



AGENDA
CITY OF HOLLY HILL, FLORIDA
BOARD OF PLANNING AND APPEALS REGULAR MEETING
Monday January 5, 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. **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.
- 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.

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.

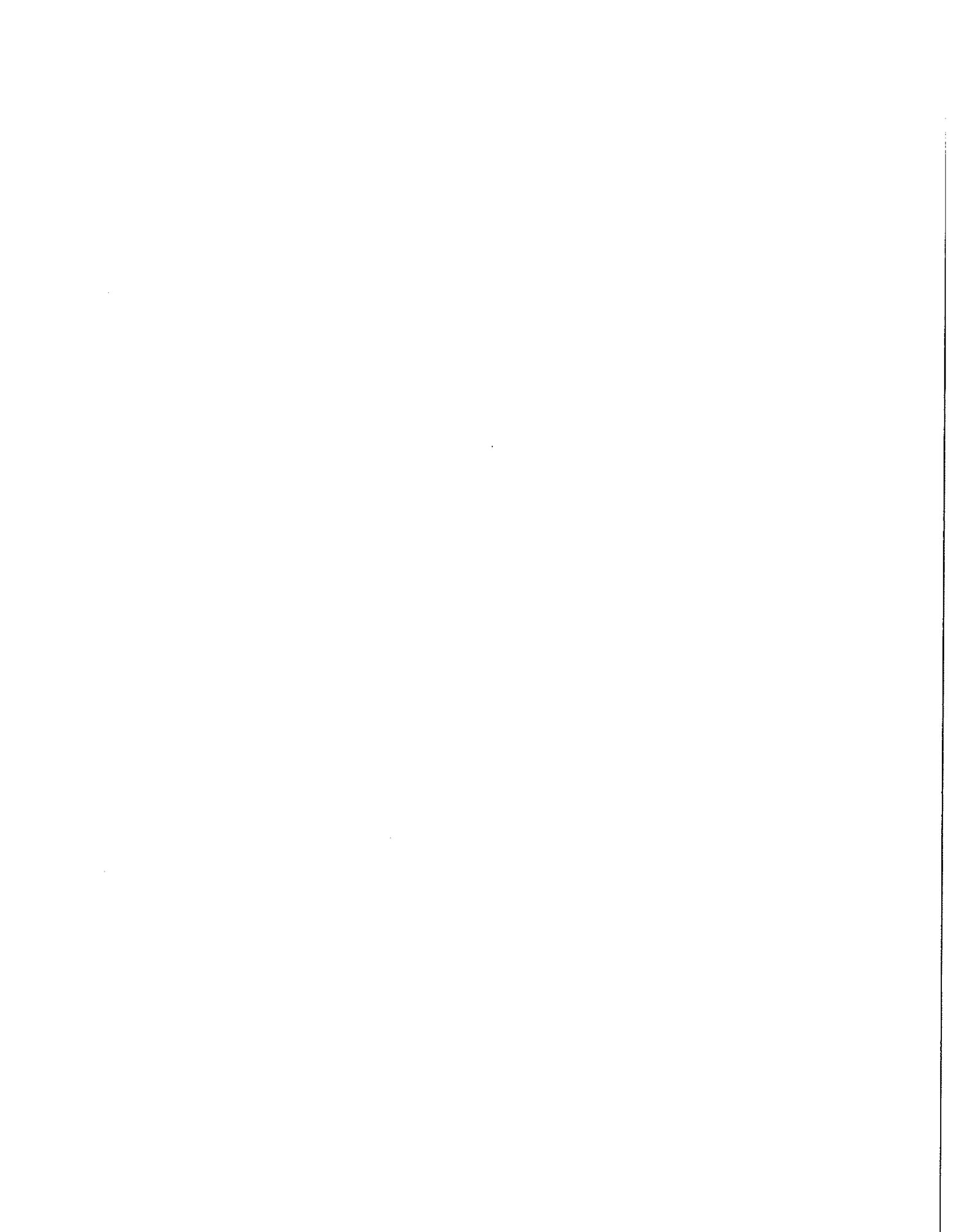


For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441



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**

December 3, 2014

1. CALL TO ORDER

Roll Call

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

Absent: Board members Mike Myer and 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. Cappuccio delivered the Invocation.

