



Board of Planning and Appeals

BOPA Regular Meeting

~ Agenda ~

1065 Ridgewood Ave
Holly Hill, FL 32117
www.hollyhillfl.org

Liz Nelson
386-248-9442

Monday, March 7, 2016

6:30 PM

City Commission Chamber

1. Call to Order

Attendee Name	Present	Absent	Late	Arrived
Chairman Mike Myer	☐	☐	☐	
Vice Chairman Christopher Via	☐	☐	☐	
Board Member Edward H Perkins	☐	☐	☐	
Board Member Dorothy Featherston	☐	☐	☐	
Board Member Jim Legary	☐	☐	☐	

2. Invocation

3. Pledge of Allegiance

4. Minutes Approval

1. Agenda Item (ID # 1282)

Minutes

DISCUSSION: Approve February 1, 2016 Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve Minutes of February 1, 2016 BOPA Meeting

COMMISSION GOAL: N/A

MOTION: As determined by the Board of Planning & Appeals

ATTACHMENTS:

- Minutes - February 1, 2016 (PDF)

5. Agenda Item

6. Old Business

1. Agenda Item (ID # 1296)

R-1 Front Setback Review: Continuation of the Discussion About Potential Code Amendments for Front Yard Setbacks in the R-1 Zoning District.

INTRODUCTION: The Board of Planning and Appeals has been reviewing proposals to amend the regulations governing front yard setbacks in the R-1 zoning classification. The Board discussed the issue at both the January and February meetings, and this report is intended to provide additional data for the discussion.

BACKGROUND: The staff has attached the previous BOPA reports dated October 5, 2015 and February 1, 2015. The October report presents the findings from our review of existing conditions and suggestions of potential options for Board consideration. The February memo presents proposed language and additional analysis on two options; reduced setbacks for the secondary front yard on corner properties and the averaging of setbacks where existing units sit forward of the minimum required front yard setback. This report provides proposed language for an averaging process to serve as a starting point for discussion.

DISCUSSION: Should the Board wish to pursue an averaging program, staff is suggesting that Section 114-33 Scope be amended to include a new paragraph four. Attachment A presents the proposed amendment. This amendment would be accompanied by a definition of block face which is the area between intersecting streets on the same side of the street. Please note that the draft language does not include a decision on several issues that we discussed at the February meeting including:

- Should the waiver apply to all residential districts or just the R-1 zone? (The option is limited to R-1.)
- Should there be a minimum percentage of lots with violations of the front yard setback to initiate the averaging process? (No minimum is proposed.)
- Should the resulting setback adjustment round fractional portions of a foot? (No rounding is proposed.)

The proposal may be modified for any or all of these conditions. We assume that an applicant for a building permit desiring to use the setback waiver would be required to provide survey data showing the actual building setback for all principal structures within the block face.

During our discussion at the February meeting, it was pointed out that using an ongoing average could result in a gradual reduction of the front yard setback as new, closer structures are averaged with current existing structures. One option suggested was that the averaging process be done once for each block face and that first average would essentially become the new fixed setback for that block.

RECOMMENDATION: Continue discussion of proposed revisions to the code and direct staff as appropriate.

ATTACHMENTS:

- R-1 Residential Setback Analysis (DOC)
- R-1 Residential Setback Second Report (DOC)
- Planning - R-1 Steback Study Compliance Properties Map (PDF)

7. Board/Staff Communications

8. Adjournment



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: March 7, 2016
FROM: Elizabeth Nelson
SUBJECT: Minutes
NUMBER: (ID # 1282)
APPLICANT:
PLANNER:

DISCUSSION: Approve February 1, 2016 Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve Minutes of February 1, 2016 BOPA Meeting

COMMISSION GOAL: N/A

MOTION: As determined by the Board of Planning & Appeals

- Minutes - February 1, 2016 (PDF)



Board of Planning and Appeals

BOPA Regular Meeting

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386-248-9442

Monday, February 1, 2016

6:30 PM

City Commission Chamber

1. Call to Order

A. Approval of Absence's

Vice Chairman Chris Via asked for a motion to approve Chairman Mike Myer's excused absence from tonight's meeting.

