



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • JUNE 28, 2016

City Commission Chamber

Work Session

7:30 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
John F. Capers	District 3 - Commissioner	Present	
Elizabeth Albert	District 4 - Commissioner	Present	
John Penny	Mayor	Present	

II. R1 SETBACK AMENDMENTS

1.

R1 Setback Amendments

(Requested by Valerie Manning, City Clerk)

Tom Harowski showed a PowerPoint presentation to the Mayor, Commissioner and Planning and Appeals board members on the R1 Setbacks for discussion and direction.

Mayor Penny stated his personal opinion is he like option five, do absolutely nothing. He doesn't like variances and he's gone on the record and said that. His concern is that there is going to be unintended consequences with across the board changes like this. If you get in the image of your properties, at 10th Street and Riverside Drive, several years ago there was a house that was damaged by a hurricane and rebuilt very close to the setback and then the applicant came and wanted to build even closer into the setback the neighbors came and were outraged. Many of the side streets on Riverside Drive that go east and west are staggered where the house on the corner is farther from the side street and then as you go down the street they're staggered out and he believes they are staggered out intentionally to take advantage of the setbacks and the river view and the breeze. He thinks they would be hurting peoples property values next to the Riverside Drive properties, he lives next to a Riverside Drive property. Mr. Heald came before the Commission tonight and talked about what a monstrosity he lives next to and if the city reduces these things it might make situations like that even worse. If they were planning a brand new community, like they talked to Mr. Heald about, the city could put these restrictions in, change these things and plan the perfect little community but over the last hundred plus years the community has evolved. He believes most of the variances that came before the Commission that weren't self-imposed, were granted by this

Commission. The difference is if they're self-imposed. Now some of these people that came before the Commission and have self-imposed hardships, may qualify for those hardships if we just arbitrarily change the borders. That's the way he personally feels about it. He doesn't want to discount hard work but he thinks this Commission in the past has been reasonable to look at these hardships and we've been harsh if they're self-imposed. The Commission has always helped people that are new owners and new to the community that didn't put themselves in this situation. He would like to do absolutely no harm and take them on a case-by-case basis.

Chris Via, Planning and Appeals board member stated, as Mr. Harowski stated the board worked very hard on this, at least five long meetings. Originally when it came up, the board wasn't looking to just make a rule, they weren't out just looking to do something but with the amount of variances that came before the board that were, in his opinion, were frivolous. Two feet, he believes, was one of the variances from the corner on Riverside Drive. The board decided to look into it. Let's see how many violations they had and when it came back to the board, that there was over 50% violations, the board decided to look into what they can do to make it more fair and to also reduce the burden on the citizens for the appeals process, the variance process because they have to jump through a lot of hoops, a lot of money to come before the board and then come before the Commission. The board was looking at solutions to help the citizens. The board talked a lot about the averaging and they thought it was a brilliant idea at first and then through talking it all the way out you end up realizing that the averaging ends up moving over time and it makes it a lot more difficult. When the board was going over it, they were looking at what would be fair and a fair assessment to make it as simple as possible and that's why the board went ahead and unanimously as the board they decided that by giving five feet to those homeowners that needed to build a porch and like in the one case where the two feet needed to come out and that's what the board was really working on. There was many meetings where the board talked all sides of this; they talked it down, they talked it up. He feels really comfortable with what the board has come up with. He thinks with the side corner lots, he believes that its in the best interest of the homeowners and that's really what the board really wanted to do.

Mike Myer, Chairman of the Planning and Appeals board, stated the city's thirty-five foot setback is a burdensome setback. He works in a lot of cities, in John Anderson, in Ormond Beach and Volusia County, the front setback on John Anderson is thirty feet and Holly Hill has thirty-five setbacks on Riverside Drive. He understands the Mayor was talking about Mr. Freeze house and he agrees with him and the neighbors were raising cain, he remembers that well. Mr. Myer stated he thinks if they allowed Mr. Freeze a few extra feet onto the road side all of the neighbors would have been unhappy with the city, Mr. Freeze would have been happy because he would have gotten his portico. Mr. Myer stated he does believe that the city's thirty-five foot setback is burdensome.