B. Pledge of Allegiance to the Flag

Mr. Mostert led the Pledge of Allegiance.

2. MINUTES

Minutes from the Board of Planning and Appeals Meeting – November 3, 2014 (*Bridget Barton*)

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

The motion **CARRIED 3-0** by roll call vote: Mostert – Yes, Heald –Yes, and Cappuccio – Yes.

3. NEW BUSINESS

A. A-2014-01, The City of Holly Hill and the County of Volusia are requesting annexation of an approximately 25-acre enclave located on Alabama Avenue east of Evergreen Street. The property is publicly owned and includes a stormwater management facility and a portion of the Dog Park.

B. CPA-2014-03, The City of Holly Hill and County of Volusia are requesting the re-designation of a 25-acre parcel of land on Alabama Avenue east of Evergreen Street from County Urban Low Intensity to City Parks and Open Space.

- C. Z-2014-08, The City of Holly Hill and the County of Volusia are requesting the designation of a 25-acre parcel of land on Alabama Avenue east of Evergreen Street from County R-2 Single Family Residential to City R-2 Low Medium Density Single Family Residential.**

City Planner Thomas Harowski gave a detailed staff report as it pertains to The City of Holly Hill and the County of Volusia requesting annexation of an approximately 25-acre enclave located on Alabama Avenue east of Evergreen Street. The property is publicly owned and includes a stormwater management facility and a portion of the Dog Park. The City of Holly Hill and the County of Volusia requesting the designation of a 25-acre parcel of land on Alabama Avenue east of Evergreen Street from County R-2 Single Family Residential to City R-2 Low Medium Density Single Family Residential.

Mr. Simpson stated in the agreement between the City and the County if the City closes the dog park the land ownership reverts back to the County.

Mr. Simpson stated staff is recommending an R-2 (residential) zoning for the dog park for several reasons. One being the City's existing parks all have residential zoning. Two if the City was to propose a non-residential more restrictive use such as Conservation Flood Plain that use would prohibit any accessory facilities from being built such as restrooms.

Mr. Cappuccio opened public participation.

Bernerd Doud who resides at 1039 Alabama Ave stated he is attending the meeting to inquire why if the City is not planning on developing the property for residential use why is a residential zoning being used. Mr. Doud further stated after listening to Mr. Harowski and Mr. Simpson speak he now understands the process and reason for the residential zoning and has no further concerns.

Mr. Heald asked what would happen if the park facilities where destroyed? Could they be rebuilt?

Mr. Harowski stated under an R-2 zoning the facilities could be rebuilt but if the zoning is Conservation Flood Plain the facilities would not be able to be rebuilt.

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

No one from the public spoke.

Mr. Harowski wanted to put on record that he did receive a voicemail from a William Pearson who indicating he was concerned about the dog park being used for residential purposes and would be at tonight's meeting. Mr. Harowski further stated he tried to contact Mr. Pearson several times but was unable to make contact with him to respond to his concerns.

Mr. Cappuccio asked for a motion from the Board.

Mr. Mostert moved APPROVAL for A-2014-01: The City of Holly Hill and the County of Volusia requesting annexation of an approximately 25-acre enclave located on Alabama Avenue east of Evergreen Street. The property is publicly owned and includes a stormwater management facility and a portion of the Dog Park. CPA-2014-03: The City of Holly Hill and County of Volusia requesting the re-designation of a 25-acre parcel of land on Alabama Avenue east of Evergreen Street from County Urban Low Intensity to City Parks and Open Space and Z-2014-08: The City of Holly Hill and the County of Volusia requesting the designation of a 25-acre parcel of land on Alabama Avenue east of Evergreen Street from County R-2 Single Family Residential to City R-2 Low Medium Density Single Family Residential, seconded by Mr. Heald.

