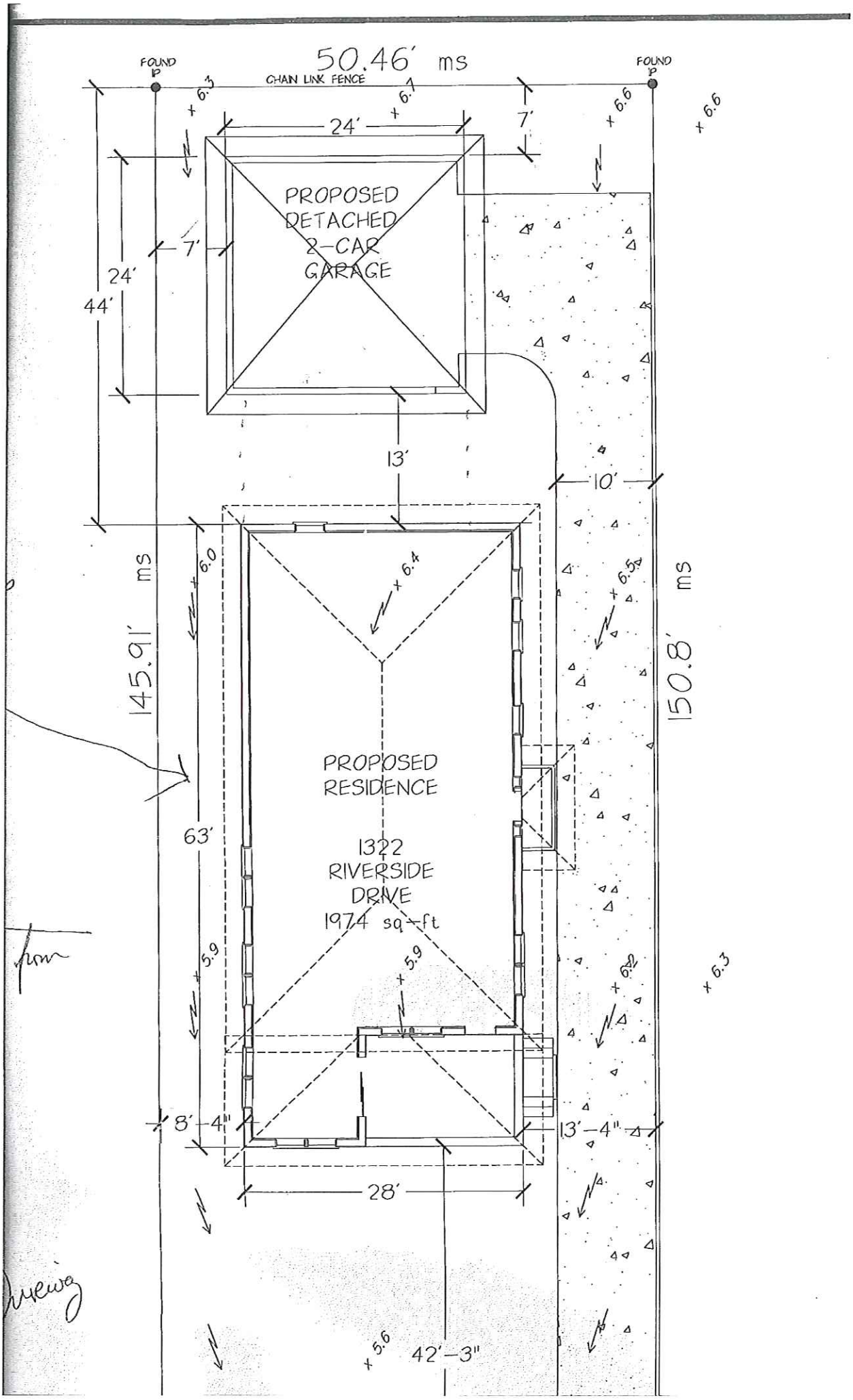
There may have been a number of alternatives to the current house design that could have been used to make the project conform to the zoning code or at least reduce the size of any encroachments into the required setbacks. However, since these issues were not addressed at the time the building permit was issued, we are now left to deal with the current site layout.

