

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA • AUGUST 5, 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. INVOCATION****3. PLEDGE OF ALLEGIANCE****4. BOPA MINUTES APPROVAL**

1. Minutes of June 3, 2019 BOPA Meeting
(Requested by Brian Walker, City Planner)

5. AGENDA ITEM(S)

1. Ordinance An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations, by Amending the Official Zoning Map to Designate the Property at 1541 and 1567 North Nova Road as More Specifically Described in Attachment (A) from B-2 (Planned Shopping Center District) to B-5 (General Commercial District); Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.
(Requested by Brian Walker, City Planner)
2. Ordinance An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending Chapter 14 (Buildings and Building Regulations) Creating Sections 14-3 and 14-4, to Add Regulations for Storm Protection and Damaged Structures, Amending Section 14-231, Adopting the International Property Maintenance Code; Providing for Severability; Providing for Codification; and Providing for an Effective Date.
(Requested by Brian Walker, City Planner)
3. Ordinance An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending Chapter 110 (Signs) Section 110-11 (A), Off-Premises Outdoor Advertising Signs; Providing for Severability; Providing for Codification; and Providing for an Effective Date.
(Requested by Brian Walker, City Planner)
4. Request for a Front Yard (East) Setback Variance from Twenty-Five Feet (25) Feet to Ten (10) Feet to Construct an Open Porch Seating Area for an Existing Restaurant in the CC-1 (Commercial Corridor) Zoning District, for Property Located at the Southeast Corner of 9Th Street and Ridgewood Avenue and More Specifically Known as 841 Ridgewood Avenue.
(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: August 5, 2019
FROM: Brian Walker
SUBJECT: Minutes of June 3, 2019 BOPA Meeting
NUMBER: (ID # 2548)
APPLICANT:
PLANNER: Brian Walker

DISCUSSION: Approve June 3, 2019 BOPA Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve June 3, 2019 Minutes

COMMISSION GOAL: N/A

MOTION: As determined by the BOPA

- June 3, 2019 BOPA Minutes (PDF)



CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES • 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

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	Excused	
Tony Cassata	Board Member	Present	

2. INVOCATION

Mike Myer gave the invocation.

3. PLEDGE OF ALLEGIANCE

Mike Myer led the Pledge of Allegiance.

4. BOPA MINUTES APPROVAL

1. April 1, 2019 BOPA Minutes

(Requested by Brian Walker, City Planner)

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

Enacted and approved this 3rd day of June, 2019, in Holly Hill



5. AGENDA ITEM(S)

1. Request a Waiver of "Type A" Screening Requirement Per Section 98-69

(Requested by Brian Walker, City Planner)

Attachment: June 3, 2019 BOPA Minutes (2548 : Minutes of June 3, 2019 BOPA Meeting)

Brian Walker, City Planner summarized his staff report stating that the applicant is proposing to construct a 29,000 square foot gymnastic facility at 1171 S Nova Road. The site does abut residential to the east and our code requires commercial structures that abut residential to have Type "A" visual screening. Type "A" visual screen is defined as a continuous non-perforated and solid masonry wall at least six (6') feet in height. According to our Code an applicant can come before the City Board of Planning & Appeals and ask them to 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 character of the specific parcel in question and provided that such reduction would not be detrimental to the adjacent parcels.

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 building. All activity will be taking place on the Nova Road or west side of this building. It was further noted that for the applicant to install a six (6') foot masonry wall, they would need to tear down trees and vegetation that currently screen the property well above that of what a 6' wall would provide. The building itself acts as a screen and the applicant is willing to install supplemental trees should any gaps or thinning become evident.

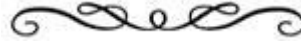
Staff recommends approval of the proposed waiver with the following conditions and provisions: That the existing tree line and vegetation on the east be left undisturbed. That if gaps or thinning are evident, the vegetated buffer shall be supplemented with additional City approved canopy and understory 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.

The Board members were assured that if something changes with these plans then the waiver will be null and void. It is particular to this request only.

A discussion ensued regarding the recommendation of stucco on the rear of the building. Mr. Walker stated that it doesn't have to be a stucco material, but should be something pleasing to look at for the residents to the east of the building.

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

Enacted and approved this 3rd day of June, 2019, in Holly Hill



6. OLD BUSINESS

None

7. BOARD/STAFF COMMUNICATIONS

Mike Myer, suggested giving the Community Development Director the authority to approve or disapprove minor variances, such as setbacks, to our Land Development Regulations without the citizens coming before the BOPA. A discussion ensued, but no action was taken.

8. ADJOURNMENT

6:50 PM



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

**Board of Planning and Appeals
Ordinance**

MEETING DATE: August 5, 2019
FROM: Brian Walker
SUBJECT: An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations, by Amending the Official Zoning Map to Designate the Property at 1541 and 1567 North Nova Road as More Specifically Described in Attachment (A) from B-2 (Planned Shopping Center District) to B-5 (General Commercial District); Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.
NUMBER: (ID # 2610)
APPLICANT: Brian Walker
PLANNER:

Title

Holly Hill Plaza Rezone - Consider a Rezone from B-2 (Planned Shopping Center) to B-5 (General Commercial) on approximately 14.91 acres, located on the east side of Nova Road, immediately north of 10th Street and more specifically known as 1541 and 1567 North Nova Road; (Z2019-01) (J-8 Land Partners, LLLP, Applicant) District 2 - Currie (Brian Walker, Community Development Director)

Discussion

The Applicant is requesting a Rezone from B-2 (Planned Shopping Center) to B-5 (General Commercial) in order to utilize the subject property in accordance with the B-5 permitted and special exception uses. The site is currently a large built out shopping center containing a grocery store and a variety of other retail businesses. A rezoning from B-2 to B-5 will also allow the applicant to apply for special exception uses not available in the B-2 zoning district.

The following shows existing land use, future land use, and zoning for the site and adjacent properties.

Site: A Commercial Shopping Center with a Commercial future land use designation and B-2 Zoning (Planned Shopping Center District)

North: A Commercial Shopping Center with a Commercial future land use designation and B-4 Zoning (Highway Business District)

South: Multi-family with a Medium Density Residential future land use and R-6 zoning (Low Density Multi-family Residential)

East: Multi-family with a Medium Density Residential future land use and R-6 zoning (Low Density Multi-family Residential)

West: Various Commercial Businesses with a Commercial future land use and CC-1 zoning (Commercial Corridor)

Site Analysis

Existing Development: The property is currently fully developed with a commercial building.

Floodplain Impacts: Based on the 2017 FIRM map, the property is not within the 100-year Floodplain.

Utilities: Water and sewer utilities are provided by the City of Holly Hill.

Transportation/Traffic: The subject site currently accesses onto Nova Road and LPGA Blvd. Street and vehicular access is provided via public rights-of-way (ROW).

Drainage: The subject property has an established drainage system consisting of a retention area and outfall to the canal east of the property.

Buffers: The site is fully developed and no additional buffers will be required.

Sidewalks: There are sidewalks along 10th Street and Nova Rd.

Consistency with the Land Development Code

The requested B-5 (General Commercial) zoning classification is intended to provide areas with local retail stores and services primarily for the use of residents of the community and which are less intensive than those uses permitted in the light industrial districts. The B-5 zoning classification is a compatible transition from the B-2 zoning classification; both zoning categories are permitted under the Commercial future land use designation.

The subject site is located within an established commercial corridor and the requested rezone will allow uses that are compatible with the trend of development along Nova Road and the area in general.

Consistency with the Comprehensive Plan

Based on Policy 1.1.5 of the Comprehensive Plan, in considering the rezoning of properties, the City is required to consider not only whether a particular proposal is consistent with the use and density aspects of the comprehensive plan, but also whether the proposal is consistent with the compatibility and other concerns of the plan.

