

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA • OCTOBER 1, 2018

City Commission Chamber

BOPA Regular Meeting

6:30 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448



City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

PLANNING & APPEALS BOARD MEMBERS

Chairman
Mike Myer

Board Member
Arthur Cappuccio

Board Member
Jim Legary

Board Member
Arthur W. Morris

Board Member
Robin D. Hanger

CITY PLANNER
Brian Walker

Building & Zoning
Liz Nelson

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **BOPA MINUTES APPROVAL**
 1. Minutes - August 6, 2018
(Requested by Brian Walker, City Planner)
5. **AGENDA ITEM(S)**
 1. Commercial Dr. (602) Side and Rear Setback Variance Request
(Requested by Brian Walker, City Planner)
6. **OLD BUSINESS**
7. **BOARD/STAFF COMMUNICATIONS**
8. **ADJOURNMENT**
9. **AGENDA ITEM**

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this 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



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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.



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**Board of Planning and Appeals
Agenda Item**

4.1

MEETING DATE: October 1, 2018
FROM: Brian Walker
SUBJECT: Minutes - August 6, 2018
NUMBER: (ID # 2194)
APPLICANT:
PLANNER:

DISCUSSION: Approve August 6, 2018 Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve BOPA Minutes of August 6, 2018 Meeting

COMMISSION GOAL: N/A

MOTION: As determined by the Board of Planning & Appeals

- August 6, 2018 BOPA Minutes (PDF)



CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES • AUGUST 6, 2018

City Commission Chamber

BOPA Regular Meeting

6:30 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Mike Myer	Chairman	Present	
Jim Legary	Board Member	Absent	
Robin D. Hanger	Board Member	Present	
Arthur Cappuccio	Board Member	Present	
Arthur W. Morris	Board Member	Present	

2. INVOCATION

Invocation was given by Chairman Mike Myer.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Art Cappuccio.

4. BOPA MINUTES APPROVAL

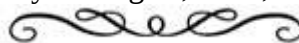
1.

Minutes of July 2, 2018 BOPA Meeting

(Requested by Brian Walker, City Planner)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Arthur W. Morris, Board Member
SECONDER:	Arthur Cappuccio, Board Member
AYES:	Myer, Hanger, Cappuccio, Morris
ABSENT:	Legary

Enacted and approved this 6th day of August, 2018, in Holly Hill



5. AGENDA ITEM(S)

1.

Outdoor Display Amendment

(Requested by Brian Walker, City Planner)

Brian Walker, City Planner summarized his staff report stating that there are two issues with dealing with the "Outdoor display of merchandise" Some businesses were displaying outdoor merchandise prior to the adoption of this restriction and therefore are displaying items that are not intended for use outdoors. The restriction as written, has been very loosely interpreted which has resulted in the intent of the restriction not being met. For example, while strollers are intended for outdoor use, it was not the intent of the restriction to allow them for outdoor display. The resulting feedback from the community has been that the outdoor display of merchandise has reached a point where it detracts from the beautification efforts being made by the City. The City Commission held a work shop for the purpose to discuss ways of reducing non-conformities with regard to outdoor displays.

Robert & Roseanne Nash, Owners of Dollar Plus, located at 600 Ridgewood Avenue strongly expressed opposition to this change of the outdoor storage Ordinance. Stating that placing items outside is a way to draw people to his business and that this change seems to be against small businesses and the City should be trying to do everything to help the small businesses. Further stating that by changing this Ordinance you will be chasing more small businesses out of the City and creating more empty commercial buildings, which adds to the blight.

Dennis Bindig, Antique Mall stepped to the podium to express his displeasure with the Ordinance change, stating that the empty commercial buildings are more of a problem to the beautification of the City, than the outdoor storage of a few items.

Hiedi Heller, 460 Ridgewood Avenue also express that she is against this Ordinance, stating that the lack of Code Enforcement action has led to the blighted area along Ridgewood Avenue, not the storage of items outside of the businesses.

Jay Love, 1010 Ridgewood Avenue stated that he is also against this Ordinance and agrees with all that has been said by the previous people.

Chairman Mike Myer expressed that he is against this Ordinance, stating that the outdoor storage is not what is causing the blight of Ridgewood Avenue. Further commenting that there are a lot of commercial buildings on Ridgewood, empty and occupied that are in need of repair, painting and general maintenance and are not be addressed by Code Enforcement. This Ordinance needs to be reworked before he would support it.

Art Cappuccio stated that he agrees with what Chairman Myer has stated and that Code Enforcement needs to be more active along the Ridgewood Avenue corridor, citing for painting, landscaping, broken or deteriorating signs and awnings.

