

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA • AUGUST 3, 2020

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. INVOCATION****3. PLEDGE OF ALLEGIANCE****4. BOPA MINUTES APPROVAL - NONE****5. AGENDA ITEM**

1. 1620 Moravia Avenue - Request for a Side Yard Setback Variance from the Requirements of Section 114-765 of the Land Development Regulations Titled, "Schedule of Dimensional Requirements." Variance from the Required Side Yard Setback of 10 Feet to 2 Feet for a Parcel in the R-1 (Single-Family) Zoning District
(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**

5.1

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: August 3, 2020
FROM: Brian Walker
SUBJECT: 1620 Moravia Avenue - Request for a Side Yard Setback Variance from the Requirements of Section 114-765 of the Land Development Regulations Titled, "Schedule of Dimensional Requirements." Variance from the Required Side Yard Setback of 10 Feet to 2 Feet for a Parcel in the R-1 (Single-Family) Zoning District
NUMBER: (ID # 2963)
APPLICANT: Scott Lucas
PLANNER: Brian Walker

INTRODUCTION

1620 Moravia Avenue - Request for a side yard setback variance from the requirements of Section 114-765 of the Land Development Regulations titled, "Schedule of Dimensional Requirements." Variance from the required side yard setback of 10 feet to 2 feet for a parcel in the R-1 (Single-Family) zoning district, located on the west side of Moravia Avenue, approximately 100 feet south of Scituate Lane and more particularly known as 1620 Moravia Avenue; V-2020-02 (Scott Lucas, Applicant) (Brian Walker, City Planner).

BACKGROUND

- The lot's parent parcel is part of the Elizabeth Raulerson's Subdivision created in January 1901.
- The lot contains a home originally built in 1947.
- Side yards for R-1 zoned lots are required to be a minimum of ten feet (10').
- Lots in the R-1 zoning district are required to be a minimum of 90 feet wide.
- The applicant proposes to build a deck in the backyard that will be 2 feet from the side property line.

DISCUSSION:

The lot at 1620 Moravia Avenue came from a parent parcel that was created in 1901. At the time it was created, the parent parcel was 100 feet wide. Sometime after 1901, but prior to the adoption of our zoning regulations in 1993, the parent parcel was subdivided into two parcels each being 50 feet wide.

Current zoning regulations require that lots in the R-1 zoning district be a minimum of 90 feet wide. Although the subject parcel does not meet the current required minimum lot width, because it was created prior to the adoption of our zoning regulations, it is considered legal non-conforming.

REQUESTED

VARIANCE:

The request is for a variance from Section 114-765 of the Land Development Regulations of Holly Hill. (1) Variance from the required side yard setback on the north side of the property from 10 feet to 2 feet.

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 subject property was created prior to the adoption of the City's Land Development Regulations and is considered legal non-conforming with regard to width for property in the R-1 zoning district.

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 non-conformities of the lot were not created 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 build a deck in their backyard. Decks are permitted in the R-1 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 property is narrow and contains a driveway on the south side. This leaves limited room for a deck. The requested variance is the minimum necessary to make reasonable use of the property for a deck.

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 the request for a side yard setback variance from the requirements of Section 114-765 of the Land Development Regulations titled, “Schedule of Dimensional Requirements.” Variance from the required side yard setback on the north side of the property from 10 feet to 2 feet for a parcel in the R-1 (Single-Family) zoning district, located on the west side of Moravia Avenue, approximately 100 feet south of Scituate Lane and more particularly known as 1620 Moravia Avenue.

- Application (PDF)
- Maps and Pictures (PDF)

HOLLY HILL RECEIVED

MAY 11 2020

COMM. DEV. DEPT.