City staff at the time may have considered the new construction as an action making the property more conforming, but once the original house was demolished, any new construction should have meet the current code or received a variance. Any negative impacts that might be generated from the new construction should already be apparent in the neighborhood, and the City is not aware of any issues that have occurred. Our notice procedures should help identify any neighbors concerns if they exist.

The existing garage and proposed improvements meet the requirements of Section 114-742 (C) with the exception of conforming to the building setbacks for the principal structure.

RECOMMENDATION:

Staff is recommending the Board of Planning and Appeals recommend the City Commission grant a variance from Section 114-742 (c) 2 to allow a second story to be added to the existing garage at seven feet from the rear property line and seven feet from the south property line. Staff also recommends the Board recommend the City Commission grant a variance to allow the existing house to remain as designed and approved by the City at 8'-4" from the south property line.


50.46' ms
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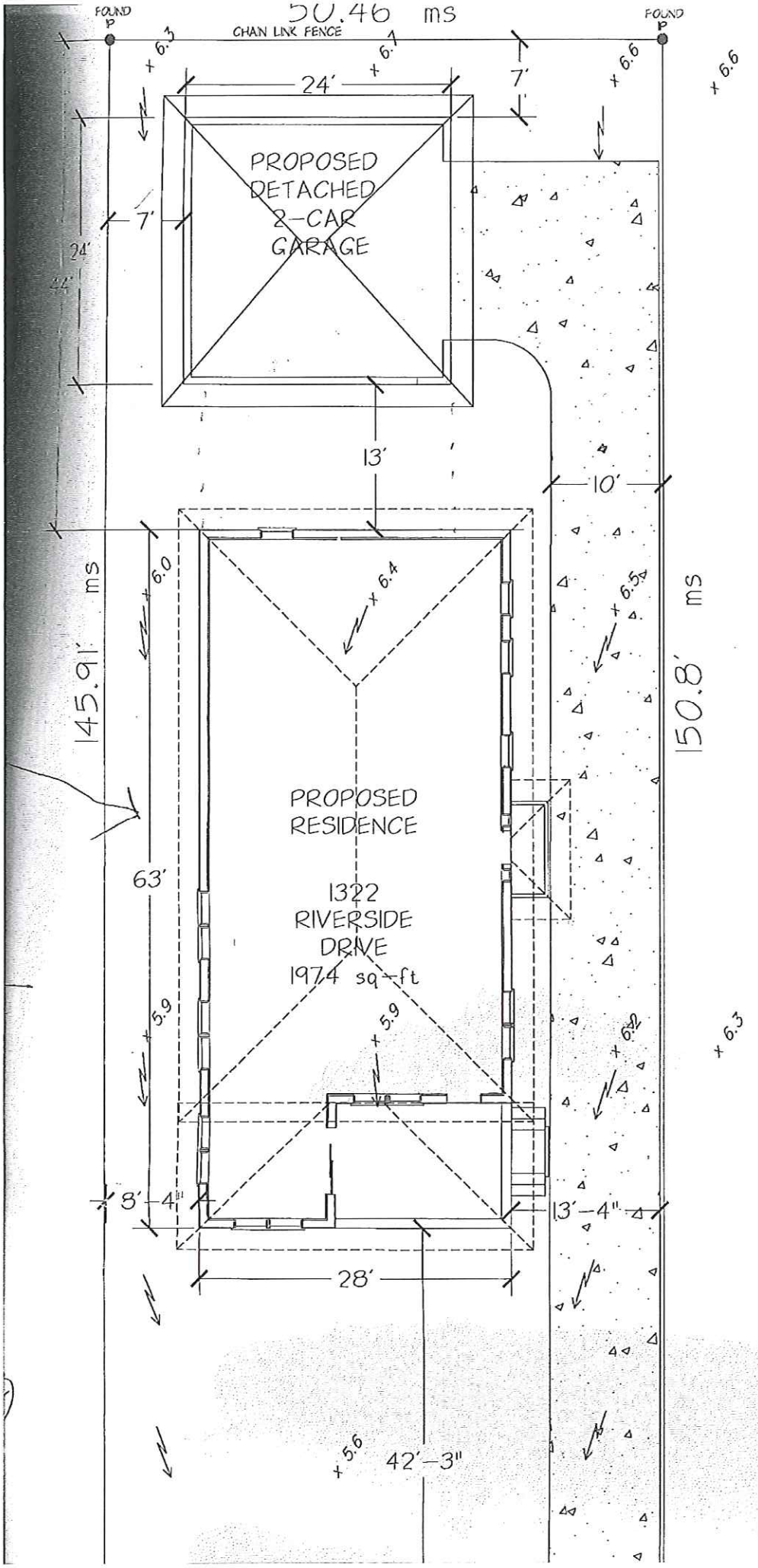
FOUND IP
CHAIN LINK FENCE
24'
7'
PROPOSED DETACHED 2-CAR GARAGE
24'
44'
7'
13'
10'
145.91' ms
150.8' ms
PROPOSED RESIDENCE
1322 RIVERSIDE DRIVE
1974 sq-ft
63'
8'-4"
13'-4"
28'
42'-3"
6.3
6.7
6.6
6.6
6.0
6.4
6.5
5.9
5.9
6.2
6.3
5.6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GARAGE
7'
24'
13'
10'
145.91' ms
150.8' ms
PROPOSED
RESIDENCE
1322
RIVERSIDE
DRIVE
1974 sq-ft
63'
8'-4"
13'-4"
28'
42'-3"

