



## **AGENDA**

### **PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING**

**TUESDAY, MARCH 26, 2024, 6:00 P.M.**

**CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080**

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#### 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 PLANNING AND ZONING BOARD MEETING OF FEBRUARY 16, 2024

V. PUBLIC COMMENT

VI. NEW BUSINESS

- A. Flexible Setbacks to Save Trees Application, to shift the required 25-foot front yard setback forward 7.5 feet and shift the side yard setbacks 5 feet to the east to preserve a 24-inch diameter-at-breast-height (DBH) oak tree in the proposed new construction of a single-family residence in a low density residential land use district on Lot 8, Block 66, Coquina Gables Estates Unit A Subdivision, at 508 D Street, St. Augustine Beach, Florida, 32080, Gregory and Kristin Christopher, Applicants
- B. Conditional Use File No. CU 2024-01, for proposed new construction of a single-family residence in a commercial land use district on Lot 6, Block 43, Coquina Gables Subdivision, at 103 E Street, St. Augustine Beach, Florida, 32080, James G. Whitehouse, Esquire, St. Johns Law Group, Agent for 103 E Street LLC, Luke and Sadie Newcomer, Applicants
- C. First reading of Ordinance No. 24-XX, to amend Article II, Definitions, of the City of St. Augustine Beach Land Development Regulations, to add definitions for "driveway" and "hardscape surface."

VII. OLD BUSINESS

VIII. BOARD COMMENT

IX. ADJOURNMENT

NOTICES TO THE PUBLIC

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*In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Manager's Office no later than seven days prior to the proceeding at the address provided above, or telephone 904-471-2122, or email [sabadmin@cityofsab.org](mailto:sabadmin@cityofsab.org)*

*For more information on any of the above agenda items, please call the City of St. Augustine Beach Building and Zoning Department at 904-471-8758. The agenda material containing background information for this meeting is available on a CD upon request at the City Manager's office for a \$5.00 fee. Adobe Acrobat Reader will be needed to open the file.*



## MINUTES

### PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING

TUESDAY, FEBRUARY 20, 2024, 6:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080

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I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Vice-Chairperson Conner Dowling, Hulsey Bray, Hester Longstreet, Victor Sarris, Gary Smith, Senior Alternate Rhys Slaughter, Junior Alternate Sarah Ryan.

BOARD MEMBERS ABSENT: Larry Einheuser.

STAFF PRESENT: Building Official Brian Law, City Attorney Jeremiah Blocker, Planner Jennifer Thompson, Recording Secretary Bonnie Miller.

IV. **APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF JANUARY 16, 2024**

**Motion:** to approve the minutes of the Board's meeting of January 16, 2024. **Moved** by Victor Sarris, **seconded** by Conner Dowling, **passed 7-0** by unanimous voice-vote.

V. **PUBLIC COMMENT**

Kevin Kincaid: Before we go into public comment, I want to take a second to say, as I wasn't here for the last meeting, that I understand Chris Pranis has stepped down from the Board. I'd like to publicly thank him for all the work he has done for the City during the years he was on this Board. I also want to welcome Ms. Sarah Ryan as the Board's new alternate. Do we have any public comment on anything that is not on tonight's agenda? Hearing none, we will now move on to new business, following a presentation by Building Official Brian Law, pertaining to the procedure, consideration, evaluation of, and limitations on granting variances. We have a lot of new Board members who probably haven't seen this presentation, which has been given to the Board in the past.

VI. **NEW BUSINESS**

Brian Law: Some of the older Board members may remember the slide show presentation I created years ago, on the limitations and considerations that are supposed to be

weighed by the Board in the granting of variances. This comes straight out of Section 10.02.00 of the City's Land Development Regulations (LDRs). These are the items the Board should be looking for and considering when hearing variance applications. I'll put each slide up and ask the Board members to read them at their own speed, and then if there is any discussion, we can answer any questions anyone may have. *[Recording Secretary's Note: During the approximate 5-minute slide show, there was silence while the Board members read the information presented on the overhead screens.]*

Kevin Kincaid: Anyone have any questions for Mr. Law about the Board's role in the evaluation and granting of variances? Hearing none, thank you, Mr. Law.

A. Tree Removal Application for removal of a 30-inch diameter-at-breast-height (DBH) oak tree, a 34-inch DBH oak tree, and a 38-inch DBH oak tree in and/or near the proposed building and auxiliary structure footprints of a new single-family residence in a low density residential land use district on Lot 40, Ridge at St. Augustine Beach Subdivision, at 322 Ridgeway Road, St. Augustine Beach, Florida, 32080, Scott Patrou, Ginn Patrou Attorneys, Agent for John and Eric Ginn, Applicants

Jennifer Thompson: This is an application to remove three trees greater than or equal to 30 inches DBH on a lot at 322 Ridgeway Road. The three trees are in the way of the proposed new construction of a single-family home. The site plan shows a 30-inch DBH live oak tree in the front, almost on the front property line, and a 32-inch DBH live oak tree on the west side property line, both of which will be protected and preserved during this new construction. At last month's meeting, the Board approved a tree removal application for removal of a tree greater than or equal to 30 inches DBH on a lot that also had other large trees that were to be protected and preserved during construction.

Scott Patrou, Ginn Patrou Attorneys, 460 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, Agent for Applicants: There has been a slight modification made to this application, as it was found that the location of one of the trees requested to be removed was mismarked on the original survey. The footprint of the house has been flipped to preserve the 38-inch live oak in the rear, so the modified request will be to just remove the 34-inch DBH live oak in the front and the 30-inch DBH live oak on the east side of the lot. These trees fall just within the front and side footprint of the proposed new home. There is another 30-inch DBH live oak in the front, a 32-inch DBH live oak on the west side, and the 38-inch live oak in the rear, which will be protected and preserved.

Hester Longstreet: That's fantastic. That's exactly what I was going to ask, if there was any way this large oak tree in the back could be saved.

Conner Dowling: For the record, are there any other changes as to which trees will be removed and which trees will be preserved?

Scott Patrou: No, those are the only two trees of substance, the 34-inch DBH live oak in the front and the 30-inch DBH live oak on the east side, that will have to be removed. The 38-inch DBH live oak will be preserved, and it will be a really cool feature in the backyard.

Kevin Kincaid: Do we have any public comment? Hearing none, do we have a motion?

**Motion:** to approve the tree removal application for the removal of two trees, a 34-inch DBH live oak tree in the front and a 30-inch DBH live oak tree on the east side, both of which fall just in and/or near the proposed building footprint of a new single-family residence at 322 Ridgeway Road, St. Augustine Beach, Florida, 32080. **Moved** by Victor Sarris, **seconded** by Hester Longstreet, **passed 7-0** by unanimous voice-vote.

Scott Patrou: I'm also the agent for the applicants for agenda item C. I don't know if you are able to move this item up so it can be heard next on the agenda or if you want me to wait until after item B is heard. It doesn't matter to me, but I thought I would ask.

Jeremiah Blocker: Mr. Chair, you can do that, if it's in the interest of economy.

Kevin Kincaid: I don't have a problem moving agenda item C ahead of agenda item B. Does anybody have an issue with switching these agenda items around? Hearing no opposition, we will switch the order of agenda items B and C and next hear the variance application for which Mr. Patrou is the representative.

B. Land Use Variance File No. VAR 2024-02, for reduction of the rear yard setback requirement of 20 feet, per Section 6.01.03 of the City's LDRs, to 7.5 feet, for proposed new construction of an attached garage with a second-story addition to an existing single-family residence in a medium density residential land use district on Lot B, Block 38, Coquina Gables Subdivision, at 2-B F Street, St. Augustine Beach, Florida, 32080, Scott Patrou, Ginn Patrou Attorneys, Agent for Caneel Capital Group LLC, Tyler and Sasha Averdick, Applicants

Jennifer Thompson: This variance application may look familiar to some of the Board members, as the Board heard the same application two years ago, in 2022. This original variance application was granted but it expired as of May 9, 2023. This new application again requests a reduction of the rear yard setback from 20 feet to 7.5 feet for a new attached garage with a second-story addition, which will be a living area, above it, at 2-B F Street. Added to your meeting packets are three letters received this afternoon from neighboring residents who are in opposition to the granting of this variance **[EXHIBIT A]**.

Scott Patrou, Ginn Patrou Attorneys, 460 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, Agent for Applicants: As Jennifer said, this one previously came before the Board, presented by me, and I think it was just about the same Board except for Rhys, who I don't think was an alternate yet, and Chris Pranis, who was still on the Board at that time. Basically, what's happened is the applicants are working to put in a pool at the same time they build the attached garage and addition above it. Given the location of this property in relation to the Coastal Construction Control Line (CCCL), Department of Environmental Protection (DEP) approvals are required for the pilings for the pool and the new garage construction. The existing garage was built outside the parameters of the variance the previous owner had gotten for it back in 1998. This garage was in place when my clients purchased the property, and they have agreed to tear it down and rebuild it in

line with the variance granted in 1998. In the variance granted to my clients two years ago, the design of the new garage, which has not been changed in this new variance application, keeps the roofline of the second-story addition below the roofline of the existing house, and there is only one window on that side. I believe all the letters submitted to the City objecting to the proposed variance are from the same neighbors who wrote letters in opposition to the variance granted two years ago. This variance, which has allegedly expired, is being applied for again, as this is purely a matter of dealing with, and trying to get approvals from, three different jurisdictional agencies, and running out of time in doing so. The variance request in the application before the Board today specifically does not change anything that was submitted and granted by the variance approved in 2022. It is asking for the same approval basically because of timing issues.

Hester Longstreet: When was this application submitted to the DEP?

Scott Patrou: I don't have that information, the contractor would have that, as the one dealing with the DEP. I think this is partly what is in question, and why it is taking so long.

Hester Longstreet: Okay. To be able to grant anything, I think we would need to know when and if there was an application submitted to the DEP, and what is holding things up.

Scott Patrou: A major part of this has to do with the pool construction. A separate group was retained to handle the DEP approvals. There was also quite a bit of back and forth discussion with the Building Department as to where the setback lines were and how they applied. We had to go to the St. Johns County Property Appraiser's Office with an original signed and sealed survey to get a determination on whether my clients' property actually deeds out to the waterline, which is atypical, though there are several properties along the beach that are deeded that way. All of this is stuff they have been working through.

Hester Longstreet: I thought the pool was being built separately from the garage.

Scott Patrou: Due to the pilings required for the pool as well as the garage and addition above it, there was an agreement between the contractor and the third party that handles the DEP filings that they would bundle everything up together for the DEP submittal. They were trying to get all the engineering done for the pool, and they wanted to submit this in conjunction with the engineering for the garage and second-story addition. That was the timing delay, getting all of the engineering reports back, and also there was an issue with the Building Department as to where the setback lines were. It was just a series of red tape, frankly, that they just had to keep pushing through to progress. Things would get kicked back, and they'd have to resubmit more information, such as the determination from the Property Appraiser's Office on the deeding of the property out to the waterline. We've had many phone calls and meetings with staff and the City Attorney.

Hester Longstreet: What happens when you have to come back again because the DEP still hasn't approved anything, or the application wasn't submitted to begin with? That's why we need to know what's happening with the DEP before we give you another six months or a year. We just can't keep granting variances for an open application.

Scott Patrou: Certainly. Thankfully, we're a lot further along now. The other big piece of this is that the construction industry and all of the elements that have to do with it are not the same world as they were a couple of years ago. I think anybody who is in this industry can testify to that. I've had conversations with the Building Department saying 12 months for the validity of a variance that has anything to do with CCCL construction is not long enough. A year sounds like a long time, but it's just not for all that is required from engineers in the permitting process. This is not to say the DEP is the sole party at fault here. It is literally all of the time involved in working through all of the various pieces at play in a project that has the hands of many jurisdictions and agencies involved in it.

Kevin Kincaid: I've got a different question. I looked back and read the minutes of the April 2022 meeting, as I was not at this meeting. Is what we're looking at today basically a new variance, and not an extension of the variance approved by the Board in April 2022?

Scott Patrou: Yes, this is a new variance, as there is no mechanism to apply for an extension to an existing variance or to extend a variance that has expired. I am here on behalf of my clients to apply for a new variance, which is exactly the same variance requested by my clients and approved by the Board in April 2022.

Kevin Kincaid: I'm struggling to find a hardship here, as I don't get it. That's part of what we were just looking at in Mr. Law's presentation of the requirements for a variance, and there are a number of things in this presentation that would argue against the granting of this variance, whether or not it was granted two years ago. First off, I'm struggling to find a hardship, where there is no economic inability to appropriately use the property.

Scott Patrou: I would argue the opposite, which, go figure, is what I'm here for. The hardship is multi-faceted, one thing being, this same variance was already granted, and if this isn't considered as creating a precedent, it is a strong motivation that a hardship was already established by this Board. The fact that it was previously granted means a hardship was previously found to be legitimate by this Board. I realize you said you weren't here for this meeting, so we can dive back into what happened if the Board wants.

Kevin Kincaid: I went back through everything, and the hardship that was found was that the lot configuration created a hardship. I can't make the bridge in my mind from a hardship of lot configuration to why the applicants need a second story on a garage, especially when there are clearly neighbors, who are also part of this consideration, who are not in favor of this variance. If the neighborhood is not for it, this should be a consideration against the granting of the variance. On the other hand, one of the considerations, absolutely, is that the Board approved this same variance two years ago. I understand that, but in trying to evaluate what the Board looked at in order to find a hardship, the minutes don't really say anything, other than some references to the lot configuration. If you remember this meeting, Conner, in the minutes you said this is not unique to this section of F Street. There are places all up and down the beach that have similar lot configurations. Again, to go from this generic, vague, lot configuration hardship to, "We need a second story with an extra bedroom on the garage so we can have reasonable, economic use of our property" is a leap I just haven't been able to make.

Even before we get to whether it's the DEP, the construction industry, the engineering industry, or whatever, that is causing the delays, I need to go back through the different elements of the process for granting a variance, and look at them, as I think it is important to evaluate and consider that there are three direct neighbors opposed to this variance.

Scott Patrou: One of the things talked about, if I recall correctly, at the meeting two years ago had to do with the economic use of the property. The current owners were trying to take an approach to basically maximum use of the property without entirely scrapping the existing structure and building a new, three-story, 35-foot high residence that maxes out every limit there is. It's a two-bedroom house right now, which on the beach at these price points is a pretty big hit to the economical viability of the property. The fact that two prior variances were approved for this property gives two examples of prior Boards saying there is a hardship. That ruling was made not once, but twice. Lot configuration is a big piece of this, given the location of this lot in relation to the neighboring properties, and how it is accessed. I know other lots like this exist, but this is certainly not standard, and the lot configuration creates a very difficult place to work in. There is no room to do anything without tearing down what's existing and rebuilding. What's been proposed and previously approved is a testament to my clients' efforts to work with the surrounding neighbors, as opposed to coming in and tearing everything down and rebuilding to 35 feet high so the neighbors will see nothing. In fact, I remember Conner speaking specifically at the meeting two years ago that he appreciated the design elements and all the effort that went into this to have the smallest impact as possible on the surrounding neighbors.

Kevin Kincaid: I wasn't here for the variance granted in 1998, but the second one, if I'm not mistaken, was granted to basically make the building conforming, so if there was some disaster it could be rebuilt on its current footprint.

Brian Law: You can't make a nonconforming building conforming. A variance can be approved to allow the non-conformity, and then if the building suffers a casualty, a calamity, a terrorist act, or something like that, it could be rebuilt on the existing footprint per the current Florida Building Code (FBC). The existing structure at 2-B F Street is nonconforming to the current FBC, and that's okay, as the proposed new garage and second-story addition would actually be structurally independent of the main structure. It would be connected internally, very similar to hotel additions, which are not structurally bound, but do function as one. In this case, in the event of a casualty to the main structure, the new addition, which would be supported on a deep pile foundation, should, in theory, withstand the damage. So, there are two different conformities we're talking about, but under no circumstances does the granting of a variance make a nonconforming building a conforming building. It just makes it a building that has a variance.

Scott Patrou: There have been two variances approved for this property, the original one granted in 1998, and the one granted two years ago in 2022, which included the approval for the second-story addition over the garage, with the height restrictions and all that.

Conner Dowling: Just to confirm, Scott, that what you're asking for in the variance before us today is the same variance with the same conceptual drawings that are in our packets.



Scott Patrou: Yes, I pulled everything from the prior variance approved in 2022. We are not asking for anything different. We are just trying to keep this moving to get it done.

Kevin Kincaid: Do we have any public comment?

Betty Carvellas, 4 F Street, St. Augustine Beach, Florida, 32080: I live right behind 2-B F Street, on the immediately adjacent property. I've got a few photos that I will pass around **[EXHIBIT B]**, and I emailed a letter this morning, which I assume was copied to the Board.

Conner Dowling: Yes, we have your letter, which is one of the three letters we received from neighboring property owners **[EXHIBIT A]**.