Policy 1.1.2 - The Future Land Use Element Policy sets a maximum development intensity level of 1.95 FAR for sites with a general commercial future land use. The subject site is developed within this intensity level.

Policy 1.1.3 - The proposed B-5 (General Commercial) zoning district is consistent with the future land use map designation of general commercial.

Staff finds the requested zoning classification to be consistent with the Comprehensive Plan.

Staff Recommendation

Staff recommends the City Commission adopt the Ordinance enacting a Rezone from B-2 (Planned Shopping Center) to B-5 (General Commercial) on approximately 14.91 acres, located on the east side of N Nova Road, immediately north of 10th Street and more specifically known as 1541 and 1567 Nova Road.

ATTACHMENTS:

- Zoning & FLU Map (PDF)
- Pictures (PDF)
- Compare B2 & B5 Zonings (PDF)
- Legal Description (PDF)

Ordinance No. (ID # 2610)

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE THE PROPERTY AT 1541 AND 1567 NORTH NOVA ROAD AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT (A) FROM B-2 (PLANNED SHOPPING CENTER DISTRICT) TO B-5 (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE THE PROPERTY AT 1541 AND 1567 NORTH NOVA ROAD AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT A FROM B-2 (PLANNED SHOPPING CENTER DISTRICT) TO B-5 (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Volusia County, Florida, has adopted a comprehensive plan pursuant to, and in compliance with 163.3161 et. Seq., Florida Statutes; and

WHEREAS, the City Commission, as authorized by 163.3202, Florida Statutes, has enacted and does enforce the Land Development Regulations, based on, related to, and as a means to implement its adopted comprehensive plan; and

WHEREAS, the City Commission has determined that it is necessary to amend its Land Development Regulations as herein provided in order to more effectively implement its adopted comprehensive plan, and

WHEREAS, the City Commission has determined that the proposed amendment to the Land Development Regulations is consistent with its adopted comprehensive plan,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOLLY HILL, FLORIDA:

Section 1. The Official Zoning Map of the City of Holly Hill is hereby amended to designate the property described in Attachment A as B-5 (General Commercial District.)

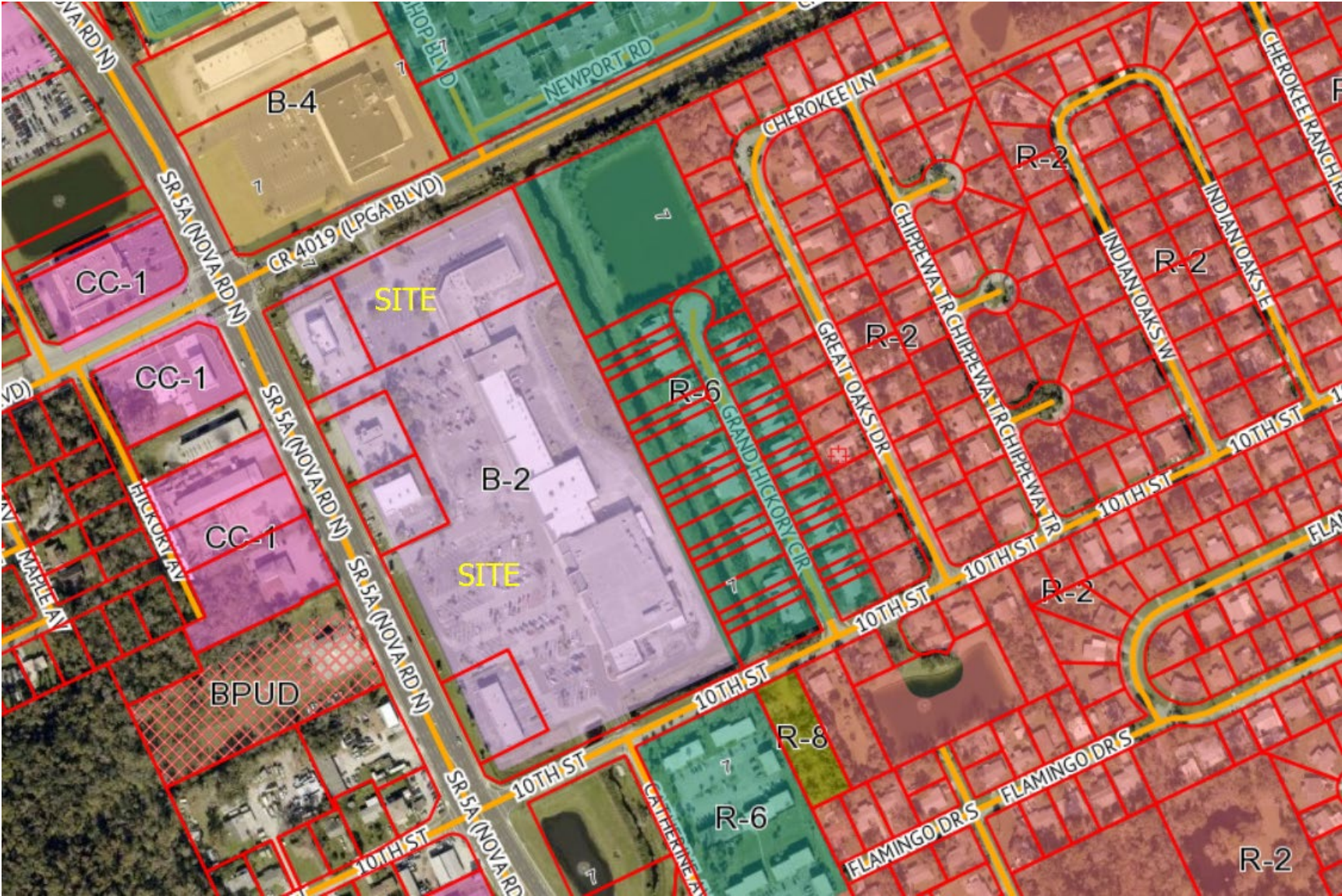
Section 2. Development of the property described in Attachment A shall conform to the Land Development Regulations of Holly Hill.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 4. That all ordinances made in conflict with this Ordinance are hereby repealed.