1322 RIVERSIDE LOCATION MAP

Volusia County
FLORIDA

N

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

Date Created: 05-Aug-13 02:26 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 his information should review or consult the primary data and information sources to ascertain the usability of the information. Use at your own risk.
SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER

CITY OF HOLLY HILL
VARIANCE CHECKLIST AND REQUIREMENTS

VARIANCE APPLICATION CHECKLIST

- [x] Pre-Application Meeting Form completed and meeting held prior to completion of application
- [x] Application Fee and Estimated Deposit
- [x] Completed Variance Application
- [ ] List of property owners requiring individual notification
- [x] One signed and sealed surveys of the property (no more than 2 years old).
- [x] Legal Description (Digital in MS Word)
- [x] Notarized Authorization of Owner (if applicant is other than owner or attorney for owner).
- [x] 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.

GENERAL LAND DEVELOPMENT APPLICATION

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

Date Received:_____ Application ID:_____ Received By:_____

REQUESTED ACTION

☐ Comp Plan Amend ☑ Variance ☐ Site Plan ☐ PUD
☐ Rezoning ☐ Special Exception ☐ Subdivision Major ☐ Subdivision Minor
☐ Waiver Request ☐ Other: _____

Describe Request: _____

APPLICANT INFORMATION:

Name: FRANK BELL E-Mail: frank.fmbell@gmail.com
Address: 1322 Riverside Dr. Phone: 301.370.3269
Holly Hill, FL Fax: nr

☒ Owner ☐ Agent for Owner ☐ Attorney for Owner

OWNER INFORMATION:

Name: Frank Bell E-Mail: frank.fmbell@gmail.com
Address: 1322 Riverside Dr. Phone: 301.370.3269
Holly Hill, FL. Fax: nr

PROPERTY INFORMATION:

Address: 1322 Riverside Dr.
General Location: _____
Current Zoning: _____ Current Land Use: _____
Parcel Size: _____ Tax Parcel #: 4242500300 31

Legal Description Attached ☒ Yes ☐ No Survey Attached ☒ Yes ☐ No

see copy of Tax Bill, attached

See previous Permit Dwgs

Pre-Application Meeting Date: _____
(Attach Pre-Application Form)

Application Fee: $ 650.00

Applicant's Signature: _____ 7.30.13
(Signature) *(Date)*

Frank Bell
(Print)

Owner's Signature: _____ 7.30.13
(Provide letter of Authorization) *(Signature)* *(Date)*

Frank Bell
(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

App 350
Legal 300
#650

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: Same.	Name: Frank Bell
Address:	Address: 1322 Riverside
City/State/Zip:	City/State/Zip: Holly Hill
Phone: Fax:	Phone: 301.370.3269 Fax: NA
E-Mail Address:	E-Mail Address: frank.fmbell@gmail.com
Contact Person:	Contact Person: Frank Bell or Jay Crandall 386-566-1917

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

___ A Rezoning from _____ to _____.
___ A Special Exception/Conditional Use for a _____.
✓ A Variance to Reduce side yard setback to 0 and 2nd story to garage.
___ A Minor/Major Amendment to _____.