Mayor Penny stated he agrees with Mr. Myer that the thirty-five foot is burdensome, he's concerned about the side yard setback on the corner lots. He might not feel so strongly if it was 30/30 because they are only going five feet but he is concerned with the neighboring properties of that corner lot that bought houses. His house is one of those

houses and it was intentionally staggered out so he can look out his living room and if the city makes it eighteen feet, his neighbor who is constructing that house, he can build a garage. Mayor Penny stated he knows he's not entitled to a view but he's entitled to a view under the current rules that the city has and if we make that much less, if we go from thirty-five to eighteen, that's a big difference. There might be some wiggle room. He's not so much concerned about the front yard as he is with the side yard.

Mr. Myer stated he wasn't much in favor of the eighteen, he thought twenty was a better number but then the board thought eighteen was a better number so he agreed with them. As he looks on Riverside Drive, all around actually, as Mr. Harowski mentioned the other zoning districts, he paid particular attention driving home on Daytona Avenue and he thinks the city is in 50% violation on Daytona Avenue on those corner houses. They have the proper front yard setback on Daytona Avenue but the other side is not or vise-versa all the way up and down Daytona Avenue. Mr. Harowski's point that the board is reducing regulations, he thinks, is a good point. It's a viable point. Right now, half of Riverside Drive is in violation. He thinks the city should fix that. If their houses go down and they want to rebuild then they have to come to the board for a variance if they want to go back where they were. He thinks that's burdensome.

Mayor Penny stated and he agrees with him for that homeowner, he is concerned with the neighborhood. How does it affect the next neighbor? The neighbor that bought their house next to a house where it is, a normal person would assume that's where the house is going to be, you're not going to pick it up and move it out and if you can pick it up and move it out you are negatively affecting all the upland property owners.

Mr. Myer stated the Stangs are here tonight. They are the folks that had an issue because someone came to the board wanting a variance. They were about to build on a vacant lot just below Elizabeth, they had gone out as far as they wanted to go, the view of the river that they had going north was going to be lost so they were not much in favor of the Carters moving out and he recognizes that too.

Mayor Penny stated his concern is when we make changes like this, across the board changes, and don't look at them by individual by individual, there is going to be unintended consequences that none of them will think about until it happens and then we can't put that genie back in the bottle because we just arbitrarily made it and he truly believes that the variance, maybe the solution is make the variance issue easier to get through. Maybe make it less expensive for the variance. If the cost is prohibited then maybe they need to look at those costs. The Commission is looking at the budget right now. Maybe they need to streamline that variance issue. He would be much more comfortable with that solution.

Mr. Harowski stated just so the Commission is aware. About 2/3 of a residential variance is the cost to run the legal ad in the News-Journal.

Mayor Penny asked is there any other way to legally advertise? With the internet and social media and other papers in the area. Is the News-Journal the only source, legally?

Mr. Harowski stated his understanding is to qualify for running a legal ad in the newspaper has to publish five days a week. Right now, the News-Journal and the Sentinel are the only ones in the area that do that and the Sentinel is way more expensive than the News-Journal.

Commissioner Currie asked wasn't there a time that the Commission was discussing this cost and that was one of the questions that came up that the Commission wanted to look

into was how could they differ that legal advertising to bring the cost down and she doesn't know if they ever got an answer on that.

Commissioner Albert stated it was not only this process but it was across the board and all of the processes where we have to do those advertisings.

Jim Legary, Planning and Appeals board member stated, he thinks the kernel of this is the board had a number of people come to them for really tedious, small things like two or three foot and so the board was attempting like the conversation was here about colors, they were attempting to set a standard and as they say, 50% of the properties are in violation. It just doesn't make a lot of sense to continue with these people in violation, being in non-compliance. It doesn't make sense to him that for some of these trivial matters these people have to jump through all these hoops.