A. Chairman Mike Myer

1. Motion To: Approve Excused Absence

COMMENTS - Current Meeting:

Approval of Chairman Mike Myer's absence from tonight's meeting.

RESULT: APPROVED [UNANIMOUS]
MOVER: Dorothy Featherston, Board Member
SECONDER: Edward H Perkins, Board Member
AYES: Christopher Via, Edward H Perkins, Dorothy Featherston, Jim Legary
EXCUSED: Mike Myer

B. Member Jim Legary

1. Motion To: Approve Excused Absence

COMMENTS - Current Meeting:

To approve the excused absence of Jim Legary (meeting date unknown)

RESULT: APPROVED [UNANIMOUS]
MOVER: Dorothy Featherston, Board Member
SECONDER: Edward H Perkins, Board Member
AYES: Christopher Via, Edward H Perkins, Dorothy Featherston, Jim Legary
EXCUSED: Mike Myer

Attendee Name	Title	Status	Arrived
Mike Myer	Chairman	Excused	
Christopher Via	Vice Chairman	Present	
Edward H Perkins	Board Member	Present	
Dorothy Featherston	Board Member	Present	
Jim Legary	Board Member	Present	

B. Invocation

Invocation was given by Vice Chairman Chris Via.

C. Pledge of Allegiance

Pledge of Allegiance was led by Ed Perkins.

2. Minutes Approval**1. Agenda Item (ID # 1264)**

Minutes - January 4, 2016

COMMENTS - Current Meeting:

Minutes approved as submitted.

ATTACHMENTS:

- Minutes - January 4, 2016 (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jim Legary, Board Member
SECONDER:	Dorothy Featherston, Board Member
AYES:	Christopher Via, Edward H Perkins, Dorothy Featherston, Jim Legary
EXCUSED:	Mike Myer

3. Agenda Item**1. Agenda Item (ID # 1275)**

1011 Tenth Street Annexation, Comprehensive Plan and Zoning: Annexation of the Parcel at 1011 Tenth Street and Assignment of City of Holly Hill Future Land Use Map and Zoning Designations.

COMMENTS - Current Meeting:

Thomas Harowski, City Planner summarized his staff report, stating that this is an application for a small scale amendment to the Future Lane Use Map to incorporate annexed property into the City's comprehensive plan. He further commented on the background of the property as well as the surrounding parcels and their zoning. This property is surrounded by Volusia County zoning except for the property located to the south which is abutting City of Holly Hill jurisdiction and is zoned CC-1, Commercial Corridor. He recommends the Board of Planning and Appeals recommend to the City Commission to annex the parcel, designate the parcel as General Commercial on the Future Land Use Map and designate the property as CC-1 on the Official Zoning Map.

Vice Chairman Via asked about stormwater costs. Mr. Harowski, stated that if there are any stormwater improvements made to the property, the applicant would bear that cost.

ATTACHMENTS:

- 1011 10th Street Combined Application (PDF)
- Parcel Survey (PDF)

- Aerial Photograph at 2500 (PDF)
- County Future Land Use (PDF)
- Volusia County Zoning (PDF)
- CPA 2016-01 Current Land Use (PDF)
- CPA 2016-01 Proposed Land Use (PDF)

RESULT: APPROVED [UNANIMOUS]
MOVER: Edward H Perkins, Board Member
SECONDER: Jim Legary, Board Member
AYES: Christopher Via, Edward H Perkins, Dorothy Featherston, Jim Legary
EXCUSED: Mike Myer

4. Old Business

1. Agenda Item 2016-5

R-1 Setback Analysis: Proposal for Amendment of Setback Requirements for Front Yards in the R-1 Zoning Classification Including Modified Corner Lot Requirements and a Proposal for Averaging Setbacks Along Block Fronts.