Betty Carvellas: My concern is the existing proximity of the garage as it stands. The variance granted in 1998 was for a 7.5-foot setback for the garage, which was actually built with only a 4.2-foot setback off the rear lot line. The garage is very close to our property, and the additional height of the addition proposed over the new garage will really loom over our back yard. We have a bungalow that we rent, and people sit in chairs out back and have dogs that run around. Our back porch is out there, and our master bedroom is on that side of the house. The construction next door has been going on for a considerable amount of time, and we hope you might consider, if this variance is again granted, that the garage be moved back a little bit further. It is really close at only 4.2 feet off the rear line, and it will still be close even with a 7.5-foot setback off this lot line.

Scott Patrou: The existing garage is 4.2 feet off the rear property line. My clients are tearing this down and building a new garage further back off the lot line. The submitted drawings show that the roofline of the new structure is below the roofline of the existing house, in an effort to mitigate loss of views to adjacent neighbors. There is actually only one small window facing towards the direction of the neighbors behind them. This is not a rental house, it is a personal property, so I just wanted to address those issues.

Hester Longstreet: So, your clients are living there, and this is their personal home?

Scott Patrou: They are not living there right now, as it is under construction. But yes, it is not intended to be a rental house, it is for personal use.

Kevin Kincaid: They don't have a short-term rental license on it anyway.

Scott Patrou: That's correct.

Hulsey Bray: So, how far will the new garage addition be from the property line?

Scott Patrou: It will be 7.5 feet off the property line, approximately, per the variance request before the Board. The neighbor asked if the garage could be pushed back any further off the rear lot line, but doing this would put it flush up against the existing house. It has been moved back as far as possible to have it where two cars can still fit into it.

Victor Sarris: The variance request is basically the same thing that we approved two years ago for this same property, in regard to this two-story garage structure. Everything is the same, the variance is just being applied for again as the applicants have run out of time due to the fact of what they are going through with the DEP and other governing agencies.

Scott Patrou: Yes. I went through all my emails and printed out all the documents for this, so everything in the new variance application is identical to the previous variance application. I just changed the dates on the original documents for this new application.

Rhys Slaughter: To your point about hardship, and maybe I'm being too loose in my interpretation of it, but I went back and listened to the video of the meeting two years ago, and I do think that giving the applicants previous variance approval, which allowed them to move forward on this project, in a number of different ways with all the different pieces involved and the financial obligation that goes along with everything, should be a consideration. To now say no, sorry, you can't build what was previously approved, seems like a hardship induced by the Board, and I'm not sure I would feel good about that.

Victor Sarris: That's a good point. In looking at the minutes of the meeting two years ago, I can see where we did a considerable and thorough evaluation of what was proposed, and at that time, we did approve it. They haven't altered or changed anything since that time, so I understand the point that was made, and I am in alignment with that.

Conner Dowling: I remember thinking if this lot was not oceanfront, 7.5 feet would be a standard side yard setback for a 50-foot-by-100-foot lot. I completely sympathize with the adjacent neighbors, but I personally feel it's a better change as opposed to leaving the existing garage there for the long term. If there was a fire, there is a big difference between a 4.2-foot and a 7.5-foot setback. I also appreciate the fact that the applicants are only requesting a short pop-up for the second-story addition, as it could be much higher. The existing home could be leveled and rebuilt to the maximum height and size, so I appreciate that this is a thoughtful addition in comparison to what could be built.

Brian Law: The house could also potentially be moved to the east. As stated, this is a very unique lot, because it is platted all the way to the high waterline of the ocean. This was confirmed by the Property Appraiser's Office, which said to go by the signed and sealed survey. There are a few lots like this in the City, and this was thoroughly vetted. Obviously, the DEP would not allow construction to the water's edge, as there are still protected areas, but the extra square footage to the high waterline still counts as part of the total lot square footage and could be used for setbacks and lot and ISR coverage.

Hester Longstreet: Which goes back to the DEP application. If it's taken more than a year or if an application hasn't even been submitted to the DEP yet, we don't want you back here in a year, again asking for more time.

Scott Patrou: Absolutely. I would love to petition at some point to extend the standard time for a variance's expiration to 24 months, as opposed to the current 12 month expiration. I just think that given what you have to deal with, 12 months is not the best

timeline. I'd love to ask for 18 months or 24 months. My client's goal is to get this done, and as you've heard, they have been working on other parts of the remodel construction.

Kevin Kincaid: I'm not sure what our argument would be if you come back 12 months from now and say your clients haven't gotten everything done yet and still need more time, if we again grant this variance on the basis of having granted it before.

Hester Longstreet: My thinking, then, is that if this is the case, that they need more time, then it's because the DEP is not going to allow this to happen, so why are we doing this?

Brian Law: I know what you are saying, Ms. Longstreet, but I would ask that we not put words in the DEP's mouth, as they have a very complicated process. Once the correspondence with the DEP begins, fees are submitted, and the review process begins. If the DEP needs additional information, the applicants have to provide this, but once this process begins, this counts as commencing the work granted by the variance.

Victor Sarris: So, in regard to DEP timelines and the expiration date of the variance, it's possible that you could get the DEP permit next week or at least within the next year.

Scott Patrou: Certainly, absolutely. We're not trying to change anything. All of the pool and other issues have been resolved, so everything should be ready to go to the DEP.

Kevin Kincaid: I'm still caught in a very difficult position with the fairness of saying the hardship is that as the Board granted the variance in 2022, a hardship was demonstrated. I mean, your clients bought a two-bedroom house on the beach and to now claim they can't make economic use of it is, to me, maybe buyer's remorse, or something else. We have letters from three neighbors opposed to this, so I'm having a hard time finding a lot of sympathy for the applicants saying they can't make economic use of the property, as they knew what the size of the house was when they bought it. My problem is not just with this variance request, but the fact that in the future there will be hundreds of others coming after this looking for variances, and while the Board doesn't need to provide a hardship, we need to certify that there is a hardship. I still cannot find the hardship, other than maybe what Rhys suggested earlier, that because of the previously granted variance, the applicants have moved forward with going down this path and investing time and money in this project. Now, however, after doing all that, the timing hasn't worked out and the variance has expired. Maybe that is a hardship, but I'm still struggling with it. I wasn't at the meeting when the variance was approved two years ago, and though I've gone back and read the minutes, I'm not sure the hardship found then was really defined.

Scott Patrou: As far as certifying the hardship, like I said, the two prior variances that were granted in 1998 and 2022 serve in that capacity. Secondly, I would say the hardship doesn't necessarily need to bring the economic value down to zero. We're not saying that because the house doesn't have three bedrooms, it has no value and can't be used for anything. We're just stating what was previously affirmed by the granting of the two prior variances, that a hardship was found as a basis for the granting of these variances.

Kevin Kincaid: The wording in the LDRs for the required considerations for the granting of a variance asks whether the nature of the hardship is the result of an inability to make “reasonable” economic use of the property. This may be where our differences are. Any other discussion or questions for the applicant? Hearing none, do we have a motion?

Victor Sarris: I’ll make a motion to approve this variance as noted.

Conner Dowling: I’ll second the motion.

Kevin Kincaid: Okay, we have a motion and a second, so we can open this up for discussion. Can I suggest that we tighten up this motion so in the event that it passes, it replicates exactly what the motion to approve the variance two years ago was? This would include adhering to the setbacks and the height limitations of the proposed new garage and second-story addition, and Hester, I would imagine that you would like to put a timeline in there again, or we can just leave the expiration date of the new variance at 12 months, which is the default time for the expiration date of an approved variance.

Hester Longstreet: Yes. Unless anyone disagrees with me, I believe the variance expiration date should stay at 12 months.

Kevin Kincaid: I just want to make sure that our motion captures everything and that we don’t just say okay, we approve this variance without specifying any conditions.

Conner Dowling: I would agree, just like the original motion from two years ago, that we should specify that the variance is approved per the existing design drawings and documents, including the height of the second-story addition above the garage and the fact that the applicants are proposing a single bedroom in this second-story addition and will comply with the number and placement of windows as shown on the submitted application documents. Specifically, the variance is approved subject to compliance with the drawings and documents provided in the variance application package submittal.

Brian Law: I just want to draw attention to page 20 of the minutes of the Board’s April 19, 2022 meeting, which have been included in the Board members’ packets. This page contains the motion, which I will read aloud, made by the Board to approve the variance. “Motion: to approve Land Use Variance File No. VAR 2022-04 for a rear yard setback reduction from 20 feet to 7.5 feet for proposed new construction of a two-story addition consisting of a garage on the first floor and conditioned living area on the second floor based on the illustrated structural documents submitted in the application.”

Kevin Kincaid: Okay, so that covers what we all just said?

Brian Law: Yes. There is no reason to mention a time frame for the variance, as 12 months is the standard expiration date for a variance per the LDRs.

Kevin Kincaid: Okay, so we have a motion and a second. Any other discussion on the motion? Hearing none, may we call for a vote, please?

**Motion:** to approve Land Use Variance File No. VAR 2024-02, for reduction of the rear yard setback requirement from 20 feet to 7.5 feet, for proposed new construction of a two-story addition consisting of a garage on the first floor and conditioned living area on the second floor, at 2-B F Street, St. Augustine Beach, Florida, 32080, subject to compliance with the structural documents and drawings submitted in the application. **Moved** by Victor Sarris, **seconded** by Conner Dowling, **passed 6-1** by voice-vote, with Victor Sarris, Conner Dowling, Gary Smith, Rhys Slaughter, Hulsey Bray, and Hester Longstreet assenting, and Kevin Kincaid dissenting.

- C. Land Use Variance File No. VAR 2024-01, continued from the Board's January 16, 2024 regular monthly meeting, for variances to exceed the maximum 18-foot width allowed for residential driveways in City rights-of-way, per Section 6.02.03.D of the City's Land Development Regulations (LDRs), to allow an additional 12-foot-wide paver driveway, and to exceed the 40% maximum impervious surface ratio (ISR) coverage allowed in a low density residential land use district, per Section 6.01.02 of the City's LDRs, to allow 40.7% ISR coverage for the additional 12-foot-wide paver driveway, on Lot 27, Block E, Woodland Estates Subdivision, at 56 Willow Drive, St. Augustine Beach, Florida, 32080, James G. Whitehouse, Esquire, St. Johns Law Group, Agent for Karren J. Pitts, Applicant

Jennifer Thompson: This variance application is continued from last month's meeting. This application originally requested an increase in ISR coverage from 40 percent maximum allowed in low density residential to 45.7 percent. The applicant's agent has now amended the variance to request an increase in ISR to 40.7 percent, instead of 45.7 percent, and the variance is also for the additional 12-foot-wide driveway on the north side of the property. Together, the new driveway's width and the existing 21-foot-wide driveway on the south side exceed the maximum 18-foot width allowed for driveways in City rights-of-way. Per the LDRs, residential driveways in City rights-of-way are limited to a maximum width of 18 feet with maximum 5-foot-by-5-foot apron flares on either side.

Kevin Kincaid: Okay, so what is existing does not meet City Code right now.

Jennifer Thompson: Correct.

Conner Dowling: And the new driveway was not permitted.

Kevin Kincaid: Again, I wasn't here at last month's meeting, so I'm going to be catching up. Okay, if we could we hear from the applicant, please.

James Whitehouse, Esquire, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, Florida, 32080, Agent for Karren J. Pitts, Applicant: Good evening, Board members. I am here on behalf of the applicant, who is the property owner of 56 Willow Drive. Just to give a quick recap, the original variance application was for a bunch of variances. The owner and other residents in the home, who are all elderly people and very sickly, which is why they are not able to be here, had hired contractors who did a lot of stuff before they even talked to me. I provided the medical information to staff, as

well as the City Attorney, which included the handicap proof the Board discussed at last month's meeting. I'm not going to present it because then it becomes public record, obviously, and it is private information, but I can tell you that staff and the City Attorney have seen it. In any case, the contractors that were hired put up a carport and this other paver driveway, which was 16 feet wide originally, and built for handicap access, as the lot is on an incline, and the residents needed this flat area on the side to park their handicap-accessible van to be able to get in and out of the van. There is no real ability to do this over on the other side where the existing driveway that accesses the garage is. Also, the handicap-accessible van doesn't fit in the garage. They received some violations for some of the work their contractors did, and then contracted me. I think there were probably four or five variances that would have been required based on the violations, but we got this down to two, one to exceed the maximum ISR coverage, and the other for the additional driveway width in the City right-of-way. Initially, the variance request was to exceed the maximum ISR by 5.7 percent, but we have now gotten it down to 0.7 percent by removing about 500 square feet of pavers in the back yard. This brought the ISR coverage down to 40.7 percent, and if necessary, there is a fire pit in a back corner that could probably be removed as well, or some non-permeable pavers could be changed out to a permeable paver system, to get the ISR coverage down to 40 percent, and then a variance wouldn't even be necessary for the ISR. The original 16-foot-wide driveway that was installed has been reduced to a width of 12 feet, which is the minimum width required to get that handicap-accessible van up the incline to the flat area on the north side of the house. Reducing the width of the new driveway to 12 feet also moved it further away from the adjacent property line on the north side. Included in the amended variance application is an email from the applicant stating she and the other residents have a lot of medical issues, and she herself had a procedure yesterday, which is why she could not be here. In any case, the new driveway is needed for handicap-accessibility.

Kevin Kincaid: Could you just specifically describe the hardship?

James Whitehouse: The hardship is the property itself, as it's on an incline and there is no real way to establish a flat surface on the original driveway so the residents can get in and out of the house and in and out of the handicap-accessible van. There is proof of a handicap-accessibility issue, and I think that is also kind of the hardship based on the characteristics of the property itself. This is not a self-created hardship, obviously, and the original driveway can't really be taken out because it is attached to the garage.

Kevin Kincaid: So, if the ISR is now in compliance, the only other part that is not in compliance is the width of the original driveway and the width of the new driveway, which together exceed the maximum driveway width allowed for residential driveways.

James Whitehouse: Right. The code doesn't prohibit having more than one driveway, but it does limit the total width of residential driveways to 18 feet per property, per the staff interpretation of this code. So, that is really what the variance is about now, the fact that there are two driveways, the original one, which is now 21 feet wide, and the new 12-foot-wide driveway that has been added for handicap-accessibility.

Kevin Kincaid: If we approve this variance, it will not just go with the current residents, it will run with the property. The current residents might move out or something could happen to them, but the new driveway allowed per the variance could go on forever. I think the problem is that everyone is allowed to have 18 feet of driveway width and this property owner has 33 feet of driveway width in the right-of-way. Together, the two driveways far exceed the maximum 18-foot width allowed for residential driveways.

James Whitehouse: Back before 2018, when the maximum driveway width for residential driveways was added to the code, you could have driveways with widths wider than 18 feet. My understanding is that when the code was updated in 2018, this was more because of stormwater issues caused by permeability issues. That's why I think it came up at last month's meeting that the ISR coverage needed to be reduced to get closer to the 40 percent maximum allowed. This has now been done, so that there is no increase in stormwater run-off or other drainage issues due to added impervious surfaces.

Victor Sarris: So, the applicants are now basically complying with the ISR coverage, but not with the maximum driveway width allowed. A circular driveway would be two 9-foot-wide driveway lanes totaling 18 feet in width at the right-of-way. The two non-circular driveways on this property have a combined total of 33 feet in width. Are other circular driveways in the neighborhood in compliance with the 18-foot driveway width?

James Whitehouse: They are not, but they were also probably built prior to the 2018 code change restricting residential driveways to 18 feet in width. I included photos in the variance application packet showing several driveways on Willow Drive and Oak Road that exceed the maximum 18-foot width put in place by the updated code passed in 2018.

Kevin Kincaid: Nobody would have brought the current applicants before the Board to apply for a variance if the new 12-foot-wide driveway hadn't been put in. They are not here to grandfather-in an older driveway that is too big. They are here because the new and older driveways exceed the maximum driveway width and ISR coverage on this lot.

James Whitehouse: Yes, sir, that's right, that's why we are here today.

Conner Dowling: Last month, the Board asked if your clients could come and talk to us, to help answer some of the questions the folks from the neighborhood asked. The Board thought having the applicants here would help everyone understand their perspective.

James Whitehouse: Yes, sure. I have talked to my clients at length about this, but the main owner couldn't come, as she just had surgery yesterday. She and another resident, who is in Bayview right now, are the two handicapped individuals, and the third resident is not one of the owners, so he can't really come and speak on behalf of the other two residents' accessibility needs. I don't think there is now any question as to the handicap nature of this, I think it is more the case of whether this is enough to show that they do have a hardship, as they need this minimal 12-foot-wide driveway access with a flat area. The majority of the work done by the contractors they hired has been removed or corrected. The ISR coverage before both driveways were reduced in width and a large

number of pavers were removed was over 50 percent. Landscaping is being put back in the areas where all the pavers were, which I think may help concerning the neighbors.