Commissioner Albert stated it seems the repeated theme is that we have some unreasonable situations that common sense would indicate that if the process were altered we could easily help those folks that Mr. Via is referencing, get through this process in an easier way and it would still allow an individualized snapshot of what wanted to be done. She thinks, and with a little bit of reference, historically, knowing what the city has gone through over the course of having good intentions and then reaping the rewards of having those good intentions with the fallout, she thinks that the first thing the city should do is look at the process and then if the city's process is the best process that the city can have then she thinks they need to consider the changes but the process needs to be looked at first starting with the advertisement as the Commission already indicated. It seems to be the cost. To her, it seems to be the cost.

Mayor Penny agrees. Its cost prohibited. He understands.

Commissioner Albert stated its problematic.

Commissioner Currie stated she agrees with Commissioner Albert. The number one thing that she would really like to look at first is the variance cost and process because she believes if they can get that under control it might be a little easier for our citizens to be able to get some of these tedious, menial variances taken care of quite easily. Now, that being said, if that can't be reduced, made easier or anything of the kind then she would probably be in favor of looking at possibly going to a 30/30 on the setback - thirty for the front, thirty for the side but there is no way she would be in favor of going to an eighteen on the side because right now the side yard is also thirty-five, correct Mr. Harowski?

Mr. Harowski stated yes it is.

Commissioner Currie stated there's no way she would go to an eighteen.

Commissioner Byrnes stated but the way the Mayor explained it, is you may be on the corner of Riverside Drive and the people behind you have a view of the river because of that setback.

Mayor Penny stated that's why the people came out when Mr. Freeze applied for his because he rebuilt a house where he did and then came for a variance. He created his own hardship so this Commission said no. The old house was where it was, they knew the new house could move up to that line but not over that line. You have to live with that. You are not guaranteed a view as long as they build a house within the existing rules. If the city changes those rules arbitrarily the city is negatively affecting those upland properties. Commissioner Currie stated she is not sitting here today saying she will approve it. She clarified by saying she will "consider" a 30/30.

Mayor Penny stated so would he. He thinks the root of the problem is the process.

Commissioner Currie stated but what she really wants to try and get taken care of is the variance processing and cost.

Mr. Myer stated how about, in Daytona Beach, if the request is 10% or less that it becomes a staff decision. What if they looked at that?

Mayor Penny stated thirty-five feet would be 3.5 feet, is that what you mean?

Mr. Myer stated, right.

Mayor Penny stated so it would still keep it under the thirty.

Mr. Myer stated so if somebody comes in and they are looking for approval for a variance and the staff can look at it and say, two foot and staff can do everything that the board would do and say yes or no and if staff says no and the people are not happy then they can go through the process. That may give staff some leeway so they can make some decisions.

Mayor Penny and Commissioner Currie stated that's a good idea, a good suggestion.

Mayor Penny stated he still thinks they need to look at the overall process.

Commissioner Albert stated and she likes the way they are thinking, in the technology age that they are living in, there's got to be a way that the city can do this more efficiently.

Commissioner Currie responded to Attorney Simpson's comment (not audible). She thinks that was the question that the Commission had the last time and they tried to address it.

Mayor Penny stated and maybe they can overcome that requirement by notifying more immediate neighbors. They can do a larger mailing which should be a lot cheaper to do a dollar a letter than a \$1200 advertisement.

Commissioner Currie stated she would also like to look into Mr. Myer's suggestion of having staff look at the 10% or less.

Mr. Myer stated when they're small, that's what Mr. Legary was saying.

Mayor Penny stated, right.

Commissioner Byrnes stated he's had a lot of negative feedback when there was something that was suddenly built and people didn't realize it was going up and he said well staff approves that, we don't really have an input and so he would prefer cleaning up and reducing the cost of the process rather than arbitrarily because suddenly...if the worse happens, a storm comes up a lot of those homes are destroyed and they all come back and they have plans where their house is 10% bigger, we've just allowed staff to do that and if staff says no, you have to stay within the borders then...

Mr. Myer stated we're allowing them the 10% of setback relief which 10% bigger would be all over.

Commissioner Byrnes stated right so on two sides it will be 10% larger.

