



AGENDA

PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING

TUESDAY, JANUARY 16, 2024, 6:00 P.M.

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

NOTICE TO THE PUBLIC

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

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF SEPTEMBER 19, 2023

V. PUBLIC COMMENT

VI. NEW BUSINESS

- A. Election of chairperson and vice-chairperson of the Board, per Section 11.02.02.H of the City's Land Development Regulations (LDRs), the election of officers consisting of a chairperson and vice-chairperson shall take place every year as the first order of business at the regularly scheduled meeting for the month of January
- B. Tree Removal Application for removal of a 36-inch diameter-at-breast-height oak tree in the building footprint of a proposed new single-family residence in a low density residential land use district on Lot 73, Anastasia Dunes Unit 3, at 371 Ocean Forest Drive, St. Augustine Beach, Florida, 32080, James N. Robshaw, Robshaw Custom Homes Inc., Agent for Ebling-Wasiewicz Family Trust, Applicant
- C. Land Use Variance File No. VAR 2024-01, 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 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 45.7% ISR coverage for the additional 12-foot-wide paver driveway, on Lot 27, Block E, Woodland Estates Unit B Subdivision, at 56 Willow Drive, St. Augustine Beach, Florida, 32080, James G. Whitehouse, Esquire, St. Johns Law Group, Agent for Karren J. Pitts, Applicant

- D. First reading of Ordinance No. 24-XX, for proposed code changes to the City's LDRs, Section 3.02.05.F, pertaining to parking regulations for special events for business/promotional/sales permits on privately-owned property in commercial land use districts
- E. Rescheduling of the Board's March 19, 2024 regular monthly meeting from the third Tuesday in March to the fourth Tuesday in March, which is Tuesday, March 26, 2024, due to scheduling conflicts in the City Hall Meeting Room, which will be used for voting for the presidential preference primary election from March 9, 2024 to March 20, 2024

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

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, SEPTEMBER 19, 2023, 6:00 P.M.

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

I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Vice Chairperson Chris Pranis, Hulsey Bray, Conner Dowling, Larry Einheuser, Hester Longstreet, Victor Sarris, Senior Alternate Gary Smith, Junior Alternate Rhys Slaughter.

BOARD MEMBERS ABSENT: None.

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

IV. **APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF AUGUST 15, 2023**

Motion: to approve the minutes of the Board's meeting of August 15, 2023. **Moved** by Conner Dowling, **seconded** by Victor Sarris, **passed 7-0** by unanimous voice-vote.

V. **PUBLIC COMMENT**

There was no public comment pertaining to anything not on the agenda.

VI. **NEW BUSINESS**

- A. Final/Major Development File No. FD 2023-01, for demolition of the existing 48,555-square-foot Publix grocery store and rebuild to a new 54,964-square-foot store and reconfiguration of the Anastasia Plaza shopping center parking lot to create additional parking spaces, in a commercial land use district at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, Patrick McKinley, Agent for Regency Centers and MCW-RC-FL-Anastasia LLC, Applicant

Jennifer Thompson: This first new business item is the major development application for Publix located in Anastasia Plaza, owned by Regency Centers, for the demolition of the existing Publix store to replace it with a new 54,964-square-foot building, and

additionally, to improve the existing parking lot. In June of this year, the Board heard the concept review application and approved a variance application for three variances for this project. The St. Johns County Fire Marshal's Office and St. Johns County Utility Department, as well as the City's engineer, have done cursory reviews of these plans and given comments and notes on things that need to be changed or provided. The applicants are here tonight to answer any questions the Board or members of the public may have.

Steve Diebenow, Driver, McAfee, Hawthorne & Diebenow, PLLC, Attorney for Regency Centers, One Independent Drive, Suite 1200, Jacksonville, Florida, 32202: My partner, Staci Rewis, is the one who put this application together, but she is not able to be here with us tonight. With me are Patrick McKinley and Chris Ruen, of Regency Centers, and Wade Olszewski, the civil engineer for the project. We are available to address any questions or concerns members of the Board or community may have. We have responded to many inquiries from City staff and produced updated elevations **[EXHIBIT A]** and additional information we would be happy to discuss and review with you.

Kevin Kincaid: If this works for everyone else, can we go through the changes that have occurred since this came before the Board in June?

Wade Olszewski, Professional Engineer, CPH Corporation, 5200 Belfort Road, Suite 212, Jacksonville, Florida, 32256: I don't think there have been any significant changes made to the overall site plan, but we addressed some of the concerns, one of which was flooding to the north. We've added an inlet, which is more detailed on the grading plans, on the north side of the property behind Publix, and this drains to the stormwater pond. Curbing has also been added along this back area, so that no water goes offsite to the north.

Conner Dowling: Just to confirm, there will be new concrete curbs all along the north side?

Wade Olszewski: Yes.

Conner Dowling: Would you mind pulling up the grading plans and putting them on the overhead, to show us how the grading plan along the north side works?

Wade Olszewski: Sure. Sheet C1.6, included in the plans in the application submittal, shows the curbing running from behind the proposed new Publix building all along the north side of the Regency Centers property. The new inlet is designed to catch water run-off flowing from the northeast side of the property to the west and put it into the re-worked stormwater pond on the northwest side of the property behind the new Publix building. We've also added a few more dumpsters that will be fully enclosed, with doors on the front of them, and there have been minor changes made to the kiosk area to the south and east of the new Publix. The kiosk area has been relocated slightly and it will have a roof connecting it to the adjacent retail area on the southeast corner of the new Publix, to better cover the outdoor patio area between the kiosk and the retail area.

Conner Dowling: I'm presuming the west entry off A1A South was originally more of a

back entrance when the shopping center was first built, but as the community has grown up, it seems to now be the more predominantly used entrance for a lot of people. That slope turning off of A1A South into the shopping center is quite steep, and I think this is the basis of some of the concerns expressed at the June meeting. I noticed in one of the drawings submitted in the application that there is a change in the grade of about 3 feet, from approximately 9 feet at the bottom of the new curb at the street level to approximately 12 feet at the top of the slope. Is there any way that slope could be lessened? I think from a traffic standpoint, it would be better, as folks would be able to enter the site a little quicker. Right now, you have to come in and immediately slow down to ramp up the slope, which becomes sort of a hazard to northbound traffic on A1A South.

Wade Olszewski: Yes, and that happened because the Florida Department of Transportation (FDOT) widened the road, so there was some taking there that shortened the drive aisle of the west entry and made it steeper. There is an inlet in the middle of that drive aisle that we are going to lower a little so the slope can be softened a bit.

Conner Dowling: Okay. I know the overall width of this drive aisle has increased, based on the truck turning radius, which I hope will also help in the long run.

Wade Olszewski: Other than that, there has been much more detail added to the plans, as far as dimensions, grading, and the landscaping plans are concerned. The overall site plan, however, is pretty close to what the Board saw before.

Kevin Kincaid: Has the estimated time of when this might start and when it might be finished been tightened up?

Patrick McKinley, One Independent Drive, Suite 114, Jacksonville, Florida, 32202, Agent for Regency Centers, Applicant: We will try to go as fast as we can, and do as much as we can, before we actually shut the current Publix down. This is what the community wants, what we want, and what Publix wants. We will probably do some phasing of the parking lot work, as the whole parking lot will be changed, and we will begin to do some of that work, along with some of the electrical work, ahead of time, while the current store is still open. The plan is for the current store to be torn down and the reconstruction to start sometime around the middle of next year. The store will actually be closed for approximately a year. The entire project will take longer than that, but we will try to get the current store shut down and the new one built and opened as soon as possible.

Hester Longstreet: Has there been a decision about having a temporary pharmacy?

Patrick McKinley: Publix has decided that they are not going to be able to do a temporary store pharmacy.

Hester Longstreet: So, what will people with prescriptions have to do?

Patrick McKinley: I think they will be able to transfer to other Publix locations, like the Publix on State Road 312, which is probably the next closest store, or the one at the Old

Moultrie shopping center. Publix has done temporary pharmacies at other locations, but this is their decision, it is not a decision Regency Centers can make. Publix notified us this morning that it was decided not to have a temporary pharmacy at Anastasia Plaza. Logistically, it would be pretty challenging, as far as safety goes, with the demolition of the old store, construction of the new one, and the reconfiguration of the parking lot.

Hester Longstreet: I know Publix is going to have a lot of flak from that, just in talking to a lot of the citizens about this. This is one of the community's biggest concerns.

Patrick McKinley: I'll ask Publix if they will reconsider. Regency Centers has tried in the past to buy the land in back of Publix, so the existing store could be kept open while the new one is being built, and then the old store could be torn down when the new one is finished. Obviously, however, that is not in the cards anymore. The current plan is really the best we can do to get the community a new Publix as quickly as possible.

Kevin Kincaid: Are there any other questions or comments from the Board? Hearing none, do we have any public comment?

