

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA • JUNE 3, 2019

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



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

PLANNING & APPEALS BOARD MEMBERS

Chairman
Mike Myer

Board Member
Arthur J. Byrnes

Board Member
Dennis Smith

Board Member
Robin D. Hanger

Board Member
Tony Cassata

CITY PLANNER
Brian Walker

Building & Zoning
Liz Nelson

1. **CALL TO ORDER**
2. **INNVOCAATION**
3. **PLEDGE OF ALLEGIANCE**
4. **BOPA MINUTES APPROVAL**
 1. April 1, 2019 BOPA Minutes
(Requested by Brian Walker, City Planner)
5. **AGENDA ITEM(S)**
 1. Request a Waiver of “Type A” Screening Requirement Per Section 98-69
(Requested by Brian Walker, City Planner)
6. **OLD BUSINESS**
7. **BOARD/STAFF COMMUNICATIONS**
8. **ADJOURNMENT**

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



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

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: June 3, 2019
FROM: Brian Walker
SUBJECT: April 1, 2019 BOPA Minutes
NUMBER: (ID # 2488)
APPLICANT:
PLANNER: Brian Walker

DISCUSSION: Approve April 1, 2019 BOPA Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve April 1, 2019 BOPA Minutes

COMMISSION GOAL: N/A

MOTION: As determined by the BOPA

- April 1, 2019 BOPA Minutes (PDF)



CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES • APRIL 1, 2019

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
Arthur J. Byrnes	Board Member	Present	
Mike Myer	Chairman	Present	
Robin D. Hanger	Board Member	Present	
Dennis Smith	Board Member	Present	
Tony Cassata	Board Member	Present	

2. INVOCATION

Invocation was given by Chairman Mike Myer.

3. PLEDGE OF ALLEGIANCE

Mike Myer led the Pledge of Allegiance.

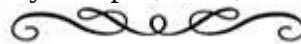
4. BOPA MINUTES APPROVAL

1. Minutes of February 4, 2019 Meeting

(Requested by Brian Walker, City Planner)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robin D. Hanger, Board Member
SECONDER:	Dennis Smith, Board Member
AYES:	Byrnes, Myer, Hanger, Smith, Cassata

Enacted and approved this 1st day of April, 2019, in Holly Hill



5. AGENDA ITEM(S)

1. An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending Chapter 6 (Alcoholic Beverages) Amending the Distance Restrictions and Adopting Specific Distance Restrictions Within the Community Redevelopment Area; Amending Section 78-14 (Definitions) to Add Definitions;

Providing for Severability; Providing for Codification; and Providing for an Effective Date.

(Requested by Brian Walker, City Planner)

Brian Walker, City Planner summarized his staff report stating that this is an amendment to the Land Development Regulations by amending Chapter 6 (alcoholic beverages) amending the distance restrictions and adopting specific distance restrictions within the Community Redevelopment Area. The current regulations require that a minimum of 750 feet exist between an establishment that services alcohol and an established church or school. In the case of a restaurant where the sale is limited to beer and wine which is incidental to the primary business of selling food, the required distance from an established church or school is 200 feet. These same distance separations apply to a church or school that desires to locate near an established restaurant. It has been 35 years since the City made any major changes to the alcoholic beverage chapter.

This proposal is being made for a few reasons: requests have come from some in the business community who have been unable to accept offers to rent their establishment to a restaurant because of not being able to meet the separation requirement; to enable Holly Hill to compete more effectively in the area with neighboring jurisdictions which require either less separation, or none at all, between restaurant and places of worship; and to facilitate economic activity, especially within the Community Redevelopment Area.

The other proposed change involves Sica Hall. Section 6-2(b) of the Land Development Regulations, currently permits wine and champagne to be served and consumed inside of Sica Hall only for wedding receptions. The proposed ordinance would allow beer, wine and champagne to be served and consumed inside of Sica Hall for other events and adds the requirement that a law enforcement officer be present during the event, if alcohol is service, at the host or applicant's expense.

Staff recommends approval of the Ordinance amending the land development regulations, Chapter 6 and amending section 78-14 to add definitions.

A discussion ensued regarding the need for changing the Sica Hall alcohol requirements. The Board members came to the consensus that the new changes are acceptable, agreeing that law enforcement needs to be onsite when alcoholic beverages are served in Sica Hall.

Mike Myer, stated that there are 2 contradicting rules within the Ordinance.

Heidi Heller, 460 Ridgewood Avenue, Holly Hill, informed the Board that the contradicting statements are in Section 6.20(c&d) of the Ordinance. She too was questioning those statements that seem to contradict each other.