Kevin Kincaid: I have a problem with getting into medical issues as a basis for a hardship, as the Board is not qualified to evaluate medical issues and can only take somebody's word for it. I think this opens up a whole can of worms for this Board in the future. I certainly understand your clients' desire to age in place, and we are not trying to run old people out of the beach. However, just to let you know, my thoughts on this are that this whole hardship is based on something that I don't think this Board is qualified to evaluate. On the other hand, I also don't know that ignoring it is our purview either.

Rhys Slaughter: Just so I am clear on the variance, the ISR is now only 0.7 percent away from being in compliance, but the total widths of the two driveways, the original 21-foot-wide driveway and the new 12-foot-wide driveway, total 33 feet. Would a variance be needed if the 21-foot-wide driveway was reduced so that it was only six feet wide?

Kevin Kincaid. No, they would not need a variance if this was done.

Rhys Slaughter: So, they could technically keep the new driveway and no longer need a variance if the driveway on the other side was cut back to a width of six feet.

Kevin Kincaid: Yes, and if this was done, they could still have their flat spot at the top of the new 12-foot-wide driveway.

Jennifer Thompson: If I could just verify, the right-of-way is the only place that is restricted to the 18-foot driveway width. The code allows a maximum driveway width of 18 feet with 5-foot-by-5-foot apron flares on each side. Going back onto their own property, they would be allowed to expand the width of the other driveway. We have seen people get creative with this. We had one contractor who did two-foot-wide ribbon strips, then two-foot-wide strips of grass. Only the concrete strips were counted as part of the 18-foot width in the right-of-way, as we didn't count the grass strips in between.

Kevin Kincaid: If they discontinued use of the larger driveway, because it's not the important driveway anymore, would they be required to replace the curbing on the road?

Brian Law: This is a City-owned road, so the curbs would be the City's property and responsibility. If you are hypothetically asking if the applicant would be required to replace the curb if the existing driveway serving the garage is removed, the answer is no.

Kevin Kincaid: All they would have to do, then, is remove a few feet of the paved area next to the road, so there isn't a second driveway at the right-of-way, and they would not be required to replace the curb, correct? I'm just trying to find out if there would be an additional cost to the applicants if this was a solution that we decided to explore.

Brian Law: My concern would be that if access to a driveway that serves an existing garage is removed, more likely than not, this driveway would still be used by trucks or delivery



vehicles or whatever, and without the hardscaping there, we risk damage to the edges of the street. This is the whole purpose of the 5-foot-by-5-foot apron flares allowed on either side of a driveway, so when vehicles turn, they are not coming off the road a little and then eroding away the edge of the asphalt down to the base. Once this happens, the erosion just continues moving in, which is the whole point of the apron flares.

Victor Sarris: If you take the approach with ribbon strips of solid concrete placed where the tires of vehicles technically travel to get in and out, and then put in grass strips or any type of pervious material in between, could you achieve compliance with the 18-foot width and also address the concerns the neighbors have about drainage?

Jennifer Thompson: As long the total of all concrete strips does not exceed a total of 18 feet in width at the right-of-way, yes. There are people who have put in two 9-foot-wide driveways so they could have a circular driveway or just two different driveway accesses.

James Whitehouse: I actually talked yesterday to Jim Wilson, who was the City Attorney back in 2018 when this 18-foot maximum driveway width was added to the code, to try to find out what the intent was when this was done. I think it is a two-fold issue, number one is ISR, stormwater runoff and drainage, and number two is the impact on City roads and rights-of-way. Jim Wilson's recollection was that it was more for new construction, because when a new access is put in a right-of-way, a right-of-way permit is required. This is really where all of this comes from, because my clients didn't get a right-of-way permit when the contractor they hired put in the new driveway. That is how it got flagged and this is why they have applied for this variance, as the City won't approve a right-of-way permit for driveway widths exceeding a total of 18 feet. I will tell you now, I have several more applications coming before you, because I have people who have cracked-up driveways and they just want to replace them with pavers, but they can't because their driveways exceed 18 feet in width. We're not talking about 30-foot to 40-foot-wide driveways, but 20-foot-wide driveways that people just want to replace. This is probably appropriate because the curb is already there, and I think that is also a consideration when you are talking about this because replacing an existing driveway will not cause any additional impact on curbs or rights-of-way. This particular application is not the case of somebody just wanting another driveway. My clients actually have a reason for needing the other driveway. Also, the variance has been pushed back from this big expansive request to one that is not out of character with the neighborhood. I think this is one that probably meets the spirit or intent of the code, based on the facts that are in evidence.

Kevin Kincaid: Okay, thank-you. Do we have any public comment?

Devon Schweidel, 55 Willow Drive, St. Augustine Beach, Florida, 32080: I am directly across the street. My husband was here at the last meeting and brought pictures of the flooding on our street. I'm really happy to hear they have removed stuff to help alleviate that, but I kind of feel like I have to address the lie. When they put that second driveway in, they told us it was for his truck. He put a gate in front of it, as he wanted a secure place to put his pick-up truck. There is no handicapped person living in that house. His son bought a house around the corner, and he is out there lifting wood and throwing it in

the back of his pick-up truck on a regular basis. She drives an adorable little convertible. I don't know who the third person is. I work from home, and work in the yard all day. I've never seen a third person come or go from that house. She did have surgery on her foot. She was out gardening the other day, and was quite mobile, quite fine. My only concern was the flooding, but it kind of sounds like a crock, and I figured I'd call it out. Aside from that, there are six circular driveways in the neighborhood, that's it, and they are all old. We wanted a circular driveway, but we're not getting one, because of the 18-foot maximum driveway width. I feel it is a slippery slope to start saying people can put in multiple driveways. We had an issue with the same homeowner that we didn't bring up when she tore down oak trees. They are just those neighbors; rules don't apply to them.

Jeanine Maleno, 58 Willow Drive, St. Augustine Beach, Florida, 32080: I recall Alex, the applicant's partner, telling me that he wanted a second driveway so he could work on some old vehicle or truck or something, and he did park his truck there for a period of time until this whole thing started. What is very upsetting to me is that somebody can come here and use the so-called handicapped pass as a hardship. I really appreciate the chairperson's acknowledging the fact that none of us are professionals here in making that decision. We do have a problem with run-off, and when it rains heavily, we've had three feet of rain up our driveway. They did take some pavers away, but regarding this whole thing with handicapped people, I work in the garden constantly, and I am an outdoor person. I have photos of the homeowner with her gardener, and driving in her car, so I just don't understand this whole push about being handicapped. I asked her about this, and she accused me of reporting her. When I told her I never did this and asked who told her this, she first said the City told her I reported her, and then she said her lawyer told her I reported her. I went to City Hall for more information and as it turns out, it was the code enforcement officer who knocked on her door to let her know there was an issue with the carport, as it was easily seen from the road. As I said at last month's meeting, there has just been this pattern of non-compliance. We all live here in this beautiful neighborhood with gorgeous oak trees, and we all do our best to maintain it. We don't want to live in a concrete jungle, this is why we moved to this neighborhood. I just find it very disturbing that people could fabricate a story to have a second driveway.

Robert Allen, 58 Willow Drive, St. Augustine Beach, Florida, 32080: I live next door, and there was a handicap vehicle, the first one I've seen, at the house next door when we came here today. It didn't appear to have any problem going up the driveway to the garage. It wasn't slanted very much, and there was plenty of room between it and the garage. Our neighbor across the street, who is in a wheelchair, has a very steep driveway, and he comes and goes to get to therapy. I don't know who this third person is, or that there are multiple handicapped people in the house. I've only seen two people, a couple.

Hulsey Bray: I agree that venturing into the medical thing is probably something the Board shouldn't do.

Kevin Kincaid: Yes, unfortunately, I think that could become a hardship on any variance, anytime, for every single variance request. And once we fall into that hole, there is no coming back. Mr. Whitehouse, would you like to respond to the public comments?

James Whitehouse: Yes, I was just going to add that I've heard a little bit of concern about somebody else coming in after with the same type of variance request. Obviously, as you know with any variance, it doesn't have to run with the applicant or the property owner. This variance approval could just be restricted to the current homeowner/applicant. I think you can kind of restrict things where somebody has a hardship that is something like this. It's hard to make a decision on this because of somebody else who might apply for something similar in the future, but maybe it would be okay to give it to this applicant.

Kevin Kincaid: Based on the comments we just heard from three public speakers who are interested parties who live in the neighborhood, it sounds like this is actually being used as an additional driveway right now. This is exactly what we are here to prevent.

James Whitehouse: Yes, but I don't know that this is the intent of the 18-foot maximum driveway width. Again, that is why I said the spirit and intent of the code is to not have an effect on the right-of-way and not have an increase in stormwater runoff, which causes flooding. I think you heard from the public speakers that they appreciate the fact that the coverage on the property will be cut back to comply with the maximum ISR coverage allowed, because this was one of the biggest concerns expressed by members of the public as well as the Board at last month's meeting. Those are the two big things that are the main spirit and intent of the 18-foot driveway width code, and whether or not somebody else ever parks in that driveway, the applicants are not asking for this variance because they are trying to have more cars. The State of Florida has deemed it appropriate to grant two of them handicap-accessible passes, and there is no argument that they have problems. Some of the issues seem to be problems between neighbors, but the fact of the matter is, I think they are meeting the spirit and intent of the code by what they are asking for, and maybe the Board could just restrict this variance to the current applicants.

Rhys Slaughter: We sort of have an avenue here, if this second driveway is the end-all, be-all to their ability to be able to get in and out of the handicap-accessible van. If that is the whole deal here, then we have already come up with a couple of ideas that wouldn't even need a variance. I don't see why the variance is needed if there is some other way to solve the problem and keep the second driveway. I don't like that the second driveway is already there, and they are applying for this variance after the fact. It seems like both variance requests, for the ISR and the driveway width, are not really needed. They could get the ISR into compliance with permeable pavers and figure out a way to reconfigure the driveway for the time period they are there and need access to this second driveway.

Kevin Kincaid: I also appreciate the fact that they've made the effort and dropped the ISR down to 40.7 percent, but I would like to caution the Board to be careful with evaluating the intent and spirit of the code. We don't write the code. We can advise on it, but the City Commissioners write the code, so I am a little uncomfortable with the Board second-guessing the intent of the code, because that could also lead us down some pretty dark paths. I am also still uncomfortable with granting a variance based on a medical thing that we are not qualified to look at or evaluate. We certainly don't want to put ourselves in the position of doing this in the future. I don't know that future problems coming our way regarding driveways or whatever being replaced is necessarily a reason to do

something different on this specific variance request, and I don't believe we can create a variance that says only handicap vehicles can be parked in the second driveway. I suggest we ask the applicants to reconfigure and reconstruct what they need to do to come into compliance with the current regulations and rules in the current code. If they have a problem with the spirit or the intent of the code, they can go back to the Commission and ask the Commission to overrule the Board's decision or redo the code to make the spirit and intent clearer. For the Board's ruling on this variance, I think we should be sticking to what the actual code states regarding current ISR and driveway regulations.

Gary Smith: Also, as Mr. Whitehouse said, there are going to be more applications coming before us, so whatever we do, we are setting some sort of precedent. If we approve this, there will be a precedent written down in the future, so I think we need to be careful with that. I agree with Victor and Rhys that there are modifications that can be made to make the driveways and ISR fall within the rules of the code, so I would suggest doing that.

Kevin Kincaid: Okay. Is there any other discussion? Hearing none, I'll make the motion that we deny the variance.

Conner Dowling: I second the motion.

Kevin Kincaid: We have a motion and a second. Any discussion on the motion? Hearing none, may we call for a vote, please?

**Motion:** to deny Land Use Variance File No. VAR 2024-01, denying the variance requests to exceed the maximum ISR coverage and add a 12-foot-wide paver driveway to the property at 56 Willow Drive, St. Augustine Beach, Florida, 32080 **Moved** by Kevin Kincaid, **seconded** by Conner Dowling, **motion to deny passed 7-0** by unanimous voice-vote.

D. First reading of Ordinance No. 24-XX, to amend Article II, Definitions, Section 2.00.00 of the City of St. Augustine Beach Land Development Regulations (LDRs), to add a definition for "driveway"

Jennifer Thompson: Currently, there is no definition for driveway in the City's LDRs. The Public Works Department and Planning and Zoning Division believe a definition for driveway is needed, because driveways are mentioned several times in the LDRs. The Public Works Department came up with this proposed definition of driveway: "A pervious or impervious surface that is used for vehicular ingress or egress from a private dwelling or structure to a right-of-way." This is the first reading of this ordinance.

Kevin Kincaid: Okay, thank-you. Any comments? Sounds like a driveway to me.

Conner Dowling: One question that pops up in my mind, if you have a gate on the side of your house that you use once a year to get some trees trimmed or something, and someone drives a truck back to that gate, that could be a pervious or impervious surface used for vehicular ingress or egress from a private dwelling or structure to a right-of-way.

Jennifer Thompson: Well, imagine having a Christmas party, with people parking all over your lawn and yard. Maybe we could change the wording to “regular” ingress or egress.

Brian Law: What’s regular?

Kevin Kincaid: How about saying “primary” instead of “regular?”

Brian Law: Primary is a better-suited term for this.

Kevin Kincaid: That would take out your access to a fence or gate.

Conner Dowling: Yes, that’s right.

Victor Sarris: We could say it is a primary access for vehicular traffic to go from the street to the residence.

Brian Law: Actually, could we have a minute on this one? I want to discuss this with staff.  
*[Recording Secretary’s Note: After a brief discussion between staff and the City Attorney, discussion on this agenda item with the Board members resumed.]*

Brian Law: It just dawned on me, several years ago, we actually passed an ordinance that talks about using a non-driveway for access on a temporary basis with approval from the Public Works Director. So, there is a mechanism for residents to apply for temporary access to cross City rights-of-way if they have a unique situation where they need it. The intent of the code is the average normal operation, not the exception. Pool contractors typically need temporary access to cross City rights-of-way to get pool equipment into backyards, and they often take down fences if needed to get equipment into backyards.

Kevin Kincaid: And this will have no effect on the variance we just considered?

Brian Law: No, not at all. I would say the new driveway requested by the applicants in the previous variance application is not for temporary use.

Kevin Kincaid: Conner, does what Brian just explained answer the question you asked earlier?

Conner Dowling: Yes, it does.

Kevin Kincaid: Okay, any questions or further discussion? Any public comment? Hearing none, do we have a motion?

Brian Law: Before the Board votes on this, the City Attorney has to actually read the ordinance title aloud.

Jeremiah Blocker: This will constitute the first reading of this ordinance. “An ordinance of the City of St. Augustine Beach, Florida, relating to Land Development Regulations and

review; amending the Land Development Regulations of the City of St. Augustine Beach, Article II, Section 2.00.00 for definition of driveway; and providing an effective date.”

**Motion:** to approve and pass on first reading Ordinance No. 24-XX, to amend Article II, Definitions, Section 2.00.00 of the City’s LDRs, as drafted, to add a definition for “driveway.” **Moved** by Hester Longstreet, **seconded** by Hulsey Bray, **passed 7-0** by unanimous voice-vote.

**VII. OLD BUSINESS**

There was no old business.

**VII. BOARD COMMENT**

Hester Longstreet: Do we know when work on the new Publix will start?

Brian Law: I just spoke with Publix today, at the end of the workday, and they are getting really close to a full permit submittal. We have a partial submittal, with the civil plans here. Dates were thrown out that they expect to be issued a full permit in April or May.

Kevin Kincaid: Their initial estimate was that sometime during the second quarter of 2024, the current Publix would be closing. Is this estimate still close?

Brian Law: We didn’t discuss that, but this will most likely be a multi-pronged permit, consisting of the parking lot reconfiguration, the main structure replacing the existing Publix, and then façade construction on the other buildings in Anastasia Plaza later.

Kevin Kincaid: Thank you. Any other Board comment or questions?

Jennifer Thompson: I just want to remind everyone that because of voting for the presidential preference primary in the City’s meeting room, the March Planning and Zoning Board meeting has been moved to Tuesday, March 26, 2024, at 6:00 p.m., so it will be a week later than the normal meeting date.

**X. ADJOURNMENT**

The meeting was adjourned at 7:47 p.m.

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Kevin Kincaid, Chairperson

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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 AUDIO/VIDEO CAN BE OBTAINED BY CONTACTING THE CITY MANAGER’S OFFICE AT 904-471-2122.)



**City of St. Augustine Beach Building and Zoning Department**

**To:** Comprehensive Planning & Zoning Board  
**From:** Jennifer Thompson, Planner  
**CC:** Brian Law, Building Official & Bonnie Miller, Senior Planner  
**Date:** 03/08/2024  
**Re:** Application for Flexible Setbacks to Save Trees for 508 D St.

The application for flexible setbacks to save trees is for a new single-family residence proposed for 508 D St. The applicants are requesting a front setback of 17.5 feet, with the rear setback of 27.5 feet to save one 24-inch oak tree, and one 28-inch oak tree. They are also requesting flexible side setbacks, with a 5-foot east side setback and a 15-foot west side setback to save one 26-inch oak tree and one 24-inch oak tree.