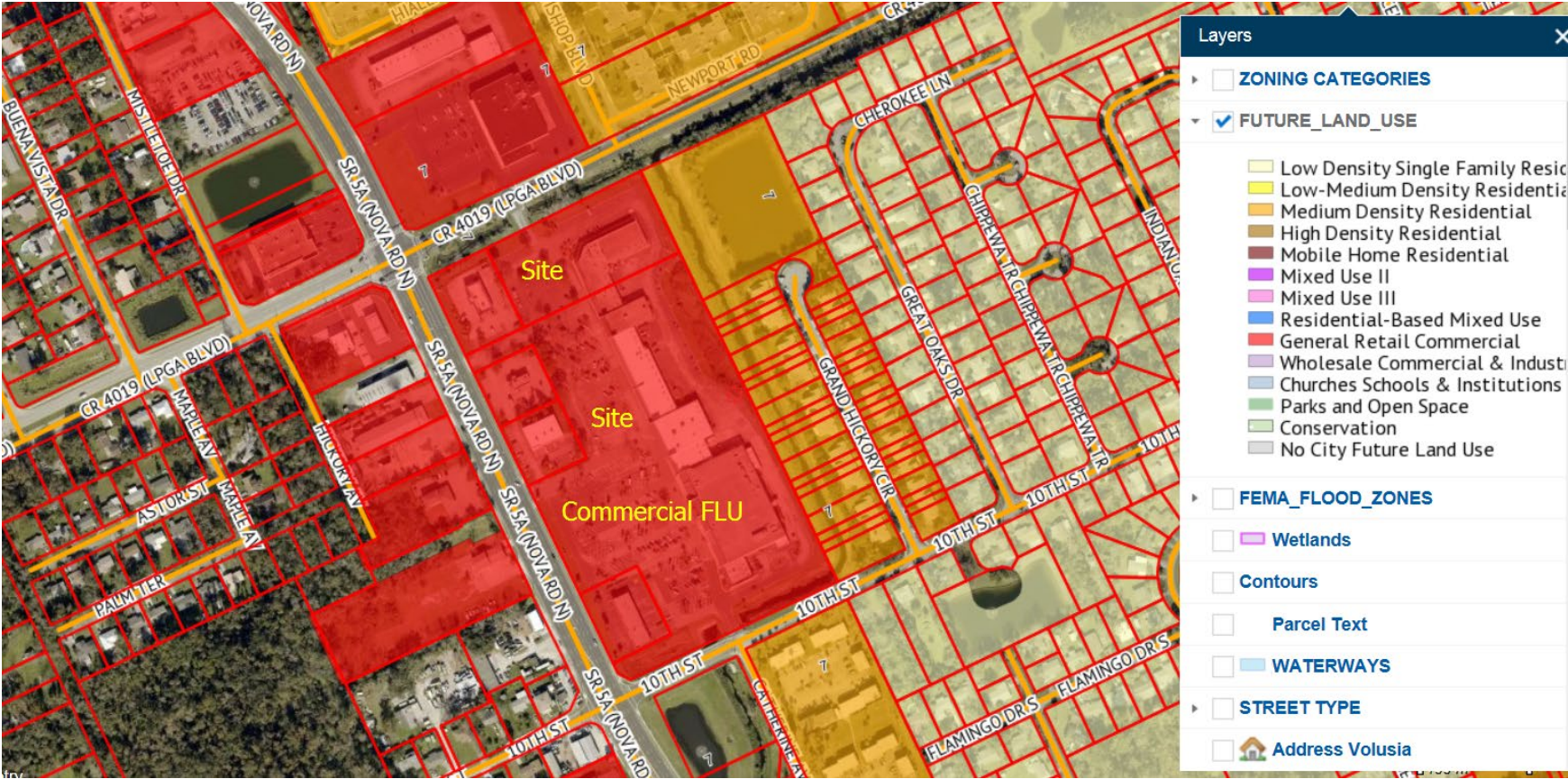
Section 5. That this Ordinance shall be posted at City Hall as required by law.

ZONING MAP – SITE CURRENTLY ZONED B-2 (REQUESTING B-5)



Attachment: Zoning & FLU Map (2610 : Nova Road (1541 & 1567) Holly Hill Plaza Rezoning)

FUTURE LAND USE (FLU) MAP – SITE HAS A COMMERCIAL FLU



Attachment: Zoning & FLU Map (2610 : Nova Road (1541 & 1567) Holly Hill Plaza Rezone)

AERIAL VIEW OF THE PROPERTY

Attachment: Pictures (2610 : Nova Road (1541 & 1567) Holly Hill Plaza Rezone)

VIEW OF PROPERTY LOOKING EAST FROM NOVA ROAD



VIEW OF PROPERTY LOOKING NORTH FROM 10TH STREET



VIEW SOUTH FROM LPGA



Attachment: Pictures (2610 : Nova Road (1541 & 1567) Holly Hill Plaza Rezone)

REAR VIEWS OF THE PROPERTY



Attachment: Pictures (2610 : Nova Road (1541 & 1567) Holly Hill Plaza Rezone)



Attachment: Pictures (2610 : Nova Road (1541 & 1567) Holly Hill Plaza Rezone)

Permitted Uses By Right (Without a Special Exception)

B-2 – Current Zoning on Property

Permitted principal uses and structures in the B-2 district are as follows:

- (1) Administrative offices.
- (2) Professional services offices.
- (3) Retail sales and services.
- (4) Personal services.
- (5) Restaurants, type A and B, except when such uses are located on a parcel abutting any R-1 through R-9 zoned property.
- (6) Medical and dental clinics.
- (7) Bars and nightclubs, except when such uses are located on a parcel abutting any R-1 through R-9 zoned property.
- (8) Adult day care centers.

B-5 – Proposed Zoning

Permitted principal uses and structures in the B-5 district are as follows:

- (1) Any use permitted in the B-1 professional office/hospital-medical district.
 - (2) Any use permitted in the B-4 highway business district.
 - (3) Self-service storage facilities (miniware- houses). (Refer to section 114-686.)
 - (4) Application of permanent makeup.
 - (5) Adult day care centers.
- Sec. 114-476. - Special exceptions.

B-1

Permitted principal uses and structures in the B-1 district are as follows:

- (1) Administrative offices.
- (2) Professional services offices.
- (3) Hospitals.
- (4) Laboratories: biological, optical, medical, dental, and X-ray, but not including research and development laboratories related to the manufacturing of drugs for distribution and sale, and not including blood banks.
- (5) Prescription pharmacies.
- (6) Adult congregate living facilities not exceeding 65 clients per acre (licensed capacity).
- (7) Rest and convalescence homes.
- (8) Banks and savings and loans.
- (9) Adult day care centers.

B-4

Permitted principal uses and structures in the B-4 district are as follows:

- (1) Any use permitted in the B-1 professional office/hospital-medical district.
- (2) Administrative offices.
- (3) Retail sales and services.
- (4) Personal services.
- (5) Restaurants, type A and B, except when such uses are located on a parcel abutting any R-1 through R-9 zoned property.
- (6) Bars and nightclubs, except when such uses are located on a parcel abutting any R-1 through R-9 zoned property.
- (7) Houses of worship.
- (8) Application of permanent makeup.
- (9) Adult day care centers.

Uses Permitted Only By Special Exception

B-2

- (1) City-owned and quasipublic service and safety facilities. (Refer to section 114-669.)
- (2) Child day care centers. (Refer to section 114-667.)
- (3) Meeting places for civic, fraternal and service organizations. (Refer to section 114-663.)
- (4) Theaters. (Refer to section 114-674.)
- (5) Marinas. (Refer to section 114-673.)
- (6) Self-service automobile fuel stations and accessory self-service fuel pumps. (Refer to section 114-682.)
- (7) Restaurants, type A and B, when such uses are located on a parcel abutting any R-1 through R-9 zoned property. (Refer to section 114-690.)
- (8) Bars and nightclubs, when such uses are located on a parcel abutting any R-1 through R-9 zoned property.
- (9) Tattoo parlors. (Refer to section 114-696.)
- (10) Amusement center. (Refer to section 114-701.)
- (11) House of worship. (Refer to section 114-666.)

B-5

- (1) City-owned and quasipublic service and safety facilities. (Refer to section 114-669.)
- (2) Child day care centers. (Refer to section 114-667.)
- (3) Meeting places for civic, fraternal and service organizations. (Refer to section 114-663.)
- (4) Self-service automobile fuel stations and accessory self-service fuel pumps. (Refer to section 114-682.)
- (5) Motor vehicle rentals. (Refer to section 114-675.)
- (6) Type A and B service stations. (Refer to section 114-682.)
- (7) Flea markets and farmers' markets. (Refer to section 114-676.)
- (8) Restaurants, type A and B, when such uses are located on a parcel abutting any R-1 through R-9 zoned property. (Refer to section 114-690.)
- (9) Bars and nightclubs, when such uses are located on a parcel abutting any R-1 through R-9 zoned property. (Refer to section 114-691.)
- (10) New and used car lots. (Refer to section 114-683.)
- (11) Amusement center. (Refer to section 114-701.)

B-1

- (1) City-owned and quasipublic service and safety facilities. (Refer to section 114-669.)
- (2) Child day care centers. (Refer to section 114-667.)
- (3) Meeting places for civic, fraternal and service organizations. (Refer to section 114-663.)
- (4) Cemeteries. (Refer to section 114-664.)
- (5) Rest homes and retirement centers. (Refer to section 114-671.)
- (6) Residential retirement health care facilities. (Refer to section 114-672.)
- (7) Adult congregate living facilities. (Refer to section 114-665.)
- (8) Houses of worship. (Refer to section 114-666.)

