

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA • JULY 11, 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



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

PLANNING & APPEALS BOARD MEMBERS

Chairman
Mike Myer

Board Member
Robin D. Hanger

Board Member
Tony Cassata

Board Member
Dennis Smith

Board Member
Loretta Arthur

CITY PLANNER
Brian Walker

Building & Zoning
Eleni Deligianis

1. CALL TO ORDER**2. INVOCATION****3. PLEDGE OF ALLEGIANCE****4. MINUTES****1. BOPA Meeting May 2, 2022**

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

5. AGENDA ITEM(S)

1. **VARIANCE – 732 Avondale Avenue - Request a Variance from the Requirements of Sec. 114-765 – Schedule of Dimensional Requirements, Requiring that Principal Structures in the R-3 (Single-Family) Zoning District be a Minimum of Twenty-Foot (20') from the Rear Property Line. Such Request is Made in Order to Build a 293 Square Feet Screen Room Addition Onto the South Side of the Existing House. the Request is Made for Property Located on the West Side of Avondale Avenue, Approximately 180 Feet South of 8Th Street, and More Particularly Known as 732 Avondale Avenue**

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

2. **Revised Preliminary Plat/Final Engineering for Phases 3 and 4 of the Mirage Subdivision Located on the South Side of Alabama Avenue and the North Side of Flomich Avenue.**

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

6. OLD BUSINESS**7. BOARD / STAFF COMMUNICATIONS****1. September Date Change**

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

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**

4.1

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: July 11, 2022
FROM: Eleni Deligianis
SUBJECT: BOPA Meeting May 2, 2022
NUMBER: (ID # 3815)
APPLICANT:
PLANNER:

DISCUSSION:

Minutes from May 2, 2022 BOPA Meeting

MOTION:

Approved as submitted by staff.

- BOPA May 2, 2022 MInutes REVISED (PDF)



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)

Attachment: BOPA May 2, 2022 Minutes REVISED (3815 : BOPA Meeting May 2, 2022)

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 preemie 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 vets 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

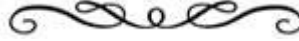
Linda Gushue - 1701 Anniston Avenue

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 (M pud) 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 8:02PM.



STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

Board of Planning and Appeals
Agenda Item

MEETING DATE: July 11, 2022
FROM: Brian Walker
SUBJECT: **VARIANCE – 732 Avondale Avenue - Request a Variance from the Requirements of Sec. 114-765 – Schedule of Dimensional Requirements, Requiring that Principal Structures in the R-3 (Single-Family) Zoning District be a Minimum of Twenty-Foot (20') from the Rear Property Line. Such Request is Made in Order to Build a 293 Square Feet Screen Room Addition Onto the South Side of the Existing House. the Request is Made for Property Located on the West Side of Avondale Avenue, Approximately 180 Feet South of 8Th Street, and More Particularly Known as 732 Avondale Avenue**

NUMBER: (ID # 3812)
APPLICANT: Gladys Silva
PLANNER: Brian Walker

INTRODUCTION

VARIANCE - 732 Avondale Avenue - Request a variance from the requirements of Sec. 114-765 - Schedule of dimensional requirements, requiring that principal structures in the R-3 (Single-Family) zoning district be a minimum of twenty-feet (20') from the rear property line. Such request is made in order to build a 293 square feet screen room addition onto the south side of the existing house. The request is made for property located on the west side of Avondale Avenue, approximately 180 feet south of 8th Street, and more particularly known as 732 Avondale Avenue; V-2022-02 (Gladys Silva, Applicant) (Brian Walker, Community Development Director).

BACKGROUND

- The parcel is part of the Mason Carswell's Plat originally filed in Map Book 2 Page 90, on May 10th, 1883.
- The lot contains a home originally built in 1925.
- The property under consideration is zoned R-3 (Single-Family), and has a Low Density Single-Family Residential future land use.
- The rear of the property (west side) abuts commercial property zoned CC-1.
- The existing home sits on the rear property line and does not have a rear yard.
- The property owner would like to build a screen room addition onto the existing home but is unable to meet the 20' rear setback as required by Sec. 114-765 - Schedule of dimensional requirements.

- On June 1st, 2022, the property owner applied for a rear yard setback variance.
- The rear of the property abuts a commercial parking lot.

DISCUSSION: The homeowner at 732 Avondale Avenue would like to build a 293 square foot screen room addition on the south side of the existing home. The existing home was built in 1925 and does not have a back-yard. The applicant would like the screen room to be built along the entire length of the home's south side. However, in order to do so, the screen-room - like the main home - would not meet the 20-foot rear setback from the property line, as required by Sec. 114-765 - Schedule of dimensional requirements. Therefore, the applicant has applied for a variance request.