Robin Hanger expressed that the Ordinance is more of an issue that just strollers outside. The Code Enforcement Department has been actively enforcing maintenance issues along Ridgewood Avenue. These are two different issues and that the maintenance issues are the responsibility of the building owners and the outdoor storage issue is the business owner's responsibility.

A discussion ensued regarding the blight along Ridgewood Avenue.

Brian Walker, City Planner stated that this Ordinance change came about from business community feed back as well as the City Commission workshops. Addressing the concerns regarding the lack of Code Enforcement action along Ridgewood Avenue, he stated that the last Code Enforcement Hearing had the largest meeting in it's history and that at the next scheduled meeting there will be over 50 violations being brought before the Special Master. They are addressing all the concerns that have been discussed this evening and are working very hard. Mr. Walker continued to discuss the progress of our Code Enforcement Division.

Arthur Morris, agreed that the City needs to address the blighted buildings and that the City needs to protect our small businesses that are the life lines of any small town.

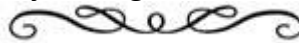
A lively discussion ensued.

Robin Hanger moved to recommend approval, the motion died due to a lack of a second.

Scott Simpson, City Attorney informed the Board members that there are limits to what actions Code Enforcement can take and that a violation has a due process that can take months to be resolved.

RESULT:	DO NOT RECOMMEND APPROVAL TO CITY COMMISSION [3 TO 1]
MOVER:	Arthur Cappuccio, Board Member
SECONDER:	Arthur W. Morris, Board Member
AYES:	Myer, Cappuccio, Morris
NAYS:	Hanger
ABSENT:	Legary

Enacted and approved this 6th day of August, 2018, in Holly Hill



6. OLD BUSINESS

None

7. BOARD/STAFF COMMUNICATIONS

Brian Walker, City Planner stated there at of this date he has nothing to bring before the Board for the September 2018 Meeting.

Scott Simpson, City Attorney informed the Board that the Pickle Ball project will be moving forward and there will be no need for a rezoning or comp plan amendment.

8. ADJOURNMENT

This meeting adjourned at 7:15 PM



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

5.1

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: October 1, 2018
FROM: Brian Walker
SUBJECT: Commercial Dr. (602) Side and Rear Setback Variance Request
NUMBER: (ID # 2156)
APPLICANT: Larry Taylor Revoc Trust
PLANNER: Brian Walker

INTRODUCTION

602 Commercial Drive - Request for a side yard (west) setback variance from fifteen-foot (15) feet to five (5) feet and a rear yard setback variance from fifteen-foot (15) feet to two (2) feet for a building addition approximately 1,750 square feet in size in the I-2 (Heavy Industrial District) for property located on the northwest corner of 6th Street and Commercial Drive and more particularly known as 602 Commercial Drive; V-2018-04 (Larry Taylor Revoc Trust, Applicants) District 2 - Commissioner Currie (Brian Walker, City Planner)

BACKGROUND

- The property is approximately 17,758 square feet in size and zoned I-2 (Heavy Industrial) with an Industrial Development future land use designation.
- Property Appraiser records indicate a structure was built on the property in 1974 and currently contains a 5,000 square foot building.
- The existing building is currently vacant.
- The property is in a SFHA with an AE designation and is almost completely covered with an impervious surface.

DISCUSSION

The applicant purchased the property in 2014, and proposes to use the building as a showroom and sales area for classic cars. A 50 x 35 (1,750 sq. ft.) building addition on the west is proposed for use as an area to store motor-coaches. The existing building encroaches 10 feet into the required 15 foot rear setback. However, it was built in 1974, which predates our Land Development Regulations. In order for the proposed addition to be aligned with the current building in a way that will allow room for the movement and storage of motor-coaches, it is requested that the addition be allowed to encroach into the rear and side setbacks.

The property is in an area zoned heavy industrial and granting of the applicant's variance request on this particular parcel would not be out of character with the immediate surroundings.

The applicant's proposed addition would be completely constructed over existing impervious surface, therefore no new impervious surface would be created by granting the applicant's request.

VARIANCE: The request is for two variances from the Land Development Regulations of Holly Hill, Sec. 114-765. (1) a side yard (west) setback variance from fifteen-feet (15) feet to five (5) feet and (2) a rear yard setback variance from fifteen-feet (15) feet to two (2) feet.

