



**AGENDA
PLANNING AND ZONING BOARD MEETING
CITY OF ST. AUGUSTINE BEACH
MAY 19, 2015 7:00 PM.**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

NOTICE TO THE PUBLIC

THE PLANNING AND ZONING BOARD HAS ADOPTED THE FOLLOWING PROCEDURE: PERSONS WISHING TO SPEAK ABOUT TOPICS THAT ARE ON THE AGENDA MUST FILL OUT A SPEAKER CARD IN ADVANCE AND GIVE IT TO THE RECORDING SECRETARY. THE CARDS ARE AVAILABLE AT THE BACK OF THE MEETING ROOM. THIS PROCEDURE DOES NOT APPLY TO PERSONS WHO WANT TO SPEAK TO THE BOARD UNDER "PUBLIC COMMENTS."

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 21, 2015

V. PUBLIC COMMENT

VI. NEW BUSINESS

A. Land Use Variance File No. VAR 2015-01, for a rear yard setback reduction to 7.5 (seven-and-one-half) feet for proposed construction of a screen porch addition to an existing single-family residence in a Planned Unit Development land use district at 28 Bermuda Run Way, Phillip A. and Alyce W. Finder, Applicants

B. Conditional Use File No. CU 2015-02, for renewal of a conditional use permit granted for food and/or beverage service and consumption outside of an enclosed building on the premises of Cone Heads Ice Cream, in a commercial land use district at 570 A1A Beach Boulevard, Margaret Kostka, Genesis Property & Management Group LLC, Applicant

C. Scheduling of Workshop Meeting to Review Building Setbacks and Other Land Development Regulations, per the City Commission's request that the Board hold a workshop meeting to discuss concerns from residents about the new building setbacks mandated by Ordinance No. 13-14, passed on second reading by the City Commission on November 4, 2013

VII. OLD BUSINESS

VIII. BOARD COMMENT

IX. ADJOURNMENT

NOTICES TO THE PUBLIC

In accordance with the Americans with Disabilities Act, persons requiring special accommodations to participate in this proceeding should contact the City Manager's Office at least 24 hours in advance of the meeting date and time at the address listed above, or telephone 904-471-2122, or email sabadmin@cityofsab.org

For more information on any of the above agenda items, please call the City of St. Augustine Beach Building & Zoning Department at 904-471-8758. The agenda information may also be accessed from the meeting schedule information on the City's website at: www.staugbch.com



**MINUTES
CITY OF ST. AUGUSTINE BEACH
PLANNING AND ZONING BOARD
REGULAR MONTHLY MEETING
TUESDAY, APRIL 21, 2015**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

Chairman Steve Mitherz called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairman Steve Mitherz, Vice-Chairman Jane West, Roberta Odom, Elise Sloan, Zachary Thomas, Karen Zander, Senior Alternate Mary McCarthy.

BOARD MEMBERS ABSENT: David Bradfield, Junior Alternate Jeffrey Holleran.

IV. APPROVAL OF MINUTES JANUARY 29, 2015 REGULAR MONTHLY MEETING

Motion: to approve the minutes of the January 29, 2015 regular monthly meeting. **Moved by** Karen Zander, **seconded by** Elise Sloan, passed 7-0 by unanimous voice-vote.

V. PUBLIC COMMENT

Mr. Mitherz asked for public comment pertaining to anything not on the Board's agenda.

Leeann Kendall, 7 C Street, St. Augustine Beach, Florida, 32080, said there is a new house being built right next door to her, at 5 C Street, with the reduced setbacks that were changed last year, which allow this new 35-foot-high house to be five feet in front of her house, so it blocks any view she had. The side yard setbacks were reduced along with the front and rear yard setbacks, which means the space required between her house and the new house has also decreased. She didn't know anything about the new setbacks until this house started going up next door, and while it's too late to prevent it from being built, she hopes it's not too late to be proactive in creating a vision that maintains the lifestyle she and many others came here for. She'd like to see the reduced setbacks changed back to the previous setbacks the City had in place for the past 30-40 years, which were 25 feet in the front and rear and 10 feet on the side. She's also concerned about the drainage coming off a 35-foot-high building with reduced setbacks. She thinks there are quality of life issues here, which she'd like to discuss with the Planning and Zoning Board at a workshop meeting. She's personally affected and thinks the future value of her property may also be significantly affected by the new construction right next door, but she also cares about St. Augustine Beach as a whole, and would really like to address future growth in the City.

Craig Thomson, 6-A D Street, St. Augustine Beach, Florida, 32080, said he's also here regarding last year's zoning changes, which reduced the setback requirements significantly. In January of this year he gave a similar presentation to the City Commission to indicate the new setbacks allow more than a one-third increase in the bulk of a house, and they also allow new construction to block views in established neighborhoods. He built his three-story house on D Street 20 years ago, and the front of the house steps back off the street, with plenty of trees and landscaping, so it feels very private. As the lots in his neighborhood were platted in the early 1920's and the existing zoning has been in effect since the 1950's, his main question is why the setbacks have been so significantly changed at this time. He wrote a letter today to Mr. Royle and Mayor Samuels, copies of which he provided to the Board members and staff, as an appeal for a public workshop to be held to discuss ways to curb the adverse effects of the new setback requirements on established neighborhoods. He provided diagrams on the overhead projector of standard 50-foot-wide lots, showing the original setbacks for a three-story house, which were 12 feet on each side and 25 feet in the front and rear. The setback revisions which were passed and approved reduced the front and rear yard setbacks to 20 feet and the side yard setbacks to 7.5 feet, and also allow cantilevered decks and/or porches to encroach into these setbacks. There's a big difference between having a three-story house 12 feet off your side property line versus only 7.5 feet off your side property line. The lot coverage also jumps from 27.6 percent to 39.7 percent, which is an issue because maximum lot coverage for residential property is 35 percent. He showed a photo of the three-story house being built next door to Ms. Kendall's two-story house on C Street, and said this new house is 4,053 square feet, has 1,343 square feet of porches, an additional 900-square-foot roof deck on top of the third floor with a cantilevered stairway going up to it, five bedrooms, five-and-one-half bathrooms, and requires five parking spaces. The question is whether or not this is what they want St. Augustine Beach to become. He's lived here for 20-30 years and seen all the growth, and thinks this is a concern. He also thinks there are environmental concerns with all the drainage runoff that will be directed into the street, as this could cause flooding on adjacent properties, if they are low. His letter includes proposals he'd like considered to curb these adverse effects, such as maintaining a minimum 25-foot front yard setback for all residential properties in the City; maintaining a minimum 10-foot side yard setback for two-story construction and a minimum 12-foot side yard setback for all three-story construction; maintaining a swale in the road right-of-way for each residential property; reducing the lot coverage for three-story construction to 30 percent; and restricting roof decks to a maximum size and height above grade, because as far as he knows, there are no regulations on roof decks, or anything to control roof decks being built higher and higher.

Ms. West asked when the reduced setbacks occurred, and what exactly changed regarding the setback requirements. She also asked how property owners were notified of the setback rollbacks, and if notices were mailed individually to each and every property owner within the City.

Mr. Larson said the setbacks were reduced in 2013, from 25 feet to 20 feet front and rear, and allowances were also made for second- and third-level porches. He said the setback revisions were put on meeting agendas and legally advertised, and the agendas are on the City's website, but notices were not mailed individually to each and every property owner within the City.

Ms. West said she thinks this is a legitimate concern, as everyone purchases their property with a certain expectation of how far away their adjacent neighbor is going to be, so they don't expect to suddenly find out, through the construction of a much larger footprint of a house, that things have changed without really being notified, other than the changes being placed on an agenda.

Obviously, there's nothing that can be done in this particular situation, as the house being built on C Street is well underway and it's going to be constructed, but she thinks the Board would be doing the City a service if they revisited this issue in a workshop meeting, and at least advise property owners that things have changed. If this isn't a change they like, they might want the City to revert back to the previous setback requirements to keep its small-town charm intact.

Mr. Larson said he wants everyone to understand that the house being built next door to Ms. Kendall's does not have 7.5-foot side yard setbacks. It has a 10-foot side yard setback on the east side, and if he's not mistaken, as he doesn't have the plans in front of him right now, it has a 9.5-foot side setback on the west side, which is the side adjacent to Ms. Kendall's house.

Motion: to recommend the City Commission consider a workshop meeting to evaluate the setback rollbacks that occurred in 2013. **Moved** by Vice-Chairman Jane West, **seconded** by Roberta Odom, passed 6-1 with Karen Zander opposed.

VI. NEW BUSINESS

- A. Conditional Use File No. CU 2015-01, for a conditional use permit for food and/or beverage service and consumption outside of an enclosed building on the premises of a new restaurant, Terra & Acqua, in a Planned Unit Development in the Sea Grove Town Center at 134 Sea Grove Main Street, Simone and Monica Parisi, Applicants

Mr. Mitherz asked for ex parte communication disclosure from the Board members pertaining to this application.

Ms. West said she posted the applicants' menu and information on both the official, and unofficial, Sea Grove websites.

Ms. Sloan said she has not met or talked to the applicants, but lives right across from the new restaurant, and has talked to other Sea Grove residents about it and emailed the menu around. She's also talked to Michael, owner of Tim's Wine Market, in Sea Grove, about the new restaurant.

Ms. West said "ditto."

Mr. Mitherz said he's also talked to Michael, who's told him a little bit about the restaurant, as he shops at Tim's Wine Market.

Simone and Monica Parisi, 484 High Tide Drive, St. Augustine Beach, Florida, 32080, said they are indeed opening up a new restaurant, Terra & Acqua, at 134 Sea Grove Main Street, in the Sea Grove Town Center, in a few weeks. Ms. Parisi said the restaurant has an existing patio area which she understands has been used by the last three occupants of this site, for outdoor dining and beverage service and consumption. They are asking for permission for this same use, and in reading what was in the previously granted conditional use permit, which has expired, they haven't changed the number of seats, and are asking to have a full-service restaurant outside, with similar hours to what was previously granted for The Groove, which she believes was the first restaurant on this site. The Groove was allowed to have outdoor music from 10 a.m. to 10 p.m., Monday

through Sunday, which is more than enough for them, and she doesn't see anything else in the expired conditional use permit which would be different from anything they're asking for, with the exception that they would like to have the permit granted for five years, versus three years, as they have a five-year lease on the restaurant building. She knows the site doesn't have a great track record, but they're determined to be the ones who actually stay, so it would be nice to have the conditional use permit granted for the same five years as their lease on the property.