The motion **CARRIED** 3-0 by roll call vote: Mostert – Yes, Heald – Yes and Cappuccio – Yes

D. SP-2014-04 Buffer Appeal, EA Promos at 1831 North Nova Road is requesting modification of buffer requirements for a portion of the rear yard.

City Planner Thomas Harowski gave a detailed staff report as it pertains to the Buffer Appeal, EA Promos at 1831 North Nova Road requesting modification of buffer requirements for a portion of the rear yard.

Mr. Cappuccio stated he felt the Board needed to address the fact of adding a fence as a third buffering option to our current Land Development Code.

Mr. Harowski agreed that as items come up gaps that need to be addressed are found however this particular client is under a contractual obligation to meet site plan guidelines and the City is trying to assist in helping this client meet those obligations.

Mr. Cappuccio asked if there is currently a fence or buffer around the retention pond now.

Dan Wilcox, Engineer of Record, representing EA Promotions addressed Mr. Cappuccio's question by stating there is a fence currently on the property but it is old and in need of replacement.

Mr. Cappuccio asked if there is a size and or height requirement for the fence.

Mr. Harowski answered the requirement for the fence height is 6 feet and is only required along the east property line.

Mr. Heald strongly felt a fence should be required along the side of the property as well as the rear of the property for safety issues in regards to the retention pond.

Jim Gargoza, owner of Electronic Awards spoke and stated he would put up a solid fence if the City required him to do so. He also stated that requiring a 6 foot fence whether it is solid or chain-link would not hide the building as the building is 14 feet in height.

Mr. Cappuccio stated his main concern was not hiding the building but a safety issue in regards to the retention pond.

Mr. Heald asked the depth of the proposed retention pond.

Mr. Wilcox answered the retention pond will be 2.5 feet in depth.

Mr. Gargoza also spoke to inform the Board there is already an existing retention pond with the same depth on the property and it has not been a safety concern in all the years his company has been there due to adequate drainage.

Mr. Cappuccio wanted to clarify with the other Board members that a fence of any other kind was not going to be required to be built.

Mr. Harowski stated the owner of the property has agreed to erect a fence from the back corner of the building all the way around the rear of the property.

Mr. Cappuccio was satisfied with this answer and asked for a motion.

Mr. Mostert moved APPROVAL for SP-2014-04: Buffer Appeal, EA Promos at 1831 North Nova Road requesting modification of buffer requirements for a portion of the rear yard, seconded by Mr. Heald.

The motion **CARRIED** 3-0 by roll call vote: Mostert – Yes, Heald – Yes and Cappuccio – Yes

1. OLD BUSINESS

None.

2. COMMUNICATIONS FROM BOARD MEMBERS & STAFF

Mr. Heald stated he would like to discuss the attendance policy in regards to missing BOPA meetings.

Mr. Harowski stated he would address the issue with the City Clerk.

