



AGENDA
CITY OF HOLLY HILL, FLORIDA
BOARD OF PLANNING AND APPEALS REGULAR MEETING
Monday February 2, 2015
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

- A. Minutes from the Board of Planning and Appeals Meeting – December 1, 2014

3. NEW BUSINESS

- A. Appointment of Chairman and Vice-Chairman

4. OLD BUSINESS

- A. **V-2014-02 1650 Riverside Drive:** Mr. David Carter, as owner of property at 1650 Riverside Drive, is requesting a variance of ten feet from the required front yard setback of 35 feet to allow construction of a garage addition.

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**

January 5, 2015

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 members JD Mellette.

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

A. Invocation

Mr. Myer delivered the Invocation.

B. Pledge of Allegiance to the Flag

Mr. Cappuccio led the Pledge of Allegiance.

2. MINUTES

Minutes from the Board of Planning and Appeals Meeting – December 1, 2014 (*Bridget Barton*)

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-2014-01 311 Flomich Street, Mr. Fred McRee, Jr., as owner of property at 311 Flomich Street, is requesting a variance of 1.5 feet from the required side yard setback of eight feet to allow construction of a room addition.**

City Planner Thomas Harowski gave a detailed staff report as it pertains to 311 Flomich Street, Mr. Fred McRee, Jr., as owner of the property at 311 Flomich Street, requesting a variance of 1.5 feet from the required side yard setback of eight feet to allow construction of a room addition.

Mr. Harowski stated in response to the public notices that were sent out he did speak with the neighbor to the south who asked for details on the proposed construction and Mr. Harowski provided the requested information.

Mr. Mostert stated Mr. Harowski mentioned at one time the zoning for this location was not an issue but is now due to zoning changes and wanted to know if properties that complied prior to the zoning changes that do not comply now are able to be grandfathered in under the prior zoning regulations?

Mr. Simpson stated the lots are substandard and are currently non-conforming lots. The lots are still buildable but all other zoning regulation such as setbacks need to be met for any new construction.

Mr. Cappuccio asked if there were any height requirements for the room addition variance request.

Mr. Harowski stated yes the zoning classification for this lot has height requirements.

Mr. Myer opened public participation.

Fred McRee, resident of 311 Flomich Avenue spoke stating he purchased the home 16 years ago and is extending his family and that is the reason for the room addition variance request.

Mr. Heald asked Mr. McRee if he anticipated on encroaching on his driveway.

Mr. McRee stated the proposed room addition would not encroach onto the driveway and further stated the foundation for the room addition is existing and was previously permitted and approved.

Mr. Myer asked if anyone else from the public would like to speak on this matter.

No one from the public spoke.

Mr. Myer asked for a motion from the Board.

Mr. Mostert moved APPROVAL for V-2014-01 311 Flomich Street, Mr. Fred McRee, Jr., as owner of property at 311 Flomich Street, is requesting a variance of 1.5 feet from the required side yard setback of eight feet to allow construction of a room addition, seconded by Mr. Heald.

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

Mr. Harowski stated this agenda item will be scheduled to go before the City Commission on January 27, 2015.

- B. V-2014-02 1650 Riverside Drive, Mr. David Carter, as owner of property at 1650 Riverside Drive, is requesting a variance of ten feet from the required front yard setback of 35 feet to allow construction of a garage addition.**

City Planner Thomas Harowski gave a detailed staff report as it pertains to 1650 Riverside Drive, Mr. David Carter, as owner of the property at 1650 Riverside Drive, requesting a variance of ten feet from the required front yard setback of 35 feet to allow construction of a garage addition.

Mr. Harowski added he had a number of email contacts with Mr. Strange requesting information and the staff report for this variance request which Mr. Harowski provided but he did not get an indication from Mr. Strange as to whether he was supporting or opposing the variance request.

Mr. Harowski further added he received a message from Mr. Oliver the resident at 1647 Riverside Drive who indicated he was opposed to the variance request.

Mr. Myer opened public participation.

Ray Plate who resides at 1580 Riverside Drive spoke in support of the variance request.

Mr. Coyle who resides at 1599 Riverside Drive voiced his concern with the accuracy of the actual setbacks on Riverside Drive.

Mr. Myer stated Riverside Drive is a very old area, the road has a prescriptive right-of-way and lots of the homes were built before the zoning regulations were established however the current zoning is in place to establish an order.

Mr. Strange who owns the vacant lot adjacent to and south of 1650 Riverside Drive spoke to oppose the variance request and submitted a signed petition to be presented to the City Commission.

Mr. and Mrs. Carter, owners of 1650 Riverside Drive stated they did not feel they would be encroaching on anyone's view of the water and would not want to do anything detrimental to Riverside Drive as they have been long time residents of Holly Hill.

Mr. Cappuccio asked if a single car garage would be an option Mr. Carter would consider.

Mrs. Carter stated it would not be feasible.