B-4

- (1) City-owned and quasipublic service and safety facilities. (Refer to section 114-669.)
- (2) Child day care centers. (Refer to section 114-667.)
- (3) Meeting places for civic, fraternal and service organizations. (Refer to section 114-663.)
- (4) Self-service automobile fuel stations and accessory self-service fuel pumps. (Refer to section 114-682.)
- (5) Motor vehicle rentals. (Refer to section 114-675.)
- (6) Type A and B service stations. (Refer to section 114-682.)
- (7) Flea markets and farmers' markets. (Refer to section 114-676.)
- (8) Restaurants, type A and B, when such uses are located on a parcel abutting any R-1 through R-9 zoned property. (Refer to section 114-690.)
- (9) Bars and nightclubs, when such uses are located on a parcel abutting any R-1 through R-9 zoned property. (Refer to section 114-691.)
- (10) New and used car lots. (Refer to section 114-683.)
- (11) Indoor shooting ranges. (Refer to section 114-697.)
- (12) Schools (public, private, parochial or technical) (Refer to section 114-698).
- (13) Amusement center. (Refer to section 114-701.)

LEGAL DESCRIPTION

A Portion of Lot 30, Hopkins Fitch Grant, as recorded in Deed Book C, Page 79, of the Public Records Of Volusia County, Florida, also known as Lot 5, Block 4, Mason And Carswell's Subdivision as recorded in Map Book 2, Page 90, of the Public Records Of Volusia County, Florida, described as follows:

From The Southeast Corner Of Said Lot 5, Block 4; Thence North 25 Degrees 17' 40" West, Along The East Line Of Said Lot 5, Block 4, A Distance Of 8.50 Feet To The Northerly Right-Of-Way Line Of 10th Street (Platted Delaware Street) As Occupied And Established; Thence South 65 Degrees 02'30" West, Along Said Right-Of-Way Line, 653.68 Feet To The Point Of Beginning; Thence Continue South 65 Degrees 02'30" West, 641.01 Feet; Thence North 25 Degrees 04'13" West, 50.00 Feet; Thence North 65 Degrees 02'30" East, 175.00 Feet; Thence North 25 Degrees 04'13" West, 205.00 Feet; Thence South 65 Degrees 02'30" West, 175.00 Feet; Thence North 25 Degrees 04'13" West, 345.00 Feet; Thence North 65 Degrees 02'30" East, 175.00 Feet; Thence North 25 Degrees 04'13" West, 335.33 Feet; Thence South 65 Degrees 02'30" West, 175.00 Feet; Thence North 25 Degrees 04'13" West, 50.00 Feet; Thence North 63 Degrees 56'45" East, 175.00 Feet; Thence North 25 Degrees 04'13" West, 205.00 Feet; Thence South 63 Degrees 56'45" West, 175.00 Feet; Thence North 25 Degrees 04'13" West, 80.00 Feet To A Point On The Southerly Right-Of-Way Line Of 11th Street (Platted Washington Street); Thence North 63 Degrees 56'45" East, Along Said Right-Of-Way Line 641.10 Feet; Thence South 25 Degrees 04'13" East, 1282.60 Feet To The Point Of Beginning.

Less And Except Any Part Described In Warranty Deed Recorded In Official Records Book 3210, Page 1762, And In That Order Of Taking Recorded In Official Records Book 3765, Page 3976, Of The Public Records Of Volusia County, Florida.

ALSO DESCRIBED AS FOLLOWS:

A Portion of Lot 30, Hopkins Fitch Grant, as recorded in Deed Book C, Page 79, of the Public Records Of Volusia County, Florida, also known as Lot 5, Block 4, Mason And Carswell's Subdivision as recorded in Map Book 2, Page 90, of the Public Records Of Volusia County, Florida, described as follows:

From The Southeast Corner Of Said Lot 5, Block 4; Thence North 25 Degrees 17'40" West, Along The East Line Of Said Lot 5, Block 4, A Distance Of 8.50 Feet To The Northerly Right-Of-Way Line Of 10th Street (Platted Delaware Street) As Occupied And Established; Thence South 65 Degrees 02'30" West, Along Said Right-Of-Way Line, 653.68 Feet To The Point Of Beginning; Thence Continue South 65 Degrees 02'30" West, 606.01 Feet; Thence North 79 Degrees 27'31" West, 43.05 Feet; Thence North 25 Degrees 04'13" West, 25.00 Feet; Thence North 65 Degrees 02'30" East, 175.00 Feet; Thence North 25 Degrees 04'13" West, 205.00 Feet; Thence South 65 Degrees 02'30" West, 175.00 Feet; Thence North 25 Degrees 04'13" West, 345.00 Feet; Thence North 65 Degrees 02'30" East, 175.00 Feet; Thence North 25 Degrees 04'13" West, 335.33 Feet; Thence South 65 Degrees 02'30" West, 175.00 Feet; Thence North 25 Degrees 04'13" West, 50.00 Feet; Thence North 63 Degrees 56'45" East, 175.00 Feet; Thence North 25 Degrees 04'13" West, 205.00 Feet; Thence South 63 Degrees 56'45" West, 175.00 Feet; Thence North 25 Degrees 04'13" West, 63.48 Feet; Thence North 12 Degrees 48'57" East, 21.22 Feet To A Point On The Southerly Right-Of-Way Line Of 11th Street (Platted Washington Street); Thence North 63 Degrees 56'45" East, Along Said Right-Of-Way Line, 628.07 Feet; Thence South 25 Degrees 04'13" East, 1282.60 Feet To The Point Of Beginning.

The Foregoing Legal Description Describes The Same Property As Shown In The Vesting Deed, Recorded At Official Records Book 3717, Page 2811, Of The Public Records Of Volusia County, Florida.

And Together With The Non-Exclusive Easements Appurtenant To The Aforesaid Real Property For The Purpose Of Ingress, Egress, Parking And Utility Purposes, All As Set Forth In (A) That Certain Declaration Of Restrictions And Grant Of Easements Executed By Holly Hill Associates Dated March 6, 1984 And Recorded On April 11, 1984 In Official Records Book 2555, Page 313, Of The Public Records Of Volusia County, Florida, As Corrected By That Certain Corrective Declaration Of Restrictions And Grant Of Easements Executed By Holly Hill Associates And Winn-Dixie Stores, Inc., Dated October 16, 1984 And Recorded In December 4, 1984 In Official Records Book 2631, Page 454 Of The Public Records Of Volusia County, Florida, As Amended By That Certain Partial Release Of Declaration Of Restrictions And Grant Of Easements Executed By Holly Hill Associates, Winn-Dixie Stores, Inc. And The Chase Manhattan Bank, N.A. Dated March 18, 1988 And Recorded In October 21, 1988 In Official Records Book 3210, Page 1773, Of The Public Records Of Volusia County, Florida, (Together The "First Winn-Dixie Declaration") And (B) That Certain Declaration Of Restrictions And Grant Of Easements Executed By Holly Hill Associates Dated October 16, 1987 And Recorded On May 5, 1988 In Official Records Book 3134, Page 516 Of The Public Records Of Volusia County, Florida (The "Second Winn-Dixie Declaration") And First Winn-Dixie Declaration And Second Winn-Dixie Declaration Being Together Amended By That Certain Amended And Restated Declaration Of Restrictions And Grant Of Easements Executed By Holly Hill Associates And Winn-Dixie Stores, Inc., Dated September 25, 1989 And Recorded On September 27, 1989 In Official Records Book 3365, Page 1236, And Assumption Of Declaration Obligations Recorded In Official Records Book 5004, Page 1068, Of The Public Records Of Volusia County, Florida.

