

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA • JULY 1, 2024

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
Dennis Smith

Board Member
Loretta Arthur

Board Member
Tony Cassata

Board Member
Lorraine Geiger

CITY PLANNER
Brian Walker

Building & Zoning
Leslie Montgomery

1. CALL TO ORDER

2. ROLL CALL

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

5. MINUTES - NONE

6. AGENDA ITEM(S) - NONE

7. PUBLIC HEARING

- 1. VARIANCE – 217 Walker Street - Request a Variance from the Requirements of Sec. 114-742 (2) A. 2 Requiring that Accessory Structures in All Zoning Districts be Located Behind the Principal Structure on the Lot. Such Request is Made in Order to Place a 80 Square Foot Shed on a Parcel in the R-3 (Single-Family) Zoning District, Located on the South Side of Walker Street, Approximately 250 Feet West of Daytona Avenue, and More Particularly Known as 217 Walker Street; (Christina Sullivan, Applicant) (Brian Walker, City Planner).

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

8. OLD BUSINESS

9. BOARD / STAFF COMMUNICATIONS

10. 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**

MEETING DATE: July 1, 2024
FROM: Brian Walker
SUBJECT: **VARIANCE – 217 Walker Street - Request a Variance from the Requirements of Sec. 114-742 (2) A. 2 Requiring that Accessory Structures in All Zoning Districts be Located Behind the Principal Structure on the Lot. Such Request is Made in Order to Place a 80 Square Foot Shed on a Parcel in the R-3 (Single-Family) Zoning District, Located on the South Side of Walker Street, Approximately 250 Feet West of Daytona Avenue, and More Particularly Known as 217 Walker Street; (Christina Sullivan, Applicant) (Brian Walker, City Planner).**

NUMBER: (ID # 4541)
APPLICANT: Christina Sullivan
PLANNER: Brian Walker

INTRODUCTION

VARIANCE - 217 Walker Street - Request a variance from the requirements of Sec. 114-742 (2) A. 2 requiring that accessory structures in all zoning districts be located behind the principal structure on the lot. Such request is made in order to place a 80 square foot shed on a parcel in the R-3 (Single-Family) zoning district, located on the south side of Walker Street, approximately 250 feet west of Daytona Avenue, and more particularly known as 217 Walker Street; (Christina Sullivan, Applicant) (Brian Walker, City Planner).

BACKGROUND

- The lot is part of the J Fitch Walkers Subdivision created in the early 1900s.
- The lot contains a home built in 1939.
- Sec. 78-14 of the Land Development Regulations state that an “Accessory use or structure means any use or structure, clearly incidental, subordinate and related to the principal use or structure and located on the same lot with such principal use or structure. The term shall include but not be limited to satellite dish antennas, windmills, solar energy equipment, detached garages and carports, above-grade swimming pools and utility sheds.”

DISCUSSION: The homeowner at 217 Walker Street has submitted a request for a shed in the

front yard of their house. The shed will be approximately 45 feet from the front property line and 60 feet from the road. Under current regulations a shed is considered an accessory structure and is therefore required to be placed behind the main structure. This is because the home was built between 2 and 6 feet from the rear property making it nearly impossible to place a shed in the backyard while meeting the minimum required setback.

However, the Land Development regulations state as follows:

- Sec. 114-742 (2) A. 2 of the Land Development Regulations state in part that, "Accessory structures and uses in all zoning districts are to be located behind the principal structure on the lot."

In order for staff to consider approving the applicant's request, the applicant would need to receive a variance approving the location of the shed. Therefore, the applicant has submitted an application for a variance request.

Should the variance request be granted, the applicant will be permitted to place a shed up to 80 square feet in the front yard.

REQUESTED

VARIANCE:

Request a variance from the requirement of Sec. 114-742 (2) A. 2 that accessory structures and uses are to be located behind the principal structure on the lot."

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 1939 and placed between 2 and 6 feet from the rear property line (the house is not square on the property), basically eliminating a useable backyard.

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 was not placed in its location by the applicant.

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 place a shed in the front yard because he does not have a useable backyard.

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 property does not have a useable backyard. The proposed shed is approximately 80 square feet and meets all of the required setbacks. 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 with conditions, approval of the request for a variance from the requirements of Sec. 114-742 (2) A. 2, requiring that accessory structures and uses in all zoning districts be located behind the principal structure on the lot, as applied to a shed no larger than 80 square feet on a parcel in the R-3 (Single-Family) zoning district, located on the south side of Walker Street, approximately 250 feet west of Daytona Avenue, and more particularly known as 217 Walker Street

Staff recommends the following conditions be attached to the approval of the variance request.