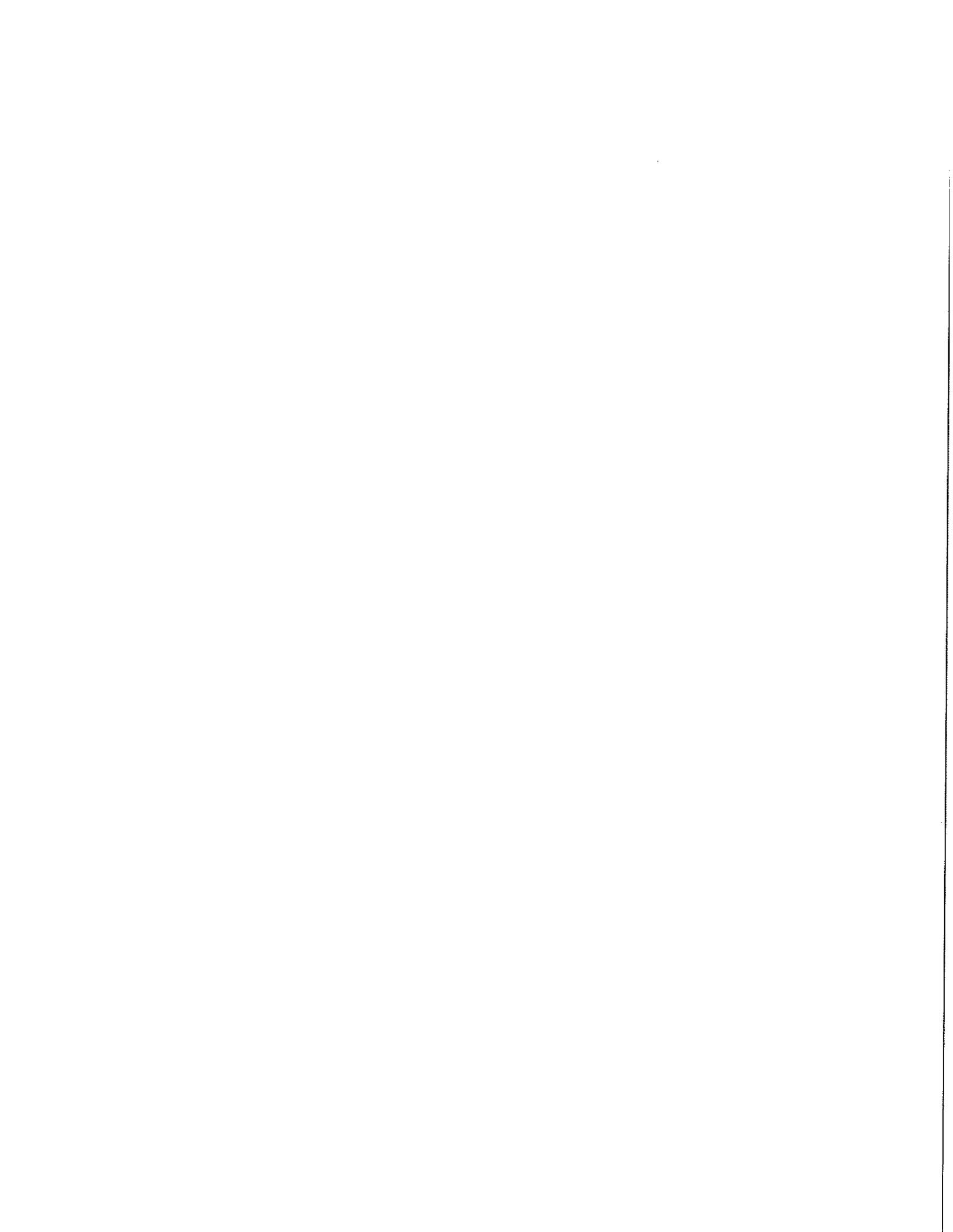
Mr. Harowski informed the Board there will be a meeting scheduled for January 5, 2015 at 6:30 pm.

3. ADJOURNMENT

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

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, 2015
SUBJECT: SIDE YARD VARIANCE REQUEST
APPLICANT: MR. McREE, 311 FLOMICH STREET
NUMBER: V-2014-01
PLANNER: THOMAS HAROWSKI, AICP

INTRODUCTION:

The applicant is requesting a variance from the required side yard setback of eight feet to allow a room addition to be constructed 6.5 feet from the side yard. The requested variance of 1.5 feet would be a reduction of 19% from the standard side yard setback. The BOPA is being asked to provide a recommendation for the City Commission's consideration.

BACKGROUND:

The original house was built in 1949 on a lot measuring 50 feet by 160 feet. When the City adopted the current zoning ordinance the parcel in question was zoned R-2 Low Medium Density Single Family. This zoning required a minimum 7,500 square foot lot with a minimum lot width of 75 feet. This zoning made the lot non-conforming with regard to lot width. The lot is undersized by one-third of the required width.

The applicant is the current owner of the property and has been making improvements to the site including the addition of a carport in 2014 and widening of the driveway in 2013. The applicant is now seeking to complete a room addition to the rear of the structure, and desires to expand the building in line with the west wall of the current structure. The existing building was constructed closer to the side property line than would now be permitted under the current code. Expanding the building, even in line with the existing structure would be increasing the existing non-conformity and cannot be done without a variance from the current code.