Francine Fix, 318 South Ocean Trace Road, St. Augustine Beach, Florida, 32080: I have been in St. Augustine Beach since 1988, and Publix has been a definite asset to the community. My two concerns about the proposed new construction are focused on services to the community. First, I am hoping accommodation will be made to keep the Publix pharmacy on the Island during construction, possibly in a vacant space in the Plaza, or there have to be other places near here that can accommodate the pharmacy. Second, I am concerned about Publix employees. Please consider their importance to the community and their hard work and loyalty to Publix and St. Augustine Beach. My hope is that all employees are offered the opportunity to continue their employment in one of Publix's many stores, if this is agreeable to them and they are able to do so.

Kevin Kincaid: Can I just clarify that there is no one here from Publix who can speak on behalf of Publix's policy-making decisions? The Board is here to look over the plans and the operation of the proposed project, and to see what will be done with the construction of the new store. As to the business decisions that have to be made, I would encourage everybody to contact Publix corporate and let them know what your feelings, concerns and desires are, because I am not sure this Board can hold Regency Centers, as the property owner of Anastasia Plaza, accountable for what will happen to Publix employees.

Nicholas Binder, 232 Big Magnolia Court, St. Augustine Beach, Florida, 32080: I am glad that the stormwater issues are being addressed by trying to contain stormwater run-off so that it doesn't go onto A1A, and minimize impacts to Hammock Dunes Park. At the public forum meeting held at City Hall a week ago, I mentioned the barrier wall or fence, which is required along Regency Centers' property and Hammock Dunes Park as part of the variances granted for this project, which I commend the Board for. My concern is, unless it is worked out in the lease agreement between Regency Centers and Publix, there will be a loading dock that may be operating 24 hours a day, seven days a week, with refrigerated trucks unloading their products, so I encourage the City to consider requiring

some type of barrier wall around the truck loading dock area. I know there will be sidewalks and everything, and this may be sufficient, based on the evaluation of the engineers involved in this project, but the Board may want to consider requiring some type of barrier wall to minimize the impacts to neighboring properties.

Kevin Kincaid: Is there any other public comment? Hearing none, is there any other Board comment?

Hester Longstreet: I know at the last meeting we talked about the shrubbery and the landscaping. Will this be addressed in the rebuilding of the new Publix? We previously talked about how you cannot see, going in and out, from the south entrance.

Patrick McKinley: We actually cut the shrubbery back, because there were complaints a couple of years ago.

Hester Longstreet: Yes, but it has grown up again since then.

Patrick McKinley: We can definitely modify that, and the fact this this entrance will be wider will also help.

Hester Longstreet: Also, I know you said Regency Centers cannot do anything about the pharmacy, but I would encourage anybody listening to contact Publix about having a temporary pharmacy, and I would appreciate you letting Publix know this is a big concern.

Patrick McKinley: We did offer vacant space for a temporary pharmacy. Operationally, there is space for a temporary pharmacy, so we will ask Publix to reconsider their decision.

Kevin Kincaid: Okay. Is the Board's action tonight a recommendation to the City Commission to move forward with this application?

Brian Law. Yes. This Board is tasked with making a motion to recommend approval or denial of this final development application to the City Commission.

Larry Einheuser: I motion to approve it.

Husley Bray: I second the motion.

Kevin Kincaid: We have a motion and a second. Is there any discussion on the motion?

Chris Pranis: Should we include the information and comments from the St. Johns County Fire Marshal's Office and St. Johns County Utility Department as part of the motion?

Brian Law: All correspondence with other agencies will be provided to the City Commission. These are technical reviews, and outside the scope of this Board, but every document the City has pertaining to this application will be included in the application information that will be provided to the City Commission when this comes before it.

Kevin Kincaid: And any requirements these agencies have will have to be met anyway.

Brian Law: Right. The City will probably issue a civil plan permit first, to begin the phased development of the parking lot, and allow work to begin on the rehabilitation of the existing stormwater pond. That will be a separate permit that will once again be approved by the Utility Department, the Fire Marshal, the City's engineer, and then, finally, me, as the City's Building Official. All of that will be signed off by at least four different agencies, and when the permit application for the new Publix building itself comes in, it will be handled and signed off by myself and the St. Johns County Fire Marshal's Office.

Kevin Kincaid. Okay, thank-you. Any other discussion on the motion? Hearing none, may we have a vote on the motion please?

Motion: to recommend the City Commission approve Final/Major Development File No. FD 2023-01, for demolition of the existing 48,555-square-foot Publix grocery store and reconstruction of a new 54,964-square-foot store, and reconfiguration of the Anastasia Plaza shopping center parking lot to create additional parking spaces, in a commercial land use district at 1001 and 1033 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080. **Moved** by Larry Einheuser, **seconded** by Hulsey Bray, **passed 7-0** by the Board by unanimous voice-vote.

B. First reading of Ordinance No. 23-XX, proposed code changes to the City's Land Development Regulations (LDRs), Section 6.01.04, pertaining to building height measurement, exceptions, and applications, and to add Section 6.01.05, pertaining to drainage requirements for new development

Jennifer Thompson: This is for proposed code changes to Section 6.01.04, which refers to building height, and to add a new section, 6.01.05, to the LDRs. City-wide, the maximum building height per Section 6.01.04 is 35 feet. However, current regulations allow specific architectural features to extend 10 feet above the 35-foot height maximum. The code changes to this section limit this to commercial uses only, not including transient rentals, and would not allow specific architectural features such as cupolas, steeples, spires, chimneys, vents, flag poles, parapet walls, and various other items, to extend an additional 10 feet above the 35-foot height maximum in residential zoning districts.

Kevin Kincaid: I know there are exceptions for air conditioning units on roofs, so do the proposed code changes limit the height of mechanical equipment on residential roofs, so that mechanical equipment cannot exceed the maximum height allowance of 35 feet?

Jennifer Thompson: Yes.

Kevin Kincaid: And the 35-foot maximum height is measured from one foot above the crown of the road?

Jennifer Thompson: The height is measured from one foot above the higher of either the existing front grade or the crown of the road. This is where the height of a building starts.

Victor Sarris: I thought there was a consideration from the Fire Marshal's Office in regard to the 35-foot height limit. Is this part of the reason for having the 35-foot height limit?

Brian Law: The 35-foot height limit is traditionally always used in residential construction. Once you exceed three stories, you are no longer in the residential Florida Building Code (FBC), and Chapter 9 of the commercial FBC, which would then take precedence, requires all residential occupancies exceeding three stories to have sprinkler systems. The Fire Marshal is equipped to handle more than 35 feet, as some of the County's Planned Unit Developments (PUDs) have maximum heights of 55 feet. But once you get above 35 feet, it becomes really problematic to build houses, and most of the residential development over 35 feet in the County is done by national builders, as local builders are not equipped nor probably willing to spend that kind of money. The code changes presented by Ms. Thompson are simply a way to close out a loophole in the code pertaining to parapet walls, which are pretty common with commercial occupancies, like hotels, which have parapet walls on their roofs to shield all the mechanical equipment from public view. In the residential sector, however, this is a different animal, and the current code could right now be utilized to provide a loophole to that. Third-story decks are perfect examples of this. Building height is limited to 35 feet at the height of the handrails, so no extra height allowance is in the code for that, but if someone wanted to have a solid parapet wall, they would be allowed to go up to 10 feet higher. The height of the building would still be limited to 35 feet, but you could add a 3 to 4-foot-high parapet wall with handrails on top of it. I can assure you if this was ever permitted using this loophole, it would be pandemonium in this town, and rightfully so. I've instructed staff that if something like this comes in, it will be sent to the Planning and Zoning Board for a more detailed review. These code changes have been proposed as a way to try to close this loophole so that it cannot be utilized in residential development. The variance application and procedure to appear before this Board to demonstrate the hardship for a variance is the appropriate method for anyone who wants to exceed the 35-foot height limit in residential areas.

Kevin Kincaid: There is a house on 12th Street, near the beach, I think, with a rooftop deck and wall around the entire roof. Will the code changes eliminate this type of rooftop deck? This house with the deck on the entire roof basically has an extra story of space.

Brian Law: As long as the wall is no higher than 35 feet, it would be allowed. What would not be allowed is a blanket permission to build a 35-foot-high roof and then add a parapet on top of it, which the code right now supports. Mathematically, it is possible to build a three-story house with a flat roof, rooftop deck and handrails that do not exceed 35 feet.

Conner Dowling: For residential construction, I have concerns about chimneys, solar panels, and special ventilation fans. Typically, you want a chimney to be higher than the roof peak, which could be at 35 feet. Chimneys are a very residential feature that are not part of most commercial structures. Adding solar panels, which are probably only 8-10 inches high, to a roof could be problematic, if this pushes the height over 35 feet.