V# _____



HOLLY HILL

FLORIDA

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 #:	424305000231		210-677
ADDRESS:	1620 Moravia Avenue		
TOTAL ACREAGE:	2.29	USE OF PROPERTY:	☒ RESIDENTIAL ☐ NON-RESIDENTIAL
ZONING:	R-1	FUTURE LAND USE:	LDR
TYPE OF STRUCTURE:	☐ SHED ☐ FENCE ☐ POOL ☐ SCREEN ENCLOSURE ☐ ADDITION ☒ SINGLE FAMILY HOME		
DESCRIPTION OF STRUCTURE:	Deck		
TYPE OF VARIANCE:	☐ FRONT YARD SETBACK	REQUIRED: _____ FT.	PROPOSED: _____ FT.
	☒ SIDE YARD SETBACK	REQUIRED: 10 FT.	PROPOSED: 2 FT.
	☐ SIDE STREET SETBACK	REQUIRED: _____ FT.	PROPOSED: _____ FT.
	☐ REAR YARD SETBACK	REQUIRED: _____ FT.	PROPOSED: _____ FT.
	☐ MINIMUM LOT SIZE	REQUIRED: _____ SQ. FT.	ACTUAL: _____ SQ. FT.
	☐ WIDTH AT BUILDING	REQUIRED: _____ FT.	ACTUAL: _____ FT.
	☐ HEIGHT	REQUIRED: _____ FT.	PROPOSED: _____ FT.
IS THIS REQUEST FOR A STRUCTURE THAT HAS ALREADY BEEN BUILT?	☐ YES ☒ NO		
IS THE PROPERTY AVAILABLE FOR INSPECTION WITHOUT APPOINTMENT?	☒ YES ☐ NO		

Attachment: Application (2963 : Moravia Variance (1620))

OWNER

NAME:	Scott Lucas		COMPANY:	
ADDRESS:	1620 Moravia Avenue			
CITY:	Holly Hill	STATE:	FL	ZIP: 32117
PHONE:	321-626-7795	EMAIL:	SLucas@hollandamerica.com	

V# _____



HOLLY HILL

FLORIDA

1065 Ridgewood Avenue, Holly Hill, FL 32117

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

AGENT/CONSULTANT

NAME:		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
N/A ☐ HOME OWNERS ASSOCIATION DRB APPROVALS, IF ANY
☒ PHOTOGRAPHS, IF DESIRED

Attachment: Application (2963 : Moravia Variance (1620))

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

5/8/20
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.

*My property is *very* narrow. My Garage is only 5 feet from the property, the house is only 6 feet. If the deck is 10 feet from the property line, it will be in the middle of the yard, and block access to the back of my property and my shed.*

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

The house has been here 40 years, and the property was parceled before the current width requirements.

Attachment: Application (2963 : Moravia Variance (1620))

V# _____



HOLLY HILL

F L O R I D A

1065 Ridgewood Avenue, Holly Hill, FL 32117

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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.

This wouldn't be a special privilege, it just allows me to improve the property. There was a VERY ugly metal carport here originally (when I purchased the house) that I used for a porch, and I wanted something nicer.

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.

I built the deck and was falsely told by Sherry Townes that it had to be torn down and couldn't be allowed with a variance... after telling me for 4 months that I could finish it with a permit. And after requiring me to pay an engineering firm \$1200 to make drawings, and after I was required to pay \$1,500 for railings.

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

If the deck (which isn't large) is 10 feet from the property line it will literally ruin my back yard and divide my property.

Attachment: Application (2963 : Moravia Variance (1620))

V# _____



HOLLY HILL

F L O R I D A

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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.

Attachment: Application (2963 : Moravia Variance (1620))

BOUNDARY SURVEY

LEGAL DESCRIPTION: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT 23, ELIZABETH RAULERSON'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 2, PAGE 108, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, WITH THE WESTERLY BOUNDARY OF PINE STREET AS NOW LOCATED, RUN THENCE ALONG THE NORTHERLY BOUNDARY OF SAID LOT 23, A DISTANCE OF 250 FEET TO A POINT; THENCE SOUTHERLY AND PARALLEL WITH PINE STREET A DISTANCE OF 50 FEET TO A POINT; THENCE EASTERLY AND PARALLEL WITH THE NORTH LINE OF SAID LOT 23 A DISTANCE OF 250 FEET TO THE BOUNDARY OF PINE STREET AS NOW LOCATED; THENCE NORTHERLY 50 FEET ALONG THE BOUNDARY OF PINE STREET TO THE POINT OF BEGINNING.