A copy of the application submitted by Mr. McRee is attached along with a site layout showing the proposed room addition. In the application, Mr. McRee has

STAFF REPORT

City of Holly Hill

Community Development Department

responded to the questions addressing the criteria for a variance. The required public notice requirements have been completed.

DISCUSSION:

The granting of a variance is based on hardship which is particular to a parcel of land in comparison to other similarly zoned parcels. The most significant difference between the subject parcel and the standard R-2 parcel is the difference in the width of the property relative to the minimum required lot width. With the subject parcel being one-third smaller than the standard R-2 parcel it is difficult to meet the minimum requirements. If the subject parcel was undeveloped, the maximum width of a conforming structure would be 34 feet under the R-2 zoning. While this dimension would be adequate for a single-family unit, the site is constrained by the existing structure that was built before the current zoning was put in place.

Adding on to the other side of the house is limited by the existing driveway and detached garage that is located behind the house. Even sliding the proposed addition to the east by three or four feet would likely limit the access to the garage. The overall property layout is shown on the attached sketch done on the survey. The area noted as the pre-existing concrete slab is the area where the room addition is proposed.

Special conditions or circumstances: As we have seen over the past several years it is relatively common in the City to find undersized lots relative to the zoning. This condition arises as much of the City was platted prior to the zoning code, and the assignment of specific residential zoning districts probably gave insufficient consideration to the existing lot pattern. Consequently we have a built environment that often is ill-fitting with regard to the zoning. This condition creates circumstances where property owners need some variance relief to make improvements on the property.

Pre-existing conditions: The platted lot and house pre-dated the applicant's ownership of the property.

Depriving of common rights: The applicant has noted that the requested setback with the variance will still have a larger percentage of the lot given to the side yard setback than would be the case with a standard width R-2 lot and the minimum side yard. Without the variance the likely option available to the applicant is to reduce the size of the addition. As noted earlier it is relatively common in the City to have undersized lots, and

STAFF REPORT

City of Holly Hill

Community Development Department

absent a complete review of the zoning code, the variance process is the best method to address these types of issues.

Special privilege: It would be common in the R-2 zone to allow reasonable additions to the existing homes. As noted in the application, the particular circumstances on this lot make the room addition more difficult to accomplish.

Other comments: The requested variance is intended to keep the building addition in line with the existing home. The proposed room addition will increase the property value within the neighborhood without a significant visual impact to adjacent properties.

RECOMMENDATION:

If the Board agrees that the applicant has demonstrated a sufficient case for the requested variance, the Board should recommend the City Commission approve the variance.