1. The shed cannot be replaced with anything but another shed that is no larger than 80 square feet.
2. The variance applies to the shed only and nothing else.
3. The shed must meet all setback requirements for the R-3 zoning district.
4. The shed must be well maintained and shall not be allowed to deteriorate, rot, become a home to vermin, or otherwise become a source of blight or it shall become subject to code enforcement action by the City and can be ordered to be removed.

- Application Package (PDF)
- Example of type of shed proposed (PDF)
- Photos and Map (PDF)

V# _____



HOLLY HILL

FLORIDA

1065 Ridgewood Avenue, Holly Hill, FL 32117

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

RECEIVED
MAY 6 2024

VARIANCE

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

PROPERTY

PARCEL ID #: 424250070100	
ADDRESS: 217 Walker St	
TOTAL ACREAGE: RESIDENTIAL .14 (6,081 sq.ft)	USE OF PROPERTY: <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> NON-
ZONING: R-3	FUTURE LAND USE: LDR
TYPE OF STRUCTURE: <input checked="" type="checkbox"/> SHED <input type="checkbox"/> FENCE <input type="checkbox"/> POOL <input type="checkbox"/> SCREEN ENCLOSURE <input type="checkbox"/> ADDITION <input type="checkbox"/> SINGLE FAMILY HOME 8x10 shed	
DESCRIPTION OF STRUCTURE: Shed	
TYPE OF VARIANCE:	<input type="checkbox"/> FRONT YARD SETBACK REQUIRED: _____ FT. PROPOSED: _____ FT.
	<input type="checkbox"/> SIDE YARD SETBACK REQUIRED: _____ FT. PROPOSED: _____ FT.
	<input type="checkbox"/> SIDE STREET SETBACK REQUIRED: _____ FT. PROPOSED: _____ FT.
	<input type="checkbox"/> REAR YARD SETBACK REQUIRED: _____ FT. PROPOSED: _____ FT.
	<input type="checkbox"/> MINIMUM LOT SIZE REQUIRED: _____ SQ. FT. ACTUAL: _____ SQ. FT.
	<input type="checkbox"/> WIDTH AT BUILDING REQUIRED: _____ FT. ACTUAL: _____ FT.
	<input type="checkbox"/> LINE HEIGHT REQUIRED: _____ FT. PROPOSED: _____ FT.
* Variance to place shed in front of house	
IS THIS REQUEST FOR A STRUCTURE THAT HAS ALREADY BEEN BUILT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IS THE PROPERTY AVAILABLE FOR INSPECTION WITHOUT APPOINTMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

Attachment: Application Package (4541 : Variance Request - 217 Walker Street)

OWNER

NAME: Christina Sullivan	COMPANY:
ADDRESS: 217 Walker St	
CITY: Holly Hill	STATE: FL ZIP: 32117
PHONE: 386-681-7563	EMAIL: Dina.Sullivan.2012@icloud.com

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:	N/A		COMPANY:
ADDRESS:			
CITY:	STATE:	ZIP:	
PHONE:	EMAIL:		

APPLICATION TYPE/FEE

<input checked="" type="checkbox"/> VARIANCE – RESIDENTIAL	\$350.00 PER VARIANCE
<input type="checkbox"/> VARIANCE – COMMERCIAL	\$500.00 PER VARIANCE

ATTACHMENT CHECKLIST

<input checked="" type="checkbox"/>	APPLICATION
<input checked="" type="checkbox"/>	APPLICATION FEE
<input checked="" type="checkbox"/>	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.
<input checked="" type="checkbox"/>	QUESTIONNAIRE
N/A <input checked="" type="checkbox"/>	OWNERSHIP DISCLOSURE FORM (ADD'L DOCUMENTATION REQUIRED IF OWNER IS A TRUST OR CORPORATION)
<input checked="" type="checkbox"/>	APPLICANT AUTHORIZATION FORM, IF APPLICABLE
<input checked="" type="checkbox"/>	ONE SIGNED AND SEALED SURVEY OF THE PROPERTY (NO MORE THAN 2 YEARS OLD).
N/A <input checked="" type="checkbox"/>	DETAILED CONCEPTUAL SITE PLAN (SEE ATTACHED SAMPLE SITE PLAN)
<input checked="" type="checkbox"/>	LETTERS OF SUPPORT FROM ADJACENT PROPERTY OWNERS, IF ANY
N/A <input checked="" type="checkbox"/>	HOME OWNERS ASSOCIATION DRB APPROVALS, IF ANY
<input checked="" type="checkbox"/>	PHOTOGRAPHS, IF DESIRED