Should the variance request be granted, the applicant will be permitted to build a 293 square-foot screen room on the rear property line. Should the variance request be denied, the applicant will not be permitted to build the 293 square-foot screen room in the proposed location.

REQUESTED VARIANCE: Request a variance from the requirement of Sec. 114-765 - Schedule of dimensional requirements, requiring that principal structures in the R-3 (Single-Family) zoning district be a minimum of twenty-feet (20') from the rear property line.

In order to grant the variance request, the commission must find that the request meets the requirements of Sec. 82-317.

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:

FINDINGS OF FACT No. 1:

The home on the property was built in 1925 and placed on the rear property line. There is no back-yard. There are 23 homes on Avondale Avenue and the subject home is one of 6 on the street that does not have a rear yard.

Criteria met? Yes

CRITERIA No. 2:

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

FINDINGS OF FACT No. 2:

The home on the property was built in 1925 and placed on the rear property line. The parcel is part of a lot that was platted in 1883. The original lot was 300 feet long by 100 feet wide. Even if the original lot existed today, as it did over 100 years ago, the existing home would still be on the

property line without a rear yard. The home was also built at its current location prior to the existence of the City's Land Development Regulations.

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:

FINDINGS OF FACT No. 3:

Granting the variance will not confer a special privilege on the applicant. The applicant requests the variance in order to build a screen room on the existing home. This is a permitted use in the zoning district.

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:

FINDINGS OF FACT No. 4:

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.

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:

FINDINGS OF FACT No. 5:

The screen room is approximately 293 square feet and is designed to be compatible with the dimensions and access points of the existing home. Other locations for the screen room were considered - such as the front of the house - but cannot be reasonable worked out, and would require a different type of variance. Therefore, the requested variance is the minimum necessary to make reasonable use of the property.

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 variance is in harmony with the general intent and purpose of the Comprehensive Plan and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Criteria met? Yes

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

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.

STAFF RECOMMENDATION:

Staff recommends approval of a rear yard setback variance from the requirements of Sec. 114-765 - Schedule of dimensional requirements, from twenty-feet (20 feet) to zero feet (0 feet), to allow the construction of a 293 square-foot attached screen room addition, on the south side of the existing home, located on the west side of Avondale Avenue, approximately 180 feet south of 8th Street, and more particularly known as 732 Avondale Avenue.

- PA Info Page(PDF)
- Application and Survey (PDF)
- Sketch of Screen Room Area (PDF)
- Parking lot behind the home that would abut the screen room (PDF)
- Location Map (PDF)
- Pictures (PDF)



Volusia County Property Appraiser

123 W. Indiana Ave., Rm. 102

DeLand, FL. 32720

Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3206860

Parcel ID: 424260010010

SILVA GLADYS

732 AVONDALE AVE, HOLLY HILL, FL

Parcel Summary

Alternate Key:	3206860
Parcel ID:	424260010010
Township-Range-Section:	14 - 32 - 42
Subdivision-Block-Lot:	60 - 01 - 0010
Owner(s):	SILVA GLADYS - FS - Fee Simple - 100
Mailing Address On File:	72 CLIFFORD ST NEWARK NJ 07105 1907
Physical Address:	732 AVONDALE AVE, HOLLY HILL 32117
Property Use:	0100 - SINGLE FAMILY
Tax District:	203-HOLLY HILL
2021 Certified Millage Rate:	19.817
Neighborhood:	2212
Business Name:	
Subdivision Name:	
Homestead Property:	No

Attachment: PA Info Page (3812 : Avondale Ave Variance (732))

V# _____



HOLLY HILL

F L O R I D A

1065 Ridgewood Avenue, Holly Hill, FL 32117

TELEPHONE: (386) 248-9442 PERMITDESK@HOLLYHILLFL.ORG

VARIANCE

COMPLETE APPLICATION PACKET MUST BE SUBMITTED BY APPLICATION DUE DATE IN ORDER TO MEET THE DEADLINE FOR THE DESIRED MEETING

PROPERTY

PARCEL ID #: 424260010010

ADDRESS: 732 Arondale Avenue

TOTAL ACREAGE:

RESIDENTIAL 5.280

USE OF PROPERTY: ☒ RESIDENTIAL ☐ NON-

ZONING: Residential

FUTURE LAND USE: Single family home

TYPE OF STRUCTURE: ☐ SHED ☐ FENCE ☐ POOL ☒ SCREEN ENCLOSURE ☐ ADDITION ☐ SINGLE FAMILY HOME

DESCRIPTION OF STRUCTURE:

TYPE OF VARIANCE:	☐ FRONT YARD SETBACK	REQUIRED: _____ FT.	PROPOSED: _____ FT.
	☐ SIDE YARD SETBACK	REQUIRED: _____ FT.	PROPOSED: _____ FT.
	☐ SIDE STREET SETBACK	REQUIRED: _____ FT.	PROPOSED: _____ FT.
	☒ REAR YARD SETBACK	REQUIRED: 20 FT.	PROPOSED: 3 FT.
	☐ MINIMUM LOT SIZE	REQUIRED: _____ SQ. FT.	ACTUAL: _____ SQ. FT.
	☐ WIDTH AT BUILDING	REQUIRED: _____ FT.	ACTUAL: _____ FT.
	LINE	REQUIRED: _____ FT.	PROPOSED: _____ FT.
☐ HEIGHT			

IS THIS REQUEST FOR A STRUCTURE THAT HAS ALREADY BEEN BUILT? ☐ YES ☒ NOIS THE PROPERTY AVAILABLE FOR INSPECTION WITHOUT APPOINTMENT? ☒ YES ☐ NO

OWNER

NAME: Gladys Silva

COMPANY:

ADDRESS: 88 Pennington Street

CITY: Newark

STATE: NJ

ZIP: 07105

PHONE: 973-508-0392

EMAIL: gladys.silva@hotmail.com

Attachment: Application and Survey (3812 : Arondale Ave Variance (732))

V# _____



HOLLY HILL

F L O R I D A

1065 Ridgewood Avenue, Holly Hill, FL 32117

TELEPHONE: (386) 248-9442 PERMITDESK@HOLLYHILLFL.ORG

AGENT/CONSULTANT

NAME: <u>N/A</u>	COMPANY:	
ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	EMAIL:	

APPLICATION TYPE/FEE

- | | |
|--|-----------------------|
| ☒ VARIANCE – RESIDENTIAL | \$350.00 PER VARIANCE |
| ☐ VARIANCE – COMMERCIAL | \$500.00 PER VARIANCE |

ATTACHMENT CHECKLIST

- ☐ APPLICATION
- ☐ APPLICATION FEE
- ☐ LIST OF PROPERTY OWNERS REQUIRING INDIVIDUAL NOTIFICATION. THE LIST AND NOTIFICATION LETTER WILL BE PROVIDED TO THE APPLICANT BY CITY STAFF. **THE APPLICANT WILL MAIL THE NOTIFICATIONS AT THEIR EXPENSE VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED.**
- ☐ QUESTIONNAIRE
- ☐ OWNERSHIP DISCLOSURE FORM (ADD'L DOCUMENTATION REQUIRED IF OWNER IS A TRUST OR CORPORATION)
- ☐ APPLICANT AUTHORIZATION FORM, IF APPLICABLE
- ☐ ONE SIGNED AND SEALED SURVEY OF THE PROPERTY (NO MORE THAN 2 YEARS OLD).
- ☐ DETAILED CONCEPTUAL SITE PLAN (SEE ATTACHED SAMPLE SITE PLAN)
- ☐ LETTERS OF SUPPORT FROM ADJACENT PROPERTY OWNERS, IF ANY
- ☐ HOME OWNERS ASSOCIATION DRB APPROVALS, IF ANY
- ☐ PHOTOGRAPHS, IF DESIRED

Attachment: Application and Survey (3812 : Avondale Ave Variance (732))

V# _____



1065 Ridgewood Avenue, Holly Hill, FL 32117

TELEPHONE: (386) 248-9442 PERMITDESK@HOLLYHILLFL.ORG

I understand that the application for variance must include all required submittals. Submission of incomplete plans may create delays.

I hereby represent that I have the lawful right and authority to file this application.

[Signature]

SIGNATURE OF OWNER/AUTHORIZED APPLICANT

05/18/2022

DATE

(PROOF OF PROPERTY OWNER'S AUTHORIZATION IS REQUIRED WITH SUBMITTAL IF SIGNED BY SOMEONE OTHER THAN THE PROPERTY OWNER)

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.

*Existing home built 3 ft setback
from end of property / land.*

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

Existing home.

Attachment: Application and Survey (3812 : Avondale Ave Variance (732))

V# _____



1065 Ridgewood Avenue, Holly Hill, FL 32117

TELEPHONE: (386) 248-9442 PERMITDESK@HOLLYHILLFL.ORG

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.

would not be able to answer this question as I do not know what has been previously denied to others.

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.

If this request is denied, I would not be able to build the lanai anywhere else on property because of the weather elements or it would not look good on property. other lanais built on other properties, were previously built on property has the required set back which I don't have.

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

The measurements that I'm requesting is for a standard lanai, it will not be worth it building any smaller. Compared to the size of the lot or the house.