VARIANCE CRITERIA - Sec. 82-317

CRITERIA No. 1:

That special conditions and circumstances exist which are peculiar to the land, structure or building involved, as distinguished from the applicant himself, and which are not applicable to other lands, structures or buildings in the same zoning district; and,

FINDINGS OF FACT No. 1:

The subject property has a special condition that would support the requested variances. The existing building is in a heavy industrial area and was built prior to the adoption of the City's Land Development Regulations. It encroaches 10 feet into the rear setback. In order for the proposed addition to align with and not block the current building's large bay opening and reasonably serve the proposed use, encroachment into the rear and side setbacks is requested.

Criteria met? Yes

CRITERIA No. 2:

That the special conditions and circumstances do not result from the actions of the applicant; and,

FINDINGS OF FACT No. 2:

The need for the requested variances are not the result of any action by the applicant. The existing building was built prior to the adoption of the City's Land Development Regulations and encroaches several feet into the rear setback.

Criteria met? Yes

CRITERIA No. 3:

That granting the variance requested will not confer on the applicant any special privilege that is denied by this subpart to other lands, buildings or structures in the same zoning district; and,

FINDINGS OF FACT No. 3:

Granting the variances requested would not confer on the applicant a special privilege that is denied by the provisions of this section to other lands or structures under similar conditions. Properties under similar circumstances can also apply for a variance.

Criteria met? Yes

CRITERIA No. 4:

That a literal interpretation of the provisions of this subpart would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this subpart, and would work an unnecessary and undue hardship on the applicant; and,

FINDINGS OF FACT No. 4:

The literal interpretation of the provisions would deprive the applicant the right to expand their building in a way that will reasonably serve the proposed use.

Criteria met: Yes

CRITERIA No. 5:

That the variance granted is the minimum variance necessary to make possible the reasonable use of the land, building or structure; and,

FINDINGS OF FACT No. 5:

The requested variances are the minimum necessary to make reasonable use of the proposed expansion. The length of the addition must be 50 feet in order to reasonably accommodate the 48 foot long motor-coaches. The width of 35 feet is the minimum needed to accommodate two motor-coaches.

Criteria met? Yes

CRITERIA No. 6:

That the grant of the variance will be in harmony with the general intent and purpose of this subpart and the city's comprehensive plan, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

FINDINGS OF FACT No. 6:

Granting the variances will be in harmony with Policy 1.1.2 and the general intent and purpose of the comprehensive plan.

Criteria met? Yes

FINDINGS OF FACT: Staff finds that the applicant has met all of the criteria as stated above to grant the two requested variances.

ADDITIONAL INFORMATION:

Sec. 82-320. - Expiration.

A variance shall begin to serve the purpose for which it was granted within 18 months following the granting action by the city commission and shall otherwise become void. However, a shorter period of time may be stipulated by the city commission in an individual case as a condition imposed pursuant to Section 82-316.

ATTACHMENTS:

- Maps & street views
- Aerial
- Applicant's justification statement
- Survey
- Applicant's sketch of proposed construction

- Applicant Justification Statement (PDF)
- Map Area & Aerial (PDF)
- Survey (PDF)
- Zoning Map (PDF)
- 602 Commercial Sketch (PDF)

V# _____

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Regulations of Holly Hill Sec. 82-317 for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

Currently, this building is in compliance with most setbacks while none of the surrounding buildings are in compliance.

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

Existing building was built prior to 1994 when zoning code was adopted and before it was purchased by current owner in 2014. Current rear setback is 5' and has been since the building was constructed in 1978.

3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Code to other lands, buildings, or structures in the same zoning district.

Many of the buildings currently in and around the I-2 zoning district already have setbacks less than what is prescribed in the current zoning code. Also, the current zoning code offers all property owners in the I-2 district the opportunity to apply for a variance in the same manner.

V# _____

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work an unnecessary and undue hardship on the applicant.

The majority of the surrounding industrial buildings have setbacks less than the prescribed 15 feet.

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The maximum height garage door that can be installed in the existing metal building is limited to 12', but owner needs at least a 14' high door opening in order to store the motorcoaches he sells in the course of his regular business. The existing building also has only a 5' setback on the north lot line. In order to attach an addition that matches the current building, but is still suitable for this storage, the current setbacks on the north and west sides need to be less than the required minimum.