Attachment: Application Package (4541 : Variance Request - 217 Walker Street)

V# _____



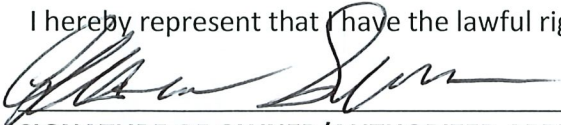
HOLLY HILL FLORIDA

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 OF OWNER/AUTHORIZED APPLICANT

5/6/24

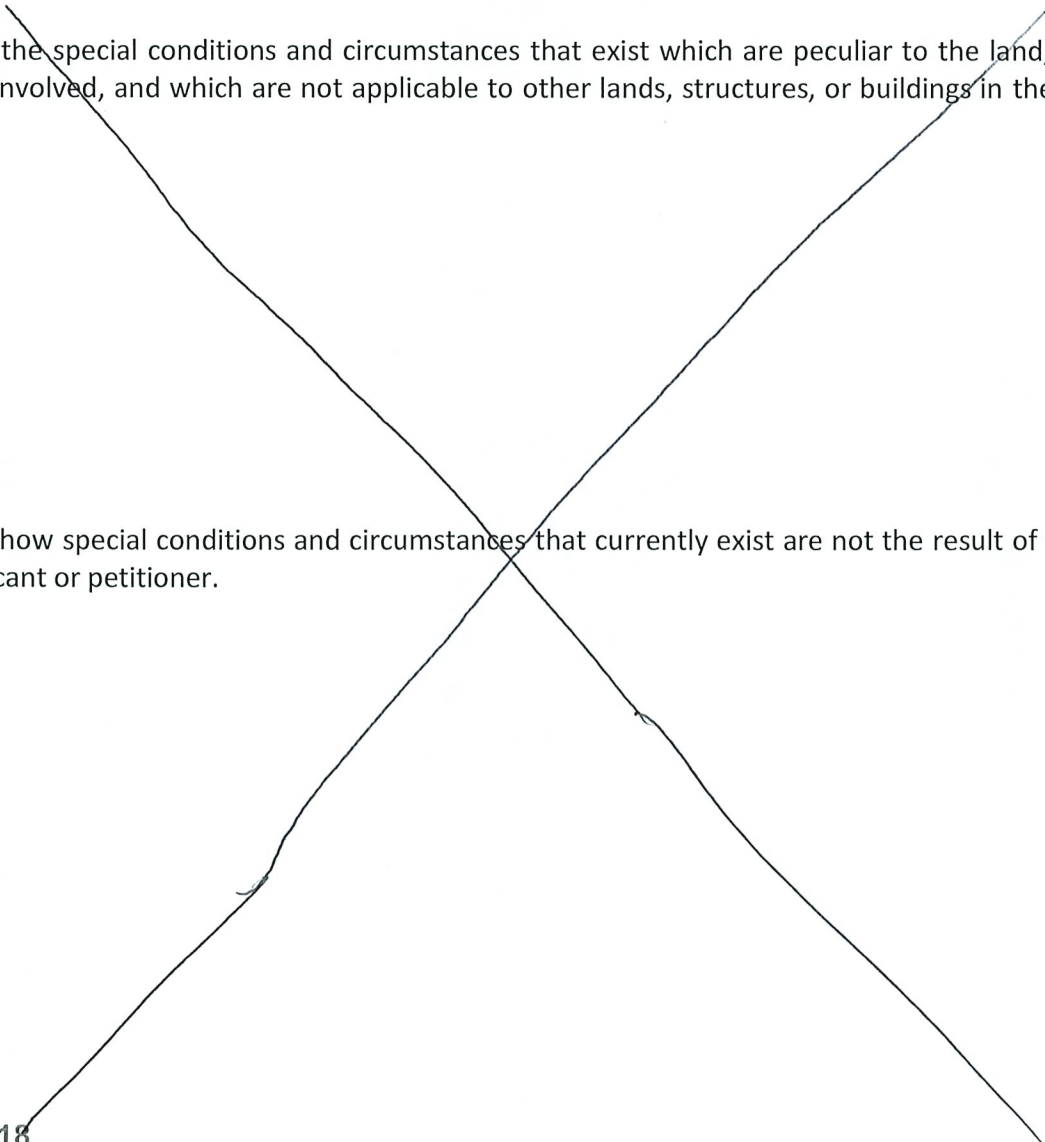
DATE

(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:

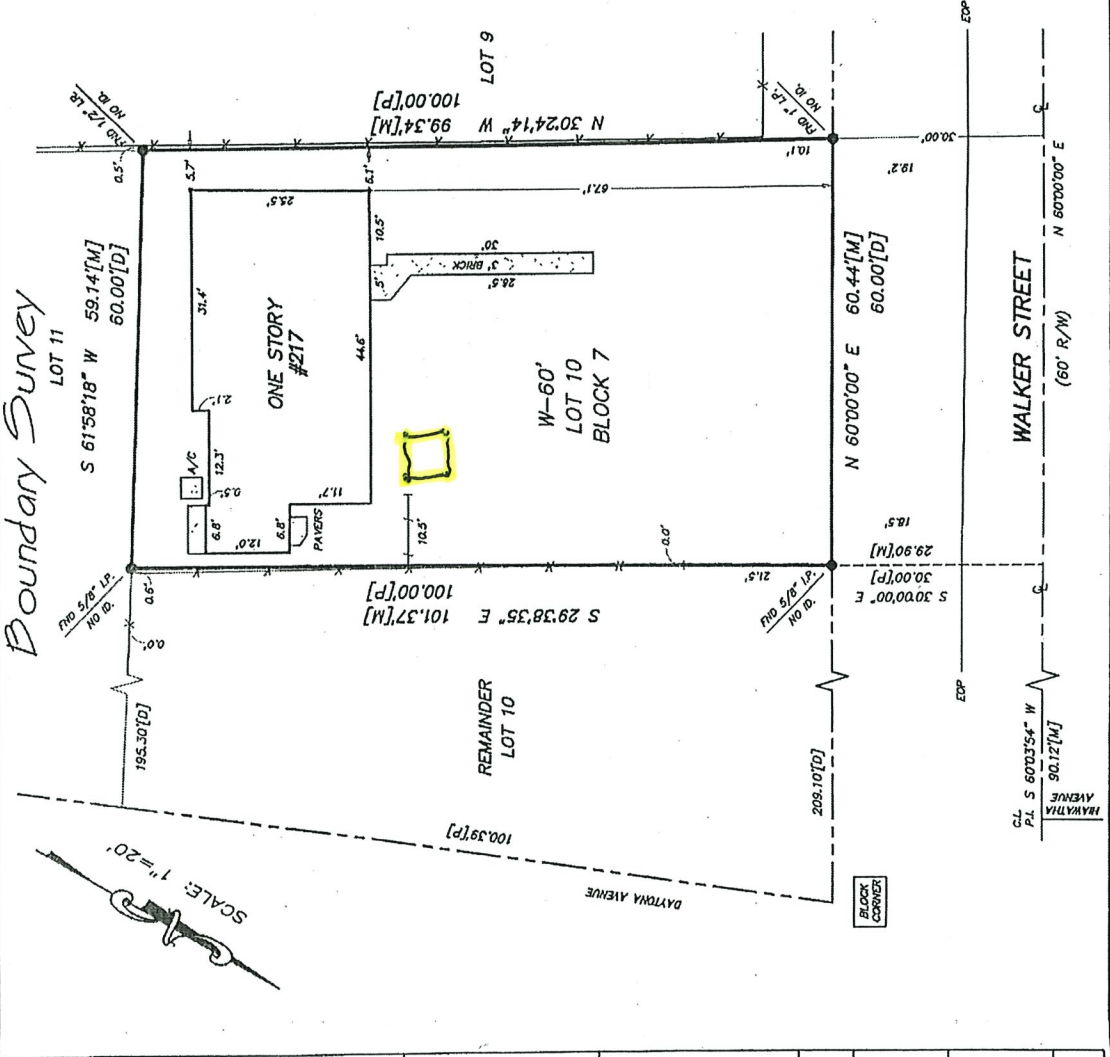
1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

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



Attachment: Application Package (4541 : Variance Request - 217 Walker Street)

