



CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES • NOVEMBER 6, 2023

City Commission Chamber

BOPA Regular Meeting

6:00 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**

2. **ROLL CALL**

Attendee Name	Title	Status	Arrived
Mike Myer	Chairman	Present	
Dennis Smith	Board Member	Present	
Tony Cassata	Board Member	Present	
Loretta Arthur	Board Member	Present	
Lorraine Geiger	Board Member	Present	

3. **INVOCATION**

Mr. Myer opened the meeting with the invocation.

4. **PLEDGE OF ALLEGIANCE**

Mr. Smith lead Pledge of Allegiance to the flag.

5. **MINUTES**

1. Minutes - October 2, 2023 Board of Planning and Appeals

(Requested by Leslie Montgomery, Board of Planning and Appeals)

Mr. Myer opened public participation. No one spoke.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dennis Smith, Board Member
SECONDER:	Loretta Arthur, Board Member
AYES:	Myer, Smith, Cassata, Arthur, Geiger

Enacted and approved this 6th day of November, 2023, in Holly Hill



6. **AGENDA ITEM(S)**

1. 817 Magnolia Avenue Side Setback Variance Request

(Requested by Brian Walker, Board of Planning and Appeals)

Mr. Walker briefly went over the following staff report pertaining to the 817 Magnolia Avenue variance request. Requiring that principal structures in the R-3 (Medium Density Single-Family) zoning district be a minimum of 7.5 feet from the side property line. The request is made in order to construct an addition on the south side of the home. The property is located approximately one-hundred (100) feet south of Ferndale Street on the east side of Magnolia Avenue. The existing home is on a lot that is approximately 5000 square feet in size. The R-3 zoning requires side setbacks of 7.5 feet. On the south side of the lot, the home is only 4.9 feet from the side property line. The applicant would like to build an addition on the south side of the home and align it with the existing structure which is 4.9 feet from the property line. Since the code requires that structures be 7.5 feet from the side property line, the applicant is unable to build the addition as desired without a variance. Mr. Walker stated the applicant is requesting a side setback variance from 7.5 feet to 4.9 feet for the south property line only. Additionally, the structure is an off-grade house (on pillars, not a slab) and has a flat roof. The city's Chief Building Official has reviewed the proposal for an addition to the structure and stated that in his professional opinion it would not be difficult to construct the addition and meet the required setback. Mr. Walker shared some additional information with the board as it pertains to Section 82-320, Expiration, which 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. Mr. Walker stated that staff does not recommend approval of the requested variance from the requirements of Section 114-765 - Schedule of dimensional requirements, requiring that principal structures in the R-3 (Medium Density Single-Family) zoning district be a minimum of 7.5 feet from the side property line for the property located approximately one-hundred (100) feet south of Ferndale Street on the east side of Magnolia Avenue and is more particularly known as 817 Magnolia Avenue.

Donnie Moore spoke briefly who is representing the applicant. Mr. Moore presented his request for a side setback variance request located at 817 Magnolia Avenue.

There was some discussion amongst the board members, Attorney Simpson and Mr. Walker at this time pertaining to the request.

Mr. Myer asked for a motion to APPROVE THE VARIANCE TO THE CITY COMMISSION; THERE WAS NO ONE.

Mr. Myer asked for a motion to NOT APPROVE THE VARIANCE TO THE CITY COMMISSION.

*Mr. Smith made a motion to **NOT APPROVE THE VARIANCE REQUEST AT 817 MAGNOLIA AVENUE**, seconded by Mr. Cassata.*

Roll Call Vote: Smith - Yes; Cassata - Yes; Arthur - No; Geiger - Yes; Myer - No

MOTION CARRIES: 3-2.

This item will go before the City Commission on November 28, 2023 at 6:00 PM.

(The entirety of this item and meeting is available on CD upon request in the Building and Zoning Department or available online on the City's YouTube channel).