COMMENTS - Current Meeting:

This is a continued discussion regarding the setbacks for the R-1 Single Family District. Thomas Harowski, City Planner, summarized his staff report. His report offers a proposal for a reduced setback on corner lots and an averaging process for the R-1 properties.

Jim Legary questioned what is the City trying to accomplish with these changes? Mr. Harowski stated that due to the amount of variances from setback requirements within the R-1 zoning district, he wanted to see if there may certain circumstances that are causing these requests or is there something structurally embedded within the code that is causing this.

Mr. Harowski, further summarized his staff report dealing with the options of front yard averaging or setting a permanent setback number. He also explained his test cases outlined in his staff report.

Scott Simpson, City Attorney gave another suggestion of maybe doing an averaging now and then set a new set-back from that averaging. Because if the property owners keep averaging, the front yard setback will get smaller and smaller.

Ronald Strange, 24 Katrinas Drive, Ormond Beach, Florida stepped to the podium. He is the property owner of a vacant lot abutting 1650 Riverside Drive. He stated that if the setbacks are left as is, a new structure being built would have to meet the current setbacks. But an existing home can apply for a variance for an addition or accessory structure. He is in favor of averaging the setbacks.

Mr. Harowski, stated that there are only a few vacant lots left, but the setback changes would also effect tear down and rebuilds within the zoning district, which their could be many along the Riverside Drive corridor.

Vice Chairman, Chris Via stated that he would like to further discuss this issue when Chairman Myer is back.

At this time, the Board's consensus was to take no action and bring this issue back at the next meeting when Chairman Myer is present.

RESULT: PRESENTATION

5. Board/Staff Communications

None

6. Adjournment

Meeting Adjourned at 7:38 PM



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: March 7, 2016
FROM: Thomas Harowski
SUBJECT: R-1 Front Setback Review: Continuation of the Discussion About Potential Code Amendments for Front Yard Setbacks in the R-1 Zoning District.
NUMBER: (ID # 1296)
APPLICANT: City of Holly Hill
PLANNER: Thomas Harowski

INTRODUCTION: The Board of Planning and Appeals has been reviewing proposals to amend the regulations governing front yard setbacks in the R-1 zoning classification. The Board discussed the issue at both the January and February meetings, and this report is intended to provide additional data for the discussion.

BACKGROUND: The staff has attached the previous BOPA reports dated October 5, 2015 and February 1, 2015. The October report presents the findings from our review of existing conditions and suggestions of potential options for Board consideration. The February memo presents proposed language and additional analysis on two options; reduced setbacks for the secondary front yard on corner properties and the averaging of setbacks where existing units sit forward of the minimum required front yard setback. This report provides proposed language for an averaging process to serve as a starting point for discussion.

DISCUSSION: Should the Board wish to pursue an averaging program, staff is suggesting that Section 114-33 Scope be amended to include a new paragraph four. Attachment A presents the proposed amendment. This amendment would be accompanied by a definition of block face which is the area between intersecting streets on the same side of the street. Please note that the draft language does not include a decision on several issues that we discussed at the February meeting including:

- Should the waiver apply to all residential districts or just the R-1 zone? (The option is limited to R-1.)
- Should there be a minimum percentage of lots with violations of the front yard setback to initiate the averaging process? (No minimum is proposed.)
- Should the resulting setback adjustment round fractional portions of a foot? (No rounding is proposed.)

The proposal may be modified for any or all of these conditions. We assume that an applicant for a building permit desiring to use the setback waiver would be required to

provide survey data showing the actual building setback for all principal structures within the block face.

During our discussion at the February meeting, it was pointed out that using an ongoing average could result in a gradual reduction of the front yard setback as new, closer structures are averaged with current existing structures. One option suggested was that the averaging process be done once for each block face and that first average would essentially become the new fixed setback for that block.