Mr. Larson said staff recommends approval of the conditional use permit for five years, as requested.

Ms. Zander said she thinks it's only fair to grant the conditional use permit for five years, as the applicants have a five-year lease. She asked Mr. Larson if she is correct in saying that outdoor music is no longer a part of the Board's discussion on conditional use permits for outside seating.

Mr. Larson said that's correct, as basically, outdoor music is an allowed use, as long as it complies with the City's noise ordinance.

Mr. Mitherz said another consideration is whether the conditional use permit for outside seating should be non-transferable, and granted only to the current applicants.

Motion: to recommend the City Commission approve this conditional use permit application for food and/or beverage service and consumption outside of an enclosed building at 134 Sea Grove Main Street, for a period of five (5) years, concurrent with the applicants' lease, subject to the condition that it be non-transferable, and granted only to the current applicants. **Moved** by Karen Zander, **seconded** by Roberta Odom, passed 7-0 by unanimous roll-call vote.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

Ms. Odom asked who regulates mixed use applications, or who she could check with, when someone has come before the Board with plans that have been put out, looked at and discussed by the Board to build something, but then when it's done, what's built is not what's been approved.

Ms. Zander said she's wondering about not only mixed use applications, but about other things that have come before, and been granted, by the Board.

Mr. Whitehouse said he doesn't advise the Board to talk about specific instances, obviously, but as a hypothetical example, if somebody comes in and asks to rezone some land to straight commercial, and tells the Board whatever it is they're thinking about doing, and the land is then rezoned to commercial, they could actually do whatever is allowed in that land use and zoning category, per the City's Land Development Regulations. He doesn't know the particular cases being referred to by the Board members, but this may or may not be the case in some of them, as it may be that the applicants changed their minds about what they wanted to do with the property, or have since sold it, but what's being done is still legal for the zoning and land use category. If

the Board members have questions about something that's come before them, he thinks the best avenue would probably be to talk to either Mr. Larson or Mr. Royle, and to get a little bit of information on it, so if it's something that can be dealt with by code enforcement, Mr. Larson's office can deal with it. If it needs to be discussed by the Board, the people involved have the right to due process, which includes being notified if it's coming back up before the Board.

Ms. Sloan asked if anything has been submitted yet for the new St. Johns Law Group building. Everyone keeps asking her how many trees will be taken down in the construction of this building.

Mr. Larson said yes, the permit for this new building in Sea Grove has been issued. He'd have to look at the plans, but Mr. Burnett is making a very substantial effort to preserve every tree he can.

Ms. West said they've had a couple of specimen oaks in the Sea Grove common area that have died, which an arborist said was a result of the impact in the areas around the tree root systems of heavy construction equipment brought in when Sea Grove was first being developed. They've lost one magnificent oak and are about to lose another, so to avoid losing more trees in the future, she asked that every effort possible be made to minimize the effect of construction equipment on trees.

Mr. Larson said per the City's new tree ordinance, trees that are to be saved are to be fenced around the tree canopy line to prevent root systems from being damaged by construction equipment.

Mr. Thomas said there also was an issue with this at the new Courtyard by Marriott, on 6th Street. One of the trees that was supposed to be saved on this site is not in a good position right now.

Mr. Larson advised the Board members to have all the facts before they start speculating on anything. He can get documentation from the U.S. Forestry Service and another arborist as to the problem with this tree on the Courtyard by Marriott site. He's been with this project since day one, and every morning he makes sure all the fences are up around that tree, and no equipment has ever gotten anywhere near it. The tree is eaten up with carpenter ants, which is the number one problem, and the second thing is that all the dead branches and the branches crossing over the power lines had to be taken out, because the power lines were burning the complete upper structure of the tree.

IX. ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Steve Mitherz, Chairman

Bonnie Miller, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE VIDEO CAN BE FOUND AT WWW.STAUGBCH.COM OR BY CONTACTING THE OFFICE OF THE CITY MANAGER AT 904-471-2122.)

MEMORANDUM

TO: MEMBERS OF THE COMPREHENSIVE PLANNING AND ZONING BOARD
FROM: GARY LARSON, DIRECTOR OF BUILDING AND ZONING
DATE: MAY 12, 2015
RE: VARIANCE FOR 28 BERMUDA RUN WAY

The homeowners at 28 Bermuda Run Way have requested a variance to extend a screen room to a rear yard setback of 7.5 feet. Bermuda Run Subdivision is a Planned Unit Development; additionally, this is a private, gated subdivision under direction of a review board for residents. The approval from the Bermuda Property Owners Association is included in the application information.

Ordinance No. 13-14 allows screen rooms to extend a maximum of 10 feet into the rear yard setback. The proposed plan reflects a screen porch with a depth of 14 feet, eight inches, and a height that exceeds 14 feet.

Based on the submitted plan, the variance will require not only approval of the requested rear yard setback reduction to 7.5 feet, but approval to exceed the nine-foot height limit for screen rooms as allowed per Section 6.01.03.B.2.B of Ordinance No. 13-14. The Board needs to review the hardship for a variance. Then there are two options, to approve the variance for both the rear yard setback reduction and to exceed the maximum height limit for screen rooms, or to deny the variance and recommend the applicants comply with the rear yard setback and height allowances, per Ordinance No. 13-14, which would allow them to build a screen enclosure with a 10-foot encroachment into the rear yard setback and a nine-foot maximum roof height.

**CITY OF ST. AUGUSTINE BEACH
VARIANCE APPLICATION**

THE UNDERSIGNED HEREBY REQUESTS A LAND USE VARIANCE:

1. LEGAL DESCRIPTION OF THE PARCEL FOR WHICH THE VARIANCE IS BEING SOUGHT:

LOT(S) 13 BLOCK SUBDIVISION Bermuda Run

STREET ADDRESS 28 Bermuda Run Way, St. Augustine Beach, Florida 32080

2. LOCATION North SIDE OF Bermuda Run Way
(N, S, E, W) (STREET NAME)

3. IS THIS PROPERTY SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE (CCCL)? YES NO X

4. REAL ESTATE PARCEL NUMBER(S): 172710-0130

5. NAME AND ADDRESS OF OWNER(S) AS SHOWN IN ST. JOHNS COUNTY PUBLIC RECORDS: Phillip A. and Alyce W. Finder Trust, Phillip A. and Alyce W. Finder, Trustees, 28 Bermuda Run Way, St. Augustine Beach, Florida, 32080

6. CURRENT LAND USE CLASSIFICATION: Planned Unit Development (PUD)

7. LAND USE VARIANCE BEING SOUGHT: Rear yard setback reduction to 7.5 feet for proposed screen porch addition to existing single-family residence

8. SECTION OF LAND USE CODE FROM WHICH THE VARIANCE IS BEING SOUGHT: Section 6.01.03 of the City of St. Augustine Beach Land Development Regulations as amended by Ordinance No. 13-14 (see attached).

9. REASONS FOR WHICH THE VARIANCE IS BEING SOUGHT: To build a screen porch addition less than 10 feet from rear property line.

10. SUPPORTING DATA WHICH SHOULD BE CONSIDERED BY THE BOARD: Previous variances granted for rear yard setback reductions for rear deck and screen enclosure additions at 25 and 27 Bermuda Run Way (see page 4 of variance application).
11. HAS A VARIANCE APPLICATION BEEN SUBMITTED IN THE PAST YEAR? YES _____ NO X IF YES, WHAT WAS THE FINAL RESULT? _____
12. PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:
- (X) LEGAL DESCRIPTION OF PROPERTY
 - (N/A) OWNER PERMISSION LETTER (IF APPLICABLE)
 - (X) LIST OF ALL PROPERTY OWNERS WITHIN 300' RADIUS
 - (X) STAMPED AND ADDRESSED LEGAL-SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300' OF VARIANCE LOCATION
 - (X) SURVEY (MUST SHOW ALL EXISTING STRUCTURES)
 - (X) OTHER DOCUMENTS OR INFORMATION TO BE CONSIDERED

In filing this application for a VARIANCE, the undersigned acknowledges it becomes part of the Official records of the Comprehensive Planning and Zoning Board, and does hereby certify that all information contained herein is true and accurate, to the best of his/her knowledge.

~~If granted, the VARIANCE will expire within one year from the time it was granted, unless more time was requested and granted in the application process. After one year has passed and the requested action has not taken place, the VARIANCE shall be considered null and void. The application must be signed by either the owner or the owner's authorized agent. If an authorized agent's signature is used, a notarized written authorization approving such representation must accompany the application.~~

PHILLIP A. FINDER
Print (owner or his/her agent)

PA Finder
Signature

28 BERMUDA RUN WAY, 32080
Owner /agent address

904-471-7911 4-2-15
Phone Date

ALYCE W. FINDER
Print (applicant or his/her agent)

Alyce W Finder
Signature

28 BERMUDA RUN WAY, 32080
Applicant/agent address

904-471-7911 4-2-15
Phone Date

****ALL AGENTS MUST HAVE NOTARIZED WRITTEN AUTHORIZATION**
VARIANCES SHALL BE RECORDED PRIOR TO ISSUANCE OF THE
BUILDING/DEVELOPMENT PERMIT**

****PLEASE NOTE**If you are a resident within a development or subdivision that has covenants and restrictions, please be aware that approval of this application by the Comprehensive Planning and Zoning Board does not constitute approval for variation from the covenants and restrictions.**

VARIANCE FILE NO.: VAR 2015-01 DATE: April 7, 2015

APPLICANT'S NAME(S): Phillip A. and Alyce W. Finder


ADDRESS: 28 Bermuda Run Way, St. Augustine Beach, Florida 32080

FOR LAND USE VARIANCE LOCATED AT: Same address as above

CHARGES

VARIANCE FEE \$200.00 Account #34130 Date Paid 04/07/2015

LEGAL NOTICE SIGN \$7.50 Account #50471.515 Date Paid 04/07/2015

Received by  Receipt No. 23809

Check No. 7251 Date April 7, 2015

INSTRUCTIONS FOR APPLYING FOR A LAND USE VARIANCE

A land use variance seeks to allow for adjustments to the City's Land Development Regulations, such as setbacks or impervious surface requirements.