Attachment: Application and Survey (3812 : Avondale Ave Variance (732))

V# _____

**1065 Ridgewood Avenue, Holly Hill, FL 32117**

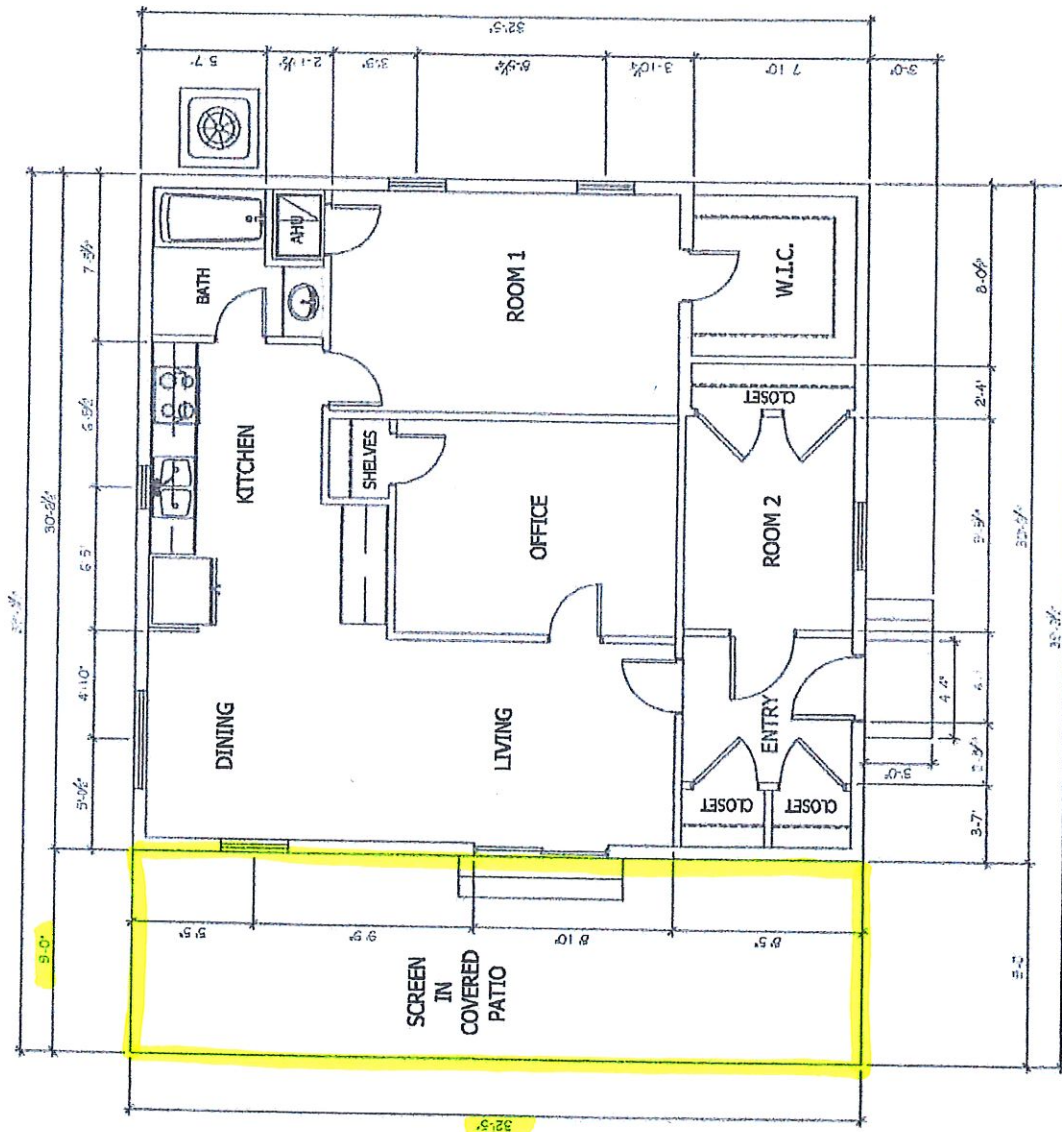
TELEPHONE: (386) 248-9442 PERMITDESK@HOLLYHILLFL.ORG

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.

Everyone wants to live in a beautiful
neighborhood, this lanai would would
make the property look better.

Attachment: Application and Survey (3812 : Avondale Ave Variance (732))

[illegible]