RESULT:	DENY [3 TO 2]
MOVER:	Dennis Smith, Board Member
SECONDER:	Tony Cassata, Board Member
AYES:	Myer, Arthur, Geiger
NAYS:	Smith, Cassata



7. ORDINANCES

1. An Ordinance of the City of Holly Hill Florida, Amending the Comprehensive Plan by Amending the Future Land Use Map Designation of Certain Property Described in Attachment A, by Virtue of a Small Scale Future Land Use Map Amendment; Changing the Future Land Use Map Designation from Low Density Residential to Low-Medium Density Residential; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date. And AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE THE PROPERTY DESCRIBED IN ATTACHMENT a FROM R-2 (LOW-MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(Requested by Brian Walker, Board of Planning and Appeals)

Mr. Walker went through his staff report to consider two Ordinances, one enacting a Small Scale Future Land Use Map Amendment from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR), and another separate Ordinance, enacting a Rezone from R-2 (Low Medium-Density Single-Family Residential) to RPUD (Residential Planned Unit Development) for 8 lots together totaling approximately 2.11 acres, located approximately 400 feet northwest of 3rd Street on the west side of Center Avenue and depicted in Exhibit A. Mr. Walker went over the background history for the Board, as stated in the agenda packet along with the site information. It is staff's opinion that the requested rezone from R-2 to RPUD is justified and appropriate for the area. It is staff's recommendation to adopt an Ordinance of the City of Holly Hill Florida, enacting a Small-Scale Future Land Use Map Amendment from Low Density Residential (LDR) to Low-Medium Density Residential (LMDR), for 8 lots together totaling approximately 2.11 acres, located approximately 400 feet northwest of 3rd Street on the west side of Center Avenue and depicted in Exhibit A **AND** to adopt another separate Ordinance enacting a Rezone from R-2 (Low Medium-Density Single-Family Residential) to RPUD (Residential Planned Unit Development) and approve the

associated Preliminary Plan and Written Development Agreement, for 8 lots together totaling approximately 2.11 acres, located approximately 400 feet northwest of 3rd Street on the west side of Center Avenue and depicted in Exhibit A.

There was some discussion amongst the board members, Attorney Simpson and Mr. Walker at this time. Also present was Rob Merrell, Cobb Cole for clarification, questions and answers for this agenda item.

Mr. Myer opened public participation.

There was **NO ONE to speak FOR the first Ordinance**. The following individuals spoke **AGAINST** the first Ordinance request: Roberto Santiago, Holly Hill; Buckie Fulford, Holly Hill; Elizabeth Hudson, Holly Hill; Ms. Reece, Holly Hill; and Alan Chablum (?), Holly Hill.

Mr. Myer closed public participation.

These two Ordinances will be voted on separately. They are just making a recommendation to the City Commission. It was one presentation but two separate votes.

Mr. Myer asked for a motion to ***ADOPT AN ORDINANCE ENACTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FROM LOW DENSITY RESIDENTIAL TO LOW MEDIUM DENSITY RESIDENTIAL FOR EIGHT LOTS TOGETHER TOTALING 2.11 ACRES LOCATED AT APPROXIMATELY 400 FT NORTH WEST OF THIRD STREET ON THE WEST SIDE OF CENTER AVENUE AND DEPICTED IN EXHIBIT A, DIED FOR LACK OF A MOTION.***

Mr. Myer asked for a motion **NOT RECOMMENDING THIS ORDINANCE TO THE CITY COMMISSION.**

Mr. Smith made a motion ***TO DENY THIS ORDINANCE***, seconded by Mr. Cassata.

Attorney Simpson stated he would recommend including kind of a discussion as to the grounds for denial outlining the basis for Mr. Smith's motion of denial.

Mr. Smith stated he doesn't think they need to put that many houses over there due to the current conditions and he has enough property to accomplish a fill-in without going any further.

Attorney Simpson stated so your concern is the increased density with the change in land increased density.

Mr. Cassata stated he agrees with Mr. Smith.

Mr. Myer stated a YES means you're for DENIAL; a NO means you're against denial.

ROLL CALL VOTE: Smith - Yes; Cassata - Yes; Arthur - No; Geiger - No; Myer -

No.

THE MOTION TO DENY FAILED.

Mr. Myer stated he would like to go on the record saying that he knows he had hard questions for Mr. Merrell in the beginning because there are things about it that were just bothering me. It was bothering me why, when he heard there wasn't enough open space here, he wasn't understanding it but as it was made clear to me, that it sounds, it sounded, to me, like a good deal, actually. He thinks that area would benefit by this by this development just from the flooding standpoint. He goes by there all the time after the rain and he always thinks what a shame something hasn't happened in there to make it to fix that. We did that over on 6th Street with The Vineyards. If you go by there today and you see what's happening over there, it makes you recognize that a whole lot of land that was underwater after medium rains is not going to be anymore. He thinks that could be something similar to what happens here. He thinks it's very important for us as a board to not be influenced by citizens who make good points and make us sympathetic to their points and that's a hard thing for him when he knows how you all feel. He understands it but sometimes that just doesn't... as Attorney Simpson said, it just doesn't, for the good of all of us, even for your good, even though you can't see it at the moment, that he knows, he doesn't blame you for being dubious but he thinks this would have been a good deal. That's his statement on the record. Our recommendation is that we don't have a recommendation.