The City's Comprehensive Planning and Zoning Board decides whether to grant or deny a variance request. The Board's decision **MUST** be based on whether the request meets each of the six conditions listed below.

To help the Board evaluate your variance request, you must provide a reason or reasons for each of the six conditions. If you believe that a condition does not apply to your request, then you are to write "Not Applicable" and give the reason or reasons why the condition is not applicable to your request.

Failure to provide a response to each of the six conditions will require the Building Department to return your application to you. The Building Department staff will gladly provide any assistance should you have questions regarding the listed conditions. You may use extra sheets of paper for your responses if needed. Documentation can consist of pictures or photographs, maps, public records, letters from neighboring property owners or other items you may find to explain the circumstances for the variance request.

1. Describe the hardship that is created by following the current land use codes and regulations. Do the associated Land Development Regulations make it virtually impossible to use the property as zoned unless a variance is granted? If so, please explain.

We have a paver patio, but rarely use it because of the hot sun and bugs in the evening. Our back door to the patio opens outward without screens. We never leave it open to fresh air because of fear of snakes, lizards, and mosquitoes.

2. Describe similar variances that have been granted in the vicinity of the property since adoption of the City's Comprehensive Plan and Land Development Regulations.

Previous variances granted for properties in Bermuda Run Subdivision include a rear yard setback reduction to 12 feet granted in 2002 for a second-story rear deck addition at 25 Bermuda Run Way, and a rear yard setback reduction to five feet granted in 2007 for a screen enclosure addition at 27 Bermuda Run Way.

3. Was the property acquired after parts of the current Land Development Regulations, which are relevant to the requested variance, were adopted? Please explain factually.

We acquired this property in August 2000, and built the house in 2004-2005. The applicable parts of the current Land Development Regulations amended by Ordinance No. 13-14 which apply to the requested variance were adopted on November 4, 2013. Per Section 6.01.03.B.2.B, they state, "Screen rooms are allowed to encroach a minimum of ten (10) feet into the rear yard setback providing the roof line for the enclosure does not exceed nine (9) feet in height and the addition to new or existing construction does not exceed the allowed impervious surface coverage as specified in the City's Land Development Regulations. The screen room shall comply with the allowed side setbacks as established by these Land Development Regulations."

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

If we built only to the 10-foot setback, we feel the screen porch would be too small and crowded.

5. Explain how the granting of a variance will not alter the character of the neighborhood, diminish property values, or impair the appropriate use or development of adjacent properties.

The screen porch we propose will match the house completely, same tile roof, same stucco. Furthermore, it will not be seen from the street. We have nothing but common ground directly over our rear fence, and have already received approval from the Bermuda Run Property Owners Association to build the screen porch addition as proposed with a rear yard setback of 7.5 feet (see attached document from Bermuda Run Property Owners Association).

6. If the variance were approved, what would the effects be on traffic congestion in nearby streets, danger of fire, and on-site or off-site flooding?

None.

DOCUMENTATION NEEDED FOR A LAND USE VARIANCE

1. The legal description of the parcel of land for which the variance is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use the lot and block number. Include street address and location by indicating street boundary and side (north, south, east, west) and nearest intersecting street.
2. If the land is a portion of a lot, indicate what portion of the lot (for example, south one-half, north one-third, east one-fourth, etc.). If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.
3. The name(s) and address of the owner(s) of the property shall be provided, and this information shall agree with the public records of St. Johns County. If the names are different, attach a clarifying statement.
4. Applicant shall provide a detailed description of the land use variance being sought. If this is more extensive than can be described on the form, additional sheets can be used.
5. Notification of all property owners within a radius of 300 feet of the property for which the variance is sought is mandated by law. The St. Johns County Real Estate/Survey Department (telephone number 904-209-0760) will provide variance applicants with a list of the names and addresses of the property owners within 300 feet of the property for which the variance is requested. **This list of names and addresses of all property owners within 300 feet is to include the applicant's name and address. Along with the list of all property owners within 300 feet, applicant shall submit stamped, addressed legal-size envelopes with the variance application.** (Note: Do not fill in a return address on the stamped envelopes. The Building and Zoning Department will stamp its address on the envelopes as the return address and mail the legal notices to all property owners). Signatures and approvals of property owners within 300 feet are not necessary. Variance applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to the granting of the requested variance, but these persons should not sign the application itself. Variance applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the variance application.
6. The section of the City's land use code from which the variance is being sought shall be listed on the application. The Building and Zoning Department staff will gladly assist you with this or any other matter involved in the variance application process.
7. A fee of \$200.00 will be charged for the variance administrative procedure and the legal advertising, and \$7.50 will be charged for the notice sign, provided by the Building and Zoning Department, which shall be posted on the property for which the variance is sought within clear view of the street and not more than 10 feet inside the property line.

Property Record Card

STRAP		1727100130	Tax District		551
Mailing Address			Neighborhood Code		729.00
28 BERMUDA RUN WAY, SAINT AUGUSTINE, FL, 32080-0000			Use Code/Description		0100/Single Family
			Sec-Town-Range		3 - 8 - 30
Site Address			Property Map		Click here for Desktop Click here for Mobile
28 BERMUDA RUN WAY SAINT AUGUSTINE, 32080-0000					
Total Land Value		\$125,000.00	Acreage		0.17
Total Building Value		\$241,941.00	Total Market(Just) Value		\$368,373.00
Total Extra Features		\$1,432.00	Assessed Value		\$359,362.00
Homestead Exempt		\$50,000.00	Taxable Value		\$309,362.00

Owner Name(s)	Legal Description
FINDER PHILLIP A,ALYCE W TRUST	19/75-76 BERMUDA RUN LOT 13
FINDER ALYCE W TRUSTEE	OR1520/53 & 3440/350 & 3474/210
FINDER PHILLIP A TRUSTEE	(Q/C) & 3484/134
Exemption(s)	
HB Homestead Band	
HX Homestead	

Sales Information

Sale Date	Adjusted Price	Book&Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
10/13/2011	\$100.00	3484 & 134	WD	U	I	11
09/01/2011	\$100.00	3474 & 210	QC	U	I	11
05/06/2011	\$100.00	3440 & 350	WD	U	I	11
08/10/2000	\$80,000.00	1520 & 53	WD	Q	V	01
03/04/1996	\$100.00	1158 & 501	WD	U	V	11
12/14/1993	\$55,000.00	1026 & 1547	WD	Q	V	01
06/01/1988	\$45,000.00	787 & 90		Q	V	01
11/01/1986	\$33,000.00	726 & 845		Q	V	01
08/01/1985	\$281,200.00	682 & 1566		Q	V	05

Building Number 1

Site Address:	28 BERMUDA RUN WAY SAINT AUGUSTINE, 32080-0000		
Building Type/Desc:	0100/Single Family Residence	Building Model/Desc:	01 /RESIDENTIAL
Year Built:	2005	Heated/Cooled Area:	2741
Gross Area:	3599	Building Sketch (Descriptions)	click here to see sketch
Building Value:	\$241,941.00		

Structural Elements (Descriptions)

Building Number	Element Code	Element Description	Type Code	Type Description
1	EW	Exterior Wall	15	Concrete Stucco
1	RS	Roofing Structure	4	Gable Hip
1	RC	Roofing Cover	4	Concrete Tile
1	IW	Interior Walls	3	Drywall
1	IF	Interior Flooring	7	Ceramic Tile
1	IF	Interior Flooring	5	Carpet
1	HT	Heating Type	1	Air Duct
1	AC	Air Conditioning	1	Central
1	FR	Frame	3	Masonry
1	PL	Plumbing	16	16 FIXTURES
1	EL	Electrical	3	Good
1	FN	Foundation	5	Concrete Perimeter Footing

1	FS	Floor System	1	Concrete Slab			
1	WI	Wind	22	2 Story Masonry			
Extra Features							
Code	Description	Year Built	Units	Unit Price	Adj Unit Price	Condition %	Depreciated Value
WDFNCE	WOOD FENCE	2010	130.00	9.87	9.87	66.7	\$856.00
CONC	CONC PAV 4	2005	490.00	2.00	2.00	60.0	\$576.00
Previous Parcel (1727100120)				Next Parcel (1727100140)			

Ordinance 13-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO THE LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 6.01.03 FOR SETBACKS, ACCESSORY STRUCTURES, BUILDING HEIGHT; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA;

Section 1. Section 6.01.03 of the Land Development Regulations for the City of St. Augustine Beach, Florida, be, and the same, are hereby amended to read as follows.

Sec. 6.01.03. Building setback requirements.

A. Subject to paragraph B. and any other provisions of this section, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line than authorized in the table set forth in this section. This will apply to any subdivision that does not have setback modifications approved by the City Commission and by approval of respective Homeowner's Associations.