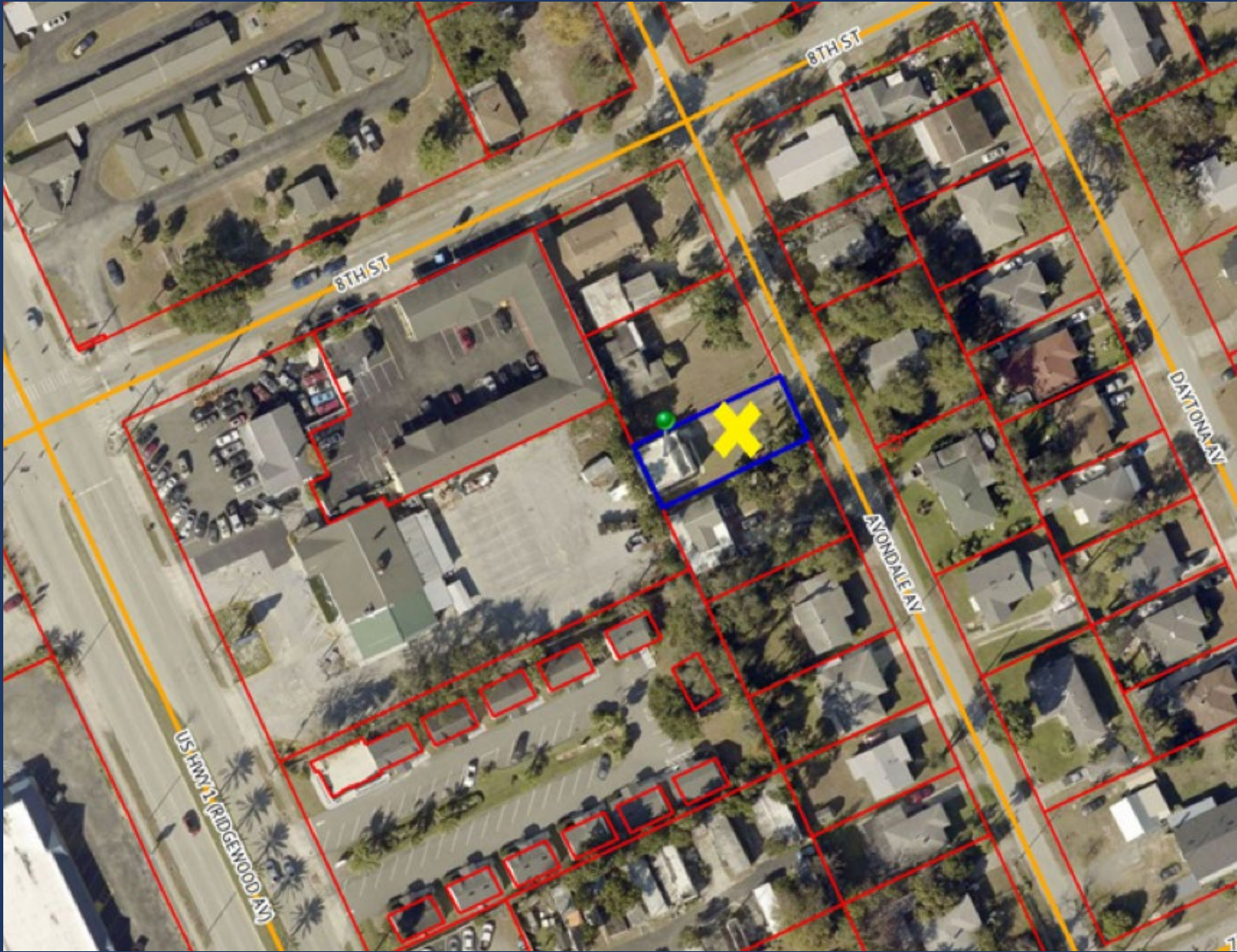


NEW FLOOR PLAN
3/16"=1'-0"

The screen room will abut this commercial parking lot on the west.