ALSO KNOWN AND DESCRIBED AS:
THE NORTHERLY 1/2 OF THE EASTERLY 250 FEET OF LOT TWENTY-THREE (23), WEST OF PINE STREET, ELIZABETH RAULERSON'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 2, PAGE 108, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SCALE: 1"=30'

LEGEND

A/C - AIR CONDITIONER
C - CENTRAL ANGLE
B/C - BLOCK
C.B. - CHORD BEARING
C.B.S. - CONCRETE BLOCK STRUCTURE
C.M. - CONCRETE MONUMENT
CONC. - CONCRETE
D - DEED
D.E. - DRAINAGE EASEMENT
E - EAST
F.F.E. - FINISHED FLOOR ELEVATION
FND - FOUND
ID - IDENTIFICATION
I.P. - IRON PIPE
I.R. - IRON ROD
I.R.C. - IRON ROD & CAP
L - ARC LENGTH
L.S. - LAND SURVEYING BUSINESS
L.S. - LAND SURVEYOR
M - MEASURED
N - NORTH
N&D - NAIL AND DISK
P - PLAT
P.C. - POINT OF CURVATURE
P.C.C. - POINT OF COMPOUND CURVATURE
P.C.P. - PERMANENT CONTROL POINT
P.L. - PROPERTY LINE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
P.O.L. - POINT ON LINE
P.R.C. - POINT OF REVERSE CURVE
P.R.M. - PERMANENT REFERENCE MONUMENT
P.T. - POINT OF TANGENT
R - RADIUS
R/W - RIGHT OF WAY
S/W - SIDEWALK
S - SOUTH
U.E. - UTILITY EASEMENT
W - WEST
W.F.S. - WOOD FRAME STRUCTURE
O - SET 1/2" I.R.C. PSN LB#7371
RIGHT-OF-WAY LINE
CENTERLINE
BARB WIRE FENCE
WOOD FENCE
CHAIN LINK FENCE
PLASTIC FENCE

COLUMBIA TITLE
RESEARCH
CORPORATION

DRAWN BY: MP
CHECKED BY: BRETT

CERTIFIED TO:
SCOTT A. LUCAS
BANK OF AMERICA, N.A.
COLUMBIA TITLE RESEARCH CORPORATION
FIRST AMERICAN TITLE INSURANCE COMPANY

COMMUNITY NO: 125155
PARCEL: 0218 SURF: H F.L.R.M. DATE: 02/19/03
FLOOD ZONE: X

SURVEY NO: 41968 FIELD DATE: 05/04/11

BEARINGS SHOWN HEREON ARE BASED UPON
THE CENTERLINE OF MORAVIA AVENUE BEING
N25°00'00"W ASSUMED

Long Surveying, Inc.

"Specializing in Residential Surveying"