Land Use:	Front yard	Side yard	Rear yard	Street side
Single family	20 feet	7.5 feet	20 feet	12 feet
Multi family (2 to 8 units)	25 feet	10 feet	20 feet	15 feet
Multi family (8 or more units)	35 feet	15 feet	20 feet	15 feet
Commercial	20 feet	10 feet	20 feet	15 feet
Other use	20 feet	10 feet	20 feet	15 feet

B. Minimum setbacks for non-structural components of a structure.

1. Decks: Any deck less than twelve (12) inches above finished grade is not subject to setbacks requirements. However, this type of deck is not allowed within two (2) feet of an adjacent property line.

a. Any deck exceeding thirty (30) inches in height is subject to the setback requirements as specified in the table and is required to be permitted by the Building Department. If the main structure is built to the twenty (20') foot setback line, a deck less than thirty (30) inches is exempt from permitting and may encroach into the rear yard setback a distance not to exceed eight (8) feet from the principal structure and may encroach into the front setback a distance of five (5) feet from the principal structure. If the main structure is built to the twenty-five (25') foot setback line, a deck may extend twelve (12') feet into the rear setback and for the front, the deck may extend ten (10') feet into the front setback. Any requested extension exceeding the setback encroachment allowed in this paragraph will require proof of a hardship, not self created, to apply for a variance to the Comprehensive Planning and Zoning Board of the City.

b. For second and third level decks, the allowable extension from the main structure built at the twenty (20') foot setback is five (5) feet into the front or rear setback from the main structure. For a structure built at the twenty-five (25') foot setback, the allowable extension is ten (10') feet into the front or rear setback. Any extension greater than what is allowed in this paragraph will require proof of a hardship, not self-created, to apply for a variance to the Comprehensive Planning and Zoning Board.

2. *Auxiliary structures:*

A. This applies to features such as open air arbors, trellises and free standing tiki bars that do not exceed eight (8) feet in height. These structures can be placed within five (5) feet of the rear and side setbacks. Tiki Bars are not allowed in front yards. Open air arbors and trellises are allowed in the front setback not exceeding five (5) feet from the main structure setback area.

B. Screen rooms are allowed to encroach a maximum of ten (10) feet into the rear yard setback providing the roof line for the enclosure does not exceed nine (9) feet in height and the addition to new or existing construction does not exceed the allowed impervious surface coverage as specified in the City's Land Development Regulations. The screen room shall comply with the allowed side setbacks as established by these Land Development Regulations.

C. Swimming pools and screen pool enclosures shall be, at a minimum five (5) feet from the rear and side setbacks. This applies to the water line or the screen enclosure.

D. Storage sheds not exceeding eight (8) feet in width and twelve (12) feet in length shall be allowed a five (5) foot rear and side setback. Any storage shed exceeding ninety six (96) square feet shall meet the same setbacks as specified in the table for new and existing construction. Storage sheds are not allowed in the front setback area.

E. Application for a variance to any sub-section in this paragraph is allowed providing a self-created hardship is not the basis for the application.

3. *Minimum setbacks between buildings.*

A. The minimum setback between adjacent structures shall be ten (10) feet except that no setback is required where an attachment easement has been created.

B. Distance shall be measured at the narrowest point between structures of the main living unit, principal structure, an allowable attachment or an accessory use or to the ordinary projections of chimneys or flues, not exceeding two feet (2) feet. The measurement shall be taken from the structures walls, not including overhangs.

C. Dry cleaning establishments must meet the required commercial setbacks and cannot be located in a shopping center where zero (0) setbacks are allowed between adjacent stores. The exception shall be where a facility is for pick-up only with no actual dry-cleaning performed within the facility.

4. *Building heights.*

A. The maximum building height measured from the finished floor elevation to the roof ridge or the railing of a roof top porch shall be thirty-five (35) feet. Determination of height is as follows:

1. All properties West of the Coastal Construction Line (CCL) located within an AE 8, AE 9, Shaded X or X

zone designation as referenced by the National Flood Insurance Maps for the City of St. Augustine Beach, will be determined by the average of the front existing finished grade or if required fill is added, a finished site elevation of nine (9) feet and the finished floor elevation being one (1) foot, above the crown of the roadway for which the structure is addressed, a minimum elevation of ten (10) feet.

2. All properties east of the CCL located within an AE 9, shaded X or X zone designation will be determined by the average of the existing front finished grade or if fill is added, a finished grade of nine (9) feet and a finished floor elevation one (1) foot above the crown of the road providing the roadway is at a minimum elevation of nine (9) feet. The minimum finished floor elevation shall be ten (10) feet. For those roadways at an elevation lower than nine (9) feet, the finished floor elevation shall still be required to be at a minimum ten (10) feet.
3. For properties East of the CCL located within a Velocity Zone (VE) as referenced by the flood maps for the city shall have the building height determined from the finished grade for the site, whether natural or filled.
4. Exceptions: Chimneys, water, radio or television/communication towers, flag poles, elevator bulkheads. Any feature for a structure approved by the City under a variance, conditional use permit or Planned Unit Development, (PUD).

Section 2. This ordinance shall take effect upon passage.

PASSED by the City Commission of the City of St. Augustine Beach, Florida upon second reading this 4th day of November, 2013.

**CITY COMMISSION OF THE CITY OF
ST. AUGUSTINE BEACH, FLORIDA**

ATTEST: 
City Manager

BY: 

Mayor-Commissioner

First Reading: September 23, 2013
Second Reading: November 4, 2013

March 12, 2015

Bermuda Run Property Owners Assn

We are requesting approval to build a screen porch on the back of our house. Preliminarily, we are looking at a structure which would measure 15' deep, by 14' wide. Our house sits 22' 4" from our rear property line, therefore the screen porch would only be 7' 4" from the line. For this we would need the Association's approval. (We will also need approval from the city).

Our plan is to build a structure with a poured concrete slab, having stuccoed posts, a sixteen inch wall all around, with screens all around, a vaulted ceiling, wired for lighting and a ceiling fan, with a concrete tile roof to match the house.

We ask for your preliminary approval. We will submit final drawings for your final approval, when they are available.

Sincerely,

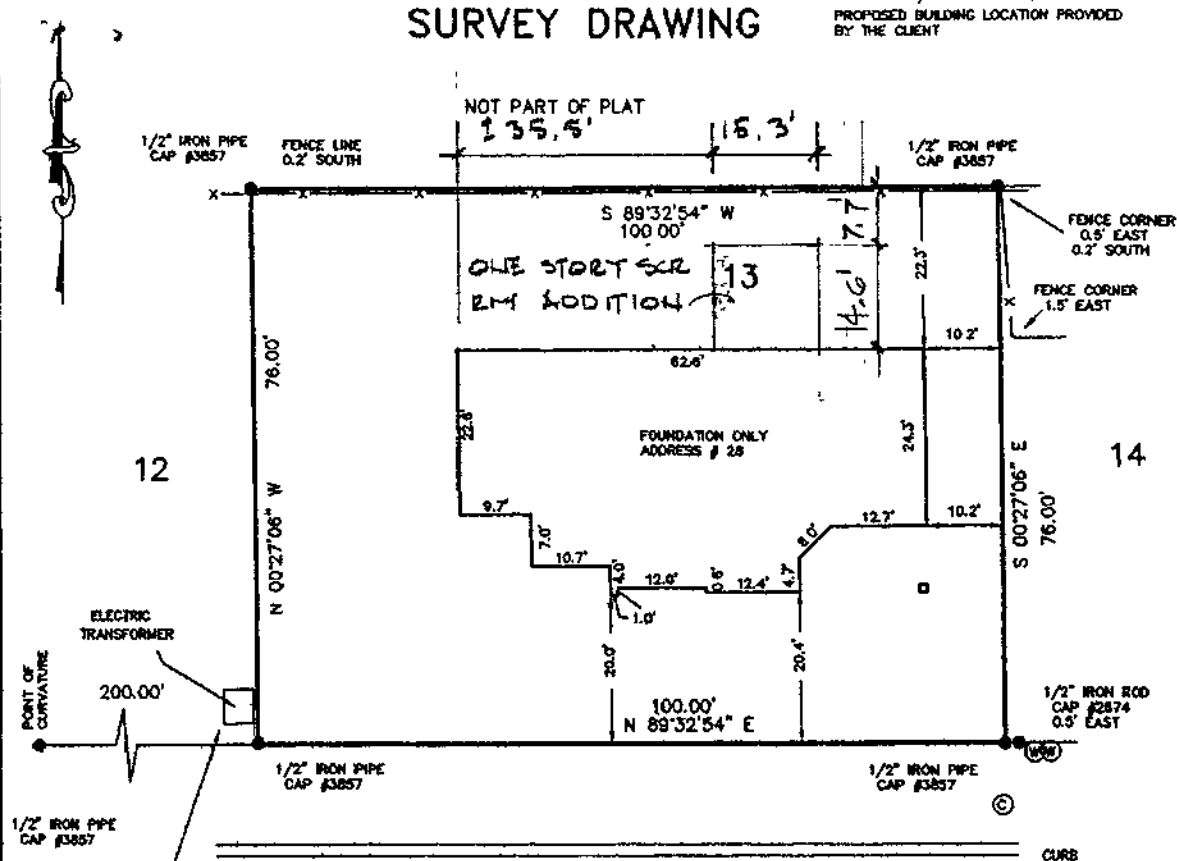
Phil Finder

Phil and Alyce Finder
28 Bermuda Run Way

Approved: *Reg. D. Funder* (WITH NO ADDITIONAL
UPGRADES, MUST STAY AN
OPEN PORCH)
Approved: *Alyce Finder* " "

SURVEY DRAWING

PROPOSED BUILDING LOCATION PROVIDED BY THE CLIENT



50' INRESS-EGRESS EASEMENT (BERMUDA RUN WAY)

BENCHMARK:

SW CORNER OF ELECTRIC TRANSFORMER
PAD NEAR SW CORNER OF THIS LOT
ELEVATION 11.20 NGVD (1929).