6. Describe how the granting of the variance will be in harmony with the general intent and purpose of this subpart and the city's comprehensive plan, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Existing building is in I-2 heavy industrial district with no adjacent residential properties. Proposed addition does not defer from the current comprehensive plan nor would it require a change of zoning. All adjacent and nearby properties are commercial/industrial in nature and have the same general appearance with limited lot lines. Proposed location for addition is already a paved surface so there will be no net gain in surface water run off. Nor would addition hinder or in any way impede the flow of traffic along the cross streets of 6th and Commercial. Finally, I-2 intends to provide areas, "for relative large industrial operations" and increasing the overall enclosed square footage will better allow for future operations of sc

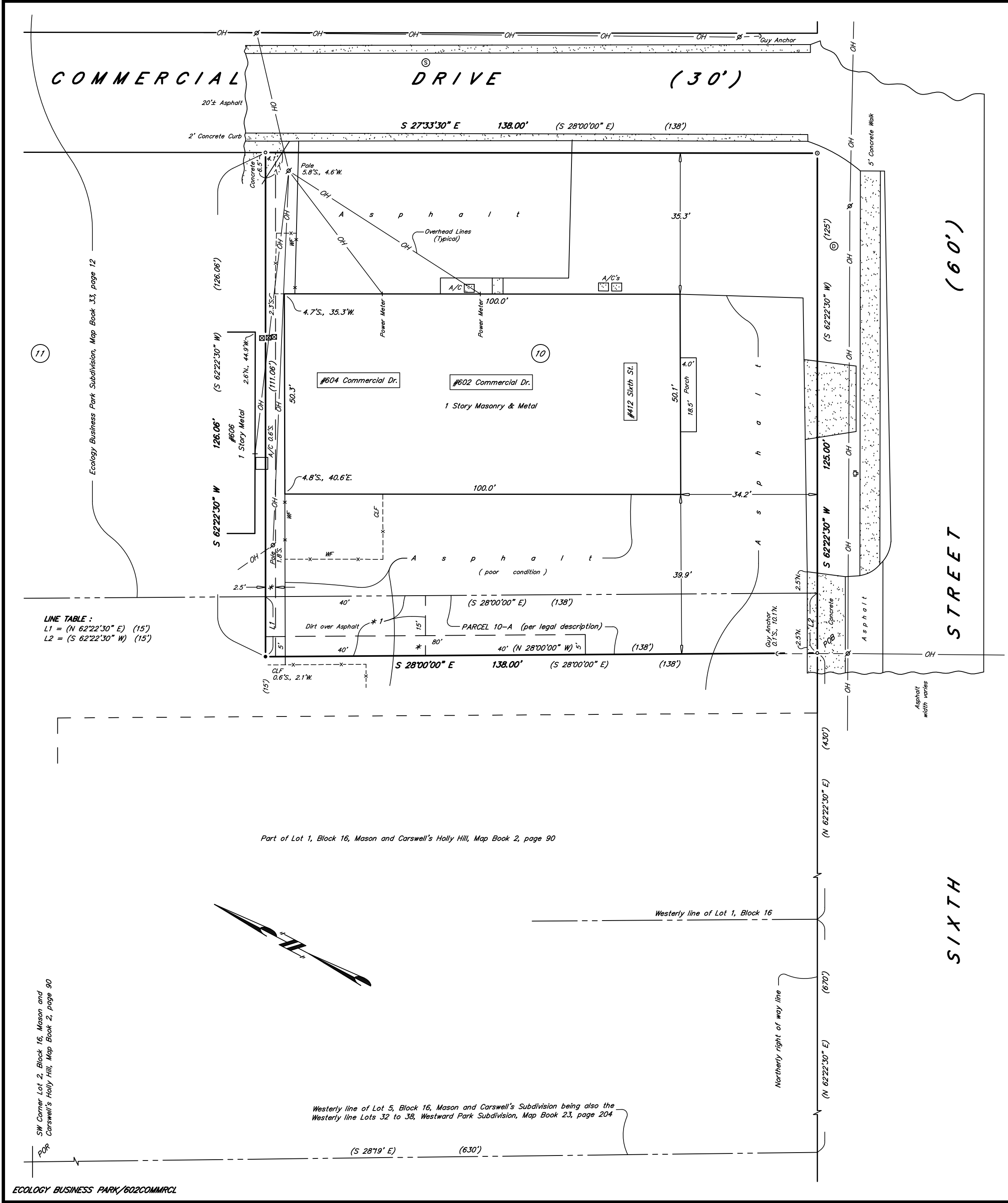
602 Commercial Drive

Property looking north. The highlighted area to the west (left) is where the new structure is proposed.



