

M I N U T E S
REGULAR COUNCIL MEETING
CITY OF HOLLY HILL, FLORIDA
APRIL 27, 1992

1. CALL TO ORDER

Mayor Thomas C. Ryan called the meeting to order.

Answering roll call were Mayor Ryan, Councilman Arthur Byrnes, Councilman J. D. Mellette, Councilman Robert Chesnowitz and Councilman Jim Gaither.

Also attending were City Manager Ralph Hester, City Attorney Edward Simpson, Chief of Police Pat Finn and Deputy City Clerk Sue W. Blackwell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

The Invocation was given by Councilman Gaither.

4. MAYOR'S REPORT/COMMENTS

Mayor Ryan made several brief statements concerning Fourth Annual Indian River Clean Up and his meeting with Volusia Council of Governments and Metropolitan Planning Organization. He said the County was looking for funding for 800 MHZ system to become a county wide system. He also mentioned the possibility of a county wide ordinance for political signs and recent passage of an optional five cent gas tax.

5. COUNCIL'S REPORT/COMMENTS

Councilman Byrnes stated he attended the Beach Trust Workshop for Beautification and Signage. He said the meeting centered around the fact people from out of town had a hard time finding the beach. He said their was mention of adding more signs pointing to the beachside.

There were no further comments from other members of Council.

6. ADVISORY COMMITTEE REPORTS

None.

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7. AUDIENCE PARTICIPATION

None.

8. CONSENT AGENDA

- A. Approval of Minutes - Regular Meetings - April 13, 1993 and April 20, 1993.

Councilman Byrnes moved to APPROVE the Consent Agenda being seconded by Councilman Mellette. The motion CARRIED 5-0 on roll call.

9. ORDINANCE NO. 2346 - REZONE PROPERTY ON WEST SIDE OF HOLLY HILL AVENUE FROM R-3 TO I-1.

City Attorney Simpson read:

BY TITLE THIS IS AN ORDINANCE AMENDING THE ZONING MAP BY REZONING PROPERTY LOCATED AT WEST SIDE OF HOLLY HILL AVENUE BETWEEN WALKER STREET AND 15TH STREET FROM R-3, SINGLE FAMILY RESIDENTIAL, TO I-1, WHOLESALE-LIGHT INDUSTRIAL; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

He omitted reading the formal parts of the title.

The legal description contained in the body of the Ordinance is:

THE NORTHERLY 330 FEET OF THE WESTERLY 160 FEET OF LT 27, BLK 33, MARY C. FLEMING'S SUB OF THE THOMAS FITCH GRANT AS PER MAP IN MB 1 PG 1 PRVC EXCEPT THAT PART USED FOR STREET RIGHT-OF-WAY.

AND

LTS 14, 15, 16 AND 21 AND THAT PART OF LT 22 LYING NORTH OF SAID LTS AND BOUNDED ON THE WEST SIDE BY EXTENDING THE WEST LINE OF LT 16 TO HOLLY HILL AVENUE ALL IN CANAL PART A SUB IN LTS 18 AND 19 AND PART OF LT 27 BLK 33 FLEMING FITCH GRANT HOLLY HILL ACCORDING TO MAP IN MB 9 PG 112 PRVC.

Councilman Mellette moved to ADOPT Ordinance No. 2346 on second reading being seconded by Councilman Chesnowitz. The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Chesnowitz, yes; Gaither, yes; Byrnes, yes; Ryan, yes.

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10. ORDINANCE NO. 2347 ANNEXING HARDESTY PROPERTY

City Attorney Simpson read:

BY TITLE THIS IS AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY IN THE COUNTY OF VOLUSIA INTO THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA;

REDEFINING THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA, TO INCLUDE SAID PROPERTY; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT

Mr. Simpson omitted reading formal parts of the title.

Councilman Gaither moved to ADOPT Ordinance NO. 2348 on second reading being seconded by Councilman Mellette.

The motion CARRIED 5-0 on the following roll call:

Gaither, yes; Mellette, yes; Byrnes, yes; Chesnowitz, yes; Ryan, yes.

11. ORDINANCE NO. 2348 ANNEXING MYERS PROPERTY

City Attorney Simpson read:

BY TITLE THIS IS AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY IN THE COUNTY OF VOLUSIA INTO THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA; REDEFINING THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA, TO INCLUDE SAID PROPERTY; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF ; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mr. Simpson omitted reading the legal description of the property.

Councilman Gaither moved to APPROVE Ordinance No. 2349 on first reading being seconded by Councilman Mellette. The motion CARRIED 5-0 on the following roll call:

Byrnes, yes; Mellette, yes; Chesnowitz, yes; Gaither, yes; Ryan, yes.