Sincerely,

*Jennifer Thompson, MPA, CFM*

Planner  
Planning and Zoning Division

**City of St. Augustine Beach Building and Zoning Department**  
**Flexible Setbacks to Save Trees Application**

2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

WWW.STAUGBCH.COM BLDG. & ZONING (904) 471-8758 FAX (904) 471-4470

1. Legal description of the parcel for which the request for flexible setbacks to save trees is being sought:  
 Lot(s) 8 Block(s) 66 Subdivision Coquina Gables Estates Unit A  
 Street Address 508 D st, St. augustine Fl, 32080
2. Parcel identification number (PIN): 1722000080
3. Name and address of owner(s) as shown in St. Johns County Public Records: Gregory & Kristin Christopher  
155 Moultrie landing BLVD APT 12107, St. Augsutine FL 32086-5976
4. Current land use district classification: Low Density Residential
5. Number of, type, and size of tree or trees to be saved for which this request for flexible setbacks is being sought:  
(1) - 24" Oak
6. Reason for request for flexible setbacks to save the tree(s) described above: If we were alloud to shift the  
the setbacks forward, this would save the existing oak from needing to be removed
7. Please specify the flexible setbacks requested per Section 6.01.03.A.2 of the City's Land Development Regulations, which allow front and rear setbacks that are currently required to be a minimum of 25 feet in the front and 20 feet in the rear, to be moved forward or backward 7.5 feet as long as a total of 45 feet for combined front and rear yard setbacks is maintained. Front and rear yard setbacks that are currently required to be a minimum of 20 feet in the front and rear, which only applies to originally platted 50-foot-by-93-foot lots, are allowed to be moved forward or backward 2.5 feet as long as a total of 40 feet for combined front and rear yard setbacks is maintained. Side yard setbacks currently required to be a minimum of 10 feet on each side shall be allowed to be moved 5 feet to either side as long as a total of 20 feet for combined side yard setbacks is maintained, and side yard setbacks currently required to be a minimum of 7.5 on each side, which only applies to lots that are 50 feet wide or less, shall be allowed to be moved 2.5 feet to either side as long as a total of 15 feet for combined side yard setbacks is maintained. In all requests for flexible setbacks to save trees, a minimum setback of 10 feet is required between adjacent structures, per Section 6.01.03.B.3 of the City's Land Development Regulations: Shifting the front setback forward 7.5' and the side sebacks 5' to the left



8. Supporting data which should be considered by the Comprehensive Planning and Zoning Board: \_\_\_\_\_

**Per Section 6.01.03.A.2** of the City's Land Development Regulations, in all cases, the justification for flexible setbacks to save trees for single-family land use must be to save a significant tree, which per the Board's motion to approve this Application is defined as being eight (8) inches in diameter-at-breast-height (DBH) or greater, as demonstrated on a site plan with a tree and topography survey. All requests for flexible setbacks to save trees must have the approval of the City's Building Official, the applicable Homeowners Association (if required), and the Comprehensive Planning and Zoning Board.

In filing this application for flexible setbacks to save trees for single-family land use, the undersigned acknowledges it becomes part of the official record of the City of St. Augustine Beach Building and Zoning Department and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

Gregory Christopher

Print name (owner or his/ her agent)

Kristin Christopher

Print name (applicant or his/her agent)

 2/17/24  
Signature/date

 2/17/24  
Signature/date

155 Moultrie landing BLVD APT 12107, St. Augsutine FL 32086-5976

Owner/agent address

Applicant/agent address

(321)-230-0382

Phone number

(407)-619-6692

Phone number

gpckfc@gmail.com

Email address

kcflpie@yahoo.com

Email address

**Application Fee: \$50.00**

Date Paid:

2/20/2024

Received by:

Bonnie Miller

Invoice Number:

App # 8438

I 2400 717

Check Number or type of credit or debit card:

AMEX

## Apply for Exemptions

[Apply for Exemptions](#)

## Sales Questionnaire Form

*If you are a new owner of this property, please click here to submit a Sales Questionnaire*

[Sales Questionnaire](#)

## 2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

## Summary

Parcel ID	1722000080
Location Address	508 D ST SAINT AUGUSTINE 32080-0000
Neighborhood	Coquina Gables (778)
Tax Description*	10-97 COQUINA GABLES ESTATES UNIT A LOT 8 BLK 66 OR5857/53 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Coquina Gables Estates, Unit A Of
Sec/Twp/Rng	3-8-30
District	City of St Augustine Beach (District 551)
Millage Rate	15.5533
Acreage	0.170
Homestead	N

[Click Here to Open Cyclomedia Viewer in a New Tab](#)



[Skip to main content](#)

## Owner Information

**St. Johns County, FL**  
Owner Name: Gregory Patrick, Kristin Danielle 100%  
Christopher Kristin Danielle 100%  
Mailing Address: 155 MOULTRIE LANDING BLVD APT 12107  
SAINT AUGUSTINE, FL 32086-5976

## Map





## Valuation Information

	2024
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$200,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$200,000
Total Deferred	\$0
Assessed Value	\$200,000
Total Exemptions	\$0
Taxable Value	\$200,000

Values listed are from our working tax roll and are subject to change.

## Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2023	\$0	\$0	\$200,000	\$0	\$0	\$200,000	\$154,446	\$45,554	\$154,446
2022	\$0	\$0	\$184,800	\$0	\$0	\$184,800	\$140,405	\$44,395	\$140,405
2021	\$0	\$0	\$140,000	\$0	\$0	\$140,000	\$127,641	\$12,359	\$127,641
2020	\$0	\$0	\$140,000	\$0	\$0	\$140,000	\$116,037	\$23,963	\$116,037
2019	\$0	\$0	\$155,000	\$0	\$0	\$155,000	\$105,488	\$49,512	\$105,488
2018	\$0	\$0	\$155,000	\$0	\$0	\$155,000	\$95,898	\$59,102	\$95,898
2017	\$0	\$0	\$155,000	\$0	\$0	\$155,000	\$87,180	\$67,820	\$87,180
2016	\$0	\$0	\$110,000	\$0	\$0	\$110,000	\$79,255	\$30,745	\$79,255
2015	\$0	\$0	\$90,000	\$0	\$0	\$90,000	\$72,050	\$17,950	\$72,050
2014	\$0	\$0	\$65,500	\$0	\$0	\$65,500	\$65,500	\$0	\$65,500
2013	\$0	\$0	\$65,500	\$0	\$0	\$65,500	\$65,500	\$0	\$65,500

## Land Information

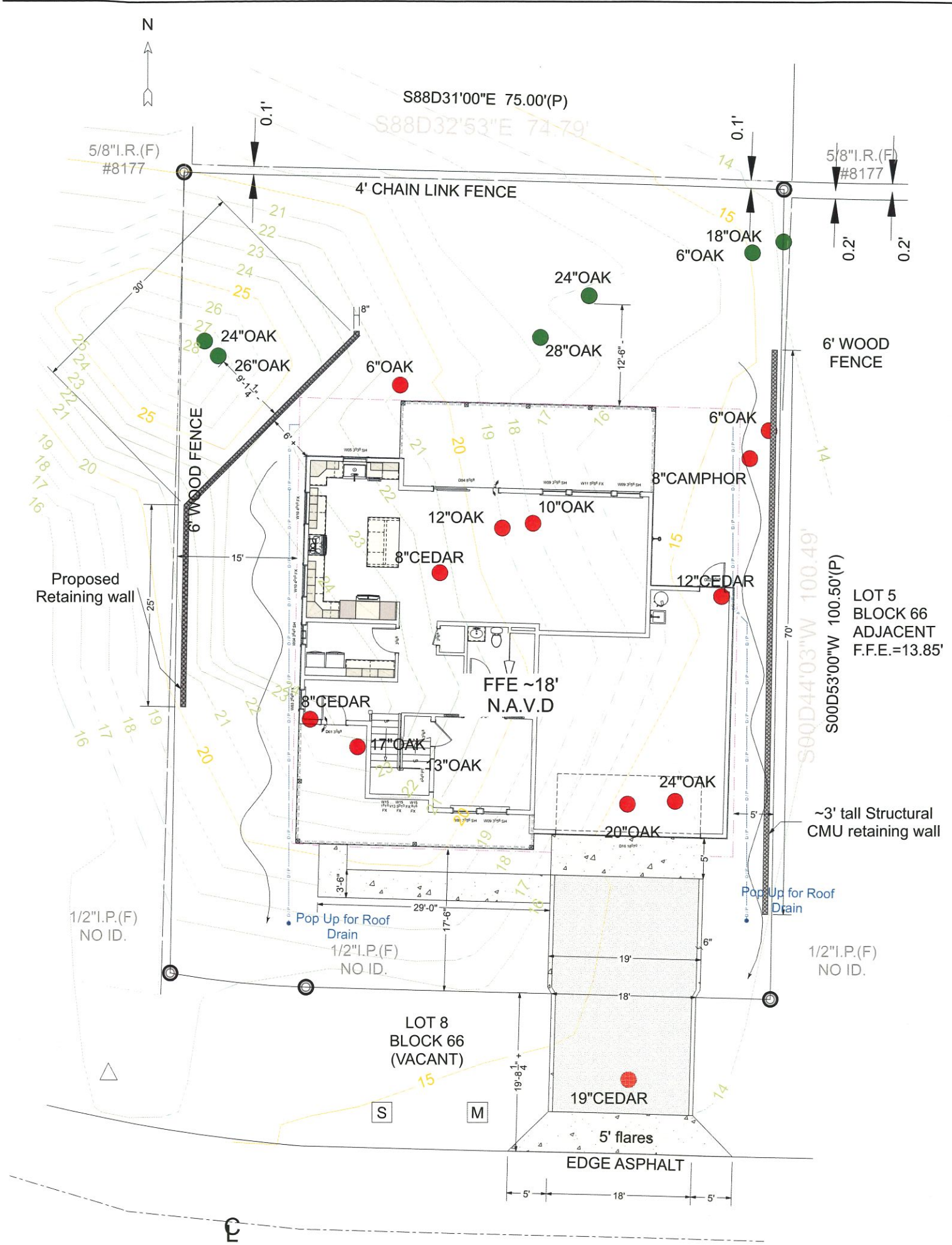
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	75	100	1	UT	\$200,000

## Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/14/2023	11/13/2023	\$299,000.00	WARRANTY DEED	<a href="#">5857</a>	<a href="#">53</a>	Q	V	IOVINO ANTHONY V REVOCABLE TRUST	CHRISTOPHER GREGORY PATRICK, KRISTIN DANIELLE
10/5/2012	9/25/2012	\$100.00	WARRANTY DEED	<a href="#">3624</a>	<a href="#">1893</a>	U	V	IOVINO ANTHONY V	IOVINO ANTHONY V REVOCABLE TRUST
	11/4/2008	\$110,000.00	WARRANTY DEED	<a href="#">3138</a>	<a href="#">1888</a>	Q	V	GERRITY JOHN E & DONNA LYNN	IOVINO ANTHONY V
	11/25/2002	\$65,000.00	WARRANTY DEED	<a href="#">1858</a>	<a href="#">1479</a>	Q	V	WEST RUSSELL & JANIE	GERRITY JOHN E & DONNA LYNN
	9/12/2001	\$200.00	QUIT CLAIM DEED	<a href="#">1652</a>	<a href="#">129</a>	U	I	WEST RUSSELL	WEST RUSSELL & JANIE
	7/12/2001	\$127,500.00	PERSONAL REP	<a href="#">1642</a>	<a href="#">1256</a>	U	I	WEST N FRANCES & SIDNEY H ESTS & TRUSTS	WEST RUSSELL
	7/10/2001	\$0.00	COURT ORDER	<a href="#">1630</a>	<a href="#">742</a>	U	V	WEST N FRANCES ESTATE & TRUST (1/2 INT)	WEST N FRANCES ESTATE & TRUST (ORD AUTH SALE)
	5/31/2001	\$0.00	OTHER INSTRUMENT	<a href="#">1614</a>	<a href="#">115</a>	U	V	WEST SIDNEY HOWARD ESTATE	WEST SIDNEY HOWARD ESTATE (LETT OF ADMIN)
	5/25/2001	\$0.00	OTHER INSTRUMENT	<a href="#">1611</a>	<a href="#">1792</a>	U	V	WEST N FRANCES ESTATE	WEST N FRANCES ESTATE (LETT OF ADMIN)
	6/11/1999	\$0.00	OTHER INSTRUMENT	<a href="#">1421</a>	<a href="#">1011</a>	U	V	WEST N FRANCES ESTATE (DECD 4/21/99)	WEST N FRANCES ESTATE (LETT OF ADMIN)
	6/10/1999	\$0.00	OTHER INSTRUMENT	<a href="#">1418</a>	<a href="#">423</a>	U	V	WEST SIDNEY H (DECD 4/25/99) & N FRANCES (DECD)	WEST SIDNEY H ESTATE (LETT OF ADMIN)
	7/31/1998	\$0.00	QUIT CLAIM DEED	<a href="#">1337</a>	<a href="#">1942</a>	U	V	WEST SIDNEY H & N FRANCES	WEST SIDNEY H & WEST N FRANCES LIV TRUSTS T/C
	4/27/1998	\$0.00	WILL	<a href="#">1421</a>	<a href="#">1005</a>	U	V	WEST N FRANCES	WEST N FRANCES (WILL)
	4/27/1998	\$0.00	WILL	<a href="#">1418</a>	<a href="#">417</a>	U	V	WEST SIDNEY H & N FRANCES	WEST SIDNEY H (WILL) & N FRANCES

No data available for the following modules: Exemption Information, Building Information, Sketch Information, Extra Feature Information.





**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.

Setback Table				
Land Use	Front Yard	Side Yard	Rear Yard	Street Side
Single-Family	25 ft.	10 ft.	20 ft.	12 ft.
Single-Family on 50' by 93' platted lots	20 ft.	7.5 ft.	20 ft.	12 ft.
Multifamily (2 to 8 units)	25 ft.	10 ft.	20 ft.	15 ft.
Multifamily (8 units or more)	35 ft.	15 ft.	20 ft.	15 ft.
Commercial	20 ft.	10 ft.	20 ft.	15 ft.
Other uses (same as commercial)	20 ft.	10 ft.	20 ft.	15 ft.

C. Specific requirements for low density residential.

1. Roof overhangs for single family land use may project past the setbacks up to 18 inches.

2. Flexible setback to save trees for single family land use:

a. In all cases, the justification for a change in a setback requirement must be to save a significant tree, which per the Board's motion to approve this Application is defined as being eight (8) inches in diameter at breast height (DBH) or greater, as demonstrated on a site plan with a tree and topography survey.

b. Flexible setbacks shall be as per the table below:

Flexible Setback Table			
	Setbacks as per 6.01.03	Flexible Adjustment	Combined Total
Front/Rear Yard	25 ft./20 ft.	7.5 ft./2.5 ft.	Front and Rear Total = 45 ft.
Front/Rear Yard	20 ft./20 ft.	2.5 ft./2.5 ft.	Front and Rear Total = 40 ft.
Side/Side Yard	10 ft./10 ft.	5 ft./5 ft.	Combined Side = 20 ft.
Side/Side Yard	7.5 ft./7.5 ft.	2.5 ft./2.5 ft.	Combined Side = 15 ft.

**Sec. 6.01.02. - Impervious Surface Coverage.**

A. Generally. Impervious surface on a development site shall not exceed the ratios provided in the table Below

B. Ratio calculation. The impervious surface ratio is calculated by dividing the total impervious surface area by the gross site area.

C. Alternative paving materials. If porous paving materials are used, then the area covered with porous paving materials shall not be counted as impervious surface for high density residential and commercial only. Low and Medium density residential shall be allowed a 15% increase in impervious surface ratio if the materials used have a 10% or greater permeability.

Impervious Ratio By Zoning	
Land Use District	Maximum Impervious Surface Ratio
Low Density Residential	0.40*
Medium Density Residential	0.50
Medium Low Density Residential	0.50
High Density Residential	0.70
Mixed Use District	0.70
Commercial	0.70



Contractor Information	
Name:	Brightstar Builders Inc.
Phone Number:	904-669-3389
Email:	Rob@brightstarbuildersinc.com
Address:	P.O. 840266 Saint Augustine FL, 32080
Website:	www.Brightstarbuildersinc.com

**Project Information**

Scope Of Work	New Single family Home
Owner Name(S):	Greg & Krissy Christopher
Address:	508 D St, Saint Augustine FL, 32080
Parcel ID:	1722000080
Tax Description:	10-97 COQUINA GABLES ESTATES UNIT A LOT 8 BLK 66 OR5857/53
Lot Size:	.170 ACRE Low Density Residential
Flood Zone:	X

**Lot Analysis**

Description	Area	% of Cov.
Building footprint	2593.99	35.54%
Impervious Driveway & Sidewalks	222	2.95%
Lot Area	7530.8	

**Sec. 6.01.04. - Building height measurement, exceptions and applications.**

A. Buildings and Structures within the City of St. Augustine Beach shall be limited to a maximum building height of thirty-five (35) feet. Building Height is measured as (1) foot above the higher of either the Front Existing Grade or the Crown of Road (to which the Structure is addressed) to the highest point of the Building or Structure. The amount of Fill is limited to no more than five (5) feet.