Brian Law: Solar panels, 99% of the time, would be lower than the 35-foot maximum roof peak. There are new FBC rules calling for the placement of a three-foot walkway around

solar panels, so in the event of a fire, fire personnel have the option to get on this walkway. In my time at both this City and the County, I have never seen a height issue result from a solar panel, because they are so low profile. I would agree that it is not the intent of these changes to limit chimneys on houses, so maybe we could simply say, after the phrase that states the building height limitation shall not apply to fire or parapet walls, that this is for commercial buildings only. That way, it is specific to parapet walls only, and chimneys would still be allowed to exceed the 35-foot maximum building height by up to 10 feet, because we don't want residents to have to apply for variances for that. We are simply trying to limit the use of parapet walls in residential sectors, where somebody could now have a 45-foot tall elevator shaft. And that's the other question, does the Board want to continue to allow elevator shafts to be 10 feet higher than a 35-foot-high building? An elevator shaft has a roof, and about a year or two ago, a contractor was floating an idea with us, as he wanted an elevator shaft and that justified the parapet wall, but there was no limitation on the size of the elevator shaft, so now the elevator shaft was around 300 square feet, because he had the elevator equipment in there, and he was utilizing the code. I'm not concerned with skylights, monuments, cupolas, domes, belfries, steeples, church spires, solar energy collectors, or water towers, which are obviously commercial. We're really not trying to limit any of these things, just the parapet walls. So, my recommendation would be to move the phrase in the proposed code change that says this applies to commercial occupancies not including transient rentals so that it follows the phrase referring to fire or parapet walls, and specify that this is for commercial structures only, not including transient rentals. That way, the code stays in place, and we simply just limit that one section, so that residential construction would not be allowed to have parapet walls that exceed 35 feet in height. This still leaves elevator shafts open, and elevators are becoming more prevalent in three-story homes. Traditionally, traction elevators, which are bolted to the inner walls, are being utilized. There is no code that prohibits putting an elevator shaft on top of a three-story flat-roofed building right now. Then, if you need a 300-square-foot elevator room, as I mentioned earlier, this could turn into a tiki bar. People will build what they can, as that is their right.

Conner Dowling: The proposed code changes would keep the top of the handrails at 35 feet, even in that case, correct?

Brian Law: Yes, sir.

Kevin Kincaid: And by saying that that this will be allowed for commercial uses only, how will short-term rentals be excluded?

Brian Law: A short-term rental is actually a residential building. The way the City classifies a short-term rental as a commercial operation is of no implication to the FBC.

Kevin Kincaid: So, when a conditional use permit is granted to allow a residential structure in a commercial land use district, there is no argument for it to be considered as a commercial establishment.

Brian Law: It would still be in a commercial zoning district, but it is a residential building,

as it is built to the residential FBC. If it wasn't, the building would have to be retrofitted with sprinkler systems. As far as I understand, the Florida Building Commission has taken no action on this. I don't know if they even want to hear about it, because short-term rentals operate in a state of limbo. They are being used for rental purposes but are built as single-family or duplex residences, or as townhouses, or something of that magnitude, per the residential FBC. A conditional use permit does not change the zoning of a property, it simply allows a residential building to be built in a commercial zoning district.

Kevin Kincaid: My question is based on short-term rentals not being included as commercial occupancies that are allowed to have special features exceeding 35 feet. I just want to make sure property owners won't have an argument when plans are submitted for a residence, but they want the additional height allowed for special features because the property is in a commercial land use district.

Brian Law: The zoning of a property has no bearing on the FBC, which is why I operate on three different fronts in this City, zoning, building, and code enforcement. So, I have to know which hat I'm wearing to make a ruling based on the codes we have.

Victor Sarris: Just to be clear, the proposed code changes would not prohibit a parapet on a residence, it just could not exceed 35 feet in height.

Brian Law: Correct.

Jennifer Thompson: There is another part to the ordinance for the proposed code changes, and that is to add another section, Section 6.01.05, to the LDRs, for drainage requirements for new development. Part A of this section states, "The Director of Building and Zoning or designee may require construction of retaining walls, roof gutters, underdrains, swales, or any other method deemed necessary to provide adequate drainage," and Part B states, "Roof gutters are required for two-story or greater buildings." This is just for new development, not for pre-existing properties.

Connor Dowling: Is there any back story to this, or specifically, any issues staff is seeing?

Jennifer Thompson: It is just to cut down on drainage issues. Basically, this gives the Building and Zoning Department the power to address any drainage issues at the time of permitting for new construction.

Brian Law: This is also a directive from the City Commission. A couple of months ago, a conditional use application to tear down an existing house and build a new one came before this Board and the Commission, and the issue of drainage was brought up. The Commission asked me to create a code that requires gutters for any new construction that is two stories or greater and bring it before this Board for first reading. The concern is valid, as the higher the structure, the more energy water coming off the roof has, and this water is very heavy. With 7.5-foot side yard setbacks on 50-foot-wide lots, we are unable to get effective swales. We are seeing the use of underground drainage a lot more with pop-ups, which seem to be very effective. By putting these requirements in the

code, the builders now become aware, when houses are designed, that gutters and other drainage methods may be required. The use of retaining walls will be implemented more and more, as the City is essentially an in-fill community now. A prime example of this is A Street, where one lot may be three feet higher or lower than the lot next door. This is a remnant of the old dunes that were here long before any of us. The proposed code changes are just a way to keep stormwater from running onto neighboring properties.

Victor Sarris: After being collected by gutters and downspouts, the drainage situation is improved to some extent, but where does water go when it exits the downspouts?

Brian Law: Gutters channel water run-off to a downspout where the water will come out and gradually dissipate. This way, the water will not have all the kinetic energy it picks up when it falls from 35 feet high in the air to the ground.

Victor Sarris: But that kinetic energy is really lost when the water hits the ground.

Brian Law: Potentially, some of it, but gutters will allow us to control the run-off a little bit better. Gutters do cost money, and builders are probably not going to be happy with this, but we are seeing gutters being installed on most of the taller houses anyway.

Kevin Kincaid: This new rule means gutters will not be optional, based on the drainage situation. This will require gutters for any new building that is two-stories or higher.

Brian Law: Yes, and construction of retaining walls, roof gutters, underdrains, swales, or any other method deemed necessary to provide adequate drainage may be required by the Director of Building and Zoning or designee for any new development. Gutters are a good thing, but they are labor-intensive, because you have to clean and maintain them. This is an attempt to control drainage on 50-foot-wide lots with 7.5-foot side setbacks. Almost every property now has the maximum lot and ISR coverage allowed, along with the use of permeable pavers and pools permitted in conjunction with new houses.

Victor Sarris: Typically, you can't drain onto someone else's property. There is a cost incurred for putting in a retaining wall, if there is a significant difference in grade. You certainly want to be considerate of your neighbors, as far as not flooding their houses or the streets, but in my experience, retaining walls have been significantly effective.

Brian Law: They are. We like retaining walls, because they keep the grade natural on both sides of new development. There is a significant cost involved, as retaining walls are expensive, but this is the cost of doing development in an in-fill community, where it is getting more and more challenging to protect existing residences and properties from water run-off. We simply cannot just rely on or expect builders to do the right thing, we have to help them and work with all builders equally to steer them to the correct solution.

Kevin Kincaid: Do we need to clean up the discrepancies between the language in the staff memo, which states drainage requirements including gutters, retaining walls, underdrains, swales, or any other methods deemed necessary by the Director of Building

and Zoning **may** be required, and the language in the proposed ordinance, which states these things **are**, or shall or will, be required? I want to make sure we are not sending confusion forward to the Commission, or putting something out there that is not clear.

Brian Law: For a point of clarity, the reason the proposed code changes are written the way they are in Parts A and B for Section 6.01.05 is because there may be the possibility of requiring gutters on a one-story building. For example, lots in Sea Colony have reduced setbacks, and Sea Colony has a multitude of setbacks for different lots, including one section of lots which have no specific setbacks, as this is the way these lots were originally designed. Part A would give the Building and Zoning Department the opportunity to require gutters for even a one-story building, to make the drainage plan work. In Part B, gutters are simply required for all buildings that are two stories or greater.

Kevin Kincaid: Okay. If everyone is comfortable with this, I'm good with it too.

Rhys Slaughter: Is there any stipulation as to what builders may be forced to do, for example, if a two-story house is required to have gutters, does this mean one gutter, or gutters around the whole house?

Conner Dowling: Good point, I was about to ask the same thing. Brian, would you require gutters for the entire perimeter of a roof, regardless of the slope or pitch?

Brian Law: If the water doesn't drain to that part of the roof, for example, say it is a gable end, I am not going to require it to be guttered, as it is not the intent of this code to require gutters on something that is only a few feet wide. We do have engineers at our disposal when we need technical help with lot grading and things like that, and the intent is not to micromanage development, but to utilize gutters as a drainage mechanism. To address that concern, we could simply put, only in Section B, that roof gutters are required for two-story or greater buildings as deemed necessary by the Building and Zoning Department. This would require gutters but allow the option to require only what is deemed necessary by the Building and Zoning Department. That way, when you have a cupola or an elevator shaft, like we just talked about, we are acknowledging a 50-square-foot section of roof is not going to cause significant drainage issues if it is not guttered. The intent is to encapsulate the majority of the drainage from a roof that sheds water to a reduced setback such as the 7.5-foot side setbacks that are allowed on smaller lots.