L.S. No. 7371

143 Villa Di Este Terrace #113
Lake Mary, FL 32746
Office 407-330-9717 or 407-330-9716
Fax 407-330-9775

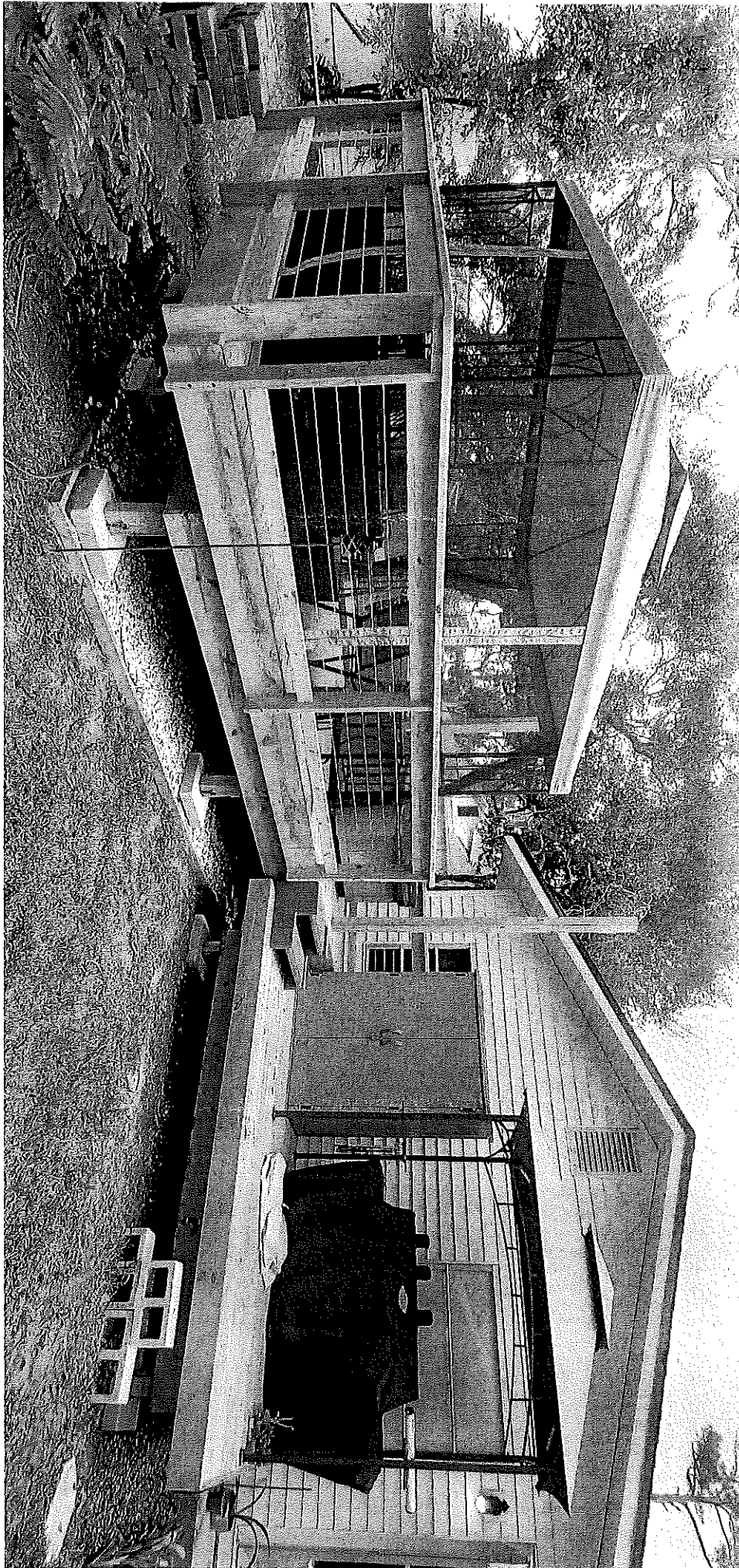
WWW.LONGSURVEYING.COM

NOTES:

- 1) This survey is based on the legal description as provided by the Client.
- 2) This Surveyor has not abstracted the land shown herein for easements, rights of way or restrictions of record which may affect the title or use of the land.
- 3) Do not reconstruct property lines from existing lines.
- 4) No loading or unloading of materials has been located except as shown.
- 5) No improvements or utilities have been located except as shown.
- 6) This survey is not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

Certification: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 61G77-4, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