Mr. Heald asked the Carter's if they have had any discussions with the neighbor opposing the variance request to which they replied no.

Mr. Simpson asked Mr. Carter if he was able to enclose his carport would that solve his problem.

Mrs. Carter stated it would be better then what they have now but were told they could not enclose the carport.

Mr. Simpson suggested the Carter's should meet with Tom again as he believes enclosing the existing carport may be a feasible option for them.

Mr. Simpson stated this board could make a recommendation or they could table the issue to give the applicants a chance to explore other options.

Mr. Myer asked if anyone else from the public would like to speak on this matter.

No one from the public spoke.

Mr. Myer asked for a motion from the Board.

Mr. Cappuccio moved to table the motion for Y-2014-02 1650 Riverside Drive, Mr. David Carter, as owner of property at 1650 Riverside Drive, is requesting a variance of ten feet from the required front yard setback of 35 feet to allow construction of a garage addition, seconded by Mr. Heald.

The motion was tabled and will be heard again by the board on February 2, 2015 at 6:30pm

1. OLD BUSINESS

None.

2. COMMUNICATIONS FROM BOARD MEMBERS & STAFF

Mr. Simpson advised the board if they take the applicant up on the offer to go and look at the property they need to disclose that at the next meeting.

Mr. Simpson stated the approval or denial of a variance is not based on what the neighbors think but rather on the criteria and the code only.

Mr. Harowski informed the Board there will be a meeting scheduled for February 2, 2015 at 6:30 pm.

3. ADJOURNMENT

The meeting officially adjourned at approximately 7:30 p.m.

Bridget Barton

Bridget Barton
Board of Planning and Appeals Recording Secretary

DRAFT



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: JANUARY 5, 2014
SUBJECT: FRONT YARD VARIANCE REQUEST
APPLICANT: DAVID H. CARTER, JR.
NUMBER: V-2014-02
PLANNER: THOMAS HAROWSKI, AICP

INTRODUCTION:

The applicant is requesting a variance to allow construction of a garage to extend ten feet into the required 35-foot front yard setback. The property is located at the corner of Riverside Drive and Elizabeth Street and is zoned R-1 Low Density Single Family Residential. The requested variance would be 28.5% of the required setback. The Board of Planning and Appeals is being requested to provide a recommendation to the City Commission.

BACKGROUND:

The subject property is located at the corner of Riverside Drive and Elizabeth Street. The property is zoned R-1 which requires a front yard setback of 35 feet. The applicant is requesting a variance of ten feet to allow an extension of the garage into the required front yard. The building façade appears to be a double door garage, but the owner has stated that the actual garage area is only about eight feet deep. This makes it impractical to use as a garage. The addition of the 10-foot extension would allow the space to function as a garage.

It is not clear when the original house was built, but the property underwent a substantial addition in 2003 and 2004. Exhibit A shows the structure on the survey of the property. The hatched area is the area of the 2003-04 addition. A review of the building plans on file with the City shows a garage that was planned to be 24 feet deep. The plan also shows the proposed garage area would extend into the required yard. (Note the building plans are inconsistent with the data shown on Exhibit A.) The covered carport shown on Exhibit A was converted into a bedroom and storage area as part of a substantial interior remodel that accompanied the addition. The garage area therefore did not extend into the area of the original structure.

STAFF REPORT

City of Holly Hill

Community Development Department

What was actually constructed matches the building layout shown on Exhibit A. Staff researched the records and did not find any request for a variance which would have allowed the construction of the garage as planned. While the construction plans and site plans do not match, the result of the modifications done in 2003 resulted in the construction of a garage area with a garage façade that is not functional for the intended use. The applicant is seeking variance relief to allow the garage space to be made into a functional area.

Riverside Drive is one of the longest developed streets in the City. While nearly all of the lots on Riverside Drive are zoned R-1, it is common to have houses that are closer to the road than the 35 foot front setback. The subject property is on a corner lot. The next two parcels to the south are vacant. A visual check of the next two houses south from the subject parcel indicates that they both sit further forward than the 35 foot setback. To the north, the house across Elizabeth Street has a larger setback on Riverside Drive than the subject house, and this pattern continues to the north. There are single family units across Riverside Drive adjacent to the river, and again these units appear to be a mixed bag with regard to compliance with the 35 foot front yard setback. The units directly opposite the subject property appear to meet the required setback.

DISCUSSION:

The city files include a plan set, while not identified as an “approved” plan, is presumed to be the plans upon which the remodeling permit was issued. We have been advised that it was common practice during this time period not to identify and mark plan sets as approved plans when permits were issued. There is no explanation or documentation in the file which might explain why the plans differ from the dwelling as constructed.

The current property owner was aware of the condition of the false garage when the property was purchased, but the current owner assumed the existing condition and was not responsible for creating garage area as constructed. The only feasible method of converting the false garage into a functioning garage is to extend the garage east into the required front yard.