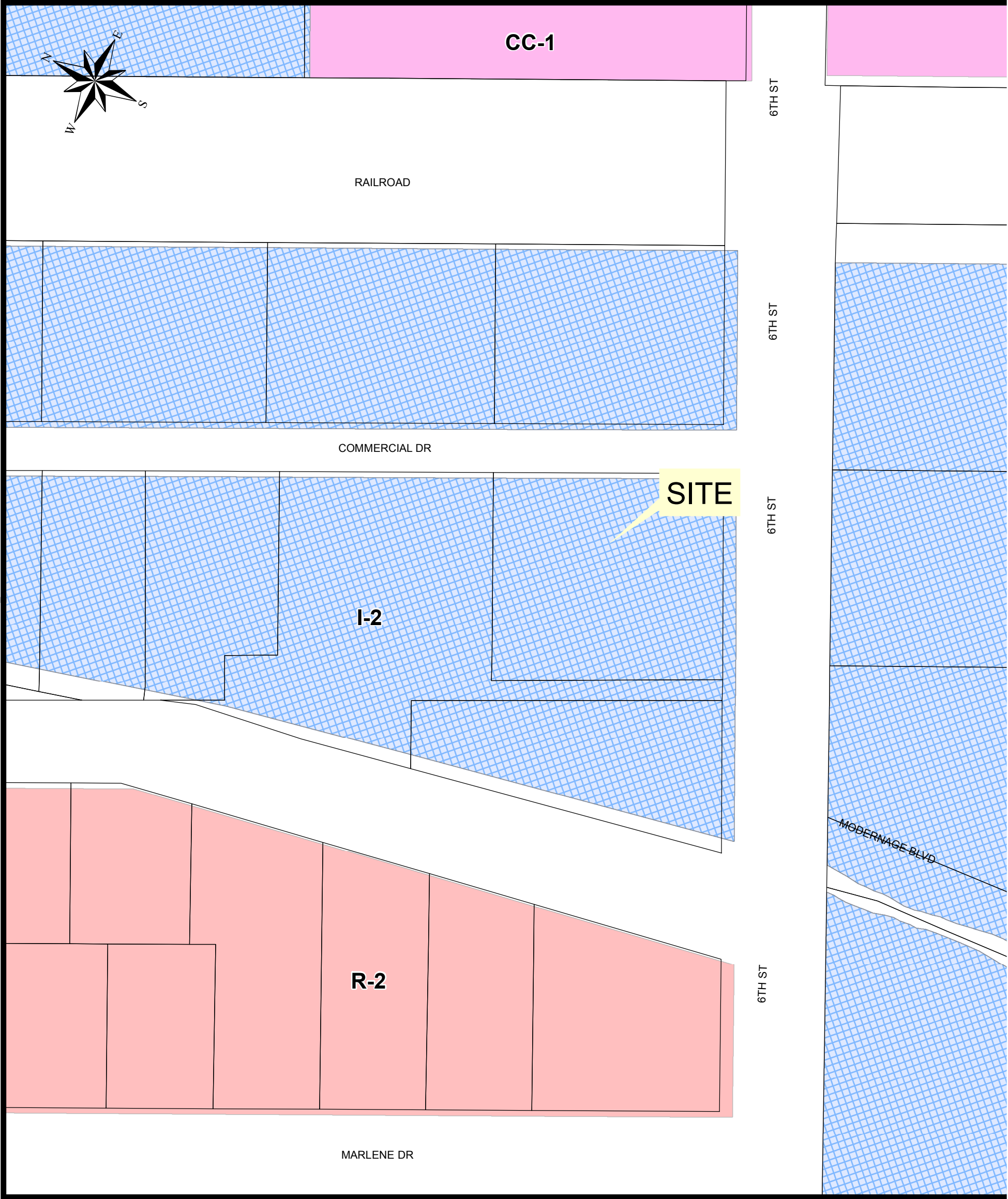
Aerial View







PLANNING AND ZONING DEPARTMENT



Attachment: Zoning Map (2156 : Commercial Dr. (602) Side and Rear Setback Variance Request)



Legend			
APUD: Agricultural Planned Unit Development	B-6: Ridgewood Avenue Commercial District	IPUD: Industrial Planned Unit Development	R-4A: Zero Lot Line Single Family Residential
B-1: Professional Office/Medical Office District	BPUD: Business Planned Unit Development	MPUD: Mixed Use Planned Unit Development	R-5: Two Family Residential
B-2: Planned Shopping Center District	C-F: Conservation-Flood Plain District	MUII: Mixed Use Development District	R-6: Low Density Multi-Family Residential
B-3: Neighborhood Commercial District	CC-1: Commercial Corridor District	R-1: Low Density Single Family Residential	R-7: Medium Density Multi-Family Residential
B-4: Highway Business District	I-1: Wholesale-Light Industrial District	R-2: Low-Medium Density Single Family Residential	R-8: Multi-Family Residential
B-5: General Commercial District	I-2 Heavy Industrial District	R-3: Medium Density Single Family Residential	R-9: Mobile Home Residential
			RPUD: Residential Planned Unit Development