See M. Shomberg P.S.M. No. 3144



PREPARED 5/12/20, 8:23:32
CITY OF HOLLY HILL

PAYMENT D
PROGRAM BP

5.1.a

APPLICATION NUMBER: 20-00000677 1620 MORAVIA AVE
FEE DESCRIPTION AMOUNT DUE

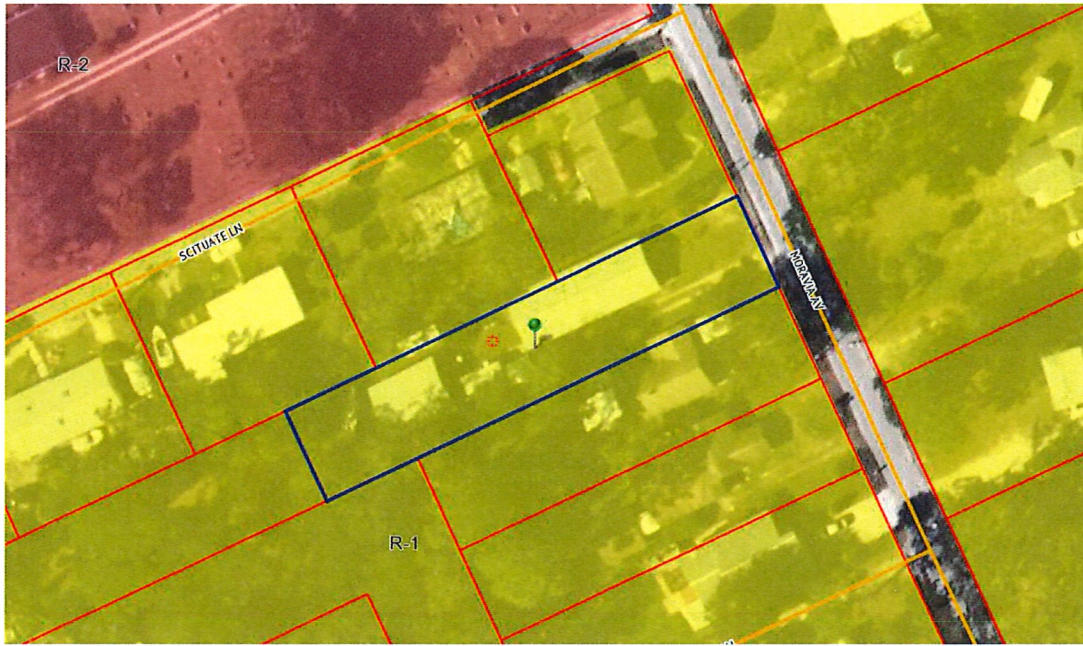
VARIANCE RESIDENTIAL	350.00
TOTAL DUE	350.00