RECOMMENDATION: Continue discussion of proposed revisions to the code and direct staff as appropriate.

- R-1 Residential Setback Analysis (DOC)
- R-1 Residential Setback Second Report (DOC)
- Planning - R-1 Steback Study Compliance Properties Map(PDF)



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: OCTOBER 5, 2015
SUBJECT: R-1 ZONE FRONT SETBACK ANALYSIS
APPLICANT: CITY OF HOLLY HILL
NUMBER: NONE
PLANNER: THOMAS HAROWSKI, AICP

INTRODUCTION: This report is a review of the current developed properties in the R-1 zoning classification with regard to the level of compliance with the required front yard setbacks.

BACKGROUND: As a result of variance applications heard by the BOPA earlier this year, staff was asked to review properties in the R-1 Single-Family Zoning District to determine the level of non-conformance with the required front yard setback. How many units fail to meet the setback? Staff was asked to report back to the Board with our findings. This report is offered in response to this request and provides an initial discussion of options for the Board's consideration.

DISCUSSION: The R-1 Zoning District requires a 35-foot front yard setback. According to the current code any yard abutting a street is considered a front yard, so a corner lot has two required front yards. Each front yard is required to meet the 35 foot setback to fully comply with the code.

Staff conducted an analysis of all R-1 zoned properties using aerial photographs and a limited amount of survey data that was available for the impacted area as a result of other projects that have been done on streets in the City. We did not do ground truthing of the data, so our conclusions are based purely on aerial analysis. The only method to know for sure the existing setback on any property is to do a survey of the property, but doing a survey of every R-1 parcel would be prohibitively expensive for the level of analysis required. There is certainly the potential for some level of error in the data due to tree cover that prevents a clear view of some lots and some registration offsets placing the lot lines on the aerial photos. Nevertheless, we think that there is sufficient information to allow for a reasonable analysis of the existing situation.

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City of Holly Hill Community Development Department

Our examination found that about 50% of the R-1 zoned properties do not meet the required front yard setback in some fashion. The actual totals show 189 units meeting the front yard setback; 190 units that do not meet the setback requirements; and 13 vacant parcels. A map of the units is not particularly revealing with regard to an overall pattern.

- Riverside Drive, with a predominance of larger lots tends to have a higher level of compliance than many other neighborhoods, especially when it is considered that many of the corner lots meet setback on the Riverside Drive frontage but not the side street.
- Corner lots tend to show more violations throughout the study area as one or both corners fail to meet setbacks.
- On Riverside Drive lots, violations tend to be smaller than setback violations on streets in interior neighborhoods.
- On Riverside Drive, the number of violations of the setback increases the further north the property is located. About two-thirds of the total Riverside Drive violations are north of LPGA

Given the lack of a specific pattern to the front setback violations, it is difficult to focus in on one specific action that would cure a large volume of the violations. It is more likely that a number of options will need to be considered and that given the nature of development in the City that we will have to endure a higher level of variance requests to address individual problems. That said, the following listing offers a number of options for discussion.

Blanket Reduction of the Required Setback:

One option is to reduce the minimum setback by a set amount, say from 35 feet to 30 feet. A change of this type will impact (benefit) every property in the district, but it will certainly not cure a large number of current violations. The data seems to indicate that the most impact would be felt on Riverside Drive where the existing deep lots have structures that have small intrusions into the required yard. This was the case with the two variance applications the Board addressed earlier this year.

Create a Corner Lot Setback:

It is common for many zoning classifications to apply a lesser setback to the second street abutting a corner lot. For example a corner lot on Riverside Drive could require a 30 or 35 foot setback on Riverside Drive and a setback of 50% of that dimension on a "side corner" yard. A rule of this nature could help many of the corner lots with violations and create

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City of Holly Hill Community Development Department

opportunities for property owners to undertake additions that are extensions of the current house wall.