⊙ DENOTES WATER METER

⊙ DENOTES CABLE TV RISER

UNDERGROUND UTILITIES AND BUILDING FOOTERS, EAVE
OVERHANG NOT LOCATED OR SHOWN

DESCRIPTION:

LOT 13, BERMUDA RUN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 19, PAGES 75
THROUGH 76 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PREPARED FOR WAYNE COLLIER CERTIFIED TO BANK OF AMERICA
PHILLIP A. & ALYCE W. FINDER

COMMUNITY NO.	PANEL NO	SUFFIX	FIRM ZONE	FIRM ELEVATION	EFFECTIVE DATE
125146	0384	G	X (SHADED)	N/A	9/03/03

R/W = Right-of-way	L = Length of curve	NR = Non-Radial	P.O.C = Point of Commencement
Delta = Central Angle	C = Chord	ESMT. = Easement	P.C. = Point of Curvature
R = Radius	C-BRG = Chord Bearing	P.O.B. = Point of Beginning	B.M. = Bench Mark

● Found Iron Rod/Pipe	■ Found Concrete Monument	⊙ Found Nail and Disc
○ Set Iron Rod #LB 6388	□ Set Concrete Monument #LB 6388	⊙ Set Nail and Disc #LB 6388
—X—X— Fence	—OH—OH— Overhead Utility Lines	▨ Concrete Surface

LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR DEEDS, EASEMENTS, SET-BACK LINES, OR RIGHTS-OF-WAY OF RECORD.
THE IMPROVEMENTS AS SHOWN HEREON WERE LOCATED BY THIS SURVEY, FIELD WORK COMPLETED 8/03/04
BASIS OF BEARING: THE N'LY LINE OF BERMUDA RUN WAY BEARS N 89°32'54" E (PER PLAT)

I HEREBY STATE, that the herein described
LAND SURVEY and/or SKETCH was prepared under my direction
and supervision, and substantially conforms to the applicable re-
quirements of Chapter 472 of the Florida Statutes and Chapter
61G17-6 of the Florida Administrative Code. The survey
depicted here is not covered by professional liability insurance.

DATED THIS 11 DAY OF Aug, 2007

BRIAN A. MILLS PLS FL. REG NO. 4436
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FLORIDA COASTAL SURVEYORS, INC.

1797 OLD MOULTRIE ROAD
SUITE 106
ST. AUGUSTINE, FLORIDA 32084
(904) 826-0060

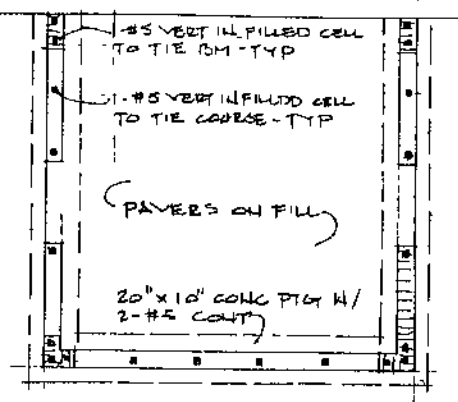
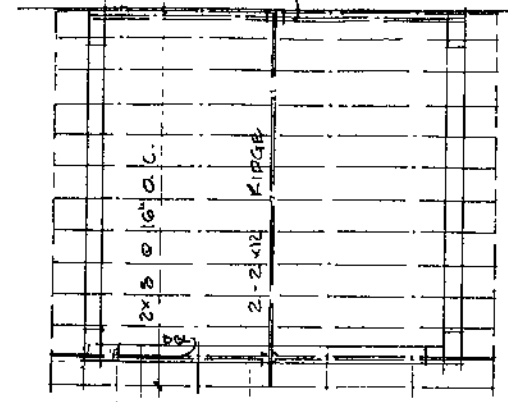
TYPE OF SURVEY: BOUNDARY	
SCALE: 1" = 20'	DATE
FB. PG	REVISION
JOB NO. 04-101	8/03/04
DWN BY: WRR	ADD PROPOSED
	FOUNDATION

A SCREEN ROOM FOR
PHIL CALYCE FINDER
280 BERMUDA RUN WAY
ST. AUGUSTINE BEACH, FLORIDA

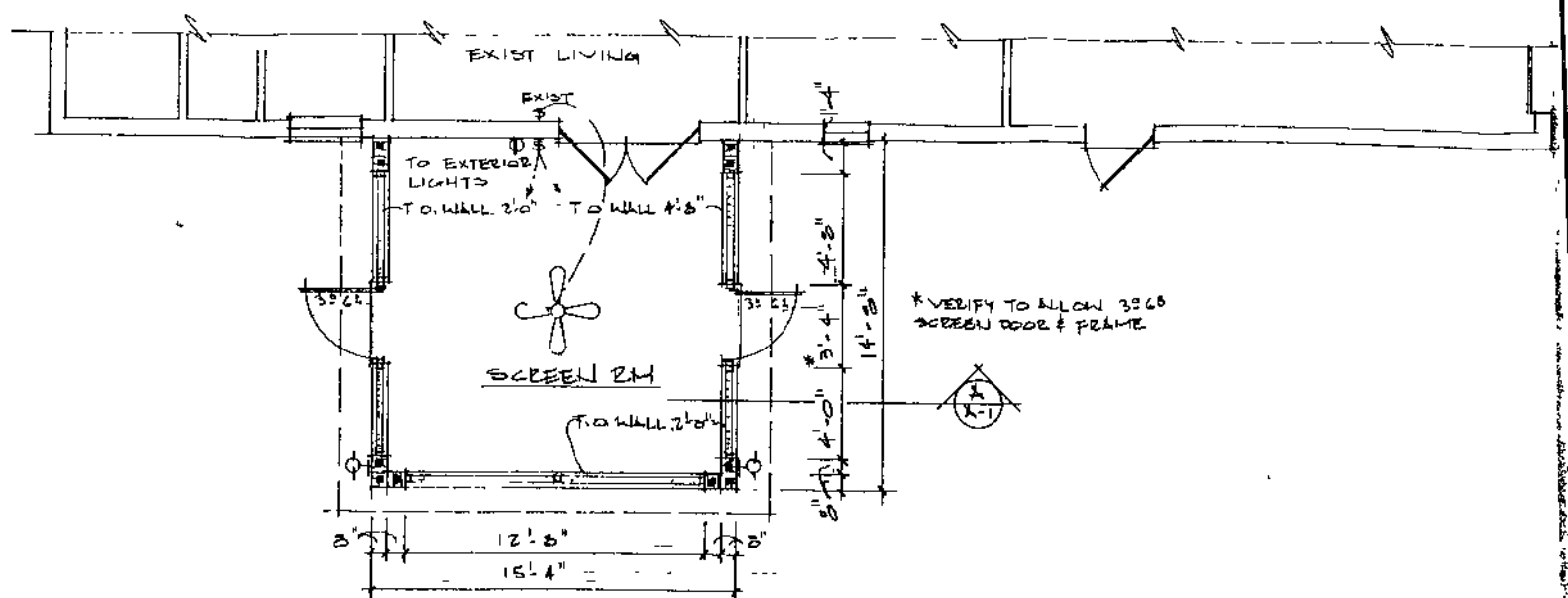
PLANS

Date 3/30/15
Scale 1/8" = 1'-0"
Drawn S.M.S.
Job 2015.008
Sheet
A-1
of 1

2-2x6 TIE BM W/ 1-1/2" HGM 10KTA EA END
W/ 2-305 1/4" x 1/2" TO BM & 1-1/4" x 1/2" TIE BM
TO TIE COURSE

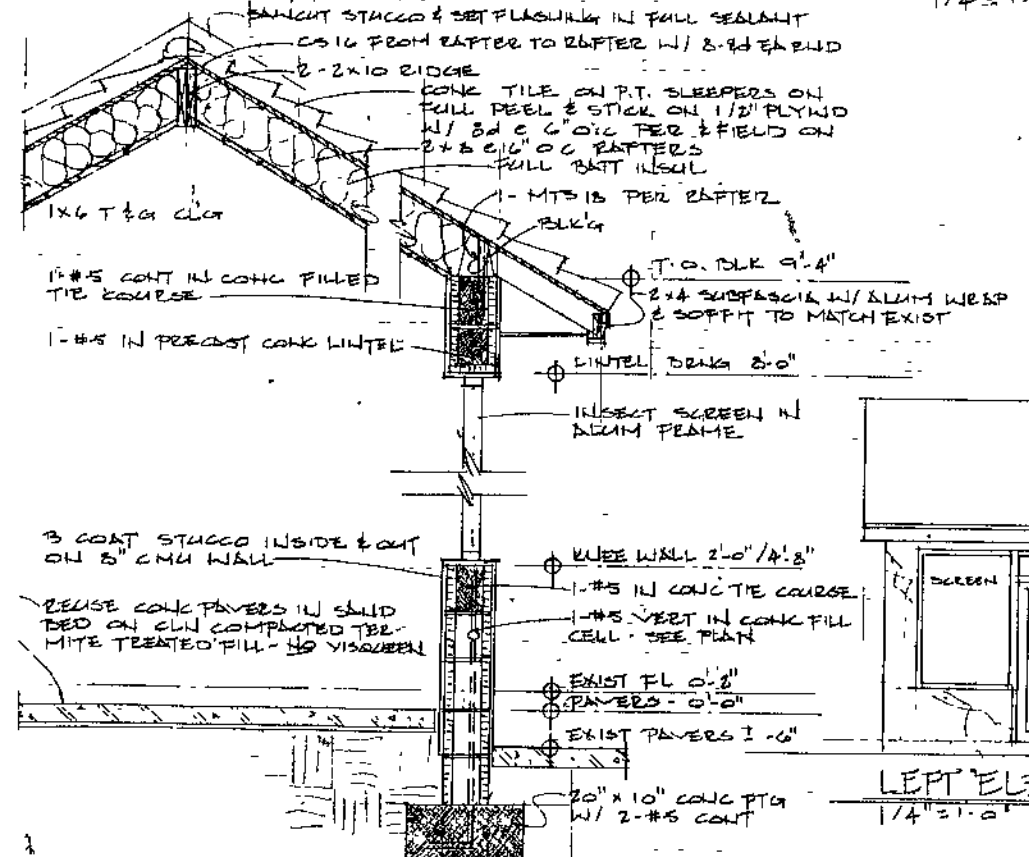


FOUNDATION PLAN
17'-0" x 17'-0"