An examination of properties along Riverside Drive finds that it is common to have properties developed with portions of units in the required front yard setback. This condition results from the older nature of the residential area where many of the houses predate the current zoning regulations. In the immediate area of the subject property, the houses to the south appear to extend into the required front yard while those to north across Elizabeth Street do not. The same condition exists on the east side of Riverside Drive where some units appear to conform to the setback and some do not.

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In terms of the criteria the Board has to consider in granting a variance, we have some difficult conditions to assess.

- We may have a special condition peculiar to the structure where the addition was constructed with a "false" garage that is not usable for storing vehicles. This construction appears to be inconsistent with plans reviewed by the City, and there is no record of how the issue was resolved at the time. Based on the plan set in the file a variance should have been sought to allow the construction now being requested by the applicant, or the remodel should have been modified to extend the garage area deeper into the existing structure.
- The current condition was not the result of action by the applicant, but the applicant was aware of the condition when the house was purchased.
- Given the "as-built" nature of the structure, the front yard setback as applied probably precludes the ability to have a garage on the property. There is no other practical place on the property where a garage could be constructed without impacting a required yard area or setback. One would expect that the ability to have a garage is a common element of standard single family construction.
- The unique nature of the circumstances surrounding this structure would not seem to confer any special privilege to this property owner should the variance be granted.
- The applicant is requesting a 10 foot variance which would result in the garage being approximately 18 feet in overall depth. This depth is about the minimum depth for a functioning garage.
- There does not appear to be anything in this request that is substantially at odds with the purpose of the code and the comprehensive plan. The variance would create a non-conforming structure, but it would support the renovation of the structure and improved property values.
- It does not appear that granting the variance would cause any situation that is detrimental to the area. The lots are generally large and able to support the additional construction. There are a number of other structures along Riverside Drive that extend into required yards both in the area of the request and along the road generally.

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City of Holly Hill

Community Development Department

RECOMMENDATION:

On balance the staff believes there are more factors supporting the variance than suggesting a denial. Allowing the extension for the garage will allow the garage to serve as a truly functioning element of the structure and therefore support improved property values over time. The extension of the garage into the required front yard would not create a condition that is unusual for properties in the immediate area or with R-1 zoned properties along Riverside Drive. While the property owner was aware of the condition when the property was purchased, the current building layout was not a situation that was created by the current owner.

STAFF REPORT

City of Holly Hill
Community Development Department

LOCATION MAP





STAFF REPORT

City of Holly Hill

Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: FEBRUARY 2, 2015
SUBJECT: FRONT YARD VARIANCE REQUEST
APPLICANT: DAVID H. CARTER, JR.
NUMBER: V-2014-02
PLANNER: THOMAS HAROWSKI, AICP

INTRODUCTION:

On January 5, 2015 the Board of Planning and Appeals conducted a public hearing on this case. After extensive discussion, the Board tabled the item to the February 2, 2015 meeting to allow time for the applicant to explore an option to enclose an existing carport on the west side of the structure

BACKGROUND:

Please refer to the original staff report for the complete background on the application.

At the meeting, the neighbors to the south spoke in opposition to the request stating that the proposed variance, if grant, would significantly impede the view of the river from their lot. The neighbors presented a photograph of the view from their lot with the anticipated structure drawn onto the photo. They stated that the view was the primary reason for purchasing the lot, and that allowing the proposed construction would reduce the value of their property or at least the value of the property to them. A copy of the photo submitted by the neighbor is attached along with a petition submitted with the photo.

DISCUSSION:

The applicants did consult their architect to explore the option of enclosing the carport which exists on the west side of the house. The architect determined that enclosing the carport would require other significant structure alterations to the main structure, and his recommendation was that enclosing this area was not a cost feasible option in comparison with the proposed garage addition.

STAFF REPORT

City of Holly Hill
Community Development Department

Neighbors Photo Evidence



STAFF REPORT

City of Holly Hill Community Development Department

Neighbors Petition

U - 2014 - 02 1650 Riverside Dr.

PETITION TO DENY GRANTING OF SET-BACK VARIANCE FOR THE
PROPERTY AT 1650 RIVERSIDE DRIVE, HOLLY HILL, FL

We, the undersigned, live in the area of 1650 Riverside Drive, Holly Hill, FL. We are OPPOSED to granting of the variance for relief from the zoning requirement that requires a structure be setback 35 feet from the front property line.

<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Jill Welton</u>	<u>1634 Riverside</u>	<u>12/28/14</u>
<u>AUSTINA G. TRUMP</u>	<u>1647 RIVERSIDE DR</u>	<u>12/29/2014</u>
<u>Marina Sling</u>	<u>1682 Riverside Dr</u>	<u>12/29/2014</u>
<u>Kellie Pauland</u>	<u>1626 Riverside</u>	<u>12/29/2014</u>
<u>M. H. Lupo</u>	<u>1627 Riverside U</u>	<u>12/29/14</u>
_____	_____	_____
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