Location Map



Front of home looking west and showing the north side of the home



Looking west showing the south side of home



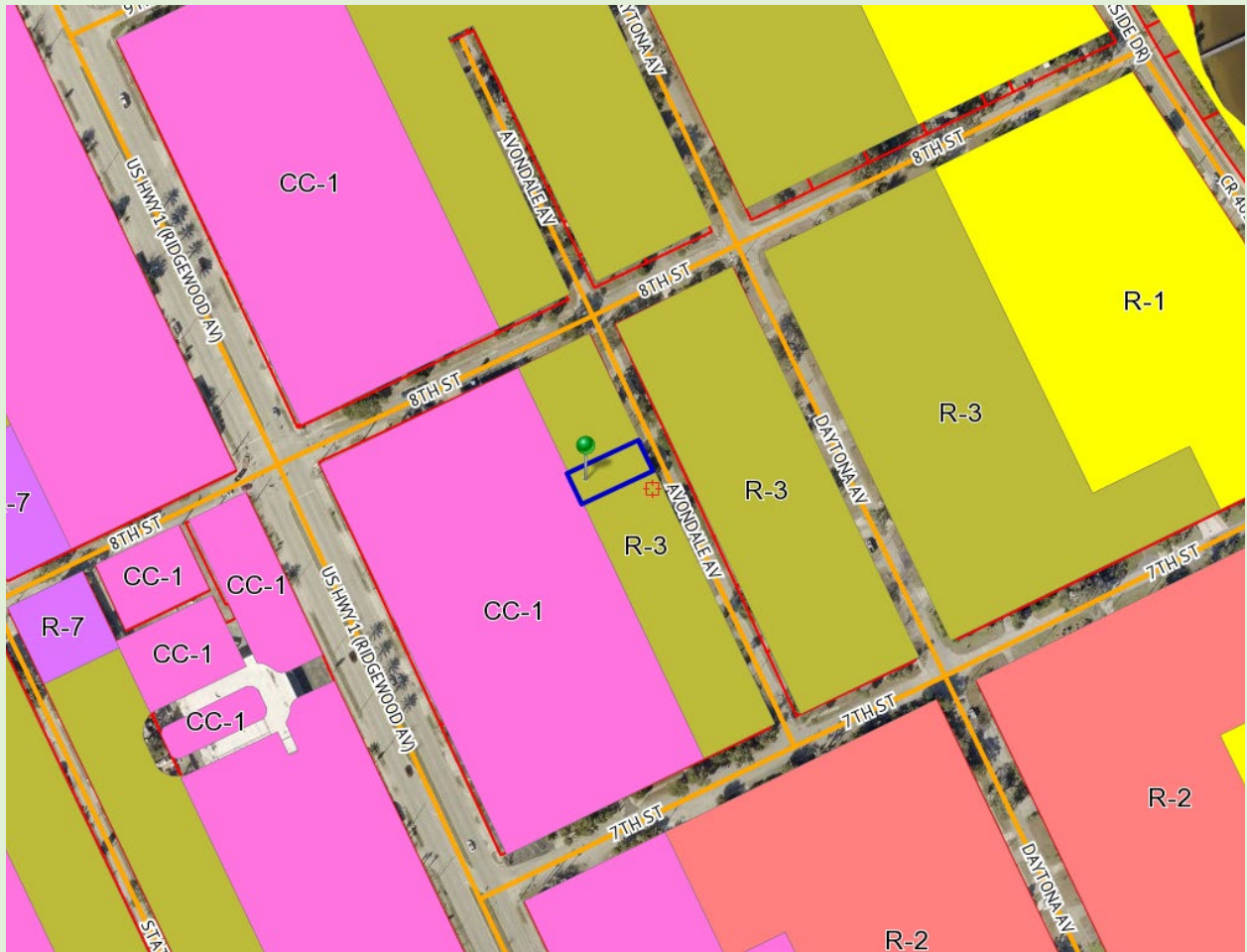
South end of the home showing proposed location of screen room in yellow



Aerial



R-3 Zoning – Medium Density Single-Family Residential Zoning





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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: July 11, 2022
FROM: Brian Walker
SUBJECT: Revised Preliminary Plat/Final Engineering for Phases 3 and 4 of
the Mirage Subdivision Located on the South Side of Alabama
Avenue and the North Side of Flomich Avenue.
NUMBER: (ID # 3813)
APPLICANT: Daniel Blanchard of Southern Impression Development
PLANNER: Brian Walker

DISCUSSION:

The Mirage Subdivision is a 30.09-acre parcel, located on the south side of Alabama Avenue and the north side of Flomich Avenue. A subdivision plat creating 161 lots was initially approved by the City in January 2007. Through the years there have been some modifications to the subdivision, and a replat reducing the number of developable lots to 53 and expanding the retention pond area in order to mine shell, was approved in April 2017.

On February 9, 2021, the City Commission approved the Final Engineering plans for Phases 3 and 4 of the Mirage Townhome Subdivision. At that time, Phases 3 and 4 added an additional 49 lots to the project which increased the total number of developable lots within the subdivision from 53 to 102.

As of this date, Phases 3 and 4 have not been developed and the property is now under new ownership. On May 25th, 2022, the new owner submitted plans to add an additional 19 lots to the previously approved plans. This increases the total number of developable lots within the subdivision from 102 to 121. This item is being brought before the BOPA, in order to consider recommending approval, or denial, of the proposed subdivision revision from 102 townhomes to 121 townhomes.

The site is in an R-6 (Low Density Multi-Family Residential) zoning district which allows 12 dwelling units an acre for townhomes. However, the future land use of phases 3 and 4 is low density residential (LDR) which allows a maximum of 6 dwelling units per net acre. Based on FLU Policy 1.1.3 of the City's comprehensive plan as amended on January 12, 2016 (Ordinance 2964), the R-6 zoning category may be consistent with the LDR future land use when the proposed density within R-6 does not exceed the maximum density permitted within the LDR future land use.

The overall permitted density within the subdivision is 6 du/ac and the proposed density is 4 du/ac. The proposed density is therefore consistent with the property's LDR future land use.

The project proposes townhomes. The minimum lot size is 1,080 square feet. Proposed townhomes will be a minimum of 900 square feet and be a maximum of 35 feet in height.

The City of Holly Hill is the provider of potable water and sanitary sewer.

Final engineering plans for the subdivision have been provided by a licensed engineer and reviewed by the City. The City has approved the revised final engineering plans and has no objections to the addition of 19 townhomes.