Mayor Penny stated he believes that if most citizens came to this Commission for a variance request of 10%, 3.5 feet, the city's biggest setback is thirty-five feet, right? The biggest relief that staff would ever give is 3.5 feet and he's seen the Commission give a lot more than that. On a side yard its ten feet so you're only going to allow them to go one foot, you're not going to allow them to go 3.5 feet. He believes that this Commission would relieve up to 10%. He might be wrong but he thinks this Commission would do that.

Commissioner Byrnes stated but again, unintended...

Mayor Penny stated he still gets it but he still thinks the answer is they can streamline that situation and make it much more efficient and maybe Mr. Myer's suggestion is Plan B. He truly believes it depends on how it affects the neighbors and if the neighbors come out.

Attorney Simpson stated the city's criteria is the same as everybody else's. A small variance or a big variance doesn't and isn't a criteria. There are six criteria's and that's not one of them. A variance shouldn't be granted regardless of size.

Mayor Penny stated he understands Commissioner Byrne's point; 3.5 feet might make the difference between seeing the river or not seeing the river.

Commissioner Byrnes stated especially, when you get the accessory stuff...he just had his roof done and he was thinking about the setbacks, he noticed that the front of the house with the eaves and stuff comes out further than the rest of the house and there's a name for that. What do they call it?

Mr. Harowski stated there is a section in the code where there are some projections that allow you to extend.

Mayor Penny stated an eighteen inch overhang.

Commissioner Byrnes stated what he's seeing is if you allow the 3.5 feet that suddenly becomes six feet. That's what he was trying to get to before. If not six feet maybe it becomes five feet and that's the concern, that's the unintended consequence that he thought about because of what he was doing to his house. There's a lot of people in Holly Hill that would love to have a carport but they can't because of setbacks.

Commissioner Currie stated but she doesn't think that 10% will get them a carport either.

Mr. Harowski stated one of the things they battle with all the time in the community is a lot of the building occurred before the zoning was put in place.

Mayor Penny stated, right.

Mr. Harowski stated people built houses where it seemed appropriate at the time that they did it and now they have a zoning overlay and we are constantly struggling with where was this house relative to where the zoning code says that it should be. Now in our particular case, we have our residential zoning classifications are very suburban style numbers in a community that is a lot more urban in character with lot size and building placement. That's part of dealing with the issues that we have to deal with. The issue that the Mayor was talking about, the next house in, pultruding out a little bit, in theory if they all meet the setback and that's an R1 zone, that house has to line up with the one on the corner, you can't pultrude out. He knows that it happens and maybe that's because they built the house in early days.

Mayor Penny stated the corner house two front yards.

Mr. Harowski stated, right but the front yard of the next house in is the same distance so that wall should line up with the front house on the corner.

Mayor Penny stated and they don't.

Mr. Harowski stated and out in the community, that's not the way it occurs.

Mr. Legary stated there's a couple of online, they call them newspapers...he thinks there's one in New Smyrna, they're done every day. Would they qualify in anyway?

Attorney Simpson stated he thinks they have to have a certain designation services to qualify. State law defines exactly what it is. They don't have to use the News-Journal; there are other services that qualify but they have to meet that criteria.

Mr. Legary stated the Ormond Observer.

Mr. Harowski stated but they don't publish five days. The Observer changed, in their heyday, published five days a week and the reason that they did that was because a substantial part of their revenue was legal ads because they can underprice the News-Journal.

Commissioner Capers stated R1 zoning is throughout the city, correct or is it only Riverside Drive?

Mr. Harowski stated its east of US1 but not all on Riverside Drive.

Commissioner Capers stated, okay. That was the one thing he wanted to make clear. We're not just talking about Riverside Drive.

Mr. Harowski stated, no.

Commissioner Capers stated it could be other homes in other areas throughout the city. One of the things that he looks at and he hears the Mayor's concerns and he also understands where the Mayor lives and the house beside him on the corner, I don't see new construction. Riverside Drive is dedicated, its done, its finished and of course, a storm could come in and wipe out the whole place but his point is if this is changed he thinks it's going to be very, very little of anything, that's going to come across with a side yard that would do something with their homes. Personally, he agrees with the streamlining the variances, he agrees with trying to reduce cost and that's a completely different subject than what we're talking about, that we all agree on. There's not a single person in here that doesn't say we need to try and get that straightened out and we can work on that but right now, from what he understands, they are trying to see if they want to reduce from thirty-five feet to thirty feet.