Kevin Kincaid: Okay. Do we have any public comment?

Bill Tredik, 24 Ocean Pines Drive, St. Augustine Beach, Florida, 32080: I like Brian's comments about staff having some discretion. For medium density residential zoning districts, I think this would be great, especially with in-fill lots. When I was with the City as the Public Works Director, we had a lot of problems with the smaller, 50-foot-wide lots, but with larger lots that have 100 or 120 feet of frontage, it is just not necessary to gutter homes, and certainly not necessary to gutter the fronts of these houses. A lot of these homes are on rural streets that do not have curbs and gutters, so the water is going into the yards anyway, it is not going out to the streets or anywhere else. I think the gutter

requirement is appropriate for medium density residential lots, but I am not sure how appropriate it is for low density residential lots, except in certain situations. I encourage you to give the Building and Zoning Department the authority to make exceptions so that homeowners do not have to go through the variance process. My concern was that the proposed code changes seemed to be pretty cut-and-dried, by saying two-story and higher houses will have gutters, but if staff is given the authority to deem gutters unnecessary when drainage is not an issue, that would be a welcome addition to the code.

Brian Law: If the Board will indulge us, we are going to try to encapsulate the recommended revisions to the proposed code changes based on the Board's discussion.

Jennifer Thompson: Based on the discussion we've heard, Part A of Section 6.01.05, for drainage requirements for new development, is amended to state, "The Director of Building and Zoning or designee may require construction of retaining walls, roof gutters, underdrains, swales, or any other method deemed necessary to provide adequate drainage." Part B is amended to state, "Roof gutters are required for two-story or greater residential buildings as deemed necessary by the Building and Zoning Department."

Hester Longstreet: I personally liked this better as it was originally written to require roof gutters for all two-story or greater buildings. I think it is kind of common sense that a two-story or greater building should have gutters, but it is also common sense to not expect something like a cupola to be guttered. I also don't think there is anywhere in St. Augustine Beach considered to be a rural area anymore, so the more we build to almost zero lot lines, the more drainage issues we will have. I prefer to leave the requirement that all two-story or greater buildings are to be guttered the way it is, and not change it.

Kevin Kincaid: Okay. Are there any other comments or questions? Hearing none, do we have a motion?

Brian Law: As this is the first reading of the ordinance for the proposed code changes, the City Attorney is required to read the preamble, or ordinance title, aloud.

John Steinmetz: "An ordinance of the City of St. Augustine Beach, Florida, relating to building height measurement and drainage requirements for new development; amending the Code of the City of St. Augustine Beach, Chapter 6, Buildings and Building Regulations, to amend, revise and restate the Sections 6-01 of the City Code; and providing an effective date."

Motion: to approve Ordinance No. 23-XX, for proposed code changes to the City's Land Development Regulations, Section 6.01.04, pertaining to building height measurement, exceptions, and applications, as amended per discussion by the Board, and to add Section 6.01.05, pertaining to drainage requirements for new development, as amended per discussion by the Board, on first reading. **Moved** by Victor Sarris, **seconded** by Larry Einheuser, **passed 6-1** by the Board by voice-vote, with Kevin Kincaid, Chris Pranis, Husley Bray, Conner Dowling, Larry Einheuser, Victor Sarris, and Hester Longstreet dissenting.

- C. Discussion of proposed code changes to the City's Land Development Regulations, Section 3.02.05, pertaining to regulations for special events for business/promotional/sales permits on privately-owned property in the commercial land use district

Jennifer Thompson: This item was put on tonight's agenda because the issue of parking requirements for businesses applying for special event permits recently came up. A local business wanted to have a special event on their property, however, after reviewing the code, special events are only allowed if they meet the criteria in Section 3.02.05 of the LDRs. This applies to special events hosted on privately-owned commercial property. Business owners are required to submit a special event permit application, which is reviewed and either approved or denied by the Planning and Zoning Division. Unfortunately, the business that recently wanted to have a special event could not meet the criteria in Section 3.02.05.F, which requires at least 25 on-site parking spaces available for parking by the public, with parking for special events not allowed on public streets, rights-of-way, or off-site locations. With the number of small parking lots we have in the City, this really limits the number of businesses that can have special events, so staff wanted to present this to the Board to discuss possibly changing the code so that smaller businesses that do not have 25 on-site parking spaces could also hold special events.

Kevin Kincaid: I think we have an obligation here to protect not only the local businesses but also the citizens and residents that are going to be impacted by people parking in front of their houses and on their lawns and everywhere else people park during a special event. I know when the City has a special event, there is parking at Ron Parker Park and other places with shuttles available to shuttle people back and forth. Is there a way we can require businesses to get a permit to allow people to park at Ron Parker Park or City Hall, to provide additional parking for special events? I don't think it is a good idea to ignore the requirement that at least 25 on-site parking spaces must be provided for parking by the public for special events, because this will just encourage every little shop down here to have a special event and this is going to overrun our neighborhoods.

Jennifer Thompson: Ron Parker Park is owned by St. Johns County, so I am not sure what the County's rules are in regard to allowing parking for special events for local businesses.

Kevin Kincaid: How does the City do it, when we have a City event that provides shuttle service? Is this the City, or the County that does that?

Brian Law: Melinda Conlon, the City's Communication and Events Coordinator, orchestrates events like Beach Blast-Off, which has vendors and shuttles, but these are not the events we are talking about here. We are talking about local businesses on privately owned commercial properties like the Sunshine Shop, which has been having sidewalk swimwear sales for years. Using the average commercial parking requirement of one space for every 250 square feet of gross floor area, a commercial building would have to be a minimum of 6,250 square if it were to have 25 on-site parking spaces. A new business, Outer Banks Boil Company, which recently opened in the City, wanted to have a special event for their grand opening, but the City could not approve a special event

permit for this because the business does not have the required 25 on-site parking spaces. Cindy's Gift Shop, on the corner of 13th Street and A1A Beach Boulevard, also would not be allowed to have a special event without 25 on-site parking spaces, even though this business is in a huge walk-up destination area. This is why we are trying to find a solution to help these smaller businesses that do not have a minimum of 25 on-site parking spaces. We are not changing the parking regulations, but maybe the fact that the City has public parking available every few blocks could be taken into consideration, along with the fact that the City's Police Department has the ability to ticket vehicles that are illegally parked. The City has been striving, with the evolution of the Vision Plan, to make a shift to a walk-up community. We've all seen the mixed use development, which allows buildings to be pushed forward, closer to the Boulevard, so you get that feel of a walk-up community, grow up over the years. We're just trying to find a way to help smaller businesses have little outdoor events. Right now, unless a business is a bank or in a strip mall or a shopping center, it cannot meet the minimum on-site parking spaces required for a special event.

Chris Pranis: My opinion is that as long as a business meets the minimum parking requirements, the City has public parking, as Brian just said, so then it becomes a parking enforcement issue, just like anything else. If someone goes to the beach and is illegally parked, the Police Department or whoever enforces that should take care of it.

Hester Longstreet: Right, and there are signs everywhere, down every street, designating where there is public parking and where no parking is allowed.

Kevin Kincaid: So, are we asking to get rid of paragraph F in Section 3.02.05, which requires at least 25 on-site parking spaces for special event permits?

Chris Pranis: We could modify it, instead of taking this whole paragraph out.

Jennifer Thompson: This is why we brought this to the Board, because we don't really know what the true intent of this code was when it was crafted. If the Board decides to stick with the 25 on-site parking space rule, one possible solution might be to alter this to state if the business has less than 25 parking spaces, only a certain number of them can be blocked off for a special event. This would basically ensure a business could not block off its entire parking lot to put merchandise or vendors outside during a special event.

Brian Law: My big concern is obviously always about providing accessible parking. Take, for example, the west side of A1A Beach Boulevard, where you see multiple strip businesses, with three or four suites per building. It is always a huge concern of my department that there is handicap-accessible parking available in that strip parking lot during a special event, as we would hate to see one of our business owners inadvertently end up in a lawsuit. Traditionally, we only issue a few special event permits per year. The Oasis Restaurant gets a couple a year, the Sunshine Shops gets one or two a year for their sidewalk sales, and a few other businesses have special events every now and then. But since it has now come to my attention that some special event permits have been allowed for businesses that do not have at least 25 on-site parking spaces, which is contrary to the code, this has been brought before the Board for discussion on amending the code.

Kevin Kincaid: As we are not expecting to be inundated with requests for special event permits, changing the code would not become a burden or cause issues, correct?

Brian Law: Correct, the intent is to keep the special events that have traditionally been happening, and then if new businesses, such as the Outer Banks Boil Company, wanted to hold a grand opening party and have little food stations outside, changing the minimum parking requirements for a special event permit could allow this to happen.