PAID
MAY 12 2020

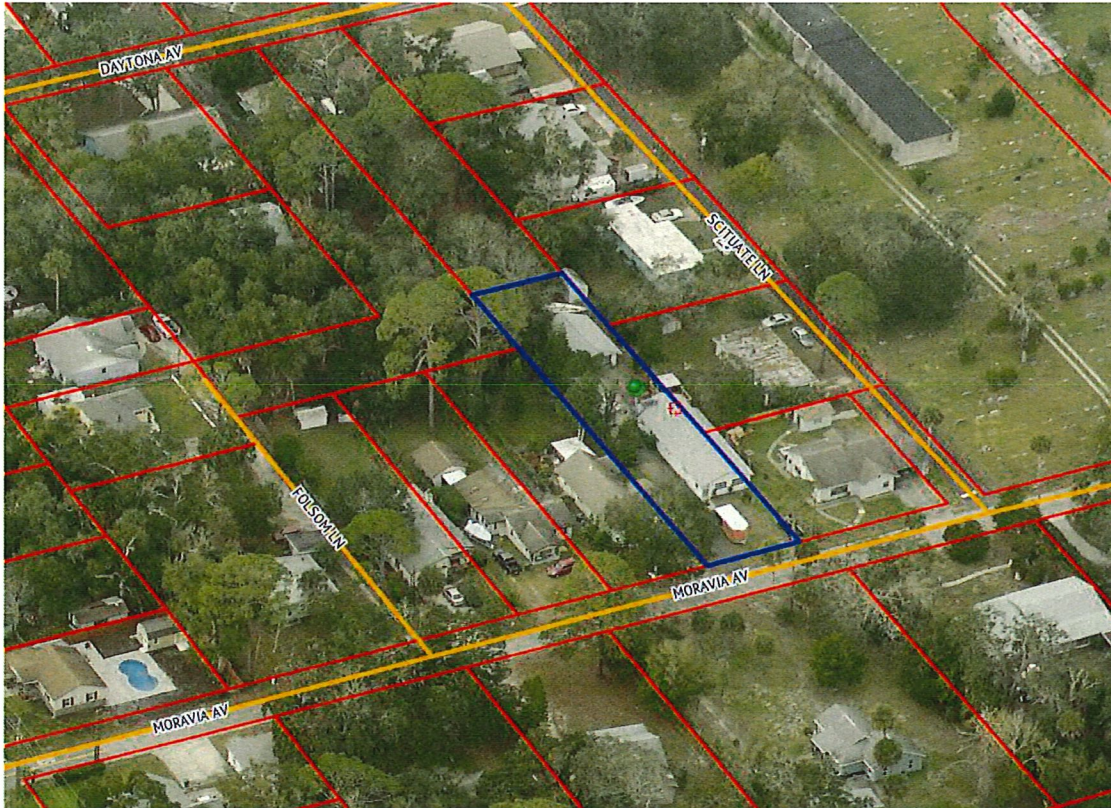
PRESENT TO CASHIER WITH FULL PAYMENT

Attachment: Application (2963 : Moravia Variance (1620))

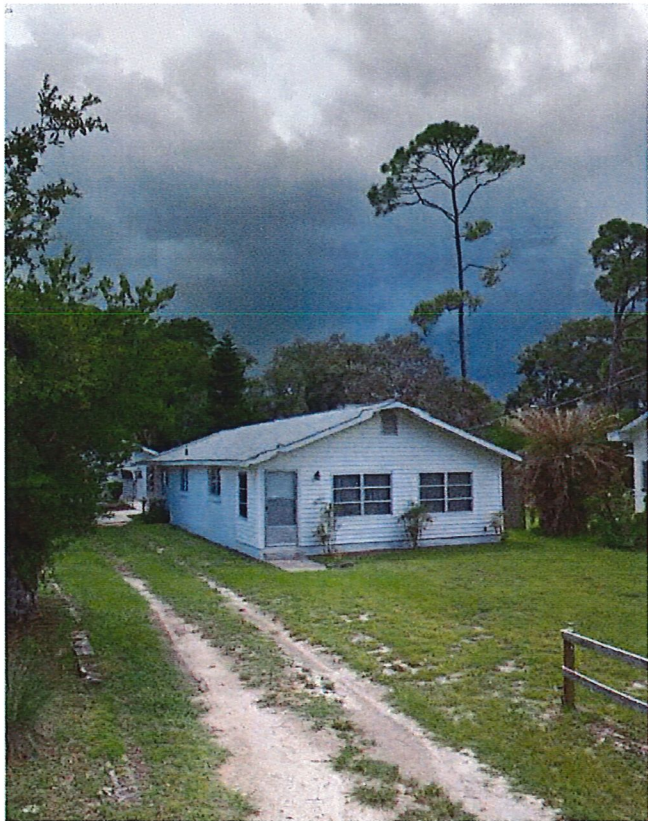
Property is zoned R-1 (Low Density Single-Family Residential)



