



CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES • MAY 2, 2022

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

Attendee Name	Title	Status	Arrived
Mike Myer	Chairman	Present	
Robin D. Hanger	Board Member	Present	
Dennis Smith	Board Member	Present	
Tony Cassata	Board Member	Present	
Loretta Arthur	Board Member	Present	

2. INVOCATION

Invocation was led by Mike Myer.

3. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Robin Hanger.

4. MINUTES

1. April 4, 2022 - Minutes

(Requested by Eleni Deligianis, Board of Planning and Appeals)

Motion to approve minutes for April 2022 BOPA Meeting by Robin Hanger and seconded by Tony Cassata.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Myer, Hanger, Smith, Cassata, Arthur

Enacted and approved this 2nd day of May, 2022, in Holly Hill



5. AGENDA ITEM(S)

1. Request for a Reasonable Accommodation to the Fair Housing Act

(Requested by Joseph Forte, City Manager)

Scott Simpson, City Attorney, spoke to define what a reasonable accommodation to the Fair Housing Act and set an outline for the agenda item.

Gamache - Is this the place here? I did not do speech at Daytona State, I missed that class. So, I hope that you can be patient with me. Even though I did teach and we do have curriculum that we make sales at conventions. My husband is the speaker. That's why the microphone here is here, he's a coach and he actually is supposed to be coaching our grandson's baseball game and he did come home but I said no, I had already talked to gentleman Forte. I told him I was going to be here myself and so that's why I'm here, my husbands at home, we were on the phone together. Before I speak and I want to thank y'all for hearing us.

Myer - Yes ma'am, will you tell us your name please?

Gamache - My name is Robin Lee Homes-Gamache and um again I wanna say thank ya'll and HeseD God kindness, blessings to you all, that is Hebrew for kindness God, and that is and you were praying gentleman Myer in very much appreciation about that and thank ya'll about ya'lls great and nice work here. Um HeseD is Hebrew for kindness god and that is in the power of the beauty holiness spirit and all the fullness of Christ Jesus the fullness of God is in Him that all sins are forgiven and we can live heaven on earth now. Where I live at 1703 Anniston Avenue, Holly Hill FL, Volusia County 32117, um that is my little heaven on earth. I'm a proverbs 31 woman, bringing that into the new testament, I'm also a Lydia woman, um I work along side my husband, with our business. And then I like to look at each of the women in the bible and and the men folk and structure my life in that way. That includes livestock, livestock is mentioned in scriptures um proverb 12:10, that you care about the life of your animals and it even goes so far to say that it is offensive to even eat meat in the new testament in Corinthians and in Romans um I have recently become vegetarian, but I wasn't always so and that's where I am at with that. Um to have our equine with us, we've had him since he was three and you're going to hear breathlessness in me on occasion, I was born this way, it did not become an emotional issue through COVID 19. The letter I'd like to present to you all from Dr. Neil Nipper of FLHC he does state emotional situations in this but the way our conversation went that day um the drive I had to take or drive to go to port orange to care for our animal um I say animal but he's my pet he is a companion and we have had him since he was three he's eighteen and we've been to a bunch of boarding facilities um equine professional wrenT facilities in Volusia County and each place is unique, that word I have much appreciation about um almost to the point of being weird on occasion I was threatened with a shotgun at one my equine had oil on him that nobody made the request to do um he was left at the previous location where we rescued him and brought him in our back lawn, it's a double rescue I just want to make that on the record. This is a double rescue he was left in his indoors wrenT location on occasion for about 14-16 hours 12x12 um stall and I'd show up there and that wasn't what was supposed to happen. Along with the money situations they did not honor their contracts that we signed originally to go into the situation for 5 years. We had a whole bunch of agreements that they reneged on so its financial um physiological physical companionship pet adoption that's how I look at him. Along with my situation to drive an hour round trip and care for him um I was born a premie I was born four pounds dropped to two, um I had to live in an incubator for I think a little more than a month and