Mayor Penny stated right but if the city made the process so easy and it was an administrative decision, the Commission wouldn't have to do any of these changes.

Commissioner Capers stated but if you look at Mr. ?, for example, and I know him personally, he's come to me and I've come here to City Hall with him several times, not only did it cost him \$1300 for two feet but it took months of time to get it and meanwhile, he had things delivered, he thought he was on track, he had moved all the metal out of his front yard because the metal guys are going to start picking it up so he had quite a hardship over a few feet. If they look at Riverside Drive, in particular, the setbacks are in, a term they use, in violation but they're grandfathered - they are where they are. If they went with the other five feet it's going to save people from going through that process and save them from the money and all that other stuff.

Mayor Penny stated he gets it but if they go with Mr. Myer's suggestion, staff could have done that quickly and a permit would have been issued the next day at a lessor cost, no advertising.

Commissioner Capers stated they just have to make sure though that it doesn't appear that an ex-employee or an employee or someone who knows someone can come in and get things and other people can't, it has to be across the board.

Mayor Penny stated and those are the standards that Attorney Simpson was talking about. Commissioner Capers stated if they went from the thirty-five to thirty that would probably stop a lot of the variances, at least the ones they have seen recently and if they also reduce the cost and streamline things which he thinks is another thing they need to do. He just doesn't see the corner house, he doesn't see somebody...there's no new growth. There's very few lots there.

Mayor Penny stated no, not new construction. It's going to be remodels. If you drive down Riverside Drive and he's focusing on Riverside Drive because that's the most R1 and that's where the biggest corner lots are and those are the biggest lots. There's a lot of homes being remodeled.

Commissioner Capers stated but if the setback is at thirty-five feet on the side and they want to remodel and the city goes to thirty feet, do you think they're going to add five feet on the side of their house? He doesn't think so.

Mayor Penny stated no, they're going to add a big garage and turn the house shaped as an "L".

Commissioner Capers asked with five feet?

Mayor Penny and Commissioner Byrnes stated yes, they can do it.

Commissioner Capers stated well they could get a variance for it too.

Mr. Forte stated its not five more feet. They may have ten feet (not audible)...

Mayor Penny stated it's not the buildings there already. There might be twenty feet between their house and the setback and they need three more feet to build their garage.

Commissioner Byrnes stated and they need to make sure it's not self-imposed either. That's the big part that happens with variances is that the ones that get turned down are usually because the people wanted something that usually wasn't intended.

Mayor Penny stated for his house, if you and I did this between my house and the neighbors, we would touch walls. You would never build a house the way they built my house.

Mr. Via stated and this whole thing didn't come up because side issues. The board was looking at it strictly because of the front. In the spirit of compromise, he understands what everyone is saying about not taking that back to eighteen and it's a good conversation. Actually, when the board talked about the side setbacks they were actually looking at other parts of the city, mainly not along Riverside Drive and that might have been a little bit of oversight, admittedly but in the spirit of compromise, he thinks thirty feet is fair along Riverside Drive in the front. He also agrees with the Commission in that the variance process has to be streamlined and they have to find a way to make that easier and make it less costly, take down the barrier but that's if they can do it. Its already sounding like we can't do that right now because 2/3 of the cost is the News-Journal. If that's the case then he still thinks that they still have this problem of it being thirty-five feet and if we're being fair, he thinks that it should be thirty feet. That's where he stands on it but he did want to clarify that with the side, he understands what the Commissioners are saying. In the spirit of compromise, he would be fully behind 30/30 for the setbacks from thirty-five feet.

Mayor Penny stated he thinks most of us could probably live with that.

Commissioner Byrnes stated he disagrees with part of that. The front yard setback is not going to affect the neighbors very much. The side yard is what would affect a neighbor like you and others that live on the side streets. If we want to go and say we'll give a five foot on the front through administrative, he could live with that because the front is only using more of your lawn. It's not going to affect the neighbor's next to you very much.