And Together With The Public Drainage Easement Appurtenant To The Aforesaid Real Property As Set Forth In That Certain Easement Executed By Holly Hill Associates To And In Favor Of Volusia County, Florida, Dated May 11, 1984 And Recorded On September 28, 1984 In Official Records Book 2611 Page 906 Of The Public Records Of Volusia County, Florida Over And Across The Property Located Easterly Of And Adjacent To The Aforesaid Real Property, As More Particularly Described Therein.

And Together With The Non-Exclusive Easements Appurtenant To The Aforesaid Real Property For The Purposes Of Drainage And Access, All As Set Forth In That Certain Easement Agreement Executed By Holly Hill Associates And MML Development Corp., Dated November 15, 1988 And Recorded On November 17, 1988 In Official Records Book 3223, Page 1300 Of The Public Records Of Volusia County, Florida Over And Across The Real Property More Particularly Described Therein.

And Together With The Non-Exclusive Easement Appurtenant To The Aforesaid Real Property For The Purpose Of Access As Set Forth In That Certain Easement Agreement Executed By Holly Hill Associates And Discount Auto Parts, Inc., Dated July 31, 1989 And Recorded On August 4, 1989 In Official Records Book 3341, Page 1992 Of The Public Records Of Volusia County, Florida Over And Across The Real Property More Particularly Described Therein.

(- end of legal description -)

Attachment: Legal Description (2610 : Nova Road (1541 & 1567) Holly Hill Plaza Rezone)



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

**Board of Planning and Appeals
Ordinance**

MEETING DATE: August 5, 2019
FROM: Brian Walker
SUBJECT: An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending Chapter 14 (Buildings and Building Regulations) Creating Sections 14-3 and 14-4, to Add Regulations for Storm Protection and Damaged Structures, Amending Section 14-231, Adopting the International Property Maintenance Code; Providing for Severability; Providing for Codification; and Providing for an Effective Date.
NUMBER: (ID # 2585)
APPLICANT: Brian Walker
PLANNER:

TITLE

Consider Adoption of an ordinance of the City of Holly Hill, Florida, amending the land development regulations by amending Chapter 14 (Buildings and Building Regulations) creating sections 14-3 and 14-4, to add regulations for storm protection and damaged structures, amending section 14-231, adopting the International Property Maintenance Code.

BACKGROUND

The City has been taking consistent steps to promote the health, welfare, and safety of the citizens of and visitors to, the City of Holly Hill by taking steps to prevent economic deterioration and eliminate blight. The purpose of the proposed ordinance is to continue those efforts.

Boarded up buildings are a cause and source of blight in both residential and nonresidential areas. Such buildings can be an aesthetic eyesore which in turn can discourage economic development and retard appreciation of property values. Additionally, boarded up openings can be a strong outward signal that the structure may be unoccupied. This can attract vagrants and transients and invite criminal activity.

Currently, the City has several homes and commercial structures that have openings that are boarded up. Some have been boarded up as a means to protect them against potential storm damage, while others have been boarded up to protect the structure after damage by other means, such as a vehicular accident. In some cases, the structures have remained in a “boarded up” state for long periods of time. While it may be necessary to temporarily protect a structure from the elements by using material such as plywood, there should be a time limitation for the structure to remain in a “boarded up” condition. In this way, what starts out as a temporary means to protect the structure does not become a permanent or prolonged condition which then starts to have a negative impact on the City.

Currently the City does not have regulations that address boarded up openings or time limits on how long temporary measures can remain in place. The purpose of the proposed ordinance is to establish regulations for temporary protection of damaged structures and protection of structures in anticipation of a storm.

The proposed ordinance also adopts the most current edition of the International Property Maintenance Code (IPMC) along with all future amendments and updates. The IPMC is a model code that regulates the minimum maintenance requirements for existing buildings. It is intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. While the city has already adopted an edition of the code, the edition adopted is from 2012.

STAFF RECOMMENDATION

Adopt the ordinance of the City of Holly Hill, Florida, amending the land development regulations by amending Chapter 14 (Buildings and Building Regulations) creating sections 14-3 and 14-4, to add regulations for storm protection and damaged structures, amending section 14-231, adopting the International Property Maintenance Code.

Ordinance No. (ID # 2585)

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 14 (BUILDINGS AND BUILDING REGULATIONS) CREATING SECTIONS 14-3 AND 14-4, TO ADD REGULATIONS FOR STORM PROTECTION AND DAMAGED STRUCTURES, AMENDING SECTION 14-231, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE #

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 14 (BUILDINGS AND BUILDING REGULATIONS) CREATING SECTIONS 14-3 AND 14-4, TO ADD REGULATIONS FOR STORM PROTECTION AND DAMAGED STRUCTURES, AMENDING SECTION 14-231, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds it periodically necessary to amend its Land Development Regulations in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the City Commission finds it necessary to provide regulations concerning the protection of damaged structures and to update language adopting the International Property Maintenance Code; and

WHEREAS, it is the intent of the City Commission that this Ordinance be enacted to protect and promote the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill by taking steps to prevent economic deterioration and eliminate blight; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of Holly Hill to adopt the proposed amendments to the Land Development Regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2. - That Sections 14-3 and 14-4, be created and added as follows:

Sec. 14-3 Damaged structures.

Damaged openings such as doors, windows or other apertures or holes in the building envelope or roof shall be allowed to be temporarily protected, but repairs or replacement of the damaged doors, windows, other apertures or holes in the building envelope or roof, must take place within 90 days. Materials used to protect or cover the opening can be any material approved for use by the then current edition of the Florida Building Code. If using wood structural panels, oriented strand board (OSB), plywood or any other natural wood product, the material used to enclose the building must be neatly fitted to protect the opening and shall be painted to blend in or match the rest of the building. This section applies to uninhabited or vacant and inhabited or occupied structures.

Sec. 14-4 Temporary storm protection of structures.

Openings such as doors, windows or other apertures may be temporarily protected up to 14 days prior to the projected landfall of any named storm or weather system. Temporary protection must be removed within 14 days after the storm threat has passed. Materials used to protect or cover the opening can be any material approved for use by the then current edition of the Florida Building Code.

SECTION 3. That Section 14-231. - Adoption is hereby amended to add underlined language and remove language ~~stricken through~~ as follows:

Sec. 14-231. - Adoption.

~~There is hereby adopted by reference as if set out at length herein those publications known as the International Property Maintenance Code, 2012 Edition, including all appendices thereto except where amended or superseded by ordinance. A copy of said maintenance code shall be kept on file in the office of the city clerk.~~

The city hereby adopts and incorporates into the Code of Ordinances the most current edition of the International Property Maintenance Code (IPMC), including all future amendments and updates, except where superseded by ordinance. A copy of said maintenance code shall be kept on file in the Community Development Office.

SECTION 4. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 5. CONFLICTS.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 6. CODIFICATION. It is the intent of the City Commissioners that the Substantive provision of this Ordinance will become and be made part of the Land Development Regulations of Holly Hill and that the word "ordinance" may be changed to "section", "part", or other

appropriate word or phrase, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that sections 4, 5, 6, and 7 of this Ordinance shall not be codified.

SECTION 7. EFFECTIVE DATE.

That this Ordinance shall become effective immediately upon its adoption.



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

**Board of Planning and Appeals
Ordinance**

MEETING DATE: August 5, 2019
FROM: Brian Walker
SUBJECT: An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations by Amending Chapter 110 (Signs) Section 110-11 (A), Off-Premises Outdoor Advertising Signs; Providing for Severability; Providing for Codification; and Providing for an Effective Date.
NUMBER: (ID # 2612)
APPLICANT: Brian Walker
PLANNER:

TITLE

Consider adoption of an ordinance of the City of Holly Hill, Florida, amending the land development regulations by amending Chapter 110 (signs) section 110-11 (a), Off-premises outdoor advertising signs.