12. ORDINANCE NO. 2349 ANNEXING JOHNSTON PROPERTY

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City Attorney Simpson read:

THIS IS AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED PROPERTY IN THE COUNTY OF VOLUSIA INTO THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA; REDEFINING THE MUNICIPAL LIMITS OF THE CITY OF HOLLY HILL, FLORIDA, TO INCLUDE SAID PROPERTY; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; PROVIDING FOR THE REPEAL OF LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mr. Simpson omitted reading the formal parts of the Ordinance.

Councilman Mellette moved to APPROVE Ordinance No. 2349 on first reading being seconded by Councilman Gaither. The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Gaither, yes; Byrnes, yes; Chesnowitz, yes; Ryan, yes.

13. ORDINANCE NO. 2350 REZONING PROPERTY FROM B-1 AND B-4 TO B-6

City Attorney Simpson read:

BY TITLE THIS IS AN ORDINANCE AMENDING THE ZONING MAP BY REZONING PROPERTY LOCATED AT 133 RIDGEWOOD AVENUE AND 230 OAK RIDGE AVENUE FROM B-4, HIGHWAY BUSINESS DISTRICT, AND B-1, PROFESSIONAL OFFICE, HOSPITAL-MEDICAL DISTRICT, TO B-6, RIDGEWOOD AVENUE BUSINESS DISTRICT; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING FOR THE TERMS AND CONDITIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mr. Simpson omitted reading the formal part of the Ordinance but he read the legal description as follows:

LOTS 3 TO 8, HOLLY PARK IN BLOCK 35, MASON AND CARSWELL'S, OF RECORD IN MAP BOOK 5, PAGE 56, PRVC.

Councilman Mellette move to APPROVE Ordinance No. 2350 on first reading being seconded by Councilman Byrnes. The motion CARRIED 5-0 on the following roll call:

Mellette, yes; Byrnes, yes; Chesnowitz, yes; Gaither, yes; Ryan, yes.

14. REQUEST FOR VARIANCE TO PLACE SINGLE FAMILY DWELLING ON A SUBSTANDARD LOT.

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Mr. Hester voiced concern this area could become part of the redevelopment district and asked Council to consider this when making their decision.

Councilman Gaither stated he did not think the City could keep letting houses be placed on fifty foot lots. He did not like the idea of "piece milling" zoning around the City.

Councilman Gaither made a motion to deny the request for Variance being seconded by Councilman Byrnes.

Councilman Byrnes commented part of a non-conforming use is that in the future the use would become conforming. He also said if the City allows houses to be placed on substandard lots then they would be creating blight areas which they are presently trying to get rid of.

Councilman Mellette voiced his concern over the fact Mr. Teta also owned the lot beside the one he is asking for a variance for.

The fact this lot was brought before the Council a few years ago and being turned down was mentioned.

Mayor Ryan called for questions or comments.

Mr. Teta, 700 Ridgewood Avenue, owner of property, said he bought the property eleven years ago as two separate lots. One lot has a house on it and the other lot is 50 foot by 100 foot. He wants to take his house from 700 Ridgewood Avenue, and place on the fifty foot lot.

Mayor Ryan said the Ordinance does not allow him to place a house on the fifty foot lot.

Mayor Ryan stated the variance is being debated because it does not conform to what the City's zoning laws require.

The Mayor continued on to say Mr. Teta came before the Council a number of years ago and was turned down for the same reasons the Council was turning the variance down tonight.

Mr. Teta said he was turned down because his neighbor lied and caused the Council to turn down his request last time.

Mr. J.R. Stewart, real estate agent, said there are approximately thirty-four lots within a two block radius with twenty seven being

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non-conforming, he did not understand why there was a problem giving Mr. Teta the same thing all the other people around that area have.

Mayor Ryan said it was the feeling of the Council they did not wish to grant the Variance and it is in their scope or authority to decide each case individually regardless of the houses remaining. He said sometimes things happen in the past and sometimes people have to say there will be no more of it.

Mr. Stewart said they were only asking for what twenty seven other houses in the area have. He stated it was going to be Mr. Teta's homestead and he wasn't sure what the problem was. He said Mr. Teta wanted to move his homestead and would like Council to know that was the only reason they were asking for a Variance.

Mr. Simpson said under the Planning and Appeals Ordinance the Council needs to include the reason for not following the Board of Planning and Appeals recommendation in their motion.

Councilman Gaither amended his motion.

Councilman Gaither moved to DENY the Variance because it is a non-conforming lot, it is part of the redevelopment district and it would not be feasible to allow something that would expand the problem and he owns the parcel immediately adjacent to the lot he is asking for the Variance for and it already has a home on it being seconded by Councilman Byrnes.

The motion was DENIED 0-5 on roll call.

15. CITY MANAGER COMMENTS

None.

16. CITY ATTORNEY COMMENTS

None.

17. MISC. COUNCIL COMMUNICATIONS

None

18. ADJOURNMENT

With nothing further to come before the Council the meeting was adjourned at 8:05 p.m.

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Mayor

City Clerk/Manager