Note: The building Height from the FFE is 28.9'  
Proposed FFE is ~18' N.A.V.D.88

B. The building height limitation shall not apply to architectural features or any roof structures for housing elevators, stairways, tanks, mechanical equipment, ventilation fans, solar energy collectors, or similar equipment, not to church spires, steeples, belfries, cupolas, domes, monuments, water towers, skylights, flag poles, chimneys, vents or similar structures, which may be erected above the height limit, nor to fire or parapet walls, provided, however that such features and items shall not extend more than ten (10) feet above the structure.

**Sec. 6.02.03. - Rights-of-way.**

D. Residential driveways in the city rights-of-way shall be limited to a maximum of eighteen (18) feet in width with a maximum five (5) by five (5) foot apron flair on either side. The city shall not be responsible for the repair and maintenance of residential driveways in city rights-of-way.

**2023 FBC, Residential, 8th Addition, Chapter 4, R401.3 Drainage**

Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm).

**Exception:**

Where lot lines, slopes or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3048 mm), drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.

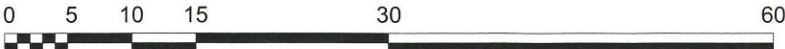
Gutters to be installed with downspouts leading to underground drainage directed to the front of property

Erosion control measures (i.e. silt fence) shall be used around the property boundary to prevent impact to adjacent properties.

Note:

Red dots are trees to be removed  
green dots are trees to be kept, trees within 10' of construction will receive an approved tree barricade

Scale: 1" = 15'-0"







**City of St. Augustine Beach Building and Zoning Department**

**To:** Comprehensive Planning and Zoning Board  
**From:** Jennifer Thompson, Planner  
**CC:** Brian Law, Director of Building and Zoning, Bonnie Miller, Senior Planner  
**Date:** 03/07/2024  
**Re:** Conditional Use Permit Application 2024-01 for 103 E St

Conditional use permit application 2024-01 is an application to build a single-family residence in a commercial district located at 103 E St. On April 5, 2021, the Commission approved a conditional use permit at this location, which has since expired.

In the past when conditional use permits have been approved to build a single-family residence in a commercial zone, they have been approved with the stipulation that they conform to the medium density single-family residence regulations in the City's Land Development Regulations.

Sincerely,

*Jennifer Thompson, MPA, CFM*

Planner

Planning and Zoning Division

**City of St. Augustine Beach Building and Zoning Department  
Conditional Use Permit Application**

2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

[WWW.STAUGBCH.COM](http://WWW.STAUGBCH.COM) BLDG. & ZONING (904) 471-8758 FAX (904) 471-4470

1. Legal description of the parcel for which the conditional use permit is being sought:

Lot(s) 6 Block(s) 43 Subdivision COQUINA GABLES

Street Address 103 E Street

2. Location (N, S, W, E): S Side of (Street Name): E Street

3. Is the property seaward of the Coastal Construction Control Line (CCCL)? Yes ☐ No ☒ (Circle one)

4. Real estate parcel identification number: 170930-0000

5. Name and address of owner(s) as shown in St. Johns County Public Records: \_\_\_\_\_

103 E Street LLC

109 E Street, St Aug Beach, FL

6. Current land use classification: Expired CUP allowing Residential Commercial  
(see attached)

7. Section of land use code from which the conditional use permit is being sought: \_\_\_\_\_

8. Description of conditional use permit being sought: \_\_\_\_\_

\*SEE ATTACHED\*

9. Supporting data which should be considered by the Board: \_\_\_\_\_

\*SEE ATTACHED\*

10. Has an application for a conditional use permit been submitted in the past year? Yes ☐ No ☒ (Circle one)

If yes, what was the final result? GRANTED CUP - 4/5/21

11. Please check if the following information required for submittal of the application has been included:

- ☒ Legal description of property
- ☒ Copy of warranty deed
- ☒ Owner Permission Form (if applicable)
- ☒ List of names and addresses of all property owners within 300-foot radius
- ☒ First-class postage-stamped legal-size (4-inch-by-9½-inch) envelopes with names and addresses of all property owners within 300-foot radius
- ☒ Survey to include all existing structures and fences
- ☒ Elevations and overall site plan of proposed structure if conditional use is requested for construction of a residential structure in a commercial land use district
- ☒ Other documents or relevant information to be considered
- ☒ Fourteen (14) copies of the completed application including supplemental documentation and/or relevant information

In filing this application for a conditional use permit, the undersigned acknowledges it becomes part of the official record of the City Commission and Comprehensive Planning and Zoning Board and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

*\*Owner's authorization attached*

Print name (owner or his/ her agent)

Print name (applicant or his/her agent)

Signature/date

Signature/date

Owner/agent address

Applicant/agent address

Phone number

Phone number

Email address

Email address

**\*\*All agents must have notarized written authorization from the property owner(s)\*\***

**\*\*Conditional use permits shall be recorded prior to issuance of the building/development permit\*\***

**\*\* Please note that if you are a resident within a development or subdivision that has covenants and restrictions, be aware that approval of this application by the City Commission or Comprehensive Planning and Zoning Board does not constitute approval for variation from the covenants and restrictions.\*\***

Date: \_\_\_\_\_

Conditional Use File #: \_\_\_\_\_

Applicant's name: \_\_\_\_\_

Applicant's address: \_\_\_\_\_

For conditional use permit at: \_\_\_\_\_

---

### Charges

Application Fee: \$400.00      Date Paid: \_\_\_\_\_

Legal Notice Sign: \$10.00      Date Paid: \_\_\_\_\_

Received by \_\_\_\_\_

Date \_\_\_\_\_

Invoice # \_\_\_\_\_

Check # or type of credit or debit card \_\_\_\_\_



ST. JOHNS



Dedicated and Responsive Service

February 16, 2023

**TO:** City of St. Augustine Beach Building and Zoning Department  
2200 A1A South  
St. Augustine Beach, FL

**FROM:** James G. Whitehouse, Esq.  
St. Johns Law Group  
104 Sea Grove Main Street  
St. Augustine, FL 32080

**RE: CONDITIONAL USE PERMIT –  
RESIDENTIAL USE IN A COMMERCIAL DISTRICT  
LOT 6 – 103 E Street (Approved Permit expired)**

**Summary of Conditional Use Permit Request:**

This is a request to renew an expired APPROVED Conditional Use Permit to allow a residential use in a Commercial District at 103 E Street. The former CUP allowed for the development of Lots 5, 6, 7 & 8 for residential uses. Lots 7 & 8 have been developed with residential uses as approved under the permit. Lots 5 & 6 were not developed within the short one-year time period due to construction and timing issues. The owners of Lot 6, also known as 103 E Street, are back before you to request a renewal of this approval so that they may proceed with the compatible residential development as previously found to be reasonable and appropriate and was approved. The front four lots are slated to be developed with commercial uses. This property, as the other three that were approved, is tagged with a commercial designation, although they are all situated in that transitional area between traditional commercial uses along the boulevard and the neighborhood, single family uses that lay further down the side streets. Over time, up and down the boulevard, these transitional areas have developed with transitional uses, such as some form of residential or mixed-residential uses to buffer the traditional residential uses that lay to the west. This request proposes to renew this expired formerly approved placement of a residential use upon this lot with the ability to use it for the same type of transitional uses as has become common.

Accordingly, this request seeks to renew that CUP to allow them to construct a compatible single-family house, as proposed, on the lot listed. As you will see from the aerials, this proposal is extremely compatible as a transitional use between the traditional commercial uses typically found on the front two lots along the boulevard and the single-family houses in the areas to the west. These parcels in this transitional area, that are labeled with a commercial designation, have sat undeveloped due to their location in this transitional area. Traditional commercial uses are not held in high regard on these transitional lots by either commercial end users or by the neighboring residents in single family houses to the west; thus, transitional quasi-

T (904) 495-0400  
F (904) 495-0506  
(888) 588-2599

104 Sea Grove Main Street  
St. Augustine, Florida 32080  
[www.sjlawgroup.com](http://www.sjlawgroup.com)

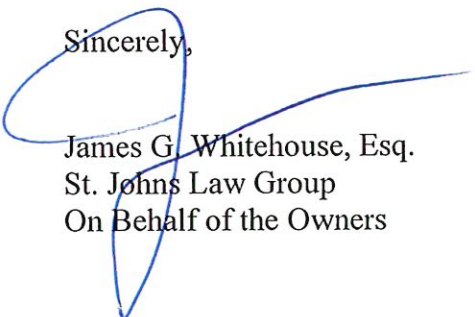
residential and mixed residential uses are typical in planning models to provide that transitional buffer between traditional commercial uses and lower-density residential uses.

Accordingly, we would request that this approval be allowed to again run with the land so that any future sale of the property would allow for this residential use in a commercial district to continue. Further, as is customary for these permits under our code, the permit would be required to be commenced within one year of the approval.

In sum, we have attached all the appropriate and required documentation, as well. Finally, a grant of this permit will not have any adverse effect upon the area; in fact, it will promote the public interest to preserve the currently approved development pattern of the area with a use that meets the transitional buffer planning pattern and is of a wholly compatible mass and scale as to compliment the neighborhood uses to the west. Further, it meets with the former guidance of the staff, planning board and commission, which has sought to keep the lots along the boulevard with commercial uses. Approval of this application will further that goal.

We sincerely appreciate your review and reasonable consideration and look forward to answering any further questions at your leisure.

Sincerely,



James G. Whitehouse, Esq.  
St. Johns Law Group  
On Behalf of the Owners

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

In re:

**APPLICATION FOR CONDITIONAL USE  
PERMIT TO CONSTRUCT FOUR SINGLE-  
FAMILY RESIDENCES IN A COMMERCIAL  
LAND USE DISTRICT AT 103 F STREET AND  
104 F STREET (LOTS 5,6,7 AND 8, BLOCK 43,  
COQUINA GABLES SUBDIVISION), ST.  
AUGUSTINE BEACH, FLORIDA, 32080.**

---

Public Records of St. Johns County, FL  
Clerk number: 2021054160  
BK: 5264 PG: 1444  
5/13/2021 1:32 PM  
Recording \$18.50

**ORDER APPROVING CONDITIONAL USE (2021-04)**

The application by Mr. and Mrs. Len Trinca, for a conditional use permit to allow four single-family residences in a commercial land use district located at 103 and 104 F Street, St. Augustine Beach, Florida 32080, having come on to be heard before the City Commission on April 5, 2021, 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 permit is granted to allow new construction of four single-family residences in a commercial land district located at 103 and 104 F Street, St. Augustine Beach, Florida 32080.
3. Said single-family residence shall be constructed to conform to regulations for single-family residences in medium density residential land use districts as specified in the City of St. Augustine Beach Land Development Regulations.
4. The use shall be conducted in such a way as to not violate City Code.
5. The use shall be transferable and run with the land.

6. The use shall be commenced within one (1) year and shall not lapse for more than one (1) year.

7. A violation of the conditions listed above shall void the conditional use granted herein.

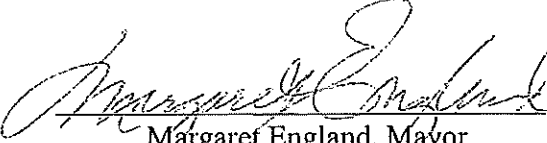
Any appeal of this decision may be made by filing an appropriate action with a court of competent jurisdiction within thirty (30) days of the date of this Order.

**DONE AND ORDERED** this 5<sup>th</sup> day of April 2021, at St. Augustine Beach, St. Johns County, Florida.

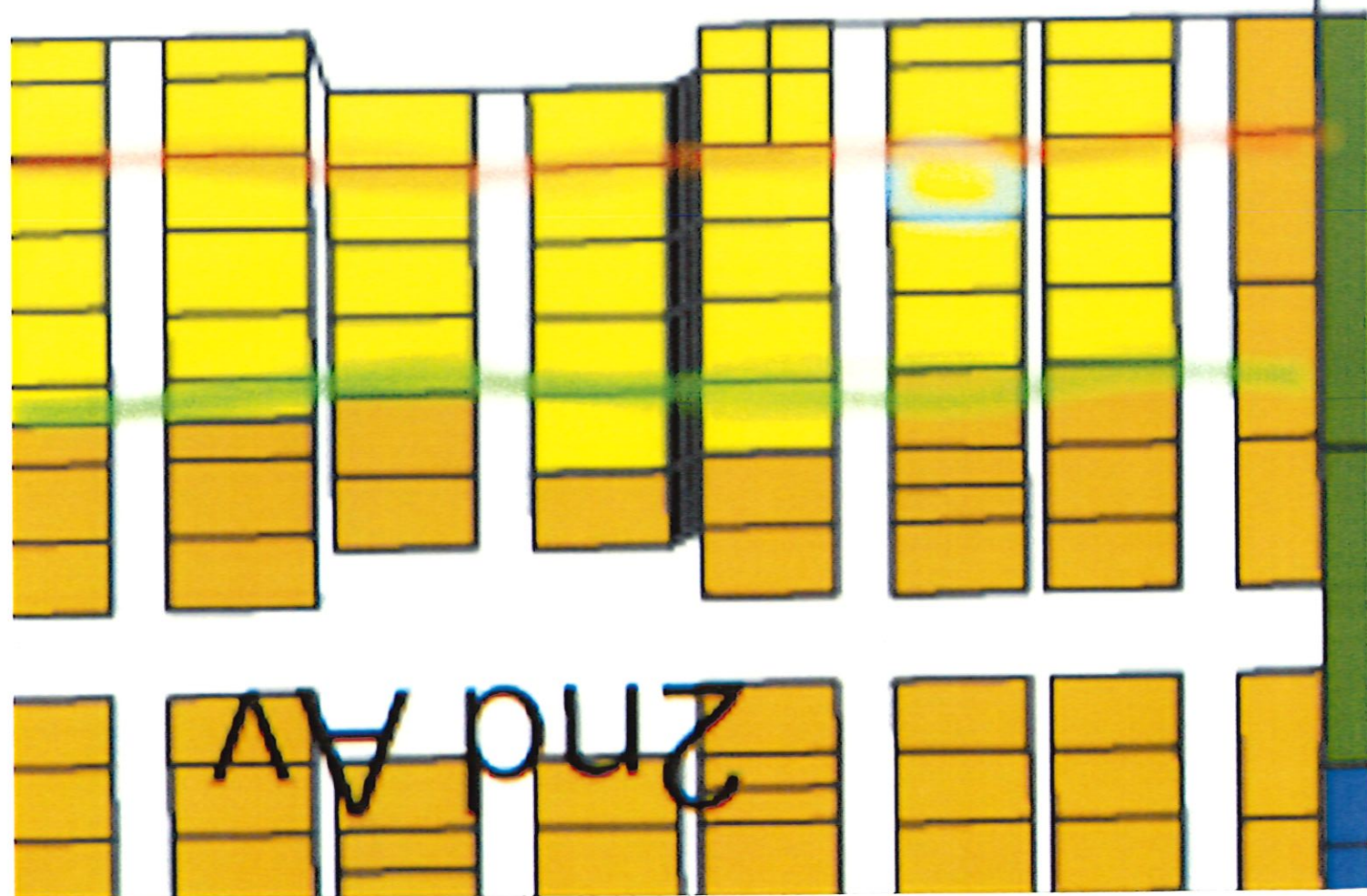
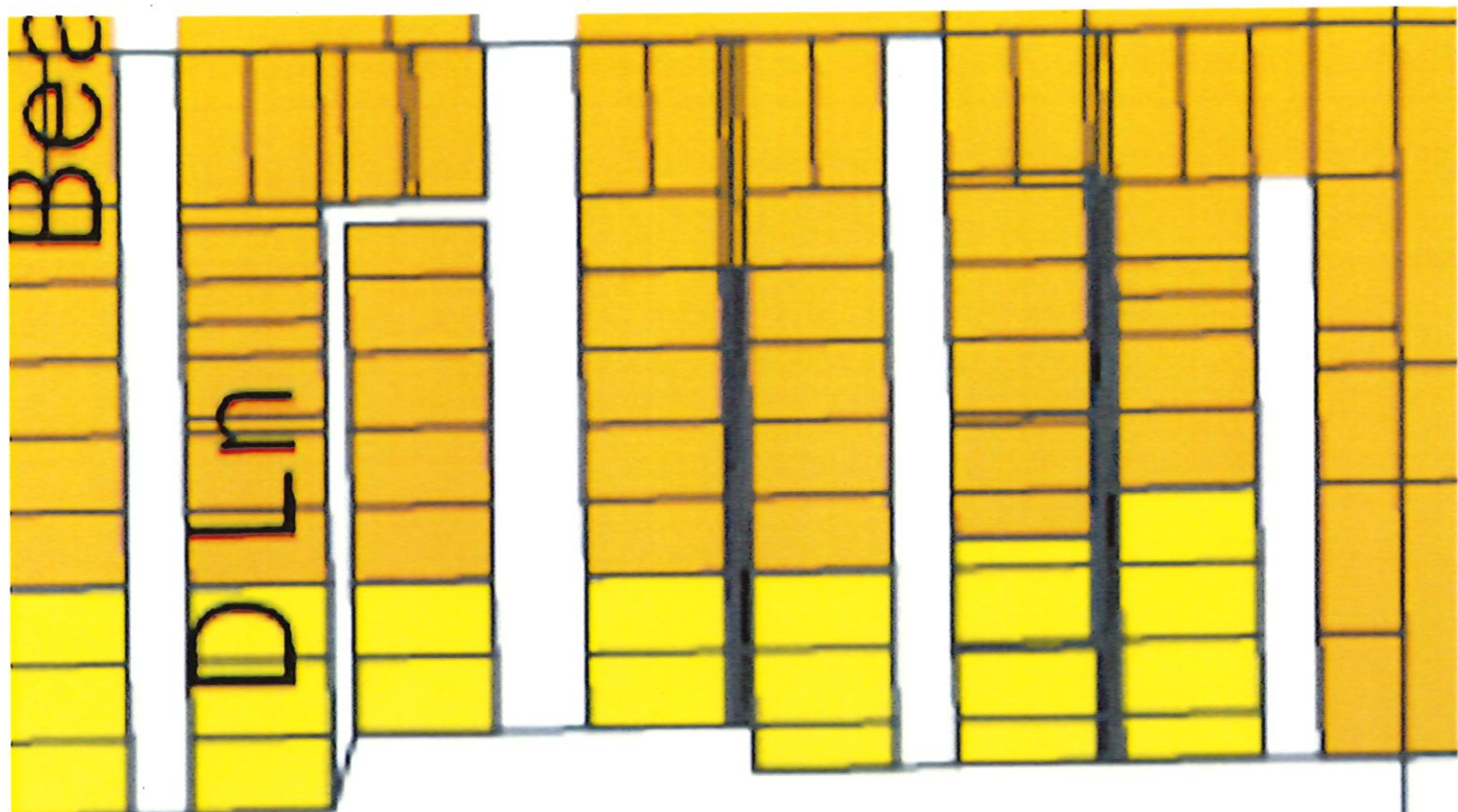
**CITY COMMISSION OF THE CITY OF  
ST. AUGUSTINE BEACH, FLORIDA**