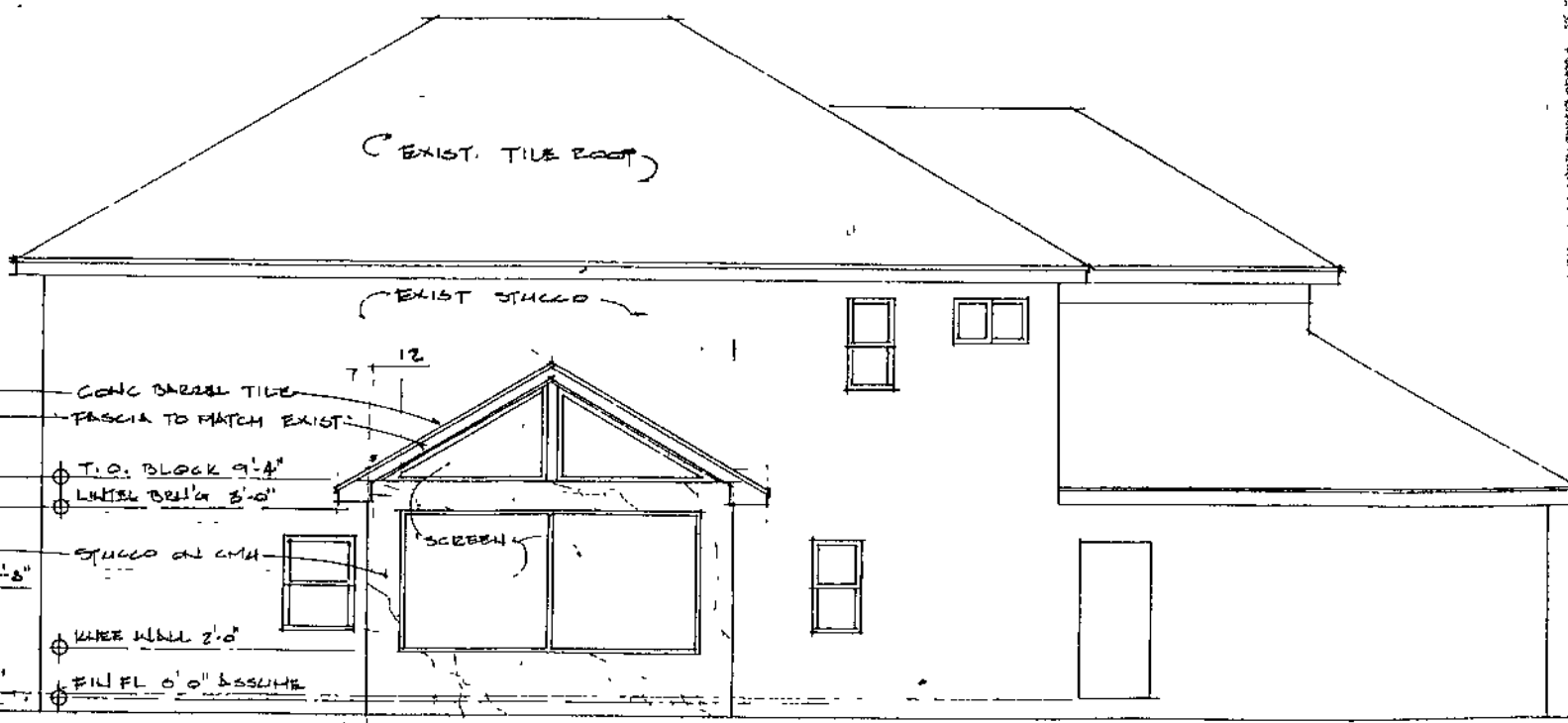


FLOOR PLAN
12'-0" x 15'-0"

ROOF FRAMING PLAN
17'-0" x 17'-0"



ROOF FRAMING PLAN
17'-0" x 17'-0"



LEFT ELEVATION (RIGHT SIDE)
17'-0" x 17'-0"

REAR ELEVATION
17'-0" x 17'-0"

TYPICAL WALL SECTION
1/2" = 1'-0"



FLORIDA BUILDING CODE
COMPLIANCE TABLE

This structure is designed in compliance with the 2010 Florida Building Code

Basic Wind Speed = 130 MPH
Wind Exposure Category = C
Risk Category = I
Enclosure Classification = Enclosed

EXTERIOR GLAZING PROTECTION
Impact protection provided by impact glass or shutters

EXTERIOR WINDOW & DOOR DESIGN WIND PRESSURES

WINDOW/DOOR LOCATION and AREA (See NOTES below)	POSITIVE DESIGN WIND PRESSURE	NEGATIVE DESIGN WIND PRESSURE
ZONE 4 (INTERIOR ZONE)		
0 to 20 SF	+39.2 PSF	-42.8 PSF
over 20 to 50 SF	+37.4 PSF	-40.6 PSF
over 50 to 100 SF	+35.1 PSF	-38.4 PSF
over 100 SF	+33.4 PSF	-36.6 PSF
ZONE 5 (END ZONE)		
0 to 20 SF	+39.2 PSF	-42.8 PSF
over 20 to 50 SF	+37.4 PSF	-40.6 PSF
over 50 to 100 SF	+35.1 PSF	-44.2 PSF
over 100 SF	+33.4 PSF	-40.8 PSF

NOTES: All windows and doors within 4' of a building corner are in the END ZONE. Otherwise, windows and doors are in the INTERIOR ZONE. See FLOOR PLAN. Choose Pressures above based on AREA of Window or Door.

MEMORANDUM

TO: MEMBERS OF THE COMPREHENSIVE PLANNING AND ZONING BOARD
FRPM: GARY LARSON, DIRECTOR OF BUILDING AND ZONING
DATE: MAY 12, 2015
RE: CONDITIONAL USE FOR CONE HEADS ICE CREAM

Cone Heads is before the Board requesting renewal of the conditional use permit previously granted for their outside seating. To date there are no complaints regarding their operation, and the owner has made improvements to enhance the appearance of the facility. Staff recommends approval for a five-year period, granted as non-transferable.

THE CITY OF ST. AUGUSTINE BEACH
CONDITIONAL USE PERMIT APPLICATION

THE UNDERSIGNED PARTY REQUESTS A CONDITIONAL USE PERMIT:

1. LEGAL DESCRIPTION OF THE PARCEL OF LAND UPON WHICH THE PERMIT IS SOUGHT:

LOT(S): Lots 11, 17 BLOCK: 4 SUBDIVISION: Chautauqua Beach

STREET ADDRESS: 570 A1A Beach Boulevard

2. LOCATION: East SIDE OF A1A Beach Boulevard
(North, South, East, or West) (Street Name)

BETWEEN 7th Street and 8th Street
(Street Name) (Street Name)

3. REAL ESTATE PARCEL NUMBER(S): 168640-0000
4. NAME AND ADDRESS OF OWNER AS SHOWN IN THE ST. JOHNS COUNTY PUBLIC RECORD: Genesis Property & Management Group LLC, Margaret Kostka, owner/president, 570 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080
5. DESCRIPTION OF CONDITIONAL USE: Renewal of conditional use permit granted May 7, 2012, for food and/or beverage service and consumption outside of an enclosed building on the premises of Cone Heads Ice Cream, 570 A1A Beach Boulevard, for as long as applicant owns the business at this location.
6. LAND USE CLASSIFICATION: Commercial
7. SECTION OF THE LAND USE CODE FROM WHICH THE PERMIT IS BEING SOUGHT: 3.02.02
8. SUPPORTING DATA WHICH SHOULD BE CONSIDERED BY THE BOARDS:
There have been no complaints from neighbors about the current outside seating at Cone Heads Ice Cream. Applicant wishes to continue same use of the property to allow outside food and/or beverage service and consumption on the current outside seating area.

9. HAS AN APPLICATION FOR A CONDITIONAL USE PERMIT BEEN SUBMITTED DURING THE PAST YEAR? Yes () or No (X)

IF YES, WHAT WAS THE FINAL RESULT? _____

10. PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:

- (X) LEGAL DESCRIPTION OF PARCEL
- (X) LIST OF ALL PROPERTY OWNERS WITHIN 300' RADIUS
- (X) STAMPED AND ADDRESSED LEGAL SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300 FEET OF CONDITIONAL USE LOCATION.
- (X) OTHER DOCUMENTS OR INFORMATION TO BE CONSIDERED

In filing this application for a Conditional Use Permit, the undersigned understands the application becomes a part of the Official Records of the Comprehensive Planning and Zoning Board and the Board of City Commissioners and does hereby certify that all the information contained herein is true and correct, to the best of his/her knowledge.

Maggie Kretzer
(Owner or his/her agent)

(Applicant or his/her agent)

570 AIA Beach Blvd
(Owner/agent address) St. Augustine, FL

(Applicant/agent address)

904 669-5132
(Owner/agent phone number)

(Applicant/agent phone number)

3/31/15
(Date)

(Date)

****ALL AGENTS MUST HAVE NOTARIZED WRITTEN AUTHORIZATION****

THE CITY OF ST. AUGUSTINE BEACH
BUILDING DEPARTMENT

PERMIT NO. CU2015-02 RECEIPT NO. 23833 DATE April 10, 2015

NAME OF APPLICANT(S) Genesis Property & Management Group LLC, Margaret
Kostka, owner/president

ADDRESS 570 A1A Beach Boulevard, St. Augustine Beach, Florida 32080

FOR PERMIT ADVERTISING LOCATED AT: Cone Heads Ice Cream, 570 A1A
Beach Boulevard, St. Augustine Beach, Florida 32080

CHARGES

PERMIT FEE: \$200.00 (Account #34120)

ZONING SIGN FEE: \$7.50 (Account #50471)

DATE PAID: April 10, 2015

CHECK #: 1119

SIGNED BY: 

DEFINITION - CONDITIONAL USE PERMIT

A use that would not be appropriate generally or without restriction throughout a land use district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in a land use district only in accordance with the provisions of this Code, and if the Code allows a conditional use in a particular land use category. The application for a conditional use permit shall be the same as for a concept review, except that the Comprehensive Planning and Zoning Board shall make a recommendation to the City Commission, which has final approval. The Building Official may delete submittals required in the concept application outlined in Article XII that are not applicable.

INSTRUCTIONS FOR APPLYING FOR A CONDITIONAL USE PERMIT

The following requirements must be adhered to in applying for a conditional use permit. It is of the utmost importance that all required information be furnished in detail and accurately. Incorrect information can delay or nullify any action on the application. If there is inadequate space for all the necessary information, attach extra sheets with the question numbers clearly marked.