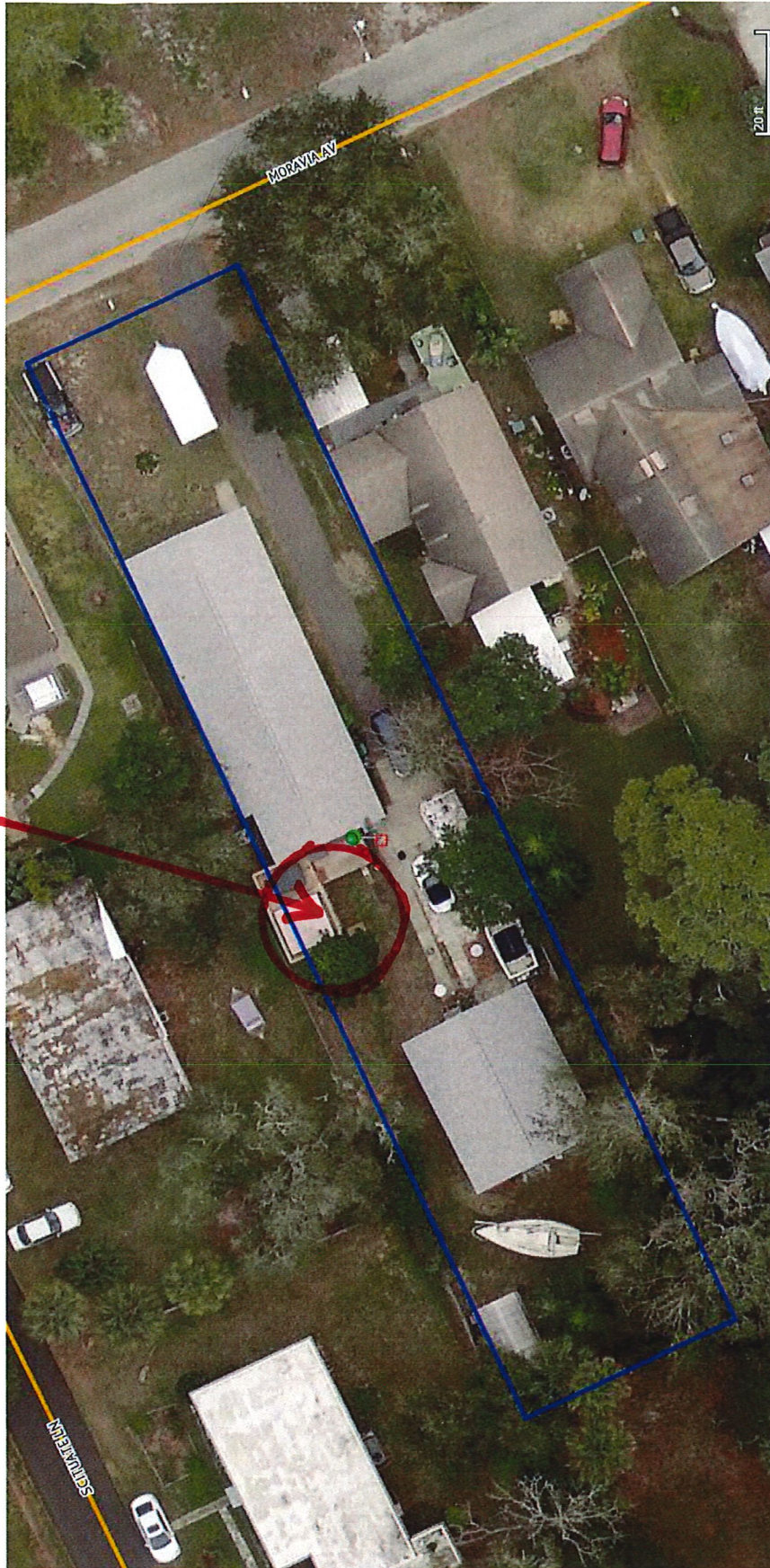
Blow-out Aerial



Front views of the house



AREA OF REQUEST



Attachment: Maps and Pictures (2963 : Moravia Variance (1620))