Use A type of Setback Averaging

Some jurisdictions offer an opportunity to base the setback of a new home or addition based on the existing setbacks of structures along a given length of the street. This allows new buildings to be placed “in line” with existing structures. Sometimes this is done using the average of existing setbacks along a given length of street. This method requires the selection of an appropriate length of street as the base unit and then determining whether an average is to be used or simply not placing a new structure closer than the closest structure or the average of the closest two or three structures. This system offers some benefits in neighborhoods where there is substantial development that preceded the zoning rule.

As an example, the City of New Smyrna Beach has a rule of this type. The rule reads as follows:

505.10 Nonconforming front yard setback. The front yard setback requirements of this LDR shall not apply on any lot where the average setback of existing buildings located wholly, or in part, within 100 of each side of such lot within the same block and zoning district, and fronting on the same side of the street, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but no less than the average of the setbacks of the aforementioned existing buildings.

Given that the R-1 has a minimum lot frontage of 95 feet, we might want to consider a longer length of street as the base for averaging as 100 feet would basically be the lot on each side of the subject property. This process also requires some specific knowledge of existing building setbacks, but this data should be easily obtainable by survey. We would also want to count units with setbacks larger than the minimum as being at the minimum. This method would prevent one unit set well back from the road from skewing the average.

Consider Rezoning

In some locations it may be more appropriate to consider rezoning a block or block face to an R-2 or R-3 classification. If examination of the underlying lot pattern shows the lot width in a given area is less than the R-1 lot width minimum, then rezoning may be an appropriate answer. This option may also apply to locations such as Park Circle, where every

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City of Holly Hill Community Development Department

house violates the setback rule. It may be better to base the zoning on the building setback rather than the lot size.

Make No Change

There is always a null option where no change is made. This option will continue to rely on the variance process to address issues on a case by case basis. One downside to this option is that it tends to be a little costly for property owners, and this is a system that is not designed to promote consistency from case to case. It is certainly possible that cases with similar fact patterns can have different outcomes. In the strict application of the variance process, the City and property owner also need to identify a “hardship” that underlies the need for the variance.

These options are not mutually exclusive. The Board may want to recommend actions in all of these areas to maximize the ability of property owners to comply with the zoning rules and produce a neighborhood design that is more consistent throughout.

RECOMMENDATION: Staff was asked to prepare and analysis of the issue for Board discussion, and we will be guided by the direction of the Board.



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: February 1, 2016
SUBJECT: R-1 Front Setbacks
APPLICANT: City of Holly Hill
NUMBER:
PLANNER: Thomas A. Harowski, AICP

INTRODUCTION: The Board asked staff to review front yard setbacks in the R-1 zoning district to determine if changes should be considered. The staff completed a study and submitted a report to the Board at the January 4, 2016 meeting. The Board directed staff to work on a proposed regulation regarding averaging setbacks and reducing setbacks for corner lots.

BACKGROUND: The staff report submitted to the BOPA at the January 4, 2016 meeting found that about 50% of R-1 properties did not meet the R-1 minimum front yard setback. The report outlined a range of options for consideration, and the Board requested a proposal on two options including a methodology for averaging and a proposal for lesser setbacks on corner lots.

DISCUSSION: This report will offer a proposal for a reduced setback on corner lots and an averaging process for R-1 properties. The Board may want to give consideration as to the applicability of these techniques to all single-family homes. To give the Board some information on the impacts of reduced corner lot setbacks, the data presented includes R-2 and R-3 districts. The R-3 setbacks will be the same as single-family setbacks in R-4a through R-8 zoning classifications.

Corner Lot Reductions

Before looking at some actual numbers for R-1, R-2 and R-3 zoning classifications, we should consider a definition for a Side Corner Yard. A proposed definition is as follows:

On a corner lot the street on which the property is addressed is considered the front yard for determination of setbacks, and the yard adjacent to the secondary street shall be the side corner yard. For properties abutting Riverside Drive, the yard adjacent to Riverside Drive shall always be considered the front yard.