when you do that your lungs are underdeveloped. I think I was born at 6 months, and you grow up with a natural anxiousness, there is scientific I have looked it up I didn't bring it with me I didn't want to put too much out there for ya'll to have to think about but you are as an adult you grow because as an elementary child I had to go into the hospital live like a bubble child like that movie they had a long time ago. I had to live that way on occasion to develop my lungs. It causes me to have a natural anxiousness there is a whole bunch of scientific evidence even updated that says that a person who is like myself a bunch of us are out there we grow up with a natural anxiousness but it's a compassionate, empathetic, and very protective like I can sense things in an environment and not paranoia I used to work for the public defenders office I worked around criminals, I worked in the misdemeanor division, I worked in private attorneys as well offices, multi like real estate a bunch of experience with attorneys, estates, real estate, divorces, a whole bunch of things but the law office you learned to have an appreciation of empathy to try to help people get out of trouble even though we'd get phone calls in on rotation I was in misdemeanor, serial killers calling in, I was talking to gentleman Forte about that today and so I had to develop through God has given me a whole bunch of experience um with my breathing with legal procedures and how to make reasonable appeals, I used to type appeals for a living and that is very detailed work. Um to go on with the anxiousness that I'm born with to give me a very aware situations in my environment um in gives me empathy um it gives me a protective nature and it gives me this physiological breathless on occasion when I speak regular um then I developed uh I had COVID 19, um pneumonia, they almost put me in the hospital but we were very blessed to have Regeneron, and did that procedure helped me through it um however that physiological with my lungs is there. When I get in a car if I'm out and about too long I need to get home and I do have and I didn't bring the law says we don't have to give medical information um you know that's personal but I don't mind sharing with you that I was given an oxygen tank that I had to um not utilize and I did read about it later and there are people that cannot use it so id highly suggest that if anybody ever gives you an oxygen tank, I'm not a medical professional, make sure you talk with your doctor but I did look it up after and there are certain individuals that cannot use those. I felt like I was going to get addicted to the tank, somebody was talking about addiction I really and I had to put that away but he did give me those um breathalyzers whatever that is and I could breathe through that and that and a steroid medication and that helped that and helped get rid of the pneumonia um there's one other thing I wanted to say and its and I have to think about it. If I do think about it after can I, who directs this, if I think about this after may I interject that.

Myer - Yes ma'am, you may.

Gamache - Okay, thank you. So that is where I am with the physiological, I had to get home he was 30 minutes there 30 minutes home driving, I get anxious in the car because of my breathlessness and so I'm driving trying to get there and then doing the things I need to do and I see what's happening when I'm there and then so its really like I say it is a dual rescue, he is a companion for me, Dale now does the traveling for our um conventions, and because we sell our curriculum to home schoolers. We have a curriculum that we've developed on DVD um and very blessed to do this um for 22 near um 22 plus years so we do this from home so I can work at home have my uh equine companion specific with me there and I know he's safe and I know I'm safe and I'm not

on the road and I can do the things that I need to do. Gentleman Forte has a very good question about him being an equine and me being around that environment I wanna do that anyway we made the adoption, I call it an adoption because that's the way I look at him, that's the way I've looked at my dogs and we rescued a bunch in our Holly Hill neighborhood, for whatever reason they like showing up at our house. And one of them had a chip so we were able to locate them. But, there's a lady in the neighborhood that we used to do that, so I'm very empathic about those kinds of things. Um its good to have him there, I see he's safe, I'm safe, and I get to be home and work from our house. Um I have a letter from the doctor that if ya'll would like to look at this I didn't make multiple copies I was going to do that and I thought..

Simpson - Is that the one that's in the agenda?

Forte - It is.

Simpson - Yea, it is, I think everyone has a copy of that.

