



Board of Planning and Appeals  
Minutes • April 6, 2026

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City Commission Chamber	Regular Board of Planning and Appeals Meeting	6:00 PM
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City Hall  
1065 Ridgewood Avenue  
Holly Hill, FL 32117

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

**1. Call to Order**

The meeting was called to order at approximately 6:10 PM.

**2. Roll Call**

Brian Walker, City Planner/Assist., City Manager, informed the Board members that he had texted Mr. Myer but had not heard back from him just yet. There was no indication that Mr. Myer was not attending the meeting. At this time, Vice-Chairman Dennis Smith called the meeting to order.

**Present:**

Board Member Tony Cassata

Board Member John Danio

Board Member Dennis Smith

**Absent:**

Board Member Michael Myer - *arrived at approximately 6:27 PM.*

Board Member Kymberlee Nguyen

**3. Invocation**

The invocation was led by Vice-Chairman Dennis Smith.

**4. Pledge of Allegiance**

Mr. Danio led the Pledge of Allegiance to the Flag.

**5. Minutes**

1. Minutes - February 2, 2026 - Board of Planning and Appeals meeting

(Requested by Leslie Montgomery, Board of Planning and Appeals & Valerie Manning, City Clerk)

Motion to Approve.

**Result:** Passed [UNANIMOUS]

**Mover:** Board Member Tony Cassata

**Second:** Board Member John Danio

**Ayes:** Tony Cassata, John Danio, Dennis Smith

**Nays:** None

## 6. Agenda Item(s)

### 1. Waiver Request - 641 Carswell

(Requested by Joshua Steele, Senior Planner)

Joshua Steele, Senior Planner went through his staff report with the Board members. The applicant (Paul Culver) is requesting a waiver of the setback requirements in Section 98-68 of the Land Development Regulations, for the property shown in Exhibit A in the agenda packet. The applicant is demolishing the structure currently on the lot and replacing it with a new, commercial building. The current building is residential in nature and does not match the Future Land Use or Zoning District that it lies in. Section 98-68 (Exhibit B) requires a 35-foot setback with a 10-foot landscape buffer and Type A visual screen. The applicant is requesting a waiver to the rear (Eastern) property line to reduce the setback from 35 feet, down to 20 feet with a 10-foot landscape buffer. The east property line is required to meet the following regulations: Parcel lines abutting incompatible uses. CC-1 adjacent to R-3. Dependent upon screening choice, the setbacks are dictated by the chart at 98-68(a) shown in Exhibit B, in the agenda packet. The applicant is requesting a waiver based on Visual Screen "A". Mr. Steele mentioned, the Board of Planning and Appeals may, upon appeal by an applicant, unless otherwise provided for, waive or reduce the required landscape provisions of this article where such requirements would be unreasonable and excessive due to the size of the parcel in question or the fact that the landscaping requirement is not necessary due to the unique location or natural topographical or other physical character of the specific parcel in question, and provided such reduction would not be detrimental to the adjacent parcels." Also, pursuant to Section 98-69 (c) Setback, the Board of planning and appeals may, upon appeal by an applicant, waive or reduce the required setback where such setback would be unreasonable and excessive due to the size of the parcel in question or the fact that the required setback is not necessarily due to the unique location or natural topographical or other physical character of the specific parcel in question, and provided such reduction would not be detrimental to the adjacent parcels. The applicable buffer and visual screen provisions along all parcel lines in question shall not, however, be waived. It is staff's recommendation that should the Board of Planning and Appeals approve the proposed waiver for reduction in setback request from 35 feet down to 20 feet, staff recommends the following conditions and provisions be applicable:

- That the applicant maintains the visual screen and landscaped areas, by replacing vegetation that dies or is destroyed or damaged, whether by accident or by natural disaster.
- That this waiver be valid conditioned upon the site being developed as proposed. Significant changes to the site plan shall require that the waiver request go back to the Board of Planning and Appeals. The decision as to whether a site modification is significant or not shall be determined solely by the City.
- That no activities of a loud, industrial nature take place at the rear of the property that abuts residential parcels.

Tanner Banks of Parker Mynchenburg was present to answer questions and help explain the waiver request as presented by staff.

**Vice-Chairman Smith opened public participation. No one spoke.**

Motion to Approve.

**Result:** Passed [UNANIMOUS]

**Mover:** Board Member John Danio

**Second:** Board Member Tony Cassata

**Ayes:** Tony Cassata, John Danio, Dennis Smith

**Nays:** None

**Mr. Walker informed the Board members that Mr. Myer had responded to his text regarding his whereabouts, apologized and stated that he was on his way to the meeting. Mr. Myer arrived at the meeting at approximately 6:27 PM.**

## 7. Ordinances

### 1. Recovery Residence Ordinance

(Requested by Brian Walker, City Planner)

Mr. Walker went through his staff report with the Board members and gave some background history for this Ordinance. On June 25, 2025, Governor DeSantis approved Senate Bill 954, which has been codified into law as Florida Statute Chapter 397 governing Recovery Residences. Pursuant to Section 397.487, Florida Statutes, *"the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence."* Mr. Walker stated, these facilities, commonly known as sober homes, offer structured, supportive living environments for individuals recovering from substance-use disorders. Typically operated as group living arrangements, recovery residences can present zoning and land use challenges related to occupancy limits, neighborhood compatibility, and use classifications. A certified recovery residence, aka a sober living home, is not a community group home nor is it an assisted living facility, which are governed by different Florida Statutes – FS 419 and 429 respectively. See the attachment titled, "Facility Differences" for additional information in the agenda packet. Mr. Walker stated this proposed Ordinance establishes procedures for the review and approval of certified recovery residences in compliance with Chapter 397, F.S. attached as EXHIBIT A in the agenda packet. A brief list of what the Ordinance accomplishes with regard to recovery residences is as follows:

1. Provides definitions.
2. Provides information on the application process.
3. Provides basic requirements for recovery residences, such as the permitted number of occupants, etc.
4. Provides a staff review and approval process.
5. Recovery residence requests that meet all requirements are approved at staff level. This includes requests for reasonable accommodation. The definition of what constitutes a "reasonable accommodation" is stated in the Ordinance. Such request will be approved at staff level if they are deemed to be "reasonable" as defined.
6. Only request that are denied by staff may be appealed to the City Commission.
7. The Ordinance states conditions upon which approval can be revoked.

Mr. Walker stated because the request for a recovery residence may involve a request for accommodation or reasonable relief from City rules, policies, practices or services, it has been included in Section 82-322 of the Land Development Regulations which addresses, *"Evaluations of Request for Accommodation Pursuant to the Fair Housing*

Act.” This section discusses and provides a process for requesting relief from City policies, practices or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. In order to more easily incorporate the process for recovery residences seeking accommodation into the existing section dealing with the request for accommodation, Section 82-322 has been rewritten. The section currently in the code as Section 82-322 will be revoked and replaced in its entirety. It is staff's recommendation to adopt the Ordinance amending the Land Development Code, Chapter 82, replacing in its entirety Section 82-322; establishing a process for the review and approval of requests for accommodation from the City's Rules, Policies and Practices to allow a handicapped person or persons to have equal opportunity to use and enjoy a dwelling and for the approval of certified recover residences pursuant to Florida Statutes, Section 397.487.

**Vice-Chairman Smith opened public participation. No one spoke.**

Motion to Approve.

**Result:** Passed [UNANIMOUS]

**Mover:** Board Member Michael Myer

**Second:** Board Member John Danio

**Ayes:** Tony Cassata, John Danio, Dennis Smith, Michael Myer

**Nays:** None

2. Proposed Large-Scale Evaluation and Appraisal Report (EAR) - Based 2050 Comprehensive Plan Amendment

(Requested by Brian Walker, City Planner)

Mr. Walker went through his staff report and gave a background history on the proposed Large-Scale Evaluation and Appraisal Report (EAR) to the Board members. Mr. Walker stated Pursuant to Section 163.3191(1), Florida Statutes, at least once every seven (7) years, local governments are required to evaluate and appraise their land use comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements since the last update of the comprehensive plan and notify the state land planning agency as to its determination. On August 29, 2024, the City of Holly Hill notified the State Land Planning Agency, the Florida Department of Commerce (FDC), that the City intended to transmit the appropriate amendments in accordance with Sec. 163.3191(2), Florida Statutes. City staff completed a review of the City of Holly Hill's Comprehensive Plan relative to changes in state law since the adoption of the last Evaluation and Appraisal Report comprehensive plan amendments. The proposed amendment was transmitted to the Florida Department of Commerce.

After review of the City's proposed amendment, the Florida Department of Commerce sent a letter dated December 19, 2025 (EXHIBIT A) with regard to the proposed comprehensive plan amendment (Amendment No. 25-01ER). Mr. Walker stated the letter states that the proposed amendment was rendered null and void by the Florida Department of Commerce due to perceived conflicts between the application of Chapter 2025-190, Section 28, Laws of Florida, (SB 180) and the proposed amendment. Basically, the letter stated that certain policies are either more restrictive or burdensome, or potentially more restrictive or burdensome, than the City's current adopted plan. The letter cited the following policies:

FLU Element Policy 1.1.2

Transportation Element Transportation Circulation Maps 2025 and 2025 – Roadway Levels Service

Transportation Circulation Element Policies 1.1.6 and 1.9.7 and 1.11.1 and 1.11.5  
Staff addressed each of the Department's concerns and submitted the letter attached as EXHIBIT B, found in the agenda packet, to the Department of Commerce on January 22, 2026. All changes to the Comprehensive Plan are highlighted in the

Summary of Changes attached as EXHIBIT C, including those made in response to the letter dated December 19, 2025, from the Department of Commerce. An additional explanation regarding Policy 1.9.7 is attached as EXHIBIT D, in the agenda packet. Mr. Walker stated that because the original submittal of the proposed amendment was rendered null and void by the Department of Commerce, the few policies found to be in conflict cannot simply be revised, and the approval process resume. The process must start over, from the beginning. It is staff's recommendation that the Board recommends approval of this proposed Large-Scale Evaluation and Appraisal Report move forward to the City Commission as presented this evening for approval.

**Vice-Chairman Smith opened public participation. No one spoke.**

Motion to Approve.

**Result:** Passed [UNANIMOUS]

**Mover:** Board Member John Danio

**Second:** Board Member Tony Cassata

**Ayes:** Tony Cassata, John Danio, Dennis Smith, Michael Myer

**Nays:** None

**8. Old Business**

None

**9. Board/Staff Communications**

None.

**10. Adjournment**

The meeting adjourned at approximately 7:02 PM.