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

February 2, 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 Jim Legary, Dorothy Featherston and Chris Via.

Absent: Board members Edward Perkins

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. Legary led the Pledge of Allegiance.

2. MINUTES

Minutes from the Board of Planning and Appeals Meeting – January 5, 2015 *(Bridget Barton)*

*Mr. Via moved **APPROVAL** for the* **Minutes**, *seconded by Ms. Featherston.*

The motion **CARRIED** 4-0 by roll call vote: Via – Yes, Featherston – Yes, Legary – Yes and Myer – Yes

3. NEW BUSINESS

A. Appointment of Chairman and Vice-Chairman

Mr. Simpson provided the Board with an overview of the functionalities and responsibilities that are required as a Board member.

Mr. Simpson gave a detailed description to the Board regarding the Sunshine Law, the Public Records Law and the Access to Public Officials Law which are all pertinent in their roles as Board members.

Mr. Simpson gave a brief overview of what the Board would be asked to approve and approvals must be based on consistency with the Comprehensive Plan and the Land Development Code.

Mr. Myer asked Mr. Harowski to give the Board an overview of what is presented to them by way of the staff report.

Mr. Harowski stated he presents to the Board the short version of the staff report and the criteria that must be addressed by the applicant as it pertains to the type of item being brought before the Board. He also stated he is available to address any questions the Board may have regarding a particular agenda item.

Mr. Simpson stated when it comes to public participation either by way of supporting or opposing an agenda item that the only things the Board members are to consider is the evidence and the Land Development requirements.

Mr. Harowski stated the City of Holly Hill offers and supports training programs for Board members who are new to this process.

Mr. Simpson informed the Board that as an appointed official they are required by law to vote on items that come before them unless there is a conflict of interest in which case a Board member would publicly declare the conflict of interest and fill out the required paper work.

Mr. Myer asked the Board to appoint a Chairman.

*Mr. Via moved **APPROVAL** for* **Mr. Myer to be appointed Chairman of the Board of Planning and Appeals,** *seconded by Ms. Featherston.*

The motion **CARRIED** 4-0 by roll call vote: Via – Yes, Featherston – Yes, Legary- Yes Myer – Yes.

Mr. Myer asked the Board to appoint a Vice Chairman.

*Mr. Legary moved **APPROVAL** for* **Mr. Via to be appointed Vice Chairman of the Board of Planning and Appeals,** *seconded by Ms. Featherston.*

The motion **CARRIED** 4-0 by roll call vote: Legary – Yes, Featherston – Yes, Via- Yes Myer – Yes.

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.**

Mr. Myer stated he had a financial interest in this variance request and would need to recuse himself making him unable to vote on this matter.

Mr. Myer asked the Board to make a motion to take the item off the table.

*Mr. Via moved **APPROVAL** for* **the motion to take the item off the table,** *seconded by Mr. Legary*

The motion **CARRIED** 4-0 by roll call vote: Via – Yes, Legary – Yes, Featherston- Yes, Myer - Yes

Mr. Harowski gave a detailed description as it pertains to 1650 Riverside Drive: Mr. David Carter, as owner of 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 that was tabled at last month's meeting.

Mr. Myer asked Mr. Harowski if he would be considering changing the R-1 requirements or change the zoning from an R-1 to a less restrictive zoning district.

Mr. Harowski stated staff may want to investigate whether the 35 foot front setback is the most appropriate setback for the R-1 zoning district or if a modification to that setback is needed.

Mr. Legary asked Mr. Harowski what percentage of the homes in the R-1 district do not meet the required 35 foot front setback.

Mr. Harowski stated he believed possibly more than half the homes in the R-1 district do not meet the required 35 foot front yard setback.

Mr. Via asked Mr. Harowski when the R-1 zoning and the 35 foot setback was implemented.

Mr. Harowski stated he believed it was implemented in the early 1970's.

Mr. Via stated he didn't feel the Board could base their decision on the plans provided as evidence as the plans were not to scale, may not be accurate nor approved by the City of Holly Hill.

Mr. Myer opened public discussion.

Mrs. Carter, owner of 1650 Riverside Drive stated she felt that the six people who signed the petition opposing their variance request lived to the south of her property and in no way would be impacted by the approval of the variance and would like their names negated.

Mrs. Carter further stated her husband and herself have explored all other options and a variance is the only feasible option they have as enclosing their existing carport would block the only form of egress from the bedroom the carport is attached to.

Mrs. Carter provided the Recording Secretary with supporting letters to that fact from two contractors.

Mr. Strange, owner of the vacant lot adjacent to 1650 Riverside Drive stated himself and his wife met with the Carter's in hopes to reach a compromise and did so just before this meeting.

Mr. and Mrs. Strange no longer oppose the variance request as an agreement has been made that satisfies both parties. The agreement being the Carter's will modify their variance request from 10 feet to 8 feet.

Mr. Simpson stated to the Board that the only agreement the Board was to take into consideration was the modification of the setback from 10 feet to 8 feet and any other personal agreements the parties have reach is irrelevant when making a decision to approve or deny the variance request before them.

Mr. Via asked Mr. Simpson if in the future the Strange's do build a home would they be able to come before the Board for a variance request to deviate from the 35 foot front setback.

Mr. Simpson stated a variance could be applied for if all criteria was met.

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

Ms. Featherston asked if the petition previously submitted opposing their variance request could be stricken from the record as requested by Mrs. Carter.

Mr. Simpson replied it is public record once it is submitted and cannot be removed as part of the public record.

Mr. Myer stated to the Board the recommendation before them tonight is a relief from the required 35 foot front setback to a 27 foot front setback.

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

No one from the public spoke.

Mr. Myer asked the Board to make a motion.

*Mr. Via moved **APPROVAL** for* **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,** *seconded by Ms. Featherston.*

The motion **CARRIED** 3-0 by roll call vote: Via – Yes, Featherston – Yes, Legary- Yes.

(Mr. Myer completed the required 8B Conflict of Interest Form. See attached form)

Mr. Myer asked the Board to make a motion to consider revising the setbacks in the R-1 zoning district.

*Mr. Via moved **APPROVAL** to* **consider looking into revising the R-1 setback requirements,** *seconded by Ms. Featherston.*

The motion **CARRIED** 4-0 by roll call vote: Via – Yes, Featherston – Yes, Legary- Yes Myer – Yes.

5. COMMUNICATIONS FROM BOARD MEMBERS & STAFF

Mr. Harowski informed the Board this variance request is scheduled to go before City Commission on February 24, 2015.

Mr. Harowski also informed the Board he had no applications for March at this time.

6. ADJOURNMENT

The meeting officially adjourned at approximately 8:00 p.m.

Bridget Barton
Board of Planning and Appeals Recording Secretary