BACKGROUND

The proposed ordinance amends section 110-11 (a) of the code that addresses off-premises outdoor advertising signs (aka billboards). Billboards are only allowed on commercial property with frontage on Mason Avenue. Under the current regulations, billboards on properties not fronting on Mason Avenue are considered legal nonconforming if their existence predates the ordinance enacting the restriction on their location. As such, these legal nonconforming billboards cannot be moved or taken down and rebuilt. However, this restriction can cause a hardship for vacant properties which have a legal nonconforming billboard on them located in an area that prevents reasonable development of the property. In some cases the property owner has a lease agreement with the billboard owner and cannot simply order the removal of the billboard. This ordinance will allow properties with legal nonconforming billboards that significantly hinder development, and that meet specific criteria, to move the billboard or rebuild it in another location on the same property. The determination as to whether or not a billboard significantly hinders the development of a vacant property will be at the sole discretion of the city. A billboard will be considered a significant hindrance if it would not allow the property to be developed or if it would interfere with items such as the drainage or stormwater systems; access; or traffic circulation.

STAFF RECOMMENDATION

Adopt the ordinance of the City of Holly Hill, Florida, amending the land development regulations by amending Chapter 110 (signs) section 110-11 (a), Off-premises outdoor advertising signs.

ATTACHMENTS:

- Current Regulations (PDF)
- Example of Nonconforming Billboard (PDF)

Ordinance No. (ID # 2612)

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 110 (SIGNS) SECTION 110-11 (A), OFF-PREMISES OUTDOOR ADVERTISING SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 110 (SIGNS) SECTION 110-11 (A), OFF-PREMISES OUTDOOR ADVERTISING SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds it periodically necessary to amend its Land Development Regulations in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the City Commission finds it necessary to update regulations concerning off-premises outdoor advertising signs aka billboards; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of Holly Hill to adopt the proposed amendment to the Land Development Regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2. That Section 110-11. Off-premises outdoor advertising signs, part (a) be replaced entirely with the following language:

- (a) *Where allowed.* Off-premises outdoor advertising signs, also known as billboards, are allowed only on commercial or industrial zoned properties with frontage on Mason Avenue. Any billboard in existence on the effective date of the ordinance from which this chapter is derived, or on a later date when the property is annexed to the city, that would not be exempt under this chapter, and that was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which is not in conformance with the requirements of this chapter by reason of its size, height, location, design or construction, shall be deemed to be a nonconforming billboard. Such nonconforming billboard shall be allowed to remain in place and be maintained, repaired, or changed, provided that no action is taken which increases the degree or extent of the nonconformity. A change in the information on the face of an existing

nonconforming billboard is permitted.

Nonconforming billboards that are located on vacant property in such a way that they significantly hinder the development of the property may be moved or rebuilt on the same property as long as setbacks and all other code requirements are met. A billboard will be considered a significant hindrance if it would not allow the property to be developed or if it would interfere with items such as the drainage or stormwater systems; access; or traffic circulation.

Billboards that are rebuilt under this provision may not be any larger or higher than the billboard replaced. However, in no case shall a rebuilt billboard exceed the measurements, height or area, for billboards currently permitted by code. The determination as to whether a billboard's location significantly hinders the development of a property shall be at the sole discretion of the city and the city can deny any request to move or rebuild a nonconforming billboard. A site plan shall be required to move a billboard.

SECTION 3. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 4. CONFLICTS.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 5. CODIFICATION. It is the intent of the City Commissioners that the Substantive provision of this Ordinance will become and be made part of the Land Development Regulations of Holly Hill and that the word "ordinance" may be changed to "section", "part", or other appropriate word or phrase, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that sections 3, 4, 5, and 6 of this Ordinance shall not be codified.

SECTION 6. EFFECTIVE DATE.

That this Ordinance shall become effective immediately upon its adoption.

Sec. 110-11. - Off-premises outdoor advertising signs.

- (a) *Where allowed.* Off-premises outdoor advertising signs are allowed only on commercial or industrial zoned properties with frontage on Mason Avenue.
- (b) *Content.* Off-premises outdoor advertising signs may display any message so long as it is not harmful to minors as defined by this Code.
- (c) *Maximum area.* No off-premises outdoor advertising sign may exceed 378 square feet in area.
- (d) *Minimum ground clearance.* The minimum distance between the ground and lowest part of any off-premises outdoor advertising sign, excluding its supporting structure, shall be 20 feet.
- (e) *Maximum height.* No off-premises outdoor advertising sign, or combination of signs, may exceed 35 feet in height.
- (f) *Maximum width.* No off-premises outdoor advertising sign, or combination of signs, may exceed 35 feet in width.
- (g) *Spacing.* No off-premises outdoor advertising sign may be located closer than 1,000 feet from any other permanent outdoor advertising sign on the same side of the roadway or roadways to which the off-premises outdoor advertising sign is directed. Spacing shall be determined based on signs that have received the necessary city permit pursuant to this Code, and signs having received prior authorization shall have priority over a later applicant in determining compliance with the spacing restrictions. Where two or more applications from different persons conflict with each other in regard to this spacing requirement, so that only one of the applications may be granted, the applications shall be considered for approval in the order in which they were received by the city. Every application received shall remain pending until any previously received application is approved. Upon approval of any application, all conflicting applications then pending shall be automatically denied.
- (h) *Setback from property lines.* Off-premises outdoor advertising signs shall not be located in any required yard.

(Ord. No. 2443, § 2, 11-12-96)

Example of a vacant property on Nova Road with a legal nonconforming billboard. The billboard is located in such a way that it significantly hinders the development of the property. Retention on the property will be placed to the east and a building in the center of the property. The billboard's placement in the center front of the property will interfere with parking and traffic circulation that will be up front along Nova Road. Adoption of the ordinance will allow the billboard to be moved to a corner of the property.





Board of Planning and Appeals

1065 Ridgewood Ave
Holly Hill, FL 32117

SCHEDULED

VARIANCE (ID # 2609)

5.4

Meeting: 08/05/19 06:00 PM

Department: City Planner

Category: Regular

Prepared By: Brian Walker

Initiator: Brian Walker

Sponsors: City Planner Brian Walker

DOC ID: 2609

Request for a Front Yard (East) Setback Variance from Twenty-Five Feet (25) Feet to Ten (10) Feet to Construct an Open Porch Seating Area for an Existing Restaurant in the CC-1 (Commercial Corridor) Zoning District, for Property Located at the Southeast Corner of 9Th Street and Ridgewood Avenue and More Specifically Known as 841 Ridgewood Avenue.

INTRODUCTION

Ridgewood Avenue (841) - Request for a front yard (east) setback variance from twenty-five feet (25) feet to ten (10) feet to construct an open porch seating area for an existing restaurant in the CC-1 (Commercial Corridor) zoning district, located at the southeast corner of 9th Street and Ridgewood Avenue and more specifically known as 841 Ridgewood Avenue; V2019-01 (Land Trust Agreement 739521, Applicant) District 2 Currie (Brian Walker, City Planner)

BACKGROUND

- The property is approximately 1.44 acres in size and includes a building of about 4,550 square feet.
- The property is zoned CC-1 (Commercial Corridor) with a Commercial future land use designation.
- Records indicate a structure was built on the property in 1978.
- A Special Exception for a restaurant was granted for the property on November 14, 2017.
- The property is not in a Special Flood Hazard Area.

- The property can be accessed directly from Ridgewood Avenue as well as from 9th Street. Parking is located along the east and south sides of the building.