STAFF REPORT

City of Holly Hill
Community Development Department

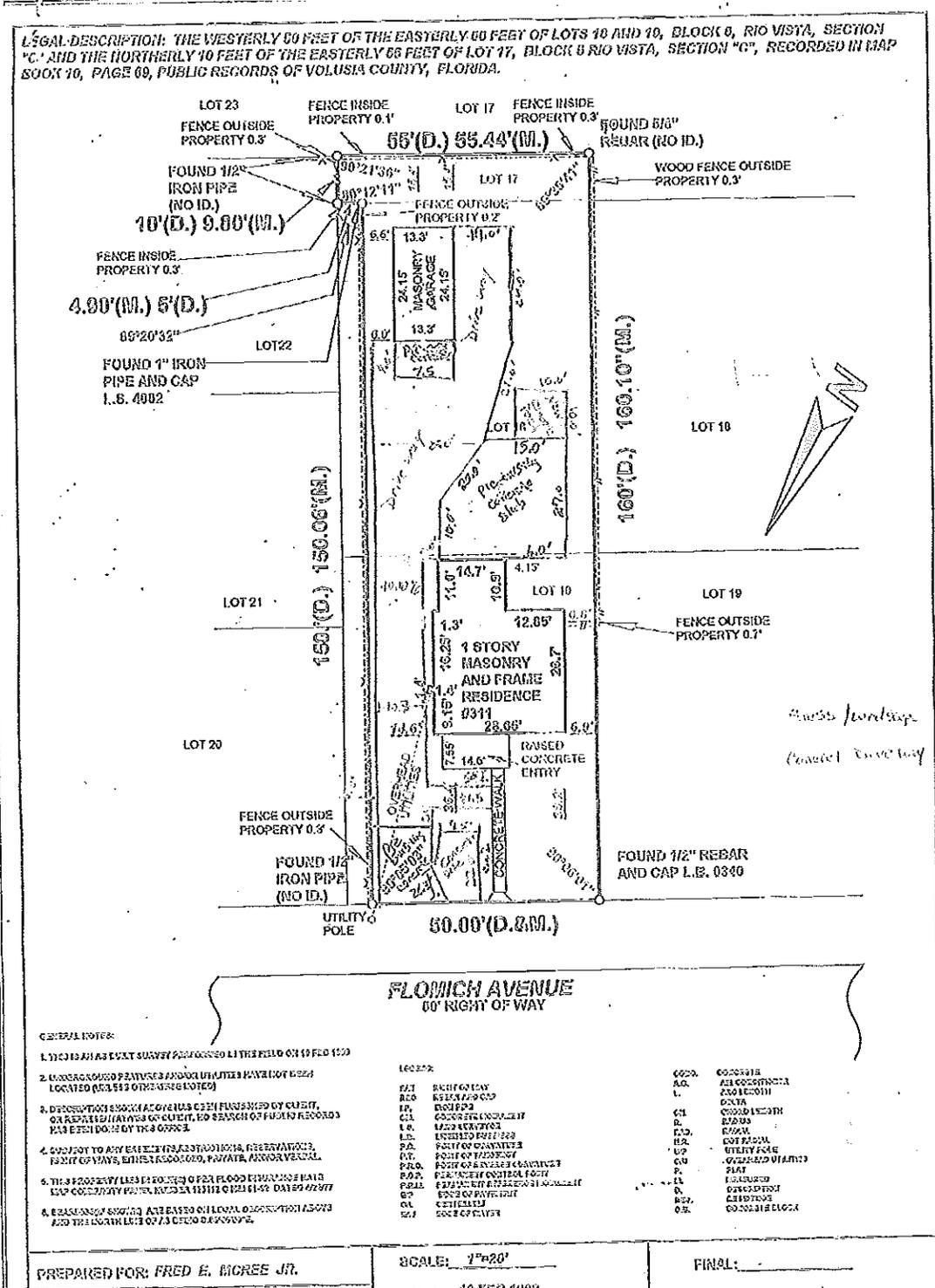
LOCATION MAP



STAFF REPORT

City of Holly Hill
Community Development Department

SITE LAYOUT



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City of Holly Hill Community Development Department



GENERAL LAND DEVELOPMENT APPLICATION

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

Date Received: 11-12-14 Application ID: 2014-01 Received By: [Signature]

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: FRED McREE JR E-Mail: firefigfred@yahoo.com
Address: 311 Flomich St Phone: 386-212-0905
Holly Hill, FL 32117 Fax: _____
 Owner Agent for Owner Attorney for Owner

OWNER INFORMATION:

Name: Same as Above E-Mail: _____
Address: _____ Phone: _____
Fax: _____

PROPERTY INFORMATION:

Address: 311 Flomich St. Holly Hill FL 32117
General Location: _____
Current Zoning: R-2 Current Land Use: Residential
Parcel Size: 51 x 160 Tax Parcel #: 4242-70-05-0181
Legal Description Attached Yes No Survey Attached Yes No

STAFF REPORT

City of Holly Hill
Community Development Department

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

Application Fee: \$ 350.00 ^{310 + 700}

Applicant's Signature: 
(Signature)

11-14-14
(Date)

Fred McRae Sr
(Print)

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

11-14-14
(Date)

Fred McRae Sr
(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

STAFF REPORT

City of Holly Hill Community Development Department



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.