**ATTEST:**

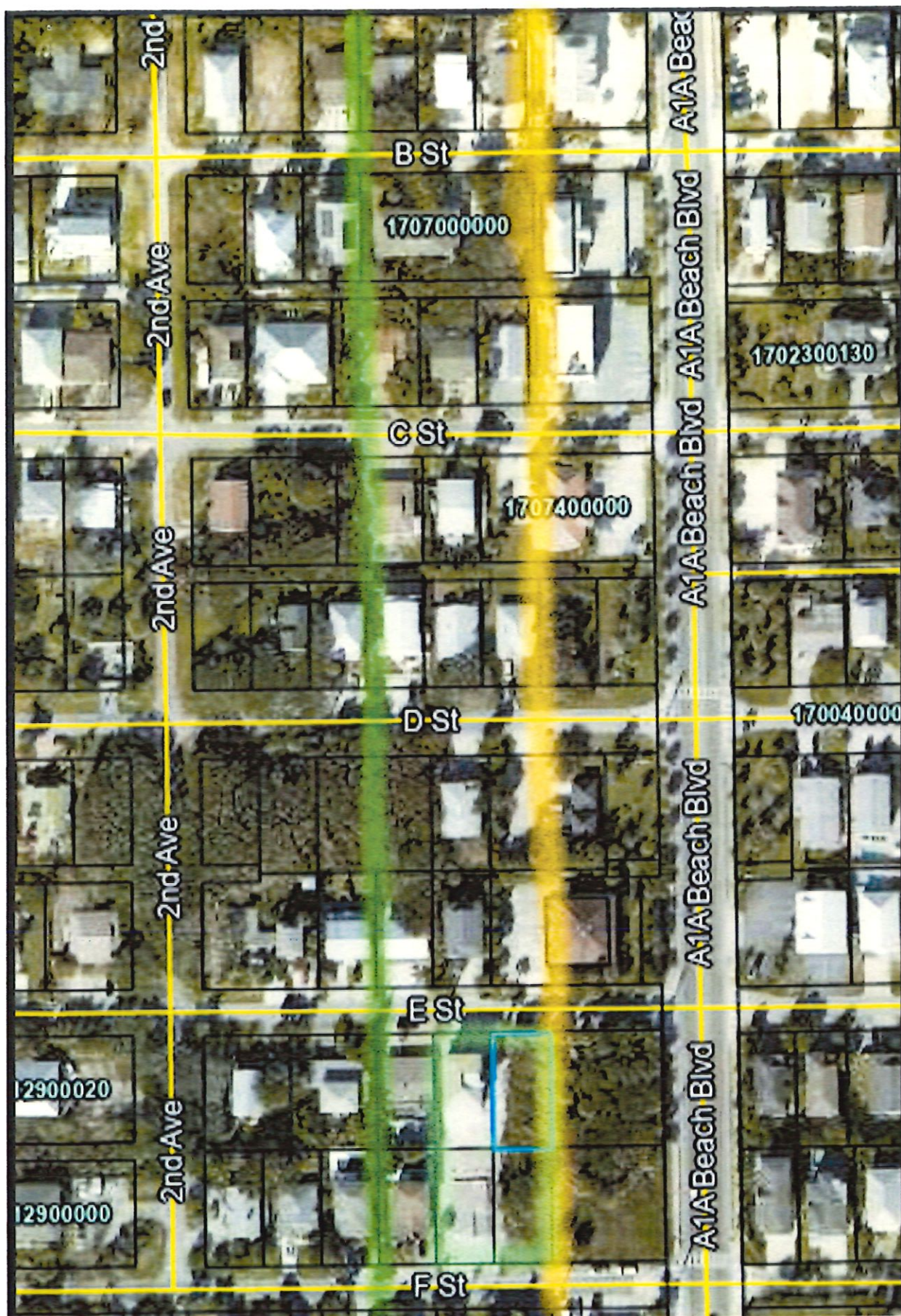
  
\_\_\_\_\_  
Max Royle, City Manager

  
\_\_\_\_\_  
Margaret England, Mayor









## Legal Description

Lot 6, Block 43, Coquina Gables Subdivision No. 1, together with the North 1/2 of vacated alley lying Southerly of and contiguous to Lot 6, as recorded in Map Book 3, Page 30, of the Public Records of St. Johns County, Florida.

Lot Six (6) in Block Forty-Three (43), according to the Plat of Ocean Beach Addition to the Subdivision of the Anastasia Methodist Assembly, as platted by the Jacksonville District Church Extension Mission Society, and recorded in the Office of the Clerk of the Circuit Court of St. Johns County, Florida, on July 11, 1913, in Plat Book Two (2), Page Ten (10); together with the North 1/2 of vacated alley lying South of the adjacent to said Lot; according to Ordinance No. 16-08 recorded in Official Records Book 4308, Page 413, all of the Public Records of St. Johns County, Florida.

Parcel ID No. 170930-0000

Prepared by and return to:

Taylor Arrubla Hardwick P.A.  
6015 A1A South  
St. Augustine, FL 32080  
352-473-8088

\_\_\_\_\_[Space Above This Line For Recording Data]\_\_\_\_\_

## Quit Claim Deed

This Warranty Deed made this 13<sup>th</sup> day of June, 2023, between Luke Newcomer and Sadie Newcomer, husband and wife, whose post office address is 109 E Street, St. Augustine, FL 32080, grantor, and 103 E Street LLC, a Florida limited liability company, whose post office address is 109 E Street, St. Augustine, FL 32080, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in St. Johns County, Florida, to-wit:

Lot 6, Block 43, Coquina Gables Subdivision No. 1, together with the North 1/2 of vacated alley lying Southerly of and contiguous to Lot 6, as recorded in Map Book 3, Page 30, of the Public Records of St. Johns County, Florida.

Lot Six (6) in Block Forty-Three (43), according to the Plat of Ocean Beach Addition to the Subdivision of the Anastasia Methodist Assembly, as platted by the Jacksonville District Church Extension Mission Society, and recorded in the Office of the Clerk of the Circuit Court of St. Johns County, Florida, on July 11, 1913, in Plat Book Two (2), Page Ten (10); together with the North 1/2 of vacated alley lying South of the adjacent to said Lot; according to Ordinance No. 16-08 recorded in Official Records Book 4308, Page 413, all of the Public Records of St. Johns County, Florida.

Parcel ID No. 170930-0000

Subject to covenants, restrictions, reservations and easements of record, if any, and taxes for the current year and subsequent years.

This instrument prepared without benefit of title examination, title insurance or attorney's opinion of title.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

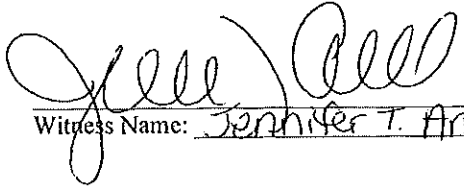
**To Have and to Hold**, the same in fee simple forever.

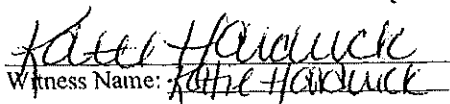
**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2022.


In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

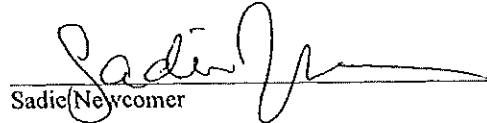


Signed, sealed and delivered in our presence:

  
Witness Name: Jennifer T. Amubla

  
Witness Name: Katelyn T. Hardwick

  
\_\_\_\_\_  
Luke Newcomer (Seal)

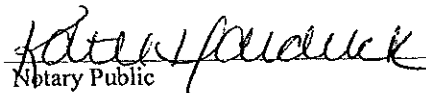
  
\_\_\_\_\_  
Sadie Newcomer (Seal)

State of Florida  
County of St. Johns

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13th day of June, 2023, by Luke Newcomer and Sadie Newcomer, who ☒ are personally known to me or ☐ who have produced a driver license as identification

[Notary Seal]



  
\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**City of St. Augustine Beach Building and Zoning Department  
Owner Authorization Form**

2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080  
WWW.STAUGBCH.COM BUILDING & ZONING (904)471-8758 FAX (904) 471-4470

To: St. Augustine Beach Building and Zoning Department  
2200 A1A South  
St. Augustine Beach, Florida 32080

From: Owner Name(s) & Phone #: 103 E Street LLC (LUKE & SADIE NEWCOMER)

Address: 109 E Street

City, State & Zip Code: St Augustine Beach, FL 32080

This is to advise you that I hereby give permission to:

Contractor/Agent Name(s) & Phone #: JAMES G. WHITETHOUSE, Esq.

Address: 104 Sea Grace Main St.

City, State, Zip Code: St Augustine Beach, FL 32080

Who is my contractor/agent, to perform the following on my behalf pertaining to an application for construction, development, land use, zoning, conditional use permit, special events permit, variance, or any other action pursuant to an application for:

CUP  
(as any other land use matters)

I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for approval to conduct any development authorized pursuant to this application and to furnish, on request, supplemental information in support of this application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements that may be necessary to procure such approval.

I hereby recognize that any duly authorized agent of City of Saint Augustine Beach (CoSAB) may enter and inspect any parcel of land for which a development approval or permit has been issued, or where there is a reasonable cause to believe that a development activity is being carried out, for the purpose of ascertaining the state of compliance with City Codes. The interiors of buildings shall not be subject to such inspections unless related to the enforcement of the building code. No person shall refuse immediate entry or access to any authorized representative of the CoSAB or one of the specified agencies who requests entry for the purpose of inspection and who presents appropriate credentials. No person shall obstruct, hamper or interfere with any such inspection. If requested, the owner or operator of the premises shall receive a report setting forth the facts and results of the compliance determination.

I further understand incomplete or false information provided on this form may lead to revocation of permits and/or termination of development activity.

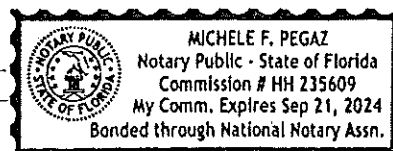
Date: 1/31/24 LUKE NEWCOMER [Signature]  
Typed or Printed Name of Property Owner Signature of Property Owner

State of Florida County of: ST. JOHNS

Subscribed and sworn before me this 31 day of JANUARY, 20 24, by LUKE NEWCOMER

Who is/are personally known to me or who has/have produced FLORIDA driver's license as identification.

Michele F. Pegaz  
Signature of Notary Public, State of Florida  
Typed or Printed Name: Michele F. Pegaz  
My Commission Expires: 9/21/2024



(Stamp or Seal)



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Florida Limited Liability Company  
103 E STREET LLC

### Filing Information

Document Number	L23000150782
FEI/EIN Number	NONE
Date Filed	03/24/2023
Effective Date	03/24/2023
State	FL
Status	ACTIVE

### Principal Address

103 E STREET  
ST. AUGUSTINE, FL 32080

### Mailing Address

109 E STREET  
ST. AUGUSTINE BEACH, FL 32080

### Registered Agent Name & Address

HARDWICK, KATELYN T  
6015 A1A S  
ST. AUGUSTINE, FL 32080

### Authorized Person(s) Detail

#### Name & Address

Title MGR

NEWCOMER, LUKE  
109 E STREET  
ST. AUGUSTINE BEACH, FL 32080

Title MGR

NEWCOMER, SADIE  
109 E STREET  
ST. AUGUSTINE BEACH, FL 32080

### Annual Reports

No Annual Reports Filed

Document Images

[03/24/2023 -- Florida Limited Liability](#)

[View image in PDF format](#)

# St. Johns County, FL

## Apply for Exemptions



## Sales Questionnaire Form

*If you are a new owner of this property, please click here to submit a Sales Questionnaire*



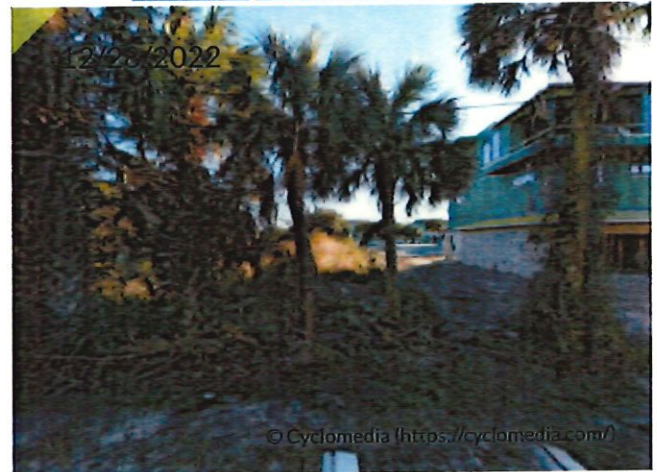
## 2022 TRIM Notice



## Summary

Parcel ID	1709300000
Location	103 E ST
Address	SAINT AUGUSTINE 32080-0000
Neighborhood	Coquina Gables (717)
Tax Description*	3-30 COQUINA GABLES LOT 6 BLK 43 & N 1/2 OF VACA ALLEY LYING SOUTH PER OR5775/1262(Q/C) <i>*The Description above is not to be used on legal documents.</i>
Property Use	Vacant Residential (0000)
Code	
Subdivision	Coquina Gables Subdivision No 1
Sec/Twp/Rng	3-8-30
District	City of St Augustine Beach (District 551)
Millage Rate	15.5533
Acreage	0.110
Homestead	N

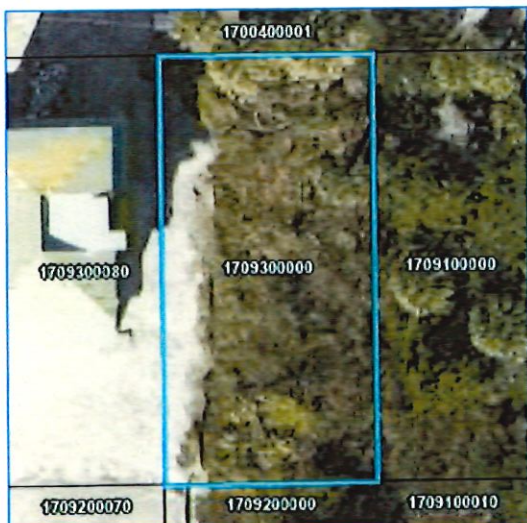
[Click Here to Open Cyclomedia Viewer in a New Tab](#)



## Owner Information

Owner Name	103 E Street LLC 100%
Mailing Address	109 E STREET SAINT AUGUSTINE, FL 32080-0000

## Map



## Valuation Information

	2024
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$255,040
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$255,040
Total Deferred	\$0
Assessed Value	\$255,040
Total Exemptions	\$0
Taxable Value	\$255,040

Values listed are from our working tax roll and are subject to change.

## Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2023	\$0	\$0	\$255,040	\$0	\$0	\$255,040	\$255,040	\$0	\$255,040
2022	\$0	\$0	\$212,240	\$0	\$0	\$212,240	\$212,240	\$0	\$212,240
2021	\$0	\$0	\$379,000	\$0	\$0	\$379,000	\$244,684	\$134,316	\$244,684
2020	\$0	\$0	\$319,000	\$0	\$0	\$319,000	\$222,440	\$96,560	\$222,440
2019	\$0	\$0	\$334,000	\$0	\$0	\$334,000	\$202,218	\$131,782	\$202,218
2018	\$0	\$0	\$334,000	\$0	\$0	\$334,000	\$183,835	\$150,165	\$183,835
2017	\$0	\$0	\$309,000	\$0	\$0	\$309,000	\$167,123	\$141,877	\$167,123
2016	\$0	\$0	\$210,000	\$0	\$0	\$210,000	\$143,748	\$66,252	\$143,748
2015	\$0	\$0	\$150,000	\$0	\$0	\$150,000	\$130,680	\$19,320	\$130,680
2014	\$0	\$0	\$130,000	\$0	\$0	\$130,000	\$118,800	\$11,200	\$118,800
2013	\$0	\$0	\$108,000	\$0	\$0	\$108,000	\$108,000	\$0	\$108,000

## Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	50	0	50	FF	\$250,000
Vacant Residential	0	0	1	UT	\$5,040

## Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/15/2023	6/13/2023	\$290,300.00	QUIT CLAIM DEED	<a href="#">5775</a>	<a href="#">1262</a>	U	V	NEWCOMER SADIE,LUKE	103 E STREET LLC
6/9/2022	6/9/2022	\$500,000.00	WARRANTY DEED	<a href="#">5576</a>	<a href="#">776</a>	Q	V	GUSTAFSON ADAM	NEWCOMER SADIE,LUKE
4/23/2021	4/23/2021	\$215,000.00	WARRANTY DEED	<a href="#">5246</a>	<a href="#">1171</a>	Q	V	TRINCA LEONARD P,RENEE	GUSTAFSON ADAM
12/28/2016	10/17/2016	\$0.00	VACATION OF R/W	<a href="#">4308</a>	<a href="#">413</a>	U	V	CITY OF ST AUGUSTINE BEACH	
	1/31/2005	\$250,000.00	WARRANTY DEED	<a href="#">2368</a>	<a href="#">264</a>	U	V	BEST MILLICENT RUDD ESTATE BY PERS REP	TRINCA LEONARD P & RENEE
	12/7/2004	\$0.00	LETTERS OF ADMN	<a href="#">2339</a>	<a href="#">405</a>	U	V	BEST MILLICENT RUDD (DECD 7/6/04)	BEST MILLICENT RUDD ESTATE (LETT OF ADMIN)

No data available for the following modules: Exemption Information, Building Information, Sketch Information, Extra Feature Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#) | [GDPR Privacy Notice](#)  
Last Data Upload: 2/14/2024, 2:18:31 AM

Contact Us

Developed by  
 **Schneider**  
GEOSPATIAL



[illegible]

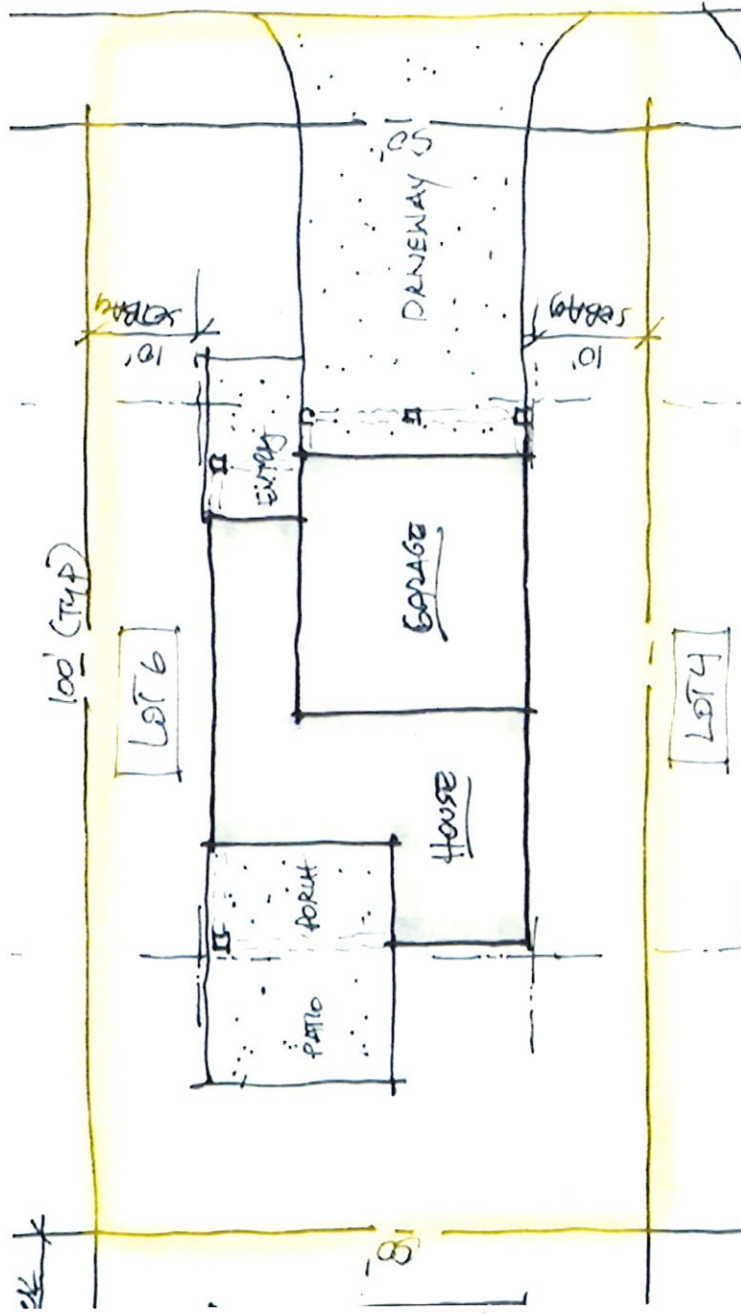
This architectural drawing shows a side elevation of a building. The structure features a gabled roof with a steep pitch, indicated by a vertical line on the right side. The main body of the building has a horizontal siding pattern. A central window is depicted with a simple frame and a small, dark, rectangular opening. To the right of the main building, there is a smaller, attached structure with a similar horizontal siding pattern. The drawing is a black and white line drawing with some shading to indicate depth and form.

This architectural drawing shows a side elevation of a house with a gambrel roof. A dormer window with a multi-paned design is centered on the upper roof. The main roofline is steep and symmetrical. The front facade features a large, double-leaf glass door on the right and a smaller, square window to its left. The house is finished with horizontal siding. Various dimension lines and labels are present, including '10' 0" for the roof height, '12' 0" for the overall width, and '10' 0" for the depth of the front porch area.