Chris Pranis: I'd like to suggest businesses must have 50 percent of existing parking spaces, as well as all handicap-accessible spaces, available for parking during a special event. That leaves the opportunity for all handicap-accessible parking and other spaces to be available, while still granting all businesses the possibility of having a special event.

Motion: to recommend Section 3.02.05.F of the LDRs, pertaining to regulations for special events for business/promotional/sales permits on privately-owned property in the commercial land use district, be amended to require businesses to have 50 percent of existing parking spaces, and 100 percent of required accessible parking spaces, available for public parking for a special event. **Moved** by Chris Pranis, **seconded** by Larry Einheuser, **passed 7-0** by the Board by unanimous voice-vote.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

There was no further Board comment.

IX. ADJOURNMENT

The meeting was adjourned at 7:14 p.m.

Kevin Kincaid, Chairperson

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.)

From: [Kevin Kincaid](#)
To: [Jennifer Thompson](#); [Chris Pranis](#); [Conner Dowling](#); [Hester Longstreet](#); [Larry Einheuser](#); [Victor Sarris](#); [Gary Smith](#); [Rhys Slaughter](#); [Hulsey Bray](#)
Cc: [City Attorney](#); [Max Royle](#); [Dariana Fitzgerald](#); [Bonnie Miller](#); [Melinda Conlon](#)
Subject: Re: December Planning and Zoning Meeting
Date: Friday, December 1, 2023 11:48:49 PM

Hi Jennifer,

Thank you for the notification regarding the December meeting. Unfortunately, I will be in Asia for the January meeting . I am however interested in remaining the Chair if that is ok with the rest of the board. Have a wonderful holiday season and I will be back in February.

Thank you

Kevin Kincaid

From: Jennifer Thompson <jthompson@cityofsab.org>
Sent: Monday, November 27, 2023 1:46 PM
To: Chris Pranis <pzcpranis@cityofsab.org>; Conner Dowling <pzcdowling@cityofsab.org>; Hester Longstreet <pzhlongstreet@cityofsab.org>; Kevin Kincaid <pzkincaid@cityofsab.org>; Larry Einheuser <pzeinheuser@cityofsab.org>; Victor Sarris <pzvsarris@cityofsab.org>; Gary Smith <pzgsmith@cityofsab.org>; Rhys Slaughter <pzrslaughter@cityofsab.org>; Hulsey Bray <pzhbray@cityofsab.org>
Cc: City Attorney <attorney@cityofsab.org>; Max Royle <mroyle@cityofsab.org>; Dariana Fitzgerald <dfitzgerald@cityofsab.org>; Bonnie Miller <bmillier@cityofsab.org>; Melinda Conlon <eventspio@cityofsab.org>
Subject: December Planning and Zoning Meeting

Hello All,

We had no applications for the December Planning and Zoning meeting; therefore, we will not meet in December.

However, in January we will have a meeting for a proposed code change as well as voting for Chair and Vice Chair.

Happy Holidays & Happy New Year!
Thank you all for your hard work this year.

Best Regards,

Jennifer Thompson, MPA, CFM
Planner
City of St. Augustine Beach
2200 A1A S
St. Augustine Beach, FL 32080

904-484-9145

PLEASE NOTE: Under Florida law, most communications to and from the City are public records. Your emails, including your email address, may be subject to public disclosure.



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: 01/09/2024
Re: Application to Remove Tree Greater Than 30 Inches DBH

An application to remove a tree greater than or equal to 30 inches in diameter at breast height has been submitted for a proposed new single-family residence located at 371 Ocean Forest Drive. The tree is a 36-inch oak tree located within the footprint of the new proposed single-family residence. The property has 3 additional 30 inches or greater oak trees which will remain on the property.

In the past, the Comprehensive Planning and Zoning Board has granted removal of trees 30 inches or greater that are in the proposed footprint of new development.

Sincerely,

Jennifer Thompson, MPA, CFM

Planner

Planning and Zoning Division

City of St. Augustine Beach Building and Zoning Department
Tree Removal Application for Comprehensive Planning and Zoning Board Approval
to Remove Trees Greater Than or Equal to 30 Inches in Diameter at Breast Height (DBH)

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 tree removal is being sought:

Lot(s) 73 ^{Unit} Block(s) 3 Subdivision Anastasia Dunes

Street Address 371 Ocean Forest Dr, St. Augustine, FL 32080

2. Parcel identification number (PIN): 172491-0730

3. Name and address of owner(s) as shown in St. Johns County Public Records: Ebling-Wasiewicz

Family Trust U/A D (Earl M. Ebling Trustee)

4. Current land use district classification: Low Density RESIDENTIAL

5. Number of, type, and size of tree or trees requested for removal: (1) 36 inch Oak Tree

6. Reason for request to remove tree(s) described above: Tree is located inside of
foot print of proposed single family residence (new construction)

7. Supporting data which should be considered by the Comprehensive Planning and Zoning Board: _____

Site plan of proposed single family residence provided
(site plan reflects (3) 30+ inch oak trees to remain on site)

Per Section 5.01.02.E.b of the City's Land Development Regulations, "Any tree having a trunk greater than or equal to thirty (30) inches in diameter at breast height (DBH) shall require permit approval from the Comprehensive Planning and Zoning Board."

Conditions for removal of any tree with a DBH of 30 inches or greater must also comply with **Section 5.01.02** of the City's Land Development Regulations.

Section 5.01.02. Conditions for tree removal.

- A. **Permit Application.** Permits for removal or relocation of trees associated with a site plan for a development shall be obtained by making application for permit for the development to the City Planning and Zoning Department. The application shall be accompanied by a site plan indicating the location, species, and diameter at breast height (DBH) of each tree to be preserved, relocated, or removed. For removal of a tree, justification for removal accompanied by a certification from an ISA-certified arborist may be provided to justify removal of trees. The submitted plans shall depict tree protection and calculations demonstrating applicable tree mitigation for trees removed.
- B. **Exceptions to Requirement of Permit.** No permit under this section is required for:
 1. The tree is diseased, injured, in danger of falling or is endangering existing structures, utility services or creates unsafe vision clearance; or
 2. It is found to be in the interest of the general public's health, safety and welfare that the tree or trees be removed and that there is no other remedy provided in this Code.
- C. **Criteria for Issuance of a Permit.** The City Building Official shall issue the permit for removal of a tree if one (1) of the following reasons for removal is found to be present and mitigation provided in accordance with this Code.
 1. Removal of the trees is necessary to construct proposed improvements in order to comply with a final development order issued pursuant to Section 12.02.04 or 12.02.10 hereof; or
 2. The presence of the tree will cause a substantial likelihood of structural damage to an existing or proposed permanent built structure, or swimming pool.
 3. The tree is located in an area where a structure or improvement may be placed in accordance with other development provisions in the City Code, and retention of the trees and such that no reasonable economic use can be made of the property without removal of the tree, and the tree cannot be reasonably relocated on or off the property because of its age or size.
 4. The tree or tree cluster is located within the primary building pad, primary roof line, primary foundation line, swimming pool and swimming pool patio pad, or the portion of the driveway within fifteen (15) feet of the garage or carport entrance and these structures cannot be relocated.
 5. The tree is shown to be blocking the installation or proper working condition of a solar energy system (this does not authorize a property owner to remove a tree from neighboring property). Trees permitted to be removed pursuant to this subsection shall not require replacement under Section 5.01.03. For a new solar energy system installation, any permit issued shall be issued conditionally and only become effective upon review by a certified arborist and upon the installation and final inspection of the solar energy system being properly working and permitted.
 6. The tree is a palm tree or group of palm trees. A property owner may in any twelve-month period remove up to ten (10) percent of the palm trees located on their property or at least one (1) palm tree without having to be subject to the requirements of Section 5.01.03.

In filing this application for removal of a tree or trees that have a DBH of 30 inches or greater, 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.

James N. Robshaw

Print name (owner or his/her agent)

Print name (applicant or his/her agent)

James N. Robshaw 12-21-23

Signature/date

Signature/date

4 Contera Dr., St. Augustine, FL 32080

Owner/agent address

Applicant/agent address

(904) 669-9515

Phone number

Phone number

jamesrobshaw@hotmail.com

Email address

Email address

Application Fee: \$50.00

Date Paid:

12/22/2023

Received by:

Bonnie Miller

App # 8204

Invoice Number:

I2400448

Receipt Batch ID:

Bm122223

Check Number or type of credit or debit card:

1328

Ref. # 6074

**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

Phone: 703-597-0268

From: Owner Name(s) & Phone #: Ebling-Wasiewicz Family Trust (Earl M. Ebling Trustee)

Address: 1535 Painted Horse Pass

City, State & Zip Code: Collierville, TN 38017

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

Contractor/Agent Name(s) & Phone #: James N. Robshaw (Robshaw Custom Homes) 904-669-9515

Address: 4 Contera Drive

City, State, Zip Code: St. Augustine, 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:

to build a single family at: 371 Ocean Forest Dr.,
St. Augustine, FL 32080

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: 12/20/23 Earl M. Ebling
Typed or Printed Name of Property Owner

[Signature]
Signature of Property Owner

State of Florida County of: St. Johns

Subscribed and sworn before me this 20th day of December, 20 23, by Earl M. Ebling

Who is/are personally known to me or who has/have produced _____ as identification.