Gamache - Okay, and I also have from the Florida um I did look up and I did give him information from a synopsis writer uh journalist uh about the law and then there is a law firm in West Palm Pembroke area that um has the specifics on the law and Florida and I have that how to look at the law again as my husband was telling me the law does say there was a question about whether I needed to go to an emotional counselor this isn't an emotional issue this is a physiological um I did have to go into those plastic bubble tents growing up and so that's where I'm at with this again. I've had to have the medication I don't have to, at this moment, oh I have to say this this is a very cool thing um I was a 200 and I'm 5'3 a little under 5'3 um I had gained over 200 pounds and I didn't go on the scale so I really didn't know how much I weighed until I went in for COVID, and I topped the scale over 205 pounds I had never weighed that in my life even when I was pregnant with my daughter I never got that high in my weight. My blood pressure was off the charts, um not literally, thank God. But, it was very high and I was able to, since Rock's been here I was able to after, before Rock got here I began to exercise and do all those things and I was doing that before COVID, and then COVID happened that and all that, and then I got the flu after and throwing up like 30 days after COVID. So, I was sick for like three months and then trying to get to Rock and just it was just a bunch of pressure all at once. So, I recouped from that and went to see the doctor and he said you really need to ya know he asked me um about counseling and I said I read books and I have Christian books on counseling but I do it for the encouragement, because I'm an encourager. That's one of my gifts, one of my spiritual gifts, and so I um was reading that book on menopause um and women of the bible, and the bible of course, and regular information that anybody should have especially in this situation. And more of course, and I thank God for that and the ability to do it um I lost 20 pounds within 30 days before Rock got there and now I'm at 30 pounds so he has helped me um I am getting in very good shape I have a machine or a thing, I have a recumbent cycle that I don't have to pedal you just push it so I do that and then I'm outside with him and I clean poop so if anyone has a question about poop I put it in industrial bags and I clean about maybe seven times a day and I am I was trained living as a child in North Carolina I knew equines there as a young girl and then moving to Florida I used to trail ride out near where Walmart Supercenter is they used to have ya know all that wasn't out there. Oh and the thing about equines in Holly Hill, when I moved on 1703 Anniston Avenue

where I am now we built our house in 1983, we were the only residents there, when I moved in Doc the vet on Mason avenue, what's his name Langford or whatever that vet's name is there, he had equines on the land that's now a huge retention pond. And there's condominiums there and there also at bishops dairy, there used to be an equine there because I used to bring my daughter in a wagon and we go visit that equine. So there were equines, I could sit on my front porch and look at the equines in between the duplexes that the doc, the vet, he's on Mason avenue.

Myer - That was Dr. Langford.

Gamache - Dr. Langford, yeah he's an acquaintance of my husband and we're actually hoping he's going to be our vet and hes given us things for Rock so he knows my husband so he has given us supplies for him. So I have a support system if anybody has a question about that I have a support system for him um and in Florida trail ride out there and then Rock and our family we're on trail we traveled the country with him actually and settled back in Florida, programs and the people we bought him from that's what they wanted to do um but he never was a show she called it trail and she was teaching him to do that but that's what I learned in Ormond and um so I know how to care for him I've been around it all my life and we've had him since 2007 and he was three at time and he's eighteen now um he had to have surgery almost right after we bought him so he's no trouble as far as running around or making a lot of loud noises like ya know barker dogs can do. We used to we had a rescue dog of a hound and that dog howled and howled and howled and howled and they said that they do that, it wasn't mine, I didn't purchase him, it was a rescue but they found him a nice home for him to be outside. So, he doesn't make loud noises, um he talks, he does the Winnie, and I do sounds to him that you know the communication that we have and it's a thing that we've learned, um you know through these years of our being companionships alongside each other. And um it is a, you do have a bond, dogs have that characteristic of loyalty um he is no dog but he is loyal. And he is gentle, he's very tall, he's 1350 pounds but the size that we have and how I've learned to care for equines over the years um I know how to do that and make the place in a way and I thank God for that that he's comfortable and he's fine. If I think I need to purchase more land I wanna tell ya'll that I'm open to that. I don't know what the proceedings cause I know I think there's more days after this, I think more meetings. So I'm open to suggestions, but he is behaving he is safe, and I'm safe, and I've learned how to be safe around equines, it does take a skill. I mean, ya know anything can happen, they're huge. And I'm talking about between me and him, we have double fencing, double gates, I have like 5 gates and if ya'll need to send a person out there, I'd like notification beforehand to make an appointment, but if you'd like to see ya know how the situation looks, safety-wise, cleanliness -wise, um the processes that I go through each day, there is a system to it, and its very logical, its very reasonable, and I'd be willing to whoever would need to do that um ya know that'd be fine, you'd have an open invitation. But, once, I don't wanna keep a process going I'd like a decision and a person to come and look and see what they think before anybody whether it's at this meeting or another meeting makes a final decision however that system works. You do have an open invitation specific to do that. To be our guest, and um you have the letter, I do have these things here, the health benefits of having a companion I explained that my personal situation that I'm so happy about. Um its helping me very much. Um oh and I would like to say if you do come, no photography, I have two neighbors one to the north of me and