A final plat for the proposed subdivision has not been submitted at this time. When submitted, the plat will be reviewed for consistency with the approved final engineering plans, Florida Statute Chapter 177, and all other relevant state and local regulations prior to being presented to the City Commission.

The applicant has been notified that lots cannot be sold for development until such time that the subdivision improvements have been completed, inspected and approved (unless bonded), and the subdivision has received final plat approval.

RECOMMENDATION:

Staff recommends that the City Commission, APPROVE the revised Preliminary Plat/Final Engineering for Phases 3 and 4 of the Mirage Subdivision.

- Aerial Map (PDF)
- Boundary Survey (PDF)
- Location Map (PDF)
- Proposed Development Plan(PDF)
- Current Approved Development Plan (PDF)



Attachment: Aerial Map (3813 : Mirage Subdivision Phases 3 and 4 Revised)

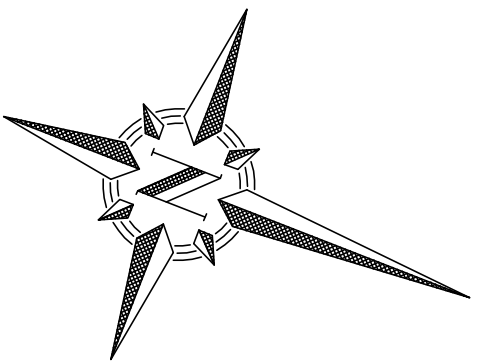
AERIAL

o	1 - 1/4" Iron Pipe & Cap #7222 Std. or Previously Set	R.C.P. = Reinforced Concrete Pipe
o	- Man & Dike #5602 Std. In Tree Root ¹ , "Treatment Control Pole"	
o	- 5/8" Iron Rod & Cap #2354/43734 Found	W.C.P. = Wood Utility Pole
o	- 1 - 1/4" Iron Pipe & Cap #832 Found	W.L. = Wood Light Pole
o	- 1 - 1/4" Iron Pipe Found	F.H. = Fire Hydrant
o	- 1 - 1/4" Iron Pipe Found	P.C. = Point of Curvature
o	1 - 1/4" Iron Pipe & Cap #7222 Std. 3/4" Iron Pipe & Cap #2048 Found 0.43 S. 0.29 W.	
o	- 5/8" Iron Rod & Cap #406 Found In Tree Root & Concrete	P.T. = Point of Tangency
o	- 5/8" Iron Rod & Cap #557 Found	P.R.C. = Point of Reverse Curvature
o	- 4" x 4" Concrete Monument #5602/7222 Std. or Previously Set	P.C. = Point of Compound Curvature
o	- 4" x 4" Concrete Monument #5602/7222 Std. or Previously Set	
o	- 4" x 4" Concrete Monument #5602/7222 Previously Set 1.00' N. (Witness Corner)	
o	- 5/8" Iron Rod & Cap #406 Found In Tree Root ¹ , 4" x 4" Concrete Monument #5602/7222 Std. 5.303 S. 0.500 E. (Witness Corner)	

No overbored or underground features shown except as noted.
Record dimensions are shown in parenthesis where different from field measurements are not.
This survey and plat not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

The expected values are obtained in the minimum technical standards (V01-1-9) "Industrie Administrative Code" is "Commercial/High Risk". The minimum relative distance accuracy obtained by measurement and calculation of a closed geometric figure was found to exceed this requirement.

The property described herein is in Zone "Ae" per the Flood Insurance Rate Maps, Community Panel Number 125112 0214, Map Number 1212700214-01, dated 19 February, 2014, and Community Panel Number 125112 0218, Map Number 1212700218-01, dated 19 February, 2014, and Community Panel Number 125112 0352 H, Map Number 1212700352 H, dated 19 February, 2014, and Community Panel Number 12512 0356 H, Map Number 1212700356 H, dated 19 February, 2014. Base Flood Elevation for said Zone "Ae" is 7' North American Vertical Datum per said map.



ALL OF LOT 1, BEING PART OF RECORD IN MAP BOOK 58, PAGES 27 THROUGH 35 INCLUSIVE, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 1; THENCE NORTH 64°25'50" EAST, ALONG THE NORTHEASTLY LINE OF SAID LOT 1, A DISTANCE OF 185.44 FEET TO A POINT; THENCE SOUTH 25°36'07" EAST, A DISTANCE OF 48.66 FEET TO A POINT; THENCE SOUTH 19°22'05" WEST, A DISTANCE OF 35.33 FEET TO A POINT; THENCE SOUTH 64°28'07" WEST, A DISTANCE OF 160.01 FEET TO A POINT; THENCE NORTH 25°39'03" WEST, A DISTANCE OF 509.41 FEET TO THE POINT OF BEGINNING.

[illegible]

Description created this survey.