DISCUSSION

The applicant purchased the property in 2019 and proposes to continue to use the building as a restaurant. A roof extension canopy approximately 96 feet long is proposed along the front of the building on Ridgewood Avenue in order to provide cover for a proposed seating area. The existing roof overhang of the building encroaches 6 feet into the required 25 foot front setback. However, the building was built in 1978, which predates the Land Development Regulations. The applicant is requesting to extend the existing roof an additional 8.5 feet into the front setback and construct a seating area. Therefore, the total encroachment into the front setback would be 14.5 feet leaving a front yard open area of 10.5 feet.

The property is in an area of moderate traffic and where many of the surrounding buildings encroach into the front setback of their respective property. Therefore, granting the applicant's variance request on this particular parcel would not be out of character with the immediate surroundings.

The applicant's proposed addition would be constructed over existing pavers, therefore no new impervious surface would be created by granting the applicant's request.

VARIANCE: The request is for a variance from the Land Development Regulations of Holly Hill, Sec. 114-765 for a front yard (east) setback variance from twenty-five feet (25) feet to ten (10) feet.

In authorizing any variance, 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 existing building is in an urban area facing moderate traffic and was built prior to the adoption of the City's Land Development Regulations. The current setback requirement was established at a time when the building faced on-street parking. The on-street parking spaces on Ridgewood Avenue were removed during the FDOT median project for traffic safety concerns. This changed the nature of the area and had the effect of greatly

reducing pedestrian foot traffic in front of the building. Parking for the building is located on the south and east sides of the structure and the entrance is located on the south off of Ridgewood Avenue. Therefore, reducing the setback on Ridgewood will not pose a danger to vehicles or pedestrians.

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 existing building was built prior to the adoption of the City's Land Development Regulations and the required front setback was established at a time when the building faced on-street parking. The on-street parking was removed by FDOT which changed the nature of the area and made a large setback unnecessary.

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 requested would not confer on the applicant any special privilege that is denied by the provisions of this section to other lands or structures under similar conditions. Properties under similar circumstances can also apply for a variance.

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:

The literal interpretation of the provisions would deprive the applicant of the right to expand their building in a way that will reasonably serve the proposed use.

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 requested variance is the minimum necessary to make reasonable use of the proposed expansion.

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 variances will be in harmony with Policy 1.1.2 and the general intent and purpose of the comprehensive plan.

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 variance from the Land Development Regulations of Holly Hill, Sec. 114-765 for a front yard (east) setback variance from twenty-five feet (25) feet to ten (10) feet.



CITY OF HOLLY HILL
PLANNING & DEVELOPMENT DEPARTMENT
1065 RIDGEWOOD AVENUE
HOLLY HILL, FLORIDA, 32117
TELEPHONE: (386) 248-9442

V# _____

HOLLY HILL RECEIVED

JUL 02 2019

COMM. DEV. DEPT.

19-1000

VARIANCE

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

PROPERTY			
PARCEL ID #: 424401120110			
ADDRESS: 841 RIDGEWOOD AVE			
TOTAL ACREAGE: 1.437		USE OF PROPERTY: ☐ RESIDENTIAL ☒ NON-RESIDENTIAL	
ZONING: CC1		FUTURE LAND USE: GENERAL RETAIL COMMERCIAL	
TYPE OF STRUCTURE: ☐ SHED ☐ FENCE ☐ POOL ☐ SCREEN ENCLOSURE ☒ ADDITION ☐ SINGLE FAMILY HOME			
DESCRIPTION OF STRUCTURE: ALUMINUM			
TYPE OF VARIANCE:	☒ FRONT YARD SETBACK	REQUIRED: 25 FT.	PROPOSED: 10 FT.
	☐ SIDE YARD SETBACK	REQUIRED: _____ FT.	PROPOSED: _____ 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 LINE	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			

OWNER LAND TRUST AGREEMENT 739 521 ROB'n HANSEL TRUSTEE			
NAME: _____		COMPANY: _____	
ADDRESS: 950 RIDGEWOOD AVE			
CITY: HOLLY HILL		STATE: FLA	ZIP: 32117
PHONE: 386 566 1505		EMAIL: ROB'n@BESTPRICEFLA.IGLS.COM	

V# _____

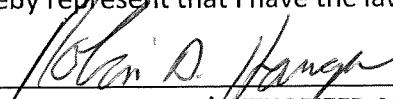
AGENT/CONSULTANT		
NAME:		COMPANY:
ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:		EMAIL:

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 ☐ HOME OWNERS ASSOCIATION DRB APPROVALS, IF ANY ☐ PHOTOGRAPHS, IF DESIRED

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

7-2-19

DATE

V# _____

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.

*BUILDING & PATIO ARE CURRENTLY IN SET BACK
WE WANT TO COVER PATIO WITH AWNING TO ALLOW
OUTDOOR SEATING*

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

I PURCHASED IN THIS CONDITION

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.

MOST BUILDING ON US-1 ARE CURRENTLY IN SETBACKS

V# _____

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.

WOULD BE UNABLE TO HAVE COMFORTABLE SEATING

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

ONLY COVERING EXISTING PATIO

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.

THIS WILL CREATE A WALKABLE DESTINATION

CITY OF HOLLY HILL
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- ☐ Individual
- ☐ Corporation
- ☒ Land Trust
- ☐ Limited Liability Company
- ☐ Partnership
- ☐ Other(describe)

1 List all **natural persons** who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER
ROBIN HANSEN	929 STATE AVE	386 566 1505

(Use additional sheets for more space.)

1 For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent (2%) or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

1 In the case of a **trust**, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name:

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST
The Land Trust Agreement ROBIN HANSEN	TRUSTEE	929 STATE AVE	100%

(Use additional sheets for more space.)

1 For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

i For each **limited liability company**, list the name, address, and title of each manager or managing member; and the name and address of each additional member with two percent (2%) or more membership interest. If any member with two percent (2%) or more membership interest, manager, or managing member is a corporation, trust or partnership, please provide the information required in paragraphs 2, 3 and/or 4 above.

Name of LLC: _____

NAME	TITLE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

i In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, partnership, or LLC, provide the information required for those entities in paragraphs 2, 3, 4 and/or 5 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

7-2-19
Date

Robin D. Hanger
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Volusia

Sworn to (or affirmed) and subscribed before me by Robin D. Hanger on this 2 day
of July, 20 19.
Owner, Agent, Applicant Name



Jeanine M. Piazza
Signature of Notary Public

Print, Type or Stamp Name of Notary Public
JEANINE M. PIAZZA

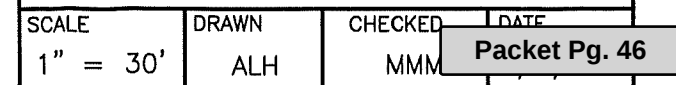
Personally Known X OR Produced Identification _____

Type of Identification Produced FL DL H526724614011

230 DESCRIPTION OF PROPERTY, PHOTOGRAPHS AND SKETCHES (Continued)

AERIAL VIEW





Application Number	19-00001000	Date	7/02/19
Property Address	841 RIDGEWOOD AVE		
PARCEL NUMBER:	4 2 44 01 12 0110		
Tenant nbr, name	SIMPLY GINA'S		
Application type description	LAND DEVELOPMENT & REGULATIONS PROCESSIN		
Property Use	COMMERCIAL		
Property Zoning	CC1 COMMERCIAL CORRIDOR		
Application valuation	0		

Application desc
VARIANCE REQUEST - FRONT YARD SETBACK

Owner _____ Contractor _____

LAND TRUST AGREEMENT 739521
950 RIDGEWOOD AVENUE
HOLLY HILL FL 321173520

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--- Structure Information 000 000  VARIANCE REQUEST - FRONT YARD SETBACKS

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Permit	LAND DEVELOPMENT PROCESSING		
Additional desc . .	VARIANCE REQUEST FOR SETBACKS		
Permit Fee	.00	Plan Check Fee . .	.00
Issue Date	7/02/19	Valuation	0 .