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The Board recommended that any reduction in side corner yard setbacks not exceed a maximum of 40% of the required front yard setback. The following table details how a 40% reduction would apply to R-1, R-2 and R-3 zoning classifications.

COMPARISION OF CURRENT AND PROPOSED YARD REQUIREMENTS			
YARD	R-1	R-2	R-3
Front	35	30	25
Front Corner	20	15	15
Side	10	8	7.5
Rear	30	20	20

The numbers for the front corner yard are based on 60% of the front yard requirement with some rounding applied. Almost across the board the front corner setback would be twice the standard side yard setback. The question for the BOPA is whether the Board want to recommend this alternative and, if so, do the numbers presented above seem to be reasonable. If the BOPA wishes to extend the corner lot reduction to all single-family lots the dimensional requirements for all single-family units in R-4a and above will be the same as the R-3 numbers in the table.

Front Yard Averaging

In the discussion of averaging options, the BOPA presented two criteria in the discussion at the January 4th meeting. First, the averaging should be done along the length of the block face (one side of the street between intersections) and secondly any setbacks larger than the minimum will be factored using the minimum requirement. In examining how this process might work, staff developed a series of examples to test the application of an averaging process. The following table summarizes these test cases.

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City of Holly Hill Community Development Department

FRONT YARD SETBACK AVERAGING EXAMPLES					
Test Case	Case 1	Case 2	Case 3	Case 4	Case 5
Setback	35	35	34	27	38
Setback	28	35	18	29	42
Setback	40 (35)	38 (35)	22	32	40
Setback	26	29	31	31	39
Setback	29	35	26	28	50
Total	153	169	131	147	209
Average	30.6	33.8	26.2	29.4	41.8 (35)

These test cases identify a few conditions that the BOPA might want to consider.

1. Note that Test Case 5 includes a section where all units exceed the minimum setback. A new unit could be permitted forward of every unit and forward of the average for all units on the block face. This is the current rule.
2. Several of the test cases create a fractional setback. Should the fractional setback be used or should we consider rounding the average to a set point such as the nearest half foot?
3. Test Case 2 has only one unit closer to the street than the minimum requirement. Should we consider a requirement that a minimum number or percentage of the existing units be forward of the minimum setback to allow the application of the averaging process? For example 10% or 20% of the units must violate the setback to allow the averaging to occur. This criterion would help forestall a situation where one unit or two units in a larger group of homes would work to reduce the setback when the large majority of units comply.
4. Test Case 3 has a wide variance in the actual unit setbacks, so the average still leaves a situation where two units will sit well forward of the new unit.
5. Test Case 4 has a much narrower range of actual setbacks so the result of the averaging process is a much more consistent line for the front of the units.

While we used five lots as the test case examples, actual block fronts on the west side of Riverside Drive range from four to 13 parcels not including flag lots. Four units was the most common total (five blocks) with the total number of lot per block increasing the further north along Riverside Drive.

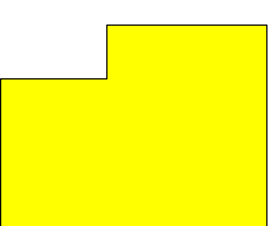
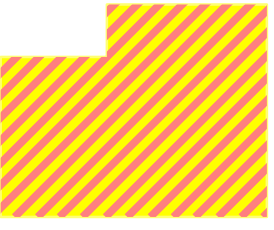
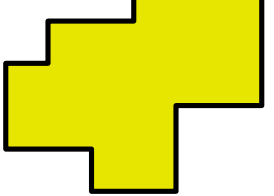
RECOMMENDATION: Staff is seeking additional input from the Board on the two proposals discussed above.



CITY OF HOLLY HILL, FLORIDA

RIVERSIDE DRIVE COMPLIANCE STUDY

LEGEND

-  BUILDING FOOTPRINTS
-  SETBACK VIOLATIONS
-  STUDY AREA