PROJECT INFORMATION

Tax parcel number(s): 424250030031
Address of parcel: 1322 Riverside Drive Holly Hill, FL.
Size of parcel: _____ Existing zoning: _____
Future Land Use: _____
Existing Use of Property: Single Family Home

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: Existing garage is non-conforming. Want to add a second story. R-1 Zone Side yard is 10' Rear is 30'

☐ Notifications Discussed

Date Submitted: 7-22 Taken By: J.M. Harowski Time: (a.m.) p.m.

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?
   Lot is non-conforming

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
   The garage (detached currently) was permitted by Holly Hill and constructed per the permit and site plan.

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.

The request is to allow a second story on an existing structure previously permitted by Holly Hill. This second story will allow the owner to have storage area currently not available.

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

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

Frank Bell
Print Applicant Name

Applicant Signature

Frank Bell
Print Applicant Name

Applicant Signature

7.30.13
Date

7.30.13
Date

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS
COUNTY OF VOLUSIA, FLORIDA REAL ESTATE ANNUAL BILL

PARCEL NUMBER	ALT. KEY	PROPERTY ADDRESS	YEAR	MILL CODE	ESCROW
424250030031	3203691	1322 RIVERSIDE HOLLY HILL	2012	203	

See reverse side for important information

E 150 FT OF N 1/2 OF LOT 3 AND L
AND E OF BEACH ST IN FRONT O
F SAME BLK 3 WALKERS HOLLY HILL
PER OR 5260 PG 1030 PER OR 6
112 PG 0132 PER OR 6666 PG 0961

BELL FRANK MEADE JR &
JOYCELYN K BELL H&W
14420 SUGARLAND LN
POOLESVILLE MD 20837-8900

RE-8968-1

AD VALOREM TAXES

TAXING AUTHORITY		MILL. RATE	ASSESSED VAL.	EXEMPTIONS	TAXABLE VAL.	TAXES LEVIED
0050	COUNTY	6.48090	203,162	0	203,162	1,316.67
0057	VOLUSIA FOREVER	.05130	203,162	0	203,162	10.42
0058	VOLUSIA ECHO	.20000	203,162	0	203,162	40.63
0059	VOLUSIA FOREVER I & S - 2005	.14870	203,162	0	203,162	30.21
0520	MOSQUITO CONTROL	.20800	203,162	0	203,162	42.26
0530	PONCE INLET/PORT AUTHORITY	.09290	203,162	0	203,162	18.87
0010	SCHOOL	7.88800	203,162	0	203,162	1,602.54
0200	HOLLY HILL	7.35000	203,162	0	203,162	1,493.24
0060	ST JOHNS RIVER WATER MGMT	.33130	203,162	0	203,162	67.31
0065	FLORIDA INLAND NAVIGATION DIST	.03450	203,162	0	203,162	7.01
0100	HALIFAX HOSPITAL	1.25000	203,162	0	203,162	253.95

paid on-line
D. Jung
11-12-12

TOTAL MILLAGE: 24.03560 TOTAL AD VALOREM TAXES: 4,883.11

NON-AD VALOREM ASSESSMENTS

LEVYING AUTHORITY		RATE	AMOUNT
0203	HOLLY HILL STORMWATER		72.00

TOTAL NON-AD VALOREM ASSESSMENTS: 72.00

COMBINED TAXES & ASSESSMENTS:

The total in each box already reflects the discount. Please pay only one amount. See reverse side for instructions and information.

If Paid By:	Total Amt Due:
Nov 30, 2012	4,756.91
Dec 31, 2012	4,806.46
Jan 31, 2013	4,856.01
Feb 28, 2013	4,905.56
Mar 31, 2013	4,955.11