Mr. Myer asked if anyone would be interested in making a motion **TO APPROVE WITH QUALIFICATIONS? TO RECOMMEND APPROVAL?**

Ms. Geiger made a motion to **RECOMMEND APPROVAL OF THE COMPREHENSIVE PLAN**, seconded by Ms. Arthur.

ROLL CALL VOTE: Geiger - Yes; Arthur - Yes; Cassata - No; Smith - No; Myer - Yes.

THE MOTION CARRIES: 3-2.

Attorney Simpson stated that's a motion to approve changing the land use as proposed. Now, the next question is, the next Ordinance is the proposed recommendation on the proposed rezoning Ordinance that allows the planned development. It may be appropriate to, if anybody wants to make a motion to approve to include the condition of that there has to be a satisfactory agreement for the maintenance and upkeep and responsibility of the retention pond to qualify for any other conditions the board wants to put in there but that's one that we've discussed and it's in the development agreement now but we just don't have that agreement in hand but that agreement in hand needs to be finalized. Now, we're back to the second motion.

Mr. Myer stated back to the second Ordinance, which is from R2 low medium density to single family residential RPUD.

Mr. Myer stated he would entertain a motion.

Ms. Arthur made a motion to **RECOMMEND APPROVAL TO THE CITY COMMISSION TO ENACT A REZONE FROM R2 LOW DENSITY LOW TO MEDIUM DENSITY TO A SINGLE FAMILY RESIDENTIAL TO RPUD RESIDENTIAL PLANNED UNIT DEVELOPMENT AND TO APPROVE THE ASSOCIATED PRELIMINARY PLAN AND WRITTEN DEVELOPMENT AGREEMENT FOR EIGHT LOTS TOGETHER WITH (ALTHOUGH THEY HAVE NOT SEEN THE WRITTEN DEVELOPMENT AGREEMENT)....(Attorney Simpson stated we do have the written development agreement but what we don't have is the agreement to take over the retention pond but we do have the written development agreement) CONDITIONAL TO THE POND BEING TAKEN OVER FOR THE MAINTENANCE ON THE 2.11 ACRES LOCATED APPROXIMATELY 400 FT NORTHWEST OF 3RD STREET ON THE WEST SIDE OF CENTER AVENUE AND DEPICTED IN EXHIBIT A**, seconded by Ms. Geiger.

ROLL CALL VOTE: Arthur - Yes; Geiger - Yes; Cassata - Yes; Smith - No; Myer - Yes.

THE MOTION CARRIES: 4-1.

(The entirety of this item and meeting is available on CD upon request in the Building and Zoning Department or available online on the City's YouTube channel).

RESULT:	RECOMMEND APPROVAL TO CITY COMMISSION [4 TO 1]
MOVER:	Loretta Arthur, Board Member
SECONDER:	Lorraine Geiger, Board Member
AYES:	Myer, Cassata, Arthur, Geiger
NAYS:	Smith



2. Ordinance an Ordinance of the City of Holly Hill, Florida, Regulating Mobile Food Vehicles; Amending Section 114-904 of the City Code; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, Board of Planning and Appeals)

Mr. Myer opened public participation. No one spoke.

RESULT:	RECOMMEND APPROVAL TO CITY COMMISSION [4 TO 1]
MOVER:	Lorraine Geiger, Board Member
SECONDER:	Dennis Smith, Board Member
AYES:	Myer, Smith, Arthur, Geiger
NAYS:	Cassata



8. OLD BUSINESS

None..

9. BOARD / STAFF COMMUNICATIONS

The board agreed to having their January meeting on the 8th due to the New Year's Day holiday and City Hall being closed. Therefore, January 8, 2024 at 6:00 PM will be the first meeting of the new year.

10. ADJOURNMENT

The meeting adjourned at approximately 8:16 PM.

Leslie Montgomery

Leslie Montgomery

11/6/2023

Mike Myer

Mike Myer, Chairman

11/6/2023