**RIGHT ELEVATION**  
SCALE 1/4" = 1'-0"

From Applicant

## Proposed Conceptual Site Plan



### NOTES

#### HEIGHT:

ALL BUILDINGS  
SHALL MEET TO  
35' HEIGHT  
REQUIREMENT

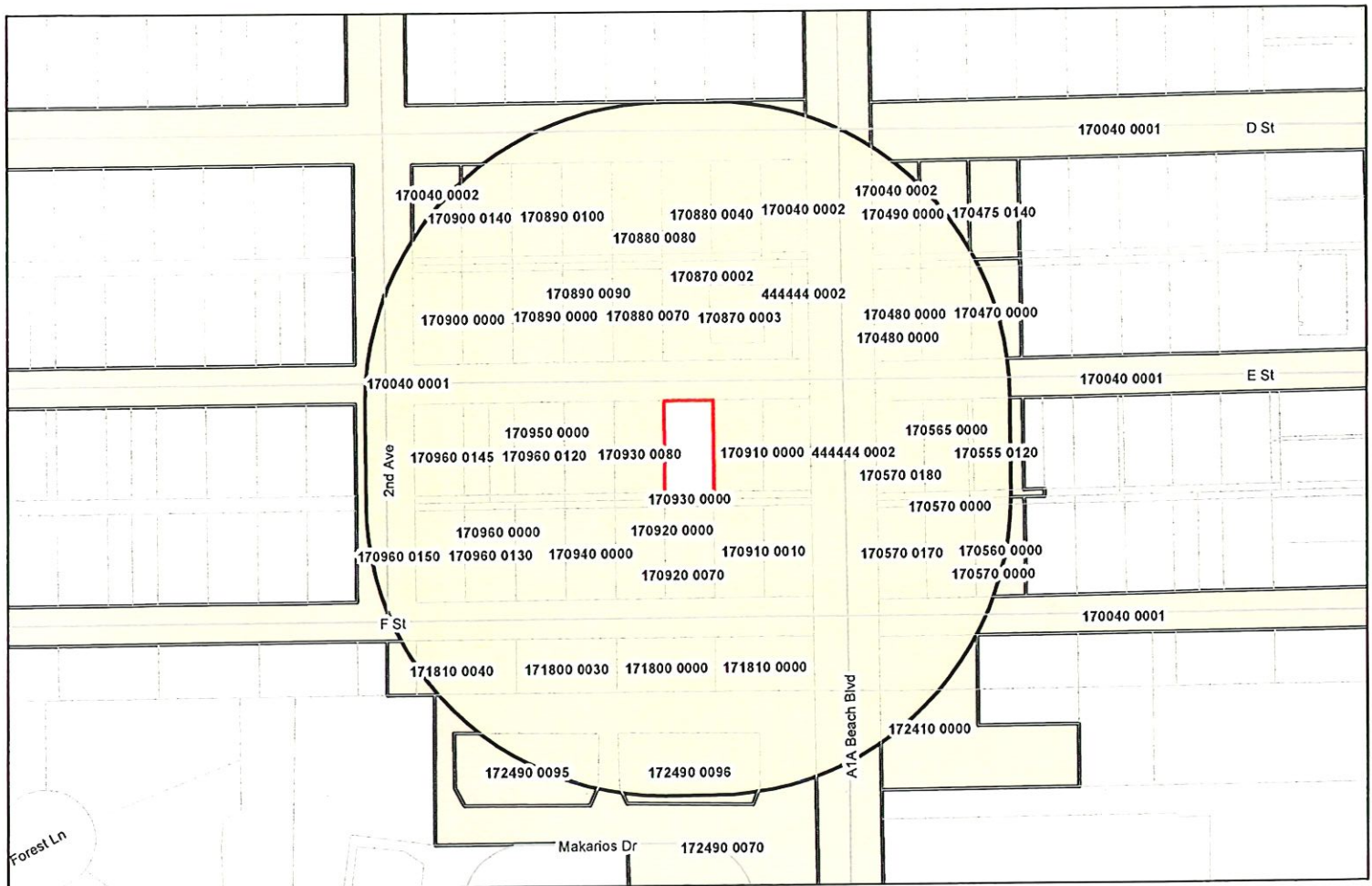
#### LOT COVERAGE

ALL BUILDINGS  
SHALL MEET  
MAXIMUM LOT  
COVERAGE  
REQUIREMENTS

#### ISR:

ALL PROPERTIES  
SHALL MEET  
MAXIMUM ISR





## Parcels within 300' of 103 E. Street

Map Printed: 2/20/2024

103 E STREET LLC  
109 E STREET  
SAINT AUGUSTINE FL 320800000

BAZILEVS YURI,STELLANA  
14 CAPE CLUB DR  
SHARON MA 02067-0000

FAZZIO MILDRED M LIVING TRUST U  
65 SE 5TH AVE APT L  
DELRAY BEACH FL 33483-5310

112 E STREET LLC  
109 E STREET  
SAINT AUGUSTINE FL 320800000

BRIGHTMOVE INC  
320 HIGH TIDE DR STE 201  
SAINT AUGUSTINE FL 320800000

FEY THOMAS F,MARTHA K  
6038 RIDGE TRACE RD  
BLACKSHEAR GA 31516-0000

810 BEACH INC  
1093 A1A BEACH BLVD PMB196  
SAINT AUGUSTINE FL 320800000

BUKRUJIAN CHRISTINE M  
108 A E ST  
SAINT AUGUSTINE FL 320800000

GALA KEITH LA  
322 LAKE COMO DR  
POMONA PARK FL 321810000

810 BEACH INC  
PMB 196  
1093 A1A BEACH BLVD  
SAINT AUGUSTINE FL 320806733

CLEARO ALBERT ETAL  
115 E ST  
SAINT AUGUSTINE FL 320800000

GAY RAY E,DIANNE M LIVING TRUST  
1858 MAKARIOS DR  
SAINT AUGUSTINE FL 32080-0000

ACKERMAN NEIL R REVOC LVG TRUST  
21 TULIP LN  
SAN CARLOS CA 94070-0000

COLE GEORGE B JR  
900 N PENNSYLVANIA AVE  
BETHANY BEACH FL 199300000

HAWKINS FAMILY LIVING TRUST  
5187 BALDWIN TERR  
MARIETTA GA 30068-0000

ALEXANDER TADZIA  
112 F ST  
SAINT AUGUSTINE FL 320800000

COOPER ANDREW,MERYL  
1314 OLD GULPH ROAD  
VILLANOVA PA 19085

HELHOSKI KATHERINE  
15 D ST  
SAINT AUGUSTINE FL 320806910

ALEXANDER WILLIAM TODD,CLARISS  
22 LEE DR  
SAINT AUGUSTINE FL 320805981

CORNEY LAND HOLDINGS INC  
PO BOX 013544  
MIAMI FL 331010000

HIGGS SUSAN RENEE  
7750 A1A S UNIT 123  
SAINT AUGUSTINE FL 320800000

ALMERIA INVESTMENTS LLC  
453 OCEAN FOREST DR  
SAINT AUGUSTINE FL 320800000

DETTRA GREGORY P,TARA L  
110 F ST  
SAINT AUGUSTINE FL 320800000

INGLIMA KENNETH J,LINDA ANN  
1857 MAKARIOS DR  
SAINT AUGUSTINE FL 32080-5727

ARMIGER CARL ET AL  
57 N WHITNEY ST  
SAINT AUGUSTINE FL 320849599

EGAN DENNIS,KATHLEEN  
1854 MAKARIOS DR  
SAINT AUGUSTINE FL 32080-0000

KILGORE NANCY REV TRUST  
114 F ST  
SAINT AUGUSTINE FL 320800000

BAYENS JAMES C,LYNNE B  
57 MARSH CREEK LN  
RICHMOND HILL GA 31324-0000

ENGLISH PAULA A  
115 F ST  
SAINT AUGUSTINE FL 320800000

KING JOHN F,MARY B ETAL  
1856 MAKARIOS DR  
SAINT AUGUSTINE FL 32080-0000

KURZAWSKI RICHARD STEPHEN,ELIZA  
1956 MAKARIOS DR  
SAINT AUGUSTINE FL 32080-5729

NORTH AMERICAN DREAMS LLC  
210 5TH ST  
SAINT AUGUSTINE FL 320802906

TITTLE OTTO,ADRIENNE L  
1714 DEVONSHIRE LN  
SARASOTA FL 342367515

LACHICA RONALDO M  
1957 MAKARIOS DR  
SAINT AUGUSTINE FL 32080-5730

OCEAN WAY SURF COMPANY LLC  
1706 MAKARIOS DR  
SAINT AUGUSTINE FL 320800000

TRINCA LEONARD  
505 SEBASTIAN SQ  
SAINT AUGUSTINE FL 320954820

LECLAIR STEVEN,DANIELLE REVOCAB  
1853 MAKARIOS DR  
SAINT AUGUSTINE FL 32080-0000

PREHEIM DWIGHT L TRUST  
15 E ST  
SAINT AUGUSTINE FL 320800000

VIDAMOUR SHEILA R REVOCABLE LIV  
1953 MAKARIOS DR  
SAINT AUGUSTINE FL 32080-0000

LEFORS JUNE ANN,ERIC  
145 KING ARTHUR CT  
SAINT AUGUSTINE FL 320860000

PRIDGEON KIMBERLY  
1955 MAKARIOS DR  
SAINT AUGUSTINE FL 32080-0000

WALKER DEBORAH SUE LIVING TRUS  
111 E ST  
SAINT AUGUSTINE FL 320800000

LUCCHESI WILLIAM  
2045 HOLLIS RD  
LANSDALE PA 194460000

RIMKUS SADIE ETAL  
109 E ST  
SAINT AUGUSTINE FL 320806843

WILLIAMS KELL COLEMAN III,JENNI  
26 LADOGA AVE  
TAMPA FL 33606-3804

MAIER ROBERT ANDREW ET AL  
1047 WINTERBERRY DR  
MONTEAGLE TN 37356-0000

SCHNIRCH DIETER,BERIT TRUSTEES  
5362 FESTIVAL CIR  
LA PALMA CA 906231307

YEEWWW LLC  
1 10TH STREET  
APT 303  
SAINT AUGUSTINE FL 320800000

MMR III HOLDINGS LLC  
PO BOX 363  
MC HENRY IL 600510000

SMITHA DONALD L,MARILYN L  
47 LEGACY CROSSING DR  
PONTE VEDRA FL 32081-8363

MORET HARRIET A REV LIVING TRUS  
1851 MAKARIOS DR  
SAINT AUGUSTINE FL 32080-0000

SPANBURG MATT  
106 E ST  
SAINT AUGUSTINE FL 320800000

MOWERY DANIEL,HEATHER  
1548 SAN RAFAEL WAY  
SAINT AUGUSTINE FL 32080-0000

STICE FARMING AND PROPERTIES L  
151 PINWOOD DR  
WEIRTON WV 260620000

NEWCOMER LUKE,SADIE  
109 E ST  
SAINT AUGUSTINE FL 320800000

SUTTON CHRISTOPHER LAWRENCE ET  
116 GREENBRIAR ESTATES DR  
SAINT JOHNS FL 322590000

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1709300000	103 E STREET LLC	109 E STREET		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 6 BLK 43 & N 1/2 OF VACA ALLEY LYING SOUTH PER OR5775/1262(Q/C)
1708900000	112 E STREET LLC	109 E STREET		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 11 BLOCK 42 & S 1/2 OF VACATED ALLEY LYING N IN OR1575/605
1705700000	810 BEACH INC	PMB 196	1093 A1A BEACH BLVD	SAINT AUGUSTINE FL 320806733	3-30 COQUINA GABLES LOT 15 BLK 38 & S7.5FT VACATED ALLEY LYING N OR2569/1813
1724100000	810 BEACH INC	1093 A1A BEACH BLVD PMB196		SAINT AUGUSTINE FL 320800000	4 PT OF LOT 4 N 100 X 181FT S OF COQUINA GABLES & E OF A1A & LOT 5 BLK 59 COQUINA GABLES
1709600130	ALEXANDER TADZIA	112 F ST		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 13 BLK 43 & S 1/2 OF VACA ALLEY LYING NORTH PER OR4308/413
1709000000	ALEXANDER WILLIAM TODD,CLARISS	22 LEE DR		SAINT AUGUSTINE FL 320805981	3-30 COQUINA GABLES LOTS 13 & 15 BLK 42 & S1/2 OF VACATED ALLEY LYING N OF LOT 13
1708800040	ALMERIA INVESTMENTS LLC	453 OCEAN FOREST DR		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOTS 4 & 6 BLK 42 & N1/2 OF VACATED ALLEY LYING S OR2357/1069 & 1575/605
1709200070	ARMIGER CARL ET AL	57 N WHITNEY ST		SAINT AUGUSTINE FL 320849599	3-30 COQUINA GABLES LOT 7 BLK 43 & S 1/2 OF VACA ALLEY LYING NORTH PER OR4308/413
1709100010	BRIGHTMOVE INC	320 HIGH TIDE DR STE 201		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOTS 1 & 3 BLK 43 & VACA ALLEY LYING IN BETWEEN PER OR4308/413
1708900090	BUKRUJAN CHRISTINE M	108 A E ST		SAINT AUGUSTINE FL 320800000	3/30 COQUINA GABLES LOT 9 BLOCK 42 & S1/2 OF VACATED ALLEY LYING N IN OR1575/605
1724900070	CARRIAGE HOMES AT MAKARIOS CON				(OR1558/854) CARRIAGE HOMES AT MAKARIOS CONDO COMMON ELEMENTS ARE COMMON TO
1709600145	CLEARO ALBERT ETAL	115 E ST		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES W1/2 LOT 14 & ALL LOT 16 BLK 43 & N 1/2 OF VACA ALLEY
1709200000	COLE GEORGE B JR	900 N PENNSYLVANIA AVE		BETHANY BEACH FL 199300000	3-30 COQUINA GABLES LOT 5 BLK 43 & S 1/2 OF VACA ALLEY LYING NORTH PER OR4308/413
1709400000	COOPER ANDREW,MERYL	1314 OLD GULPH ROAD		VILLANOVA PA 19085	3-30 COQUINA GABLES LOT 9 BLK 43 & S 1/2 OF VACA ALLEY LYING NORTH PER OR4308/413

NONE(103 E. Street)

St. Johns County GIS Division 2/20/2024

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1700400001	COQUINA GABLES SUBDIVISION NO				3/30 COQUINA GABLES SUBDIVISION NO 1 ROWS & ALLEYWAYS
1700400002	COQUINA GABLES SUBDIVISION NO				3/30 COQUINA GABLES SUBDIVISION NO 1 ALL UN-NAMED PLAZAS
1705550120	CORNEY LAND HOLDINGS INC	PO BOX 013544		MIAMI FL 331010000	3-30 COQUINA GABLES - BLK 38 LOT 12 (EX E30.15FT) & ALL LOT 14 & E5FT LOT 16 & N7.5FT
1709600000	DETTRA GREGORY P,TARA L	110 F ST		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 11 BLK 43 & S 1/2 OF VACA ALLEY LYING NORTH PER OR4308/413
1718100040	ENGLISH PAULA A	115 F ST		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 4 BLK 60 & E1/2 OF VACATED 2ND AVE LYING W OR2781/1800 & 3795/762(ORD 13-09)
1704700000	GALA KEITH LA	322 LAKE COMO DR		POMONA PARK FL 321810000	3-30 COQUINA GABLES LOT 13 BLK 37 & S7.5FT OF ALLEY LY N OR5380/996
1704900000	HELHOSKI KATHERINE	15 D ST		SAINT AUGUSTINE FL 320806910	3-30 COQUINA GABLES LOT 16 BLK 37 & N7.5FT OF ALLEY OR1034/767 & 1053/90(Q/C)
1709000140	HIGGS SUSAN RENEE	7750 A1A S UNIT 123		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 14 BLK 42 & N1/2 OF VACATED ALLEY LYING S OR2160/23 & 1575/605
1709600150	KILGORE NANCY REV TRUST	114 F ST		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 15 BLK 43 & S 1/2 OF VACA ALLEY LYING NORTH PER OR4308/413
1718000030	LEFORS JUNE ANN,ERIC	145 KING ARTHUR CT		SAINT AUGUSTINE FL 320860000	3-30 COQUINA GABLES LOT 3 BLK 60 OR5414/1322
1705700170	LUCCHESI WILLIAM	2045 HOLLIS RD		LANSDALE PA 194480000	3-30 COQUINA GABLES LOT 17 BLK 38 & S 7.5 FT VACATED ALLEY LYING N
1705700180	MMR III HOLDINGS LLC	PO BOX 363		MC HENRY IL 600510000	3-30 COQUINA GABLES LOT 18 BLK 38 (EX R/W OF RD A1A) & N7.5FT OF VACATED ALLEY LYING S
1709300080	NEWCOMER LUKE,SADIE	109 E ST		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 8 BLK 43 & N 1/2 OF VACA ALLEY LYING SOUTH PER OR4308/413
1708800080	NORTH AMERICAN DREAMS LLC	210 5TH ST		SAINT AUGUSTINE FL 320802906	3-30 COQUINA GABLES LOT 8 BLK 42 & N1/2 OF VACATED ALLEY LYING S (CITY ORD #01-05)

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1718100000	OCEAN WAY SURF COMPANY LLC	1708 MAKARIOS DR		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 1 BLK 60 (EX R/W OF RD #A1A) OR5245/1885
1705650000	PREHEIM DWIGHT L TRUST	15 E ST		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 16 (EX E5FT) BLK 38 & N7.5FT OF VACATED ALLEY LYING S
1709500000	RIMKUS SADIE ETAL	109 E ST		SAINT AUGUSTINE FL 320806843	3-30 COQUINA GABLES LOT 10 BLK 43 & N 1/2 OF VACA ALLEY LYING SOUTH PER OR4308/413
1708900100	SCHNIRCH DIETER,BERIT TRUSTEES	5362 FESTIVAL CIR		LA PALMA CA 906231307	3-30 COQUINA GABLES LOTS 10 & 12 BLK 42 & N1/2 OF VACATED ALLEY LYING S OR167/358 & 970/
1708800070	SPANBURG MATT	106 E ST		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 7 BLK 42 & S1/2 OF VACATED ALLEY LYING N OR4506/62
1705600000	STICE FARMING AND PROPERTIES L	151 PINWOOD DR		WEIRTON WV 260620000	3-30 COQUINA GABLES LOT 13 BLK 38 & S1/2 OF ALLEY LYING N OR5382/1845
1704750140	SUTTON CHRISTOPHER LAWRENCE ET	116 GREENBRIAR ESTATES DR		SAINT JOHNS FL 322590000	3-30 COQUINA GABLES LOT 14 BLK 37 & N7.5FT OF ALLEY OR5228/44
1708700002	THE GARDENS @ E STREET CONDO				(OR1551/873) THE GARDENS @ E STREET CONDO COMMON ELEMENTS ARE COMMON TO ALL AND ARE ASSESSED TO ALL
1718000000	TITTLE OTTO,ADRIENNE L	1714 DEVONSHIRE LN		SARASOTA FL 342367515	3-30 COQUINA GABLES LOT 2 BLK 60 OR2410/332
1709100000	TRINCA LEONARD	505 SEBASTIAN SQ		SAINT AUGUSTINE FL 320954820	3-30 COQUINA GABLES LOTS 2 & 4 BLK 43 & VACA ALLEY LYING IN BETWEEN PER OR4308/413
1709600120	WALKER DEBORAH SUE LIVING TRUS	111 E ST		SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOT 12 & E1/2 LOT 14 BLK 43 & N 1/2 OF VACA ALLEY LYING SOUTH PER OR4308/413
1704800000	YEEWWW LLC	1 10TH STREET	APT 303	SAINT AUGUSTINE FL 320800000	3-30 COQUINA GABLES LOTS 15 & 17 & S7.5FT VACATED ALLEY BLK 37 (EX R/W RD A1A)

NONE(103 E Street)

St. Johns County GIS Division 2/20/2024

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1724901505	ACKERMAN NEIL R REVOC LVG TRUST	21 TULIP LN		SAN CARLOS CA 94070-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS
1724901502	BAYENS JAMES C,LYNNE B	57 MARSH CREEK LN		RICHMOND HILL GA 31324-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS CONDO
1724901602	BAZILEVS YURI,STELLANA	14 CAPE CLUB DR		SHARON MA 02067-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS
1724901504	EGAN DENNIS,KATHLEEN	1854 MAKARIOS DR		SAINT AUGUSTINE FL 32080-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS CONDO
1724901601	FAZZIO MILDRED M LIVING TRUST U	65 SE 5TH AVE APT L		DELRAY BEACH FL 33483-5310	(OR1558/854) CARRIAGE HOMES AT
1708700010	FEY THOMAS F,MARTHA K	6038 RIDGE TRACE RD		BLACKSHEAR GA 31516-0000	(OR1551/873) THE GARDENS @ E STREET
1724901508	GAY RAY E,DIANNE M LIVING TRUST	1858 MAKARIOS DR		SAINT AUGUSTINE FL 32080-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS CONDO
1724901608	HAWKINS FAMILY LIVING TRUST	5167 BALDWIN TERR		MARIETTA GA 30068-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS CONDO
1724901507	INGLIMA KENNETH J,LINDA ANN	1857 MAKARIOS DR		SAINT AUGUSTINE FL 32080-5727	(OR1558/854) CARRIAGE HOMES AT MAKARIOS CONDO
1724901506	KING JOHN F,MARY B ETAL	1856 MAKARIOS DR		SAINT AUGUSTINE FL 32080-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS CONDO
1724901606	KURZAWSKI RICHARD STEPHEN,ELIZA	1956 MAKARIOS DR		SAINT AUGUSTINE FL 32080-5729	(OR1558/854) CARRIAGE HOMES AT MAKARIOS CONDO
1724901607	LACHICA RONALDO M	1957 MAKARIOS DR		SAINT AUGUSTINE FL 32080-5730	(OR1558/854) CARRIAGE HOMES AT MAKARIOS
1724901503	LECLAIR STEVEN,DANIELLE REVOCAB	1853 MAKARIOS DR		SAINT AUGUSTINE FL 32080-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS
1724901604	MAIER ROBERT ANDREW ET AL	1047 WINTERBERRY DR		MONTEAGLE TN 37356-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS

NONE(103 E. Street) (CONDO OWNERS IN: CYPRESS LANDING UNREC SUBD)

St. Johns County GIS Division 2/20/2024

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1724901501	MORET HARRIET A REV LIVING TRUS	1851 MAKARIOS DR		SAINT AUGUSTINE FL 32080-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS
1708700020	MOWERY DANIEL, HEATHER	1548 SAN RAFAEL WAY		SAINT AUGUSTINE FL 32080-0000	(OR1551/873) THE GARDENS @ E STREET
1724901605	PRIDGEON KIMBERLY	1955 MAKARIOS DR		SAINT AUGUSTINE FL 32080-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS CONDO
1708700040	SMITHA DONALD L, MARILYN L	47 LEGACY CROSSING DR		PONTE VEDRA FL 32081-8363	(OR1551/873) THE GARDENS @ E STREET
1724901603	VIDAMOUR SHEILA R REVOCABLE LIV	1953 MAKARIOS DR		SAINT AUGUSTINE FL 32080-0000	(OR1558/854) CARRIAGE HOMES AT MAKARIOS CONDO
1708700030	WILLIAMS KELL COLEMAN III, JENNI	26 LADOGA AVE		TAMPA FL 33606-3804	(OR1551/873) THE GARDENS @ E STREET

NONE(103 E. Street) (CONDO OWNERS IN: CYPRESS LANDING UNREC SUBD)

St. Johns County GIS Division 2/20/2024





## **City of St. Augustine Beach Building and Zoning Department**

**To:** Comprehensive Planning and Zoning Board  
**From:** Jennifer Thompson, Planner  
**CC:** Brian Law, Director of Building and Zoning, Bonnie Miller, Senior Planner  
**Date:** 02/23/2024  
**Re:** Proposed Code Change, Section 2.00.00, adding a definition for Driveway and Hardscape Surface

Currently, the City's Land Development Regulations does not have a definition for "driveway" or "hardscape surface". The Planning and Zoning Division proposed a driveway definition at the February Planning and Zoning meeting, however, after conversations with the Planning and Zoning Board and citizens, it was apparent that the definition was unclear and open to interpretation.

The Planning and Zoning Division and the Public Works Department have altered the definition of driveway and added a definition for hardscape surface which we are proposing be added to Section 2.00.00:

"Driveway- a hardscape surface that is used for vehicular ingress or egress from a private dwelling or structure to a right of way."

"Hardscape surface- a pervious or impervious surface such as pavers, concrete, bricks, or any similar hard material."

Sincerely,

*Jennifer Thompson, MPA, CFM*

Planner  
Planning and Zoning Division

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## Sec. 2.00.00. Definitions as used in this Appendix.

Terms in the LDC shall have the following definitions.

Driveway-a hardscape surface that is used for vehicular ingress or egress from a private dwelling or structure to a public right of way.

Hardscape Surface-a pervious or impervious surface such as pavers, concrete, bricks, or any similar hard material.

## **ORDINANCE NO: 24-XX**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO LAND DEVELOPMENT REGULATIONS AND REVIEW; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF ST. AUGUSTINE BEACH, ARTICLE II, SECTION 2.00.00 FOR DEFINITION OF DRIVEWAY & HARDSCAPE SURFACE; AND PROVIDING AN EFFECTIVE DATE.**

### **WITNESSETH:**

**WHEREAS**, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

**WHEREAS**, the City Commission for the City of St. Augustine Beach finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021 (4), Florida Statutes.

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

**SECTION 1.** The foregoing recitals are incorporated as legislative findings of fact.

**SECTION 2.** Amend Article II - Section 2.00.00 Definitions – Driveway, and Hardscape

Surface as used in this Appendix of Appendix A – LAND DEVELOPMENT

REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby

amended, revised, and restated to read:

### **Sec. 2.00.00. Definitions-**

Driveway- a pervious or impervious surface that is used for vehicular ingress or egress from a private dwelling or structure to a right of way.

Hardscape Surface-a pervious or impervious surface such as pavers, concrete, bricks, or any similar hard material.

(Ord. No. 18-.02, § 1(Exh. 1), 4-2-2018; Ord No. 19-01, § 1, 3-4-19; Ord. No. 21-01, § 2, 4-5-21; Ord. No. 21-15, § 2, 1-3-22)

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

**SECTION 4.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

**SECTION 5.** This Ordinance shall take effect ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

EXAMINED AND APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

MAYOR

Published in the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2024. Posted on [www.staugbch.com](http://www.staugbch.com) on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

DRAFT