<p>A/C AIR CONDITIONER A/E ALLEY EASEMENT BLK BLOCK C.B. CONCRETE BLOCK C.B.S. CONCRETE BLOCK STRUCTURE C.C.S. CONCRETE CURB C.C.W. CONCRETE CURB D DED D.E. DRAINAGE EASEMENT E.E. EDGE OF EASEMENT F.C.C. FOUND CROSS CUT F.F.E. FINISHED FLOOR ELEVATION F.N. FINISH G.G. GUTTER I.P. IRON PIPE I.R. IRON ROD I.R.C. IRON ROD & CAP L.C. LAND SURVEYING BUSINESS L.B. LAND SURVEYOR L.S. LAND SURVEYOR L.M. LAND SURVEYOR M.E. MAINTENANCE EASEMENT M.G. MAIL AND DISK P.E. PEDIESTRIAN EASEMENT P.C. POINT OF CURVATURE P.C.P. POINT OF CURVATURE P.C.S. PERMANENT CONTROL POINT P.L. PROPERTY LINE P.O.B. POINT OF BEGINNING P.O.L. POINT OF LINE P.O.M. POINT OF MONUMENT P.O.R. POINT OF REVERSE CURVE P.O.S. PERMANENT REFERENCE MONUMENT P.P.M. PERMANENT REFERENCE MONUMENT P.T. POINT OF TANGENT R RADIUS R/W RIGHT-OF-WAY U.E. UTILITY EASEMENT W.F.S. WOOD FRAME STRUCTURE</p> <p>--- RIGHT-OF-WAY LINE --- CENTERLINE --- BARR WIRE FENCE --- WOOD FENCE --- CHAIN LINK FENCE --- PLASTIC FENCE</p>	<p>BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF WALKER STREET BEING N 60°00'00" E ASSUMED</p> <p>NOTES: 1) This survey is based on the legal description as provided by the Client. 2) This Surveyor has not abstracted the land shown hereon for assessments, rights of way or restrictions of record which may affect the title or use of the land. 3) Do not reconstruct property lines from building files, platting or other records as shown above. 4) No improvements or utilities have been located except as shown. 5) Not valid without a signature and the authorized electronic seal or the original red wax seal of a Florida Licensed Surveyor and Mapper.</p> <p>LEGON L. HAMPTON P.S.M. NO. 5910</p>
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<p>LEGAL DESCRIPTION: THE WESTERLY 60 FEET OF LOT 10, BLOCK 7, J. FITCH WALKER SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 4, PAGE 158, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.</p> <p>217 WALKER STREET HOLLY HILL, FL</p>	<p>LIGHTHOUSE TITLE OF EAST FLORIDA, INC.</p> <p><i>Specializing in Residential Surveying</i></p> <p>Long Surveying, Inc. 1061 S. Sun Dr. Ste. #1113 Lake Mary, FL 32746 Office 407-330-9717 or 407-330-9716 Fax 407-330-9775 www.longsurveying.com</p>	<p>DRAWN BY: KZR CHECKED BY: BRETT</p>	<p>CERTIFIED TO: SWANATHA MOORE LIGHTHOUSE TITLE OF EAST FLORIDA, INC. STEWART TITLE GUARANTY COMPANY FREEDOM MORTGAGE CORPORATION</p>	<p>COMMUNITY NO: 125112 PARCEL: 03556 FLOOD ZONE: J</p>	<p>FIELD DATE: 02/20/18</p>
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VAR 2024-000054

217 Walker St.

DATE : 5/6/2024 3:55 PM
OPER : Donna
TKBY : Donna Dungee
TERM : 1
REC# : R00132408

EG ENERGVOV 350.00
INV-00001414 350.00
- CAINVOICEFEE 350.0000

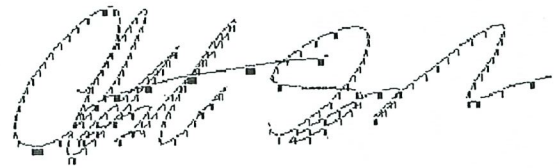
3% 3% CONVENIENCE FEE 10.50
3% 10.50

Paid By: SULLIVAN, CHRISTINA
CC MC/VISA 360.50

APPLIED 360.50
TENDERED 360.50

CHANGE 0.00

Cardmember acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth by the cardmember's agreement with the user.