Mayor Penny stated in the spirit of compromise it sounds like they are talking about five feet. The difference between thirty-five and thirty. He has to go back to Mr. Myer's suggestion is that the middle between thirty-five and thirty is that 3.5 feet they can give staff administrative authority to grant.

Commissioner Capers stated he would like to see the thirty and then give staff permission if it's another two or three feet that's needed.

Mr. Forte stated he is concerned about what he is hearing, from his perspective as the administrator, is if they are making this 10% rule or the difference between 30/35 as an administrative rule, is there still criteria to be denied or are they just coming to the manager to say yes?

Mayor Penny stated no, there has to be criteria like Attorney Simpson talked about.

Mr. Forte stated then it's not a variance it's just an approval process and that doesn't stop somebody from coming in and saying I need more than five feet.

Commissioner Currie stated that's correct.

Mayor Penny stated if they need more then they come through the variance process.

Commissioner Albert stated but she thinks this is why the first and best step is to look at the overall process and determine where the flaws currently lie and how to best fix those.

Mr. Forte stated the process doesn't change the difference whether somebody has to pay for advertising, it doesn't change their need.

Commissioner Albert stated she thinks that's the focus on the process encompasses more than just the advertising component. The advertise component seems to be the most egregious part to the resident.

Mayor Penny stated, right.

Commissioner Currie stated yes, the length of time.

Commissioner Albert stated the length of time. She thinks they need to have some out of the box thinking in a way that the city is still compliant with the big picture of it all. She is no expert on what the Planning and Appeals board does but she thinks the first step is are we doing this in the most efficient way and are we using a vehicle that's the best for not only what we have to comply with but our citizens as well.

Mr. Forte stated and the answer to that is it depends on what you're goal and motivation is. If their goal and motivation is to allow variances then change the rules. If your goal and motivation is to limit variances because the rule is build within the box, if they want to build outside the box you need to jump through an awful lot of hurdles because everybody bought into that neighborhood knowing what the rules were.

Commissioner Currie stated Mr. Forte, her goal in having the variance process evaluated would be to see how we can simplify the process. It's not to see what this person can get away with and what that person can't get away with. She doesn't want that. She wants to see how they can simplify the process and make it as easy as they possibly can for both staff and our citizens.

Commissioner Byrnes stated and we're not talking about making it easier for them to be approved but to make it easier to get to right here, whether it's approved or not.

Commissioner Currie stated the whole process.

Mr. Myer asked the Stangs if they mind if he used them as an example. The said, no. Mr. Myer stated here's the deal, the Carter house is now five feet....was it six or seven feet out, he doesn't remember the number exactly, the Stangs are right next door getting ready to build a house. If they build a house on that lot, they have to have a thirty-five foot setback, they cannot apply for a variance now to move five foot further out. They can land a hardship. They are, right now, compelled to build thirty-five feet back, period. When, if they could just move that little extra five feet forward, the view that they bought

that lot for would be completely restored. The point is that if the city has vacant lots somewhere that the city is still forcing this, which he considers, a burdensome setback.

Mayor Penny asked what does moving the house to be built on a vacant lot, how does that affect the two people on either side?

Attorney Simpson stated he thinks what Mr. Myer is saying is the vacant lot would never qualify for a variance.

Mr. Myer stated, right. The vacant lot would not qualify for a variance.

Mayor Penny stated it would for the second buyer.

Commissioner Capers asked is the average setback home on Riverside Drive roughly about thirty feet because they were grandfathered in?

Mr. Myer stated it probably is.

Commissioner Capers stated this is why we're even talking about this, right?

Mr. Myer stated, yes.

Commissioner Capers stated so that's what they have to look at. It's unique.

Mayor Penny stated typically, that house could qualify for a variance for the next owner because they didn't build the house. That's typically the types of variances he has seen.