In accordance with Table 3.02.02, which lists permitted and conditional uses for all land use districts, all conditional use permits must be heard by the Comprehensive Planning and Zoning Board, which will make a recommendation to the City Commission, which has final approval.

DOCUMENTATION NEEDED FOR CONDITIONAL USE PERMIT APPLICATION

1. The legal description of the parcel of land for which the permit is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use lot and block number. Include street address and location by indicating street(s) boundary and side (south, east, etc.) and nearest intersecting street. If the land is a portion of the lot, indicate what portion of the lot: i.e. south 1/2, west 1/3, etc. If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.
2. Provide the name and address of the owner of the property. This person's name should agree with the public records of St. Johns County as they exist on the application. If the names are different, attach a clarifying statement.
3. Indicate the current land use classification of the parcel under consideration. Current

land use maps are on public display in the office of the Building and Zoning Department and the personnel there will assist you in finding the current land use district classification.

4. The person(s) seeking the permit are mandated by law to notify all land and home owners within a radius of 300 feet of the parcel under consideration in the conditional use permit application.

The St. Johns County Real Estate and Survey Department, telephone number 904-209-0760, will provide a list of the names and addresses of all property owners within a 300-foot radius of the parcel for which the conditional use permit application is submitted. The list of names and addresses (which must include the applicant), along with stamped, addressed legal-size envelopes are to be included with the permit application. (NOTE: Do not fill in a return address on the envelopes. The Building and Zoning Department will stamp the return address and mail the legal notices to the property owners.)

Signatures and approvals of those within 300 feet are not necessary, but their names and addresses must be provided. The person seeking the permit may provide a separate petition containing the signatures of adjoining property owners, but these persons should not sign the application itself. Be sure to provide correct names and addresses, as incorrect information will delay or nullify any action on the application.

5. Provide the section of the Land Use Code from which the permit is being sought. Personnel in the Building Department will assist you in this matter.

A fee of \$207.50 will be charged for the conditional use permit administrative procedure, which includes the zoning notice sign, and legal advertising. The applicant will be required to post the zoning notice sign on the property for which the conditional use permit application is submitted within clear view of the street and not more than 10 feet inside the property line, no later than 15 days before the first meeting date at which the conditional use permit application will be heard.

A final order on each request for a conditional use permit shall be made within thirty (30) days of the last hearing at which such request was considered. Each final order shall contain findings upon which the City Commission's order is based, and may include such conditions and safeguards as prescribed by the Commission as appropriate in the matter, including reasonable time limits within which action pursuant to such order shall be begun or completed or both.

Appeal of decisions on conditional use permits made by the City Commission shall be made to the Circuit Court of St. Johns County.

The application must be signed by either the owner or by the owner's authorized agent. If an authorized agent's signature is used, a notarized written authorization approving such representation must accompany the application.

LIMITATIONS ON GRANTING CONDITIONAL USE PERMITS

Conditional use permits shall be nontransferable and granted to the applicant only, and the use shall be commenced within a period of one (1) year from the effective date of the final order granting same; provided, however, that the City Commission may adopt the following conditions to any permit:

1. That the conditional use permit will be transferable and run with the land when the facts involved warrant same, or where construction or land development is included as part of the permit.
2. The time within which the use shall be commenced may be extended for a period of time longer than one (1) year. Failure to exercise the permit by commencement of the use or action approved thereby within one (1) year or such longer time as approved by the City Commission shall render the permit invalid, and all rights granted thereunder shall terminate. Transfer of the property by the applicant, unless the permit runs with the land, shall terminate the permit.
3. Whenever the City Commission denies an application for a conditional use permit, no further application shall be filed for the same use on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same use on any part or all of the same property has been denied, no further application shall be filed for this same use on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.
4. The time limits in paragraph 3 above may be waived by the affirmative votes of a majority of the City Commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the City.

Property Record Card						
STRAP	1686400000	Tax District	551			
Mailing Address		Neighborhood Code	717.02			
570 A1A BEACH BLVD, SAINT AUGUSTINE, FL, 32080-0000		Use Code/Description	2205/Owner Occupied Drive-In Restaurants			
Site Address		Sec-Town-Range	34 - 7 - 30			
570 A1A BEACH BLVD SAINT AUGUSTINE, 32080-0000		Property Map	Click here for Desktop Click here for Mobile			
Total Land Value	\$287,370.00	Acreage	0.25			
Total Building Value	\$72,335.00	Total Market(Just) Value	\$364,651.00			
Total Extra Features	\$4,946.00	Assessed Value	\$364,651.00			
Homestead Exempt	\$0.00	Taxable Value	\$364,651.00			
Owner Name(s)		Legal Description				
GENESIS PROPERTY & MANAGEMENT GROUP LLC		2-5 CHAUTAUQUA BCH LOT 11 &				
DOUGS GOLF SHOP		ALL LOT 17 (EX R/W A1A) BLK 4				
		OR3478/8				
Sales Information						
Sale Date	Adjusted Price	Book&Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
09/26/2011	\$375,000.00	3478 & 8	WD	Q	I	03
04/20/2009	\$0.00	3186 & 1015	LP	U	I	86
03/12/2009	\$0.00	3173 & 1347	FJ	U	I	11
04/04/2007	\$100.00	2924 & 1659	WD	U	I	11
06/15/2006	\$100.00	2741 & 907	CD	U	I	11
06/15/2006	\$165,000.00	2741 & 909	QC	U	I	11
08/29/2003	\$111,500.00	2100 & 1475	QC	U	I	11
08/29/2003	\$0.00	2121 & 1024	CD	U	I	11
07/20/2001	\$292,000.00	1638 & 1117	WD	Q	I	01
06/13/1994	\$164,000.00	1058 & 1621	WD	Q	I	01
08/01/1989	\$47,900.00	830 & 1381		Q	V	01
01/01/1989	\$0.00	807 & 929		U	V	11
01/01/1986	\$39,000.00	693 & 971		Q	V	01
08/01/1985	\$0.00	681 & 1223		U	V	11
Building Number 1						
Site Address:		570 A1A BEACH BLVD SAINT AUGUSTINE, 32080-0000				
Building Type/Desc:		2101/Snack Bars	Building Model/Desc:		04 /COMMERCIAL BLDGS	
Year Built:		1989	Heated/Cooled Area:		2400	
Gross Area:		2400	Building Sketch (Descriptions)		click here to see sketch	
Building Value:		\$72,335.00				
Structural Elements (Descriptions)						
Building Number	Element Code	Element Description	Type Code	Type Description		
1	EW	Exterior Wall	15	Concrete Stucco		
1	RS	Roofing Structure	13	Wood Truss		
1	RC	Roofing Cover	7	Composite Shingle		
1	IW	Interior Walls	3	Drywall		
1	IF	Interior Flooring	5	Carpet		
1	IF	Interior Flooring	7	Ceramic Tile		
1	HT	Heating Type	1	Air Duct		
1	AC	Air Conditioning	1	Central		
1	FR	Frame	3	Masonry		
1	PL	Plumbing	13	13 FIXTURES		
1	EL	Electrical	2	Average		
1	FN	Foundation	5	Concrete Perimeter Footing		
1	IN	Insulation	22	1" Fiberglass		
1	FS	Floor System	1	Concrete Slab		

Extra Features							
Code	Description	Year Built	Units	Unit Price	Adj Unit Price	Condition %	Depreciated Value
CONC	CONC PAV 4	2011	2154.00	2.14	2.14	84.0	\$3,872.00
WDFNC2	COMM WOOD FENCE	2012	136.00	9.87	9.87	80.0	\$1,074.00
Previous Parcel (1686300000)				Next Parcel (1686500000)			

**BEFORE THE CITY COMMISSION
OF THE CITY OF
ST. AUGUSTINE BEACH, FLORIDA**

In re:

**APPLICATION FOR CONDITIONAL USE PERMIT
FOR FOOD AND BEVERAGE CONSUMPTION
OUTSIDE OF AN ENCLOSED BUILDING IN A
COMMERCIAL LAND USE DISTRICT ON THE
PREMISES OF CONE HEADS ICE CREAM AT
570 A1A BEACH BOULEVARD, ST. AUGUSTINE
BEACH, FLORIDA.**

Public Records of
St. Johns County, FL
Clerk # 2012032023,
O.R. 3571 PG 60-61
06/07/2012 at 06:23 AM,
REC. \$9.00 SUR. \$9.50

JUN - 8 2012

ORDER APPROVING CONDITIONAL USE

The application of Genesis Property & Management Group, LLC, Maggie Kostka, owner/president, for a conditional use permit to allow food and/or beverage service and consumption outside of an enclosed building in a commercial land use district located at 570 A1A Beach Boulevard, St. Augustine Beach, Florida 32080, having come on to be heard before the City Commission on May 7, 2012, and the City Commission having received the recommendations of the Comprehensive Planning and Zoning Board, having taken public comments, and having considered said application fully, it is therefore:

ORDERED that the application is hereby approved as follows:

1. The documentation for granting of a conditional use as detailed in the Application and discussed at the hearing are incorporated herein as findings of fact.
2. The conditional use granted shall conform to all materials submitted with the Application and which were provided by the Applicant to supplement the Application, including all drawings, sketches and renderings.
3. The conditional use permit is granted to allow serving and consumption of food and beverages outside of an enclosed building in a commercial land district located at 570 A1A Beach Boulevard, St. Augustine Beach, Florida 32080.
4. The use shall expire three (3) years after the approval hereof, and the Applicant shall be required to apply to extend the Conditional Use beyond May 7, 2015.
5. No outdoor amplified music, public address system, or speakers shall be allowed.
6. The applicant shall provide and install brick pavers in the outdoor seating area between the front of the Cone Heads Ice Cream building and the Cone Heads Ice Cream sign to match pavers used at the adjacent city-owned plaza at 8th Street and A1A Beach Boulevard.

7. The use shall be conducted in such a way as to not violate City Code or become a nuisance.
8. No other expansion of the existing restaurant shall be conducted other than that specifically granted herein except expressly permitted by the Land Development Regulations.
9. The use shall be non-transferable.
10. The use shall be commenced within one (1) year and shall not lapse for more than one (1) year.
11. A violation of the conditions listed above shall void the conditional use granted herein.