XXXXXXXXXXXX0004
Entry Mode: CHIP READ
CVM:

EMV Details:
AC: BB5FB4CFA950D762
ATC: 0019
AID: A0000000031010
TVR: 0000000000

pd
5/6/24

Attachment: Application Package (4541 : Variance Request - 217 Walker Street)

**INVOICE (INV-00001414)
FOR CITY OF HOLLY HILL, FL**

BILLING CONTACT
CHRISTINA SULLIVAN
217 WALKER ST ST
HOLLY HILL, FL 32117



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-00001414	05/06/2024	06/05/2024	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
VAR-2024-000054-	Variance (Residential)	\$350.00
217 Walker St St Holly Hill, FL 32117		SUBTOTAL \$350.00

REMITTANCE INFORMATION
City of Holly Hill 1065 Ridgewood Ave Holly Hill, FL 32117

TOTAL \$350.00

Attachment: Application Package (4541 : Variance Request - 217 Walker Street)



Example of type of shed proposed. It is an 8 X 10 shed with a window and shingle roof.

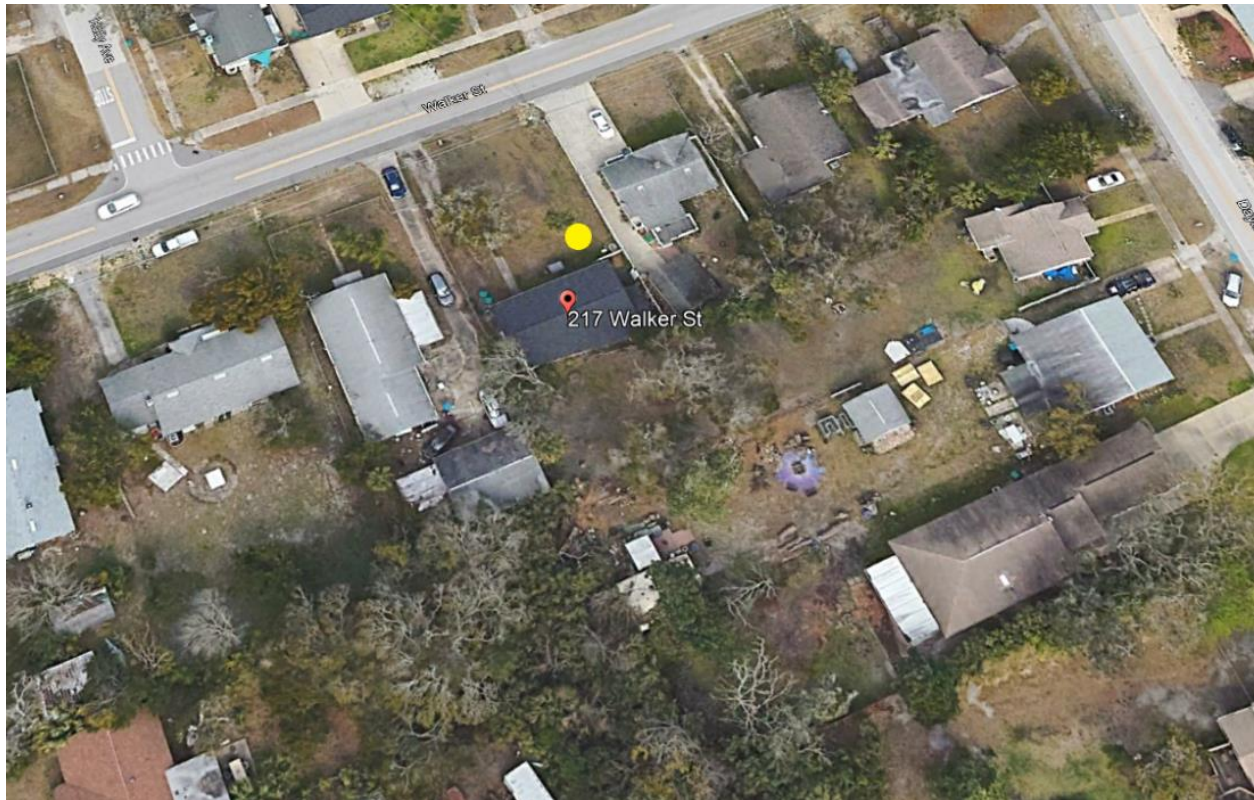


Attachment: Example of type of shed proposed (4541 : Variance Request - 217 Walker Street)

South end (rear) of house showing area behind the house



Aerial of the house.



Attachment: Photos and Map (4541 : Variance Request - 217 Walker Street)

Front of the house



R-3 Zoning – Medium Density Single-Family Residential



3-4

Attachment: Photos and Map (4541 : Variance Request - 217 Walker Street)