Attorney Simpson stated the Commissioners are establishing rules. The setbacks, these are all development rules. The Commission is saying we want things built in accordance with these rules. In his opinion, and he has said this for all the years he has represented the city, a variance should very rarely be given because you're deviating from the rules you set. Once you deviate a certain number of times from the rules, why do you have the rule? That's where we got to...instead of keep deviating from this rule, let's change the rule.

Mayor Penny stated he understands for somebody who wants to build a new home on a vacant lot but his concern is how does that affect the rest of the neighborhood? Now the whole neighborhood changes five feet, ten feet or twelve feet. He goes back to his original statement and do nothing.

Attorney Simpson stated he's okay with saying stay at thirty-five. The idea of streamlining the variance process concerns him other than it could just be a streamline no, an administrative rule. There's going to be a lot of no's because honestly, you need to have a unique lot to qualify for a variance. There has to be something unique about your lot or the way the house was previously built that makes it impossible for you to comply.

Commissioner Byrnes stated but looking at the variance process, he doesn't think they are going to change much but what he wants to do is reduce the cost so we're not burdening people with those huge costs.

Attorney Simpson stated we don't even charge for staff's time and review.

Commissioner Byrnes stated there was a time where you didn't even pay for a variance. It was just part of city operations.

Attorney Simpson stated and there was a time the city didn't zone it.

Commissioner Byrnes stated that was a long time before him.

Mr. Myer stated that's why they have the problem that they have now on Riverside Drive is that there was no zoning.

Commissioner Currie asked what would be the issue with just doing the front yard setback from thirty-five to thirty, we wouldn't have a problem with the side yard and people's views being obstructed.

Commissioner Byrnes stated, right. He agrees with her.

Commissioner Currie stated they can do from thirty-five on the front yard and still try to see if we can't get this variance process streamlined.

Attorney Simpson stated we can look at streamlining it but his definition of streamlining is a decision can get made more efficiently and less costly but not easier approval.

Mayor Penny stated, exactly. As long as they get an answer they can move forward.

Commissioner Currie stated something has to be done about that.

Attorney Simpson stated they can look into that. If it gets denied...this is something that can get worked out because if someone gets denied there has to be an appeal process from the decision of staff. Would that appeal process then go to the Planning Board or come directly to the Commission?

Commissioner Byrnes stated that's why he doesn't want that to happen. He wants to have it where they take the front yard setback...

Attorney Simpson stated he's talking about the variance. If they are going to come up with some way to streamline small requests for variances and staff makes it, there's going to be an appeal.

Mayor Penny and Commissioner Currie agree that it should come directly to the Commission then.

Commissioner Currie stated she thinks the appeals process should come directly to the Commission.

Attorney Simpson stated either approval or denial can come directly to the Commission.

Mr. Forte stated either side can appeal.

Mayor Penny stated he thinks he hears something that everyone here can agree on. He thinks everyone would be okay with the front yard setback at thirty feet. He has more heartburn on that relief on the side yard setback on the corner lots. If they can leave side yard thirty-five and the front thirty, he's okay with that.

Mr. Myer stated that was one of the board's suggestions.

Mayor Penny stated he would go with that.

Attorney Simpson stated just so the Commission is clear, the front, front yard comes back from thirty-five to thirty but the side front yard still stays at thirty-five.

Mayor Penny and Commissioner Currie stated, yes.

Mayor Penny stated Riverside Drive front yard, newly established because everyone believes Riverside Drive to be their front yard.

Commissioner Byrnes stated in the realm of unintended consequences, how many lots on the east side of Riverside Drive are unbuildable because of the setbacks? If they just arbitrarily changed the R1 setback are they going to be able to use those lots?

Mr. Forte stated he doesn't think they meet the medium yard size with the exception of the one we're talking about.

Mayor Penny stated he thinks there is only one buildable lot.

Commissioner Byrnes stated he doesn't want to see any more homes on the east side of Riverside Drive.

Attorney Simpson stated from 14th Street south, they can't do it because there's right-of-way.

Commissioner Byrnes stated, okay. He can support thirty feet on the front and still have variances for the side.

Mr. Myer stated he thinks that would help the Stangs. The Stangs nodded with a "yes".