Brian Walker, City Planner stated that this was a typo and should read: Section 6.2(c) should read "There shall be a minimum distance of 375 feet between an establishment where alcoholic beverages are sold for consumption on premises, such as a restaurant or bar, from a house of worship." **(or school)** will be deleted from that this section.

Heidi Heller, 460 Ridgewood Avenue questioned if in Section 6.1 Definitions, School - included nursery school. She was informed no. She further questioned if the City will be using the property descriptions from the Volusia County Property Appraisers office for determining a school. She noted that some of these are no longer operating. She was informed that the City will use the criteria of an active Business Tax Receipt.

Nancy Wahby, 518 Ridgewood Avenue, owner of the vacant Ted II Diner, stated that over the past 9 years, they have lost several opportunities to lease their space to restaurants that wanted to serve beer and wine, due to the fact that the property is within the prohibited distance to a church. If this Ordinance passes, they will be outside of the prohibited area. She is in favor of the Ordinance change.

RESULT:	RECOMMEND APPROVAL TO CITY COMMISSION [UNANIMOUS]
MOVER:	Robin D. Hanger, Board Member
SECONDER:	Arthur J. Byrnes, Board Member
AYES:	Byrnes, Myer, Hanger, Smith, Cassata



6. OLD BUSINESS

None

7. BOARD/STAFF COMMUNICATIONS

Chairman Mike Myer asked about the training for the Board Members. Brian Walker stated that he will get that together for them soon.

8. ADJOURNMENT

Adjourned at 6:35 PM



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: June 3, 2019
FROM: Brian Walker
SUBJECT: Request a Waiver of “Type A” Screening Requirement Per Section 98-69
NUMBER: (ID # 2533)
APPLICANT: Matt Schwarmann
PLANNER: Brian Walker

INTRODUCTION:

The applicant is requesting a waiver of the Type “A” visual screening requirement in Section 98-67(a) LDR. A type “A” visual screen is defined in Section 98-67(a)(1) as a continuous non-perforated and solid masonry wall at least six feet in height. Type “A” visual screens are required for commercial properties that abut residential properties with a minimum 35’ setback (Section 98-68(a)).

BACKGROUND:

Pursuant to Section 98-69(a) of the LDR, “Waiver or reduction of requirements” for visual screens. The Board of Planning and Appeals may, upon appeal by an applicant, waive or reduce the required visual screen where such visual screen would be unreasonable and excessive due to the size of the parcel in question or the fact that the required visual screen is not necessary due to the unique location or natural topographical or other physical character of the specific parcel in question, and provided such reduction would not be detrimental to the adjacent parcels. The applicable setback and buffer provisions along all parcel lines in question shall not, however, be waived.

The applicant maintains that a masonry wall is not necessary due to the natural existing vegetation and tree line on the property which screens the homes from the commercial site. Additionally, the 35’ buffer in the rear contains a retention pond. The back of the building, would also be used as a visual screen, since no access or parking is provided to the back of the buildings.

ANALYSIS:

In order to install a 6 foot masonry wall, the applicant would need to tear down trees and vegetation that currently screen the property well above the 6 feet that a wall would provide. The applicant is also willing to install supplemental trees should any gaps or thinning become evident. The back of the building faces the homes and is not used for access, parking or any other active use. Therefore, the building itself acts as a screen. However, staff recommends that the rear elevation of the building be aesthetically pleasing by facing the rear of the building with stucco or some other decorative embellishment.

RECOMMENDATION:

Staff recommends that the Board of Planning and Appeals APPROVE the proposed waiver with the following conditions and provisions:

- That the existing tree line and vegetation on the east be left undisturbed.
 - That if gaps or thinning are evident, the vegetated buffer shall be supplemented with additional City approved canopy and understory trees and vegetation; and that such obligation to provide additional trees and vegetation will be determined at the City's sole discretion.
 - That the applicant will maintain the visual screen by replacing vegetation that dies or is destroyed or damaged.
 - That the exterior of the building be aesthetically pleasing by facing the rear of the building with stucco or some other decorative embellishment.
 - That this waiver be valid conditioned upon the site being developed as proposed on the date of the waiver's approval, and that if modifications occur in the future such as parking in the rear of the building, the waiver is nullified.
- Aerial (PDF)
 - Buffer (PDF)
 - Street View Facing Northwest (PDF)
 - Layout (PDF)

Aerial



Buffer Area



Street View Facing Northwest