Southern Impression Homes, LLC, Cole & Cole, P.A., Commonwealth Land Title Insurance Company, City Of Holy Hill, and Mirage HH Partners, LLC.
Plot and Certifications amended: 10-27-2020

CERTIFICATE:
This is to certify that the plat delineated herein
Minimum Technical Standards per Chapter 5J-17,
pursuant to section 472.027 of the Florida Statute

Bryan E. Friess, M.D. #6602
Licensed Business #7222

BY: E

E. FRI

FILE NO
D23

Em

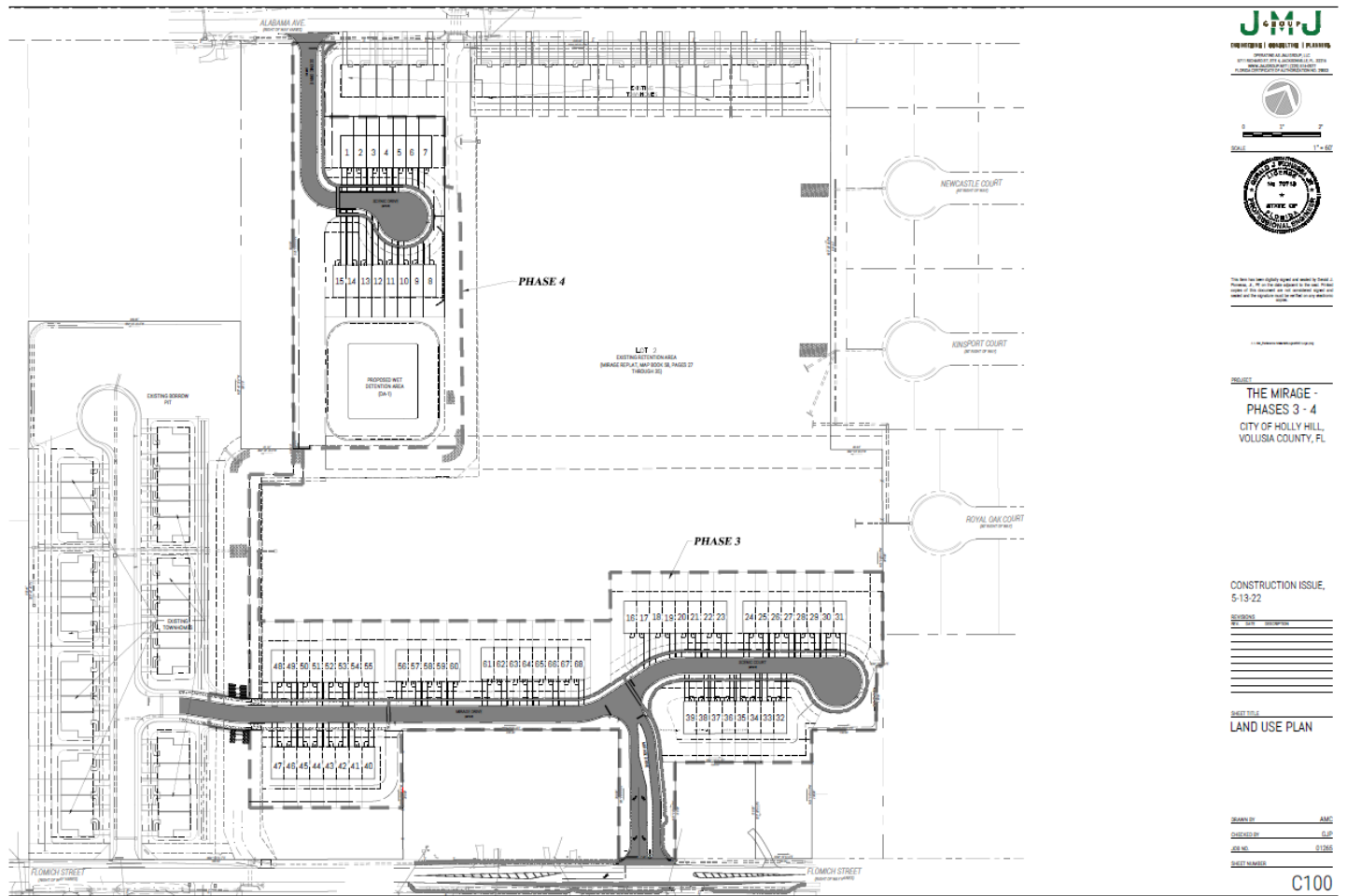
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Attachment: Location Map (3813 : Mirage Subdivision Phases 3 and 4 Revised)

Location Map

Overall Development Layout







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

7.1

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: July 11, 2022
FROM: Eleni Deligianis
SUBJECT: September Date Change
NUMBER: (ID # 3817)
APPLICANT:
PLANNER:

DISCUSSION:

To move the September 2022 BOPA date to 9/6/2022 instead of 9/12/2022.