one to the south of me that have taken pictures of our property or have had people on their property taking pictures I'm not real sure how the situation was. I was told that one of the photographs that one of the photographs came up on screen so I don't know if that person took a picture or if they had a person take the picture, if there was an invitation to do it or I don't know how that was, I don't think it's legal. But im ya know researching it and looking so if you do come no photography because I don't think its necessary. Um which reminds me if you do come, our neighbor to the north, actually lives between me and Mayor Via, Mayor Via lives one house north, there's a house in between us and that neighbor has for whatever reason like within two days recent has put skull heads up on two sticks that are facing our direction and I have no idea why, but I mean we all need bones right, but its unusual so I just wanna let you know that. And the thing is I don't know if anyone has a suggestion but maybe after the fact he was videoing and taping us I did see him doing that with his phone um and I don't know if anyone can put cameras. I know people have attraction to that kind of thing, I don't know if anyone can give me advice after the fact if there's a way we can go into that without causing a scene, because I'm not that kind of neighbor. I don't want to be that way. I don't want to be in anyone's personal business and I don't want them to be in mine. So, if anybody has a suggestion about that. I appreciate that very much. And I have these from the attorney in West Palm...

Simpson - Is that the same stuff you already..

Gamache - These are new, these are from an attorney in West Palm, that lady was a journalist.

Simpson - Okay, I know there's some information you previously provided that's in the agenda.

Gamache - Would you like these?

Forte - If it's information we don't have, yes we will need them.

Gamache - Yes, it is. Who would I give this too?

Deligianis - You can give them to me.

Gamache - Thank ya'll, you have a very nice day.

Joseph Forte, City Manager, defined a reasonable accommodation and presented evidence submitted by Mr. and Mrs. Gamache towards their request. Mr. Forte went through the list of requirements needed in order for their request to be offered to them. In regards to the list of requirements, the City did not receive all the required documents in order to grant a reasonable accommodation.

Chairman Myer opened the floor to the public for people to speak FOR:

Mary Nichols - 1715 Anniston Avenue

Chairman Myer opened the floor to the public for people to speak AGAINST:

Neil Gushue - 1701 Anniston Avenue

Roger St. Onge - 1705 Anniston Avenue

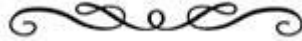
Linda Gushue - 1701 Anniston Avenue

Alice Abercrombie - 1705 Anniston Avenue

Motion to recommend that the applicant has NOT met the substantial requirements for Reasonable Accommodation to the Fair Housing Act by Robin Hanger, and seconded by Tony Cassata.

RESULT:	RECOMMENDATION [UNANIMOUS]
AYES:	Myer, Hanger, Smith, Cassata, Arthur

Enacted and approved this 2nd day of May, 2022, in Holly Hill



6. ORDINANCES

1. An Ordinance of the City of Holly Hill, Florida, Approving the Eighth Amendment to Marina Grande Residential Based Mixed Use Planned Unit Development (Mpud) Development Agreement to Add Permitted Uses; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

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

Brian Walker, City Planner/Community Development Director summarized his staff report.

This is an Ordinance of the City of Holly Hill, Approving the Eighth Amendment to Marina Grande Residential Based Mixed Use Planned Unit Development (MPUD) Development Agreement to Add Permitted Uses; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

The applicant is requesting to add permitted uses to the retail space.

Staff recommends that the City Commission adopt the Ordinance amending the Marina Grande Residential MPUD (a major amendment), approved on November 23rd. 2004, to allow upscale restaurant, bistro, and cafe uses, along with interior personal storage for the retail spaces only, located at 235 Riverside Dr. (Parcel # 5337-34-06-0014).

Mike Panaggio, the applicant, spoke on behalf of the amendment.

Discussion ensued between Board Members and Mr. Panaggio and Tarek Nemo.

Motion to approve the Eighth Amendment subject to the City and the applicant working out a minimum amount of retail space at the North and South ends of the commercial complex for the cafe and bistro, and agreeing to the amount of storage space in the internal interior units by Tony Cassata and seconded by Loretta Arthur.

RESULT:	RECOMMEND APPROVAL TO CITY COMMISSION [UNANIMOUS]
AYES:	Myer, Hanger, Smith, Cassata, Arthur



7. **OLD BUSINESS**

None.

8. **BOARD / STAFF COMMUNICATIONS**

None.

9. **ADJOURNMENT**

This meeting was adjourned at approximately 8:02 PM.

Eleni Deligianis

Eleni Deligianis, Assistant

5/2/2022

Mike Myer

Mike Myer, Chairman

5/2/2022