Any appeal of this decision may be made by filing an appropriate action with a court of competent jurisdiction within thirty (30) days of the date of this Order.

DONE AND ORDERED this 31st day of May, 2012, at St. Augustine Beach, St. Johns County, Florida.


**CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE BEACH,
FLORIDA**

ATTEST: 
City Manager

BY: 
Mayor - Commissioner

MEMORANDUM

TO: Steve Mitherz, Chairman
Berta Odom
Karen Zander
Elisa Sloan
David Bradfield
Zachery Thomas
Jane West
Mary McCarthy (Senior Alternate)
Jeffery Holleran (Junior Alternate)

FROM: Max Royle, City Manager 

DATE: May 6, 2015

SUBJECT: Scheduling Workshop to Review Setbacks for Buildings and Other Land Development Regulations

BACKGROUND

At its January 5, 2015 meeting, Mr. Craig Thomson brought to the City Commission's attention his concerns about the adverse effects that allowing larger houses on small lots east of A1A Beach Boulevard was having on adjacent properties. The Commission at that meeting directed that Mr. Thomson's concerns be forwarded to you, and that you hold a workshop to discuss those concerns.

Because Mr. Thomson was away in February and March, he was unavailable to attend a meeting with you. Consequently, you discussed his concerns with him at your April 21st meeting, when he asked you to recommend that the Commission hold a workshop to discuss and evaluate the building setback requirements mandated by Ordinance 13-14.

At its May 4th meeting, the City Commission discussed with Mr. Thomson and other residents their concerns about the construction of larger houses on small lots, and their belief that larger houses were having detrimental effects on adjacent smaller, older homes. The Commission requested that you hold a workshop to discuss the residents' concerns and to make recommendations to the Commission that would address those concerns.

The Commission has scheduled its workshop meeting on August 4, 2015, at 4:00 p.m., when it will discuss your recommendations and other objectives of the strategic plan, which include a review of the Land Development Regulations, of which Ordinance 13-14 is a part.

ACTION REQUESTED

It's that you schedule a workshop to be held in June to discuss with Mr. Thomson and other residents about where Ordinance 13-14 needs to be amended. Your recommendations will then be forwarded to the Commission for discussion at its August 4, 2015 workshop meeting.

Bonnie Miller

From: Max Royle
Sent: Tuesday, May 19, 2015 12:29 PM
To: Bonnie Miller
Cc: Gary Larson; James Whitehouse
Subject: FW: PZB Meeting 5/19/15

Bonnie,
Please forward to members of the Planning Board before tonight's meeting.
Thanks,
Max

From: craig thomson [mailto:craigthomsonaa@me.com]
Sent: Tuesday, May 19, 2015 12:22 PM
To: Max Royle
Cc: LeeAnn Kendall; Sandra Krempasky; Susan Johnson; Joe Foster; Sandy Bond; Tom Ringwood; Candice Griffin; craig thomson
Subject: PZB Meeting 5/19/15

Mr. Royle, Planning and Zoning Board members and City Commissioners

Re Recent Zoning Changes/ workshop or repeal ?

It appears that the extent and impact of the recent zoning changes was underestimated by members of the Planning and Zoning Board and the City Commission.

The new Zoning Ordinance 13-14 extended the reduced setbacks previously allowed **only** in the *overlay district* to include all residential and commercial property in the city *as a whole*. Refer to the attached city map illustrating the extent of the revised zoning, (Exhibit - 1). These reduced setbacks now have the potential of creating McMansions *anywhere* in the city unless the neighborhood is protected by PUD zoning.

Residential lots could be stripped bare of trees and houses with any number of bedrooms (5+) could be built and rented out, creating social and environmental disharmony in our established neighborhoods.

For these reasons we intend to petition the PZB to recommend that the new Ordinance 13-14 be repealed and the old Ordinance readopted for all residential and commercial property in the city as a whole.

New construction which has already been permitted under the new Ordinance 13-14 would obviously need to be grandfathered. The Overlay District Ordinance is still in force and allow reduced setbacks on the east side of A1A Beach Blvd., but there are provisions in that ordinance which are more neighborhood friendly, such as the scaling requirement that the 3rd floor level be reduced in size.

We would appreciate your review of this matter with the city attorney prior to tomorrow's planning and zoning board meeting. We would hope that he could comment on the repeal process during the public meeting.

Please forward our request/email to PZB members and City Commission prior to today's Meeting.

Thank you.

SABeach Group

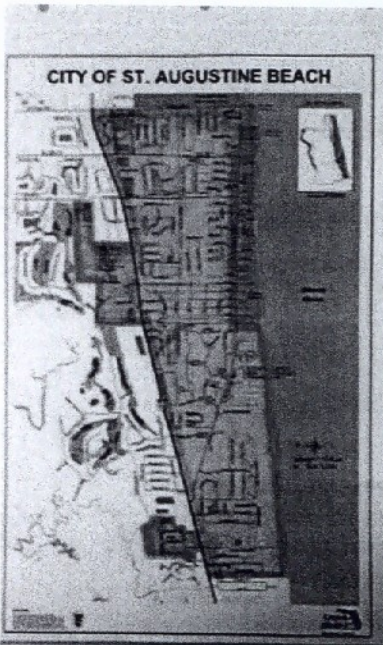


Exhibit - 1

Bonnie Miller

From: Gary Larson
Sent: Monday, May 18, 2015 1:51 PM
To: Bonnie Miller
Subject: FW: Powell Residence 5 C Street St. Augustine Beach

From: Cora Johnston [mailto:coramjohnston@gmail.com]
Sent: Thursday, May 14, 2015 7:08 PM
To: Gary Larson
Subject: Powell Residence 5 C Street St. Augustine Beach

Good afternoon Gary,

I wanted to send you a note today regarding the home we are building for Eric and Aimee Powell at 5 C St. As we come to a finish of this home (expected closing June 15th) I wanted to let you know my concerns with two of the neighbors as this project comes to a close.

From the time that we began construction on this home Greg Thompson and LeeAnn Kendal and the renter in LeeAnn's home have continued to try to be involved with the construction. In our first meeting Greg Thompson told me that he is an architect but represented himself with questions as though he did not understand construction or design and asked that I explain them to him. He said that he had forgotten a lot since he no longer practices his trade.. They demanded to see blueprints, site plans, landscape plans, placement of pool and a/c equipment and gutter locations.

In this first meeting I did share with them the blueprints. After speaking with our owner per their request we no longer share any of our documents for building.

I know that after this meeting they met with you at the building department, yard and drainage, hired a surveyor to survey where the house sits and the height of the home. They continue to call on a regular basis to both us and our owners. They ask the same questions over and over as if trying to catch us changing the plans for this home.

We have remained polite and respectful to them as neighbor..

I know that Greg and LeeAnn are still not satisfied to have this home next door and/or behind where they live. We have been told that we disturb the view, create flooding of their yard, have robbed their sunshine and the home creates excess noise when the rain comes off the roof.

We will continue to be polite and respectful and hope that they are satisfied once they see all of the hard work and efforts that our owners the Powell's and Generation Homes have put into this lovely home.

Sincerely,

Cora

Cora M. Johnston
President/Owner

Generation Homes, LLC
CBC1258010
(904) 759-0702 iphone
generationhomesusa.com



May 4, 2015

To the St. Augustine Beach City Commission, and the St. Augustine Beach Plan Board

Thank you for your service to our community. This is a small city, and I have found the City Commission and Plan Board to be responsive to citizen concerns. It is with this faith in your willingness to listen that I am addressing my concerns to you.

In every noteworthy seaside community there is evidence of careful planning and zoning, to ensure the quality of life of the residents, as well as to accommodate businesses and tourism. The things common to the best of these communities is a low profile, lots of open sky, access to sea breezes, and beautiful landscaping to complement buildings with character and charm.

In 1975, my husband and I bought a 50-foot lot on C Street. We found it was zoned multi-family, and built a small duplex on it. Within 3-4 years, the codes were amended to restrict duplexes to 75 foot lots. The concern was crowding and lack of adequate parking. The streets were beginning to look "shabby". **That was a good decision!** Recently, across the street from that lot, a "single-family" home is being built on a similar lot. It is a 5-bedroom, 5 bath home with a pool. It will be at the extreme height limit and have a roof deck on top of that. Have you heard of the saying, "You can't put 10 pounds of potatoes in a 5-pound sack"?

If the most recent changes to the building codes persist, we will lose some of the best aspects of life in our community. One of the pleasures of living here is the ability to open windows on a cool night and catch those ocean breezes, hear the roar of the surf, and wake to birds singing in the foliage. It is wonderful to have sunny and shady areas of our landscapes at various times of the day and year. These simple pleasures will disappear if codes continue to encourage buildings that max out their lots and build to greater heights that dwarf and shade nearby homes and lots. The recent code changes will allow build-outs at upper levels to intrude over even the ground level set-backs, allowing second and third level porches and living spaces to be even closer to the neighboring homes than the ground floor. Since many of the new buildings are being built specifically for the purpose of short-term rentals, the potential for parties to overwhelm year-round residents is increased. Is this your vision of the future of St. Augustine Beach on the ocean side of Beach Boulevard? It is my nightmare! Panama City has shut down as a future destination for Spring Break parties. Are we building the replacement destination with our "Party Homes"? They are essentially hotels without onsite managers. ✓ gao c

Right now, if you drive down Beach Boulevard on a school morning, you see school busses loading children of all ages on both sides of the Boulevard. Isn't it wonderful that we have families with children living in our community? Those of us who don't live in gated communities with Home Owners' Associations depend on you, our public servants, to provide reasonable codes and ordinances to ensure quality of life for year-round residents, as well as for businesses. The most recent changes in the building codes need a second look, in order to assess their long-term affect on the look and feel of our town.

Thank you for your time and your service,

Respectfully,

Linda Ringwood

8 F Street

St. Augustine Beach, FLorida 32080