Name: Fred McRee Jr ^{APPLICANT} Name: (Same) ^{OWNER}
Address: 311 Flomich St Address: _____
City/State/Zip: Holly Hill, FL City/State/Zip: _____
Phone: 386-212-0905 Fax: _____ Phone: _____ Fax: _____
E-Mail Address: Firefigfred@yahoo.com 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 Side property line
 A Minor/Major Amendment to _____

PROJECT INFORMATION

Tax parcel number(s): 4242-20-05-0181
Address of parcel: 311 Flomich St. H.H. FL 32127
Size of parcel: 51 x 160 Existing zoning: R-2
Future Land Use: _____
Existing Use of Property: Residential

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: _____

Notifications Discussed

Date Submitted: _____ Taken By: _____ Time: _____ a.m./p.m.

PRE-APPLICATION MEETING

Revised 2/2011

STAFF REPORT

City of Holly Hill Community Development Department



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. 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.

STAFF REPORT

City of Holly Hill Community Development Department

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 lot is zone for a R-2 which is 75ft(w)
My lot is a 50ft(w). The lot is an under size
lot.

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

If I had the same zoning (R-2) as required
I wouldn't have an issue. The lot is undersized
per the zoning code.

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

I will not be receiving any special privileges, as
previously noted if the lot was a specified (R-2)
the lot would be 75ft wide, instead of the lot
I have, which is 50ft wide. If the lot was
R-2 I could build on with out incident.

STAFF REPORT

City of Holly Hill Community Development Department

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 side lot variance is 8'0", the foundation is 6'8" from the side variance. The lot is zoned R-2 with side percentage 10% with the variance granted the side percentage is at 13% which still is more percentage allowed.

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

The intent of the variance is to add value to the property and area. The addition is going to consist of an additional bedroom making this a 5 bedroom residential structure, with the being implemented I can expand the size of my family comfortably.

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 the variance would not be injurious to the area involved but would improve the property and the public.

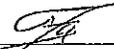
8. The general intent and purpose of the Comprehensive Plan Ordinance (Section 78-5) is to foster and preserve public health, safety, comfort and welfare, and aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the city. Is your request for Variance(s) consistent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

Yes, the purpose is to generally improve the property and the area.