[Signature]
Signature of Notary Public, State of Florida

Typed or Printed Name: Marcia Lea Catlett

My Commission Expires: 6/9/2027



(Stamp or Seal)

St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

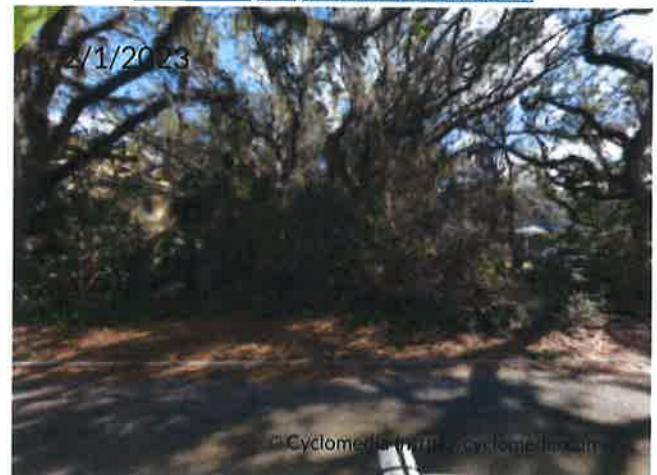
2022 TRIM Notice

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

Summary

Parcel ID	1724910730
Location Address	371 OCEAN FOREST DR SAINT AUGUSTINE 32080-0000
Neighborhood	Anastasia Dunes (2314.02)
Tax Description*	46/28-32 ANASTASIA DUNES UNIT 3 LOT 73 OR4856/1280 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Anastasia Dunes Unit Three
Sec/Twp/Rng	3-8-30
District	City of St Augustine Beach (District 551)
Millage Rate	15.5533
Acreage	0.280
Homestead	N

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



Owner Information

Owner Name	Ebling-Wasiewicz Family Trust U/A D: 10/30/2019 100% Ebling Earl M Trustee 0% Wasiewicz Monika A Trustee 0%
Mailing Address	1535 PAINTED HORSE PASS COLLIERVILLE, TN 38017-0000

Map



Valuation Information

	2024
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$350,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$350,000
Total Deferred	\$83,800
Assessed Value	\$266,200
Total Exemptions	\$0
Taxable Value	\$266,200

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	\$350,000	\$0	\$0	\$350,000	\$242,000	\$108,000	\$242,000
2022	\$0	\$0	\$291,200	\$0	\$0	\$291,200	\$220,000	\$71,200	\$220,000
2021	\$0	\$0	\$200,000	\$0	\$0	\$200,000	\$200,000	\$0	\$200,000
2020	\$0	\$0	\$185,000	\$0	\$0	\$185,000	\$185,000	\$0	\$185,000
2019	\$0	\$0	\$185,000	\$0	\$0	\$185,000	\$141,283	\$43,717	\$141,283
2018	\$0	\$0	\$185,000	\$0	\$0	\$185,000	\$128,439	\$56,561	\$128,439
2017	\$0	\$0	\$184,000	\$0	\$0	\$184,000	\$116,763	\$67,237	\$116,763
2016	\$0	\$0	\$175,000	\$0	\$0	\$175,000	\$106,148	\$68,852	\$106,148
2015	\$0	\$0	\$135,000	\$0	\$0	\$135,000	\$96,498	\$38,502	\$96,498
2014	\$0	\$0	\$135,000	\$0	\$0	\$135,000	\$87,725	\$47,275	\$87,725
2013	\$0	\$0	\$84,000	\$0	\$0	\$84,000	\$79,750	\$4,250	\$79,750

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	0	0	1	UT	\$350,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/27/2019	12/5/2019	\$235,000.00	WARRANTY DEED	4856	1280	Q	V	NORELIUS BERTRAM N,DEBORAH A	EBLING-WASIEWICZ FAMILY TRUST U/A D: 10/30/2019
	12/10/2004	\$204,500.00	WARRANTY DEED	2337	1240	U	V	JNM MAKARIOS DEVELOPMENT VENTURE LTD	NORELIUS BERTRAM N,DEBORAH A

No data available for the following modules: Sales Questionnaire Form, 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.

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Last Data Upload: 12/18/2023, 11:51:57 PM

Contact Us

Developed by
 Schneider
GEOSPATIAL

**CITY OF ST. AUGUSTINE BEACH**

2200 A1A South
St. Augustine, FL 32080

INVOICE #**12400448**

ACCOUNT ID: O-000508 PIN: 548634

INVOICE DATE: 12/22/23

DUE DATE: 01/21/24

EBLING-WASIEWICZ FAMILY TRUST
1535 PAINTED HORSE PASS
COLLIERVILLE, TN 38017-0000
USA

Description of Work

TREE REMOVAL APPLICATION TO REMOVE
36-INCH DBH OAK TREE IN PROPOSED

PERMIT INFORMATION

APPLICATION ID: 8204

LOCATION: 371 OCEAN FOREST DR

OWNER: EBLING-WASIEWICZ FAMILY TRUST U/A D

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.0000	PZ TREE	TREE REMOVAL >=30" Permit App Id: 8204	50.000000	50.00
TOTAL DUE:				\$ 50.00

PAYMENT COUPON - PLEASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT

CITY OF ST. AUGUSTINE BEACH
2200 A1A South
St. Augustine, FL 32080

INVOICE #: 12400448
DESCRIPTION: Permit App Id: 8204
ACCOUNT ID: O-000508 PIN: 548634
DUE DATE: 01/21/24
TOTAL DUE: \$ 50.00

EBLING-WASIEWICZ FAMILY TRUST
1535 PAINTED HORSE PASS
COLLIERVILLE, TN 38017-0000
USA



CITY OF ST. AUGUSTINE BEACH

Date: 12/22/2023 Time: 10:23 AM

Invoice Payment

Customer: 0-000508

Name: EBLING-WASIEWICZ FAMILY TRUST

Invoice: I2400448

Permit App Id: 8204

Item 1	50.00
TREE REMOVAL >=30"	

50.00

Chk#: 1328

Batch Id: BM122223

Ref Num: 6074 Seq: 1 to 1

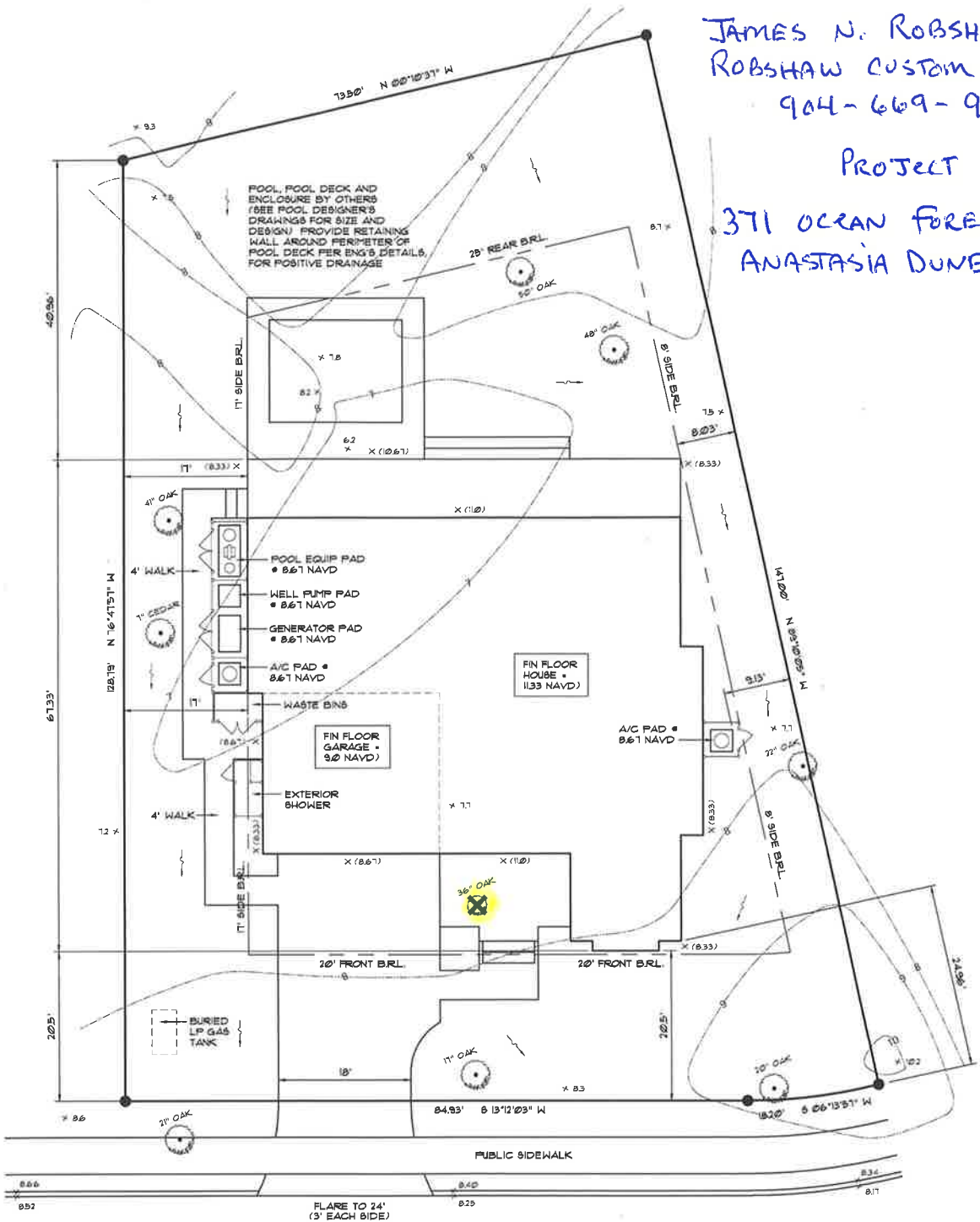
Cash Amount:	0.00
Check Amount:	50.00
Credit Amount:	0.00