Other Fees	VARIANCE NON-RESIDENTIAL	500.00
----------------------	--------------------------	--------

Fee summary	Charged	Paid	Credited	Due
-----	-----	-----	-----	-----
Permit Fee Total	.00	.00	.00	.00
Plan Check Total	.00	.00	.00	.00
Other Fee Total	500.00	500.00	.00	.00
Grand Total	500.00	500.00	.00	.00

CONTRACTOR/OWNER SIGNATURE

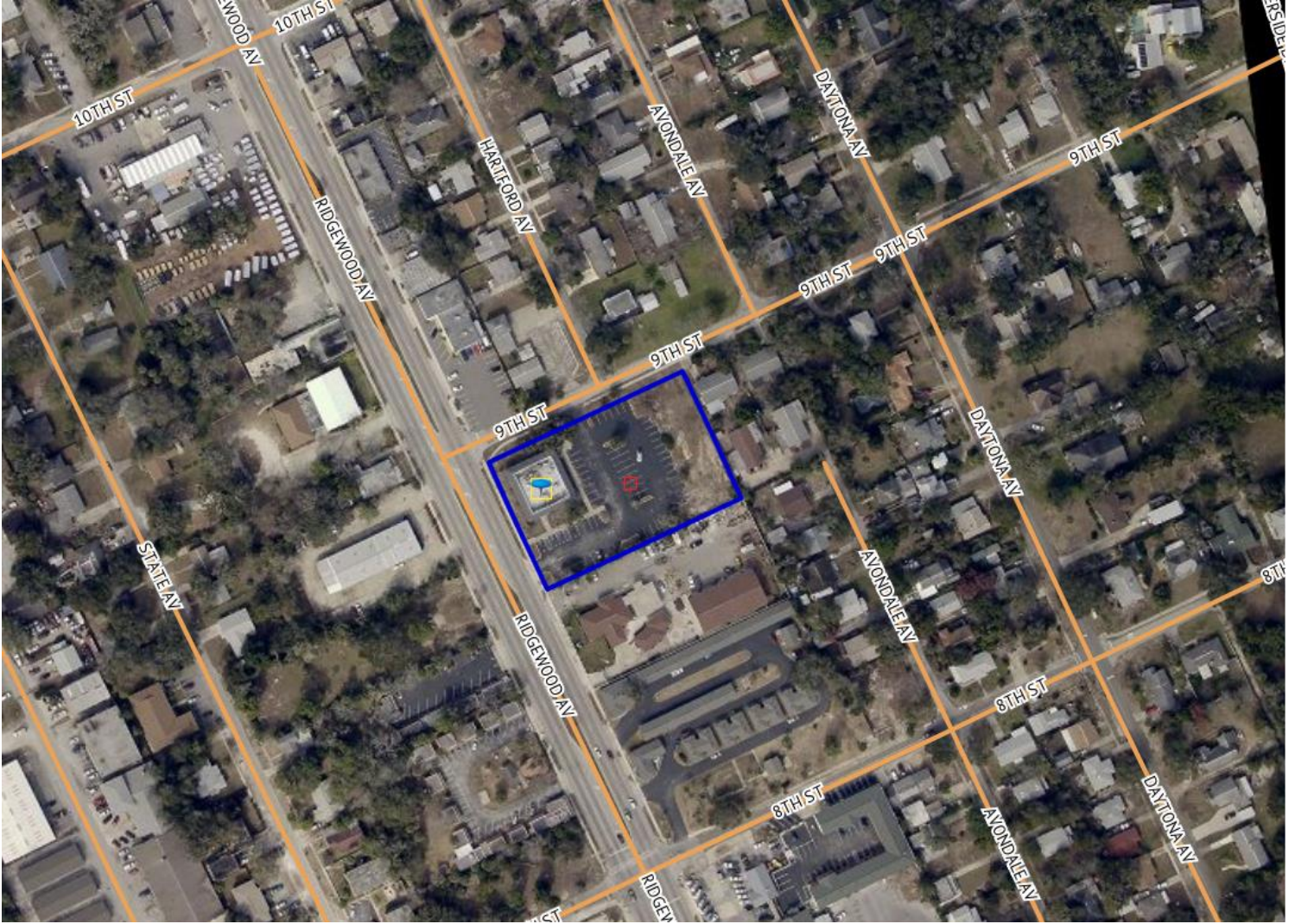
DATE _____

Location Map



Attachment: Location Map (2609 : Ridgewood Avenue (841) Front Yard Variance Request)

Aerial Map
841 Ridgewood Avenue



Attachment: Aerial (2609 : Ridgewood Avenue (841) Front Yard Variance Request)

The patio area shown is where the partially enclosed outdoor seating area is proposed. The roof will be extended to cover the patio area and an outdoor seating area constructed. (Picture 1 of 2)

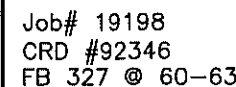




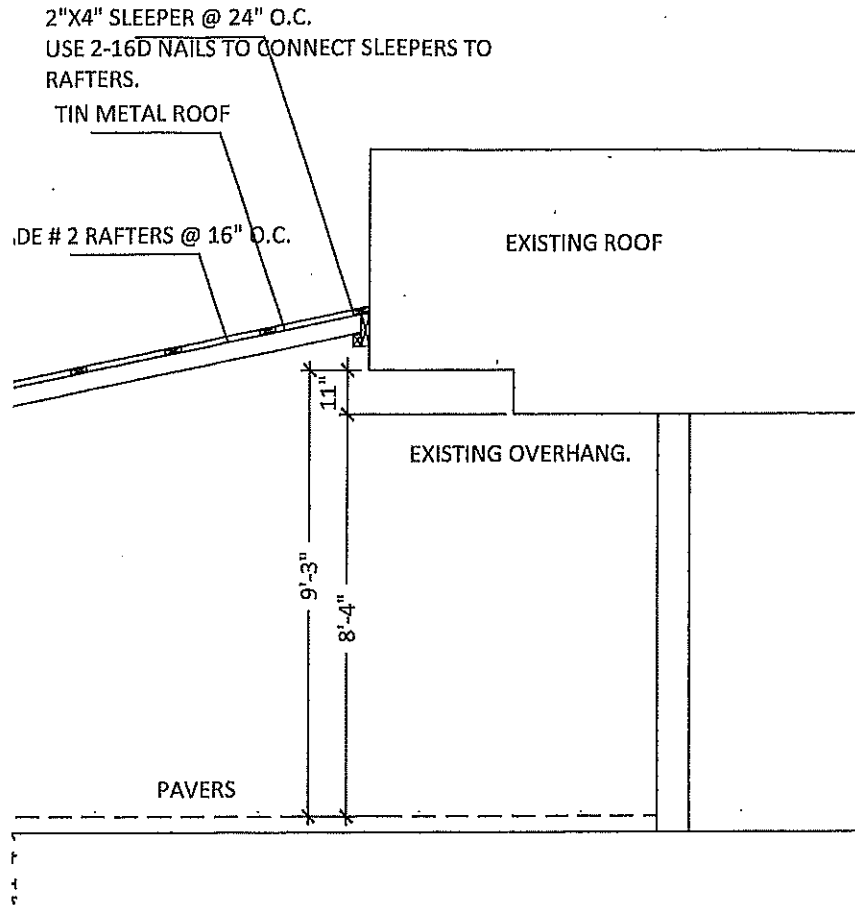
Attachment: Variance Area # 1 (2609 : Ridgewood Avenue (841) Front Yard Variance Request)



AREA OF THE VARIANCE REQUEST



(Not valid unless accompanied by sheet 2, Survey Report)



CROSS SECTION