FRED McREE JR
Print Applicant Name

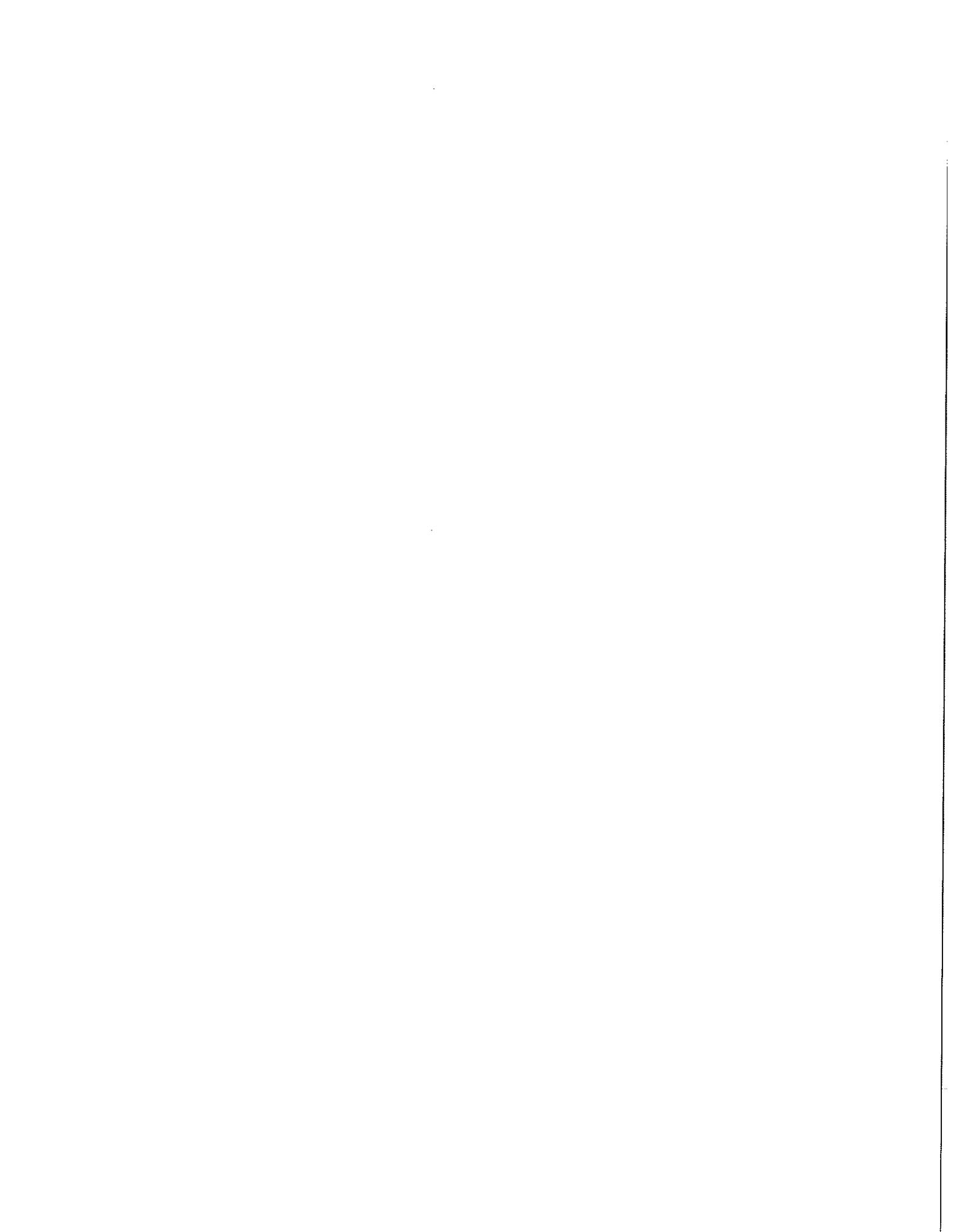

Applicant Signature

Print Applicant Name


Applicant Signature

✓ FRED McREE JR
Date

11-14-14
Date (13)





STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: JANUARY 5, 2015
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.

STAFF REPORT

City of Holly Hill

Community Development Department

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.

STAFF REPORT

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





GENERAL LAND DEVELOPMENT APPLICATION

1065 Ridgewood Avenue, Holly Hill, Florida 32117

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

Date Received: 12/1/14

Application ID: V-2014-02

Received By: JAH

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: A variance to allow a garage to extend 16 feet into the required front yard.

APPLICANT INFORMATION:

Name: DAVID H. CARTER JR. E-Mail: _____

Address: 1650 RIVERSIDE DR. Phone: _____

HOLLY HILL FLA 32117 Fax: _____

- Owner Agent for Owner Attorney for Owner

OWNER INFORMATION:

Name: DAVID H. CARTER JR. E-Mail: DAUCRT66@GMAIL.COM

Address: 1650 RIVERSIDE DR. Phone: 386-2917

HOLLY HILL FLA 32117 Fax: _____

PROPERTY INFORMATION:

Address: 1650 RIVERSIDE DR.

General Location: CORNER OF RIVERSIDE DR & ELIZABETH ST.

Current Zoning: RV Current Land Use: RESIDENCE

Parcel Size: 100 X 115 Tax Parcel #: 42430100050

- Legal Description Attached Yes No Survey Attached Yes No

11-17-14

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

Application Fee: \$ _____

Applicant's Signature: David N. Carter Jr 12-1-14
(Signature) (Date)

DAVID N. CARTER JR.
(Print)

Owner's Signature: David N. Carter Jr 12-1-14
(Provide letter of Authorization) (Signature) (Date)

DAVID N. CARTER JR.
(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

4250 -
5900 -



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. 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?

Existing garage is only 9 ft deep and is not deep enough to store a car. I am requesting a 10 ft variance to extend garage facing Riverside Dr.

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

Not to my knowledge.

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

Not to my knowledge.

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.

Ten feet in variance for garage extension would allow room to park only 2 cars.

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

DAVID H. CARTER, JR. David H. Carter Jr

Print Applicant Name

Applicant Signature

Print Applicant Name

Applicant Signature

12/1/14
Date

Date