Total: 50.00

Thank You for your payment!

JAMES N. ROBshaw
ROBshaw CUSTOM HOMES
904-669-9515

PROJECT
371 OCEAN FOREST DRIVE
ANASTASIA DUNES



DRAINAGE TYPE: "A"

- EROSION CONTROL SUCH AS SILT FENCE SHALL BE PLACED AT THE LIMITS OF CONSTRUCTION ACTIVITIES AND/OR PROPERTY LINE.
- EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE.
- DRAINS WILL BE DIRECTED AWAY FROM ADJACENT LOTS (NOT OUT FALL DIRECTLY TO SHARED PROPERTY LINE).
- THE APPLICANT/OWNER/CONTRACTOR SHALL IMMEDIATELY CONTACT ST. JOHNS COUNTY LOT GRADING STAFF SHOULD MODIFICATIONS TO THE PLAN BE REQUIRED BASED ON ACTUAL FIELD CONDITIONS.
- RETAINING WALLS, ROOF GUTTERS WITH UNDERGROUND DRAINAGE SYSTEM MAY BE REQUIRED BASED ON ACTUAL FIELD CONDITIONS.
- CONTRACTOR TO COORDINATE A LOT GRADE INSPECTION WITH COUNTY STAFF PRIOR TO PERMIT CLOSE OUT. CALL 904-821-6842 AND SCHEDULE A 904 INSPECTION.
- BUILDING HEIGHT: 25'-5 1/2" (BASED ON 10.0 NAVD BEING HIGHEST NATURAL GRADE ELEVATION ON LOT)
- A RAISED STEMWALL FOUNDATION IS PROVIDED.

TREE LEGEND	
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED
REQ'D TREE CALCULATION	
LOT	12,134 SQ FT (0.28 ACRE)
REQ'D TREE INCHES:	(48" x 0.28)
EXISTING TREE INCHES PROVIDED	12" REQ 208"

LOT COVERAGE CALCULATION	
LOT COVERAGE:	LOT 12,134 SQ FT
STRUCTURE	3,628 SQ FT
STRUCTURE COVERAGE	3,628 / 12,134 = 29.7%
DRIVE & FRONT WALK	728 SQ FT
SIDE STUOP	60 SQ FT
SIDE WALK	272 SQ FT
PROPOSED POOL & DECK	528 SQ FT
POOL EQUIPMENT PAD	21 SQ FT
A/C PADS	18 SQ FT
WELL PUMP PAD	9 SQ FT
GENERATOR PAD	15 SQ FT
TOTAL IMPERVIOUS	5,255 SQ FT
IMPERVIOUS COVERAGE	5,255 / 12,134 = 43.3%

TOPOGRAPHY LEGEND	
	OFFSITE DRAINAGE
	ONSITE DRAINAGE
	EXISTING SPOT ELEV
	NEW SPOT ELEVATION
	EXISTING TOPOGRAPHY
	REVISED TOPOGRAPHY
THE PROPERTY SHOWN HEREON LIES WITHIN ZONE "X8" AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL 173145-0384J MAP REVISED DATE: 1/10/12/018	
ELEVATIONS SHOWN REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).	

1 SITE PLAN
SCALE: 1" = 10'-0"

LOT 73
ANASTASIA DUNES - UNIT THREE
ST. JOHNS COUNTY, FLORIDA
371 OCEAN FOREST DRIVE
ST. AUGUSTINE, FL 32080
PARCEL ID: 17124910730

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ST. AUGUSTINE BEACH, FL 32080
904-377-2040
www.obflorezdesign.com

DRAFTING SERVICES PROVIDED BY:
KLAYBOR & ASSOCIATES
1999 WELLS ROAD
ORANGE PARK, FL 32073
904-272-5339
www.klaybor.com

Drawn by: JBF
Date: 10/26/2023
Scale: NOTED
Job #: 23-1042
SHEET NUMBER
THE EBLING/WASIEWICZ RES - 3,161 SQ FT (LIVING)
371 OCEAN FOREST DRIVE, ST. AUGUSTINE, FL 32080

SP.1



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 & Zoning, Bonnie Miller, Senior Planner
Date: 12/14/2023
Re: VAR 2024-01

Variance 2024-01 is a request for an increased impervious surface ratio to 45.7% from the allowed maximum for the low-density residential areas of 40%. The applicant is requesting an additional 12-foot-wide driveway and will be removing 2 feet from their existing 23-foot driveway to make a 21-foot-wide driveway, resulting in the property having one 12-foot-wide driveway on the north side and one 21-foot-wide driveway on the south side. The City's Land Development Regulations states that "residential driveways in the City rights-of-way shall be limited to a maximum of 18 feet in width with a maximum 5 by 5-foot apron flare on either side."

In the past, a request for increased ISR and driveway width was denied by the Planning and Zoning Board for 507 F St. The applicant requested an increase in ISR from 40% to 43.65% as well as an increase in total driveway width to 28 feet. Both requests were denied.

In 2021, a driveway variance was granted for the duplex property at 106 2nd St, VAR 2021-05. The variance allowed for a 24-foot-wide driveway; however, the property owner was required to utilize permeable pavers (with a permeability ratio of 10% or greater) and the variance did not allow the property to exceed the maximum ISR.

Sincerely,

Jennifer Thompson, MPA, CFM

Planner

Planning and Zoning Division

From: [Russell Adams](#)
To: [Jennifer Thompson](#); [Ken Gatchell](#)
Cc: [Bonnie Miller](#)
Subject: RE: 56 Willow Variance Application
Date: Tuesday, December 19, 2023 1:04:37 PM

Hey Jennifer,

If the variance is approved, the applicant will need to submit a ROW permit application.

Russell Adams

Public Works Department

City of St. Augustine Beach

2200 A1A South

St. Augustine Beach, FL 32080

Office (904) 471-1119 Cell (904) 466-5757

PLEASE NOTE: *Under Florida law, most communications to and from the City are public records. Your e-mails, including your e-mail address may be subject to public disclosure.*

From: Jennifer Thompson <jthompson@cityofsab.org>
Sent: Thursday, December 14, 2023 10:55 AM
To: Russell Adams <radams@cityofsab.org>; Ken Gatchell <kgatchell@cityofsab.org>
Cc: Bonnie Miller <bmillier@cityofsab.org>
Subject: 56 Willow Variance Application

Hi Guys,

Please see attached variance request for 56 Willow Dr to add a driveway to the right of way.
This is for the January meeting, so please let me know your comments by the first week of January please.

Thanks.

Best Regards,

Jennifer Thompson, MPA, CFM
Planner
City of St. Augustine Beach
2200 A1A S
St. Augustine Beach, FL 32080
904-484-9145

PLEASE NOTE: Under Florida law, most communications to and from the City are public records. Your emails, including your email address, may be subject to public disclosure.