Mr. Forte stated they are concluding is that staff will bring back the ordinance that will change the main street front setback from thirty-five to thirty, the side street front yard will remain the same. Staff will look to see if they can streamline this somehow, whether it's the required advertising to make it more timely and cost effective, we're not going to do an administrative approval.

Mr. Via stated he would like to thank Mr. Harowski for the hard work and he has walked the board through a lot of it and he wanted to thank him and his staff.

Commissioner Currie stated she would like to thank the Planning and Appeals board for working a lot of hard hours on this and it's not that the board's work is not taken into consideration so please don't take it that way. She truly appreciates the work that they have done.

Mr. Forte stated while they have this workshop setting, he wanted some direction, no final decision is being made. One is, in regards to what Commissioner Capers asked about the properties along Riverside Drive that the city owns. There are a very small number of properties and he thinks what Commissioner Capers was asking for is somehow designate those properties as parks and he wanted to get direction from the Commission on how they want to do that. He showed most, if not all of the Commission, what this is and it indicates the properties that we own on Riverside Drive and what they are talking about is the very far north end of the city limits where it's just north of where former Commissioner Moore used to live and then there's the parcel that's across the street from Marci Albright then there's a park that's already named and another that is not named but it's kept like a park and then there's a small parcel that the city owns in the 1200 block which is on the right-of-way and another park that's south of Sunrise Park south that's also a right-of-way.

Commissioner Capers asked isn't there a dock that the city owns?

Mr. Forte stated they are trying to figure out who owns that. There are two different legal descriptions on it.

Commissioner Capers stated his thoughts, originally, to name them as parks is that it would be an official park which could possibly help where the sexual predators may or may not move or live and so he felt that if the city named them as a park it would, for one, prevent people from trying to somehow buy the property, rent the property, lease the property, and it would also protect our youth, our kids, our grandchildren. That's his main reason behind it.

Mr. Forte stated they can declare them parks but they don't have to name them after a person or anything like that. For example, the one on the north end it can be called Northend Riverside Park.

Mayor Penny stated he's fully in favor of declaring them parks but he is not in favor of naming them after people.

Mr. Forte stated they can just declare them and put them on the city's list of parks for the city. Mr. Forte mentioned the property across the street from Marci Albright. They are still in the process of still doing...he isn't sure where they're at with that quite frankly. He hasn't heard back from them yet.

Commissioner Albert stated the city wasn't leasing them the property. It was one foot from the main high water mark, correct?

Mr. Forte stated with an access point, yes.

Commissioner Currie stated she would be in favor of doing that but she doesn't want to name them all.

Mr. Forte stated they're not naming them, they will just be declared as parks for that purpose. They can name them but it's not necessary. They will be designated as parks. Mr. Forte stated the last thing he wanted to talk to them about is the possibility of selling The Market and he got the appraisal back which is \$825,000 for The Market itself and \$120,000 for the parcel next door that is used primarily for parking. They are looking at \$945,000 at the appraised value and he can tell the Commission that the city has in it \$2.2 million, that includes the acquisition, all the improvements that were put into it. It's not a money maker. The city will never get its money out of that property.

Mayor Penny stated he thinks they need to cut their losses.

Mr. Forte stated it will cost the city more as time goes on because there are still things that are needed down there. He has said it many times, government makes terrible landlords. If the Commission gives him direction to sell it, he will bring back a methodology for the Commission to sell it because that involves whether they want to list it, list it with a commercial realtor, provide commission or not provide commission so there is a couple of terms as to how they would try to do this. They can do it by bid, by certain date. This would be a straight sale. If somebody comes in and they want to keep the tenants, then they can. If someone wants to buy it and empty it out and put their own business in there it's their decision. The city would no longer get involved. Whatever it is zoned for that's what they can do.

Commissioner Byrnes stated that's a historic coquina building and so he's not in favor of selling it.

There was **consensus** to sell The Market.



III. ADJOURNMENT

The workshop adjourned at approximately 8:40 PM.


Valerie Manning, City Clerk CMC 6/28/2016


John Penny, Mayor 6/28/2016