11/27/23 AMENDED

City of St. Augustine Beach Building and Zoning Department
Variance 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 variance is being sought:

Lot(s) 27 Block(s) E Subdivision Woodland Unit B (or 3651/983)
Street Address 56 Willow Drive

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

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

4. Real estate parcel identification number: 164090-0000

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

Karren J. Pitts

56 Willow Drive, St. Augustine Beach 32080

6. Current land use classification: Low Density Residential

7. Land use variance being sought: ISR + Accessway

8. Section of land use code from which the variance is being sought: SEE attached

9. Reasons for which the variance is being sought: SEE ATTACHED

10. Supporting data which should be considered by the Board: SEE Attached

11. Has a variance application been submitted in the past year? Yes No (Circle one) If yes, what was the final result? _____

12. 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
- ☒ Signed and sealed survey not older than one year showing all existing structures and improvements
- ☒ Other documents or relevant information to be considered
- ☒ Fourteen (14) copies of the completed application including supplemental documentation and relevant information

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

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

<u>JAMES G. WHITEHOUSE, ESQ.</u> Print name (owner or his/ her agent)	<u>(OWNER'S AUTH. ATTORNEY)</u> Print name (applicant or his/her agent)
<u>[Signature]</u> Signature /date	<u>11/27/23</u> Signature /date
<u>104 Sea Grove Main St, St Aug Bch, FL 32080</u> Owner/agent address	<u>[Blank]</u> Applicant/agent address
<u>904 495 0400</u> Phone number	<u>[Blank]</u> Phone number

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

****Variances 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 Comprehensive Planning and Zoning Board does not constitute approval for variation from the covenants and restrictions.****

Date: _____

Variance File #: _____

Applicant's name: _____

Applicant's address: _____

For land use variance 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 _____

Instructions for Applying for a Land Use Variance

- A land use variance seeks to allow for adjustments to the City's Land Development Regulations, such as setbacks or impervious surface requirements.
- The City's Comprehensive Planning and Zoning Board decides whether to grant or deny a variance request. The Board's decision **MUST** be based on whether the request meets each of the six conditions listed below.
- To help the Board evaluate your variance request, you must provide a reason or reasons for each of the six conditions. If you believe that a condition does not apply to your request, then you are to write "Not Applicable" and give the reason or reasons why the condition is not applicable to your request.
- Failure to provide a response to each of the six conditions will require the Building and Zoning Department to return your application to you. The Building and Zoning Department staff will gladly provide any assistance should you have questions regarding the listed conditions. You may use additional sheets of paper for your responses as needed. Documents may consist of pictures, photographs, maps, public records, letters from neighboring property owners or other items you may find to explain the circumstances for the variance request.

Considerations for the Granting of a Land Use Variance

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

— SEE ATTACHED —

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

— SEE ATTACHED —

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

— SEE ATTACHED —

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

— SEE ATTACHED —

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

— SEE ATTACHED —

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

— SEE ATTACHED —

ST. JOHNS



Dedicated and Responsive Service

November 27, 2023

TO: City of St. Augustine Beach Building and Zoning Department
2200 A1A South
St. Augustine Beach, FL
Phone: 904-471-8758

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

RE: VARIANCE APPLICATION – 56 Willow Drive

AMENDED VARIANCE REQUEST

Summary of UPDATED Variance Request:

Initially, the owner had contracted to have a carport and paver pad installed to provide for handicapped access on this sloped parcel. Based upon the fact that some of the project did not meet the current codes, the owner has now removed the carport and owner is in the process of working with the paver company to remove the pavers that are too close to the side yard and to lessen the impermeable surface area, all as depicted in the attached site plan. The new plan, which still seeks to retain a handicapped access area on a flat portion of the parcel, still requires a minor deviation to the ISR allowance under the code.

Moreover, a zoning variance is requested from the City of St. Augustine Beach Land Development Regulations, **Sec. 6.01.02** - Impervious surface coverage. The increase for the allowed accessway and requested minimal flat pad for safe, handicapped home access requires the additional paver area. These revisions to the project remove almost 700 sq.ft. of current paved area. Reducing the total from 53% ISR now existing to 45.7% ISR. Thus, the owner requests a complimentary variance to allow that 5.7%. This coverage is needed to provide the stabilized surface for the handicapped entrance discussed above and requires this additional request for the additional infringement.

Additionally, staff advises that the owner also requires a variance for the COMBINED portions of the applicant's driveway since the COMBINED total exceeds the allowed width under the code. **Sec. 6.02.03.D** – "Residential Driveways" which states that "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." This section was added to the code in an amendment at Ordinance 2018-18 to provide that residential driveways in the city rights-of-way shall be limited to a maximum of eighteen feet (18") in width with a maximum five

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

104 Sea Grove Main Street
St. Augustine, Florida 32080
www.sjlawgroup.com

by five-foot (5' x 5') apron flair on either side. However, although this section was added to the City Code in 2018, it DOES NOT state that it means if more than one access is allowed on the parcel that they will be accumulated. In fact, Section 6.02.06, which was already existing since earlier that same year in 2018, plainly states that "All lots in a proposed residential subdivision shall have frontage on and access from an existing street meeting the requirements of this Code" and "No more than one access point will be allowed **on a lot of less than 50 feet of frontage.**" (Emphasis added). Applicant's lot, which is located at WOODLAND subdivision, UNIT B, LOT 27, is approximately 90 feet wide by 100 feet deep, as recorded. In sum, this application also seeks a variance from that portion of the code, if it indeed means that the width of the driveway in the city right-of-way of the additional ALLOWED access is required to be less than the proposed 12-foot width as reduced from the current 16-foot width.

Facts and General Information as to Owner/Parcel

1. This property was built in 1967 as a single family residential < 1800 square foot home in a neighborhood with other single family uses on either side of the street.
2. Over time, this area has developed with residential uses including many with multiple access drives on their properties, some with circular drives and others with two or three separate driveway accesses, as pictured.
3. The owners need to provide handicapped access to their home and thus the revisions to the home, including this additional access to a flat area of this sloped lot, will allow for disability access accommodation. Thus, this request for a minor incursion into the ISR allowance.
4. Finally, the applicant was required to install the depicted, additional access, as allowed by the City Code as stated on their 90-foot-wide lot, to provide access to this flat area pad to accommodate disability access to the remodeled house for the applicant and their relations. The driveway was installed by a licensed contractor at an approved 16-foot width and is now being reduced to a 12-foot width. If required, the applicant seeks a variance from the interpretation as to the combined widths of the driveway within the city right of way, or the applicant will reduce the width in the city right of way; however, the code appears to allow up to 18 feet of width in the city right of way.

Discussion and Additional Justification

In order for a Zoning Variance to be approved by the City's Comprehensive Planning and Zoning Board (PZB), the applicant must demonstrate compliance with Section 10.02.03 of the City of St. Augustine Beach Land Development Regulations. Section 10.02.03 states in part that the PZB may grant a Zoning Variance when the following findings are made:

Initial determination. The comprehensive planning and zoning board shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the board shall make the required findings based on the cumulative effect of granting the variance to all who may apply.

The Code goes on to state that “in making the determination, the board shall consider the factors enumerated below. The presence of a single factor shall not warrant either the granting or denial of the application” and that “the burden of demonstrating factually that the granting of the application is warranted is on the applicant.”

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

The Owner/applicants “have been preparing the home at 56 Willow Drive to accommodate Deborah's medical realities. Her bathroom has been remodeled for handicap accessibility. The driveway and carport were part of the remodeling for disability accessibility. The entrance door from the garage at 56 Willow to the home is too small to accommodate a wheelchair. We have discussed increasing the door size and have been told the changes would require serious remodeling and placement of walls. Most significantly, beyond our control and different from the houses around us, the garage floor is lower than the house floor and a ramp would need to be built that would extend out into the garage rendering one side of the garage unusable for auto parking. (Note the carport is now removed as required by staff and the pad has been minimized.)

Based upon these hardships to meet the disability accessibility standards, as presented to us by the current status of the lot and house as built, and not created by us, we decided to spend the money to upgrade the house to accommodate her disabilities as she has made the end-of-life decision to age in place. Thus, not to save money, but instead to spend a large sum, we contracted to have a code compliant (16 ft wide) driveway built, as many of the houses on our block have done, that would run from the street to a beautifully-paved area on the left side of the house. That area would directly connect with the back walkway, all on the same level, allowing a wheelchair to move easily from the parked car to an entrance into our home. The carport was installed to protect Deborah from the weather when entering and leaving the vehicle. Further, due to the constraints of the house that was built in 1967, this open-air structure without walls had to be placed approximately 2.5 feet from the main home building to allow that easy transfer for disability access. Accordingly, the code compliant driveway was installed to remain at the 16-foot width into the city right-of-way, based upon the licensed contractor's understanding of the code and we ask that it remain at a reduced 12-foot width to accommodate fair and reasonable handicapped accessibility to the parcel and newly installed disability access. (Again, note the carport is now removed as required by staff and the pad has been minimized and the drive reduced to 12-foot in width.)

Further, this same hardship accordingly applies to the need for the additional stabilized surface for allowed access to this handicapped entrance. The request adds additional impermeable area but has no adverse effect upon the drainage or stormwater runoff.

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

We are not sure of the other variances granted in the vicinity, staff can advise, but there are a number of other parcels in the area that have multiple driveway accesses, both in that neighborhood and in the adjacent neighborhoods of our city. In fact, as you can see from the aerials and pictures, this additional accessway is in an area that includes parcels with multiple accesses, including directly across the street, as pictured. Moreover, a grant of this variance

allows the applicant/owner to continue the current look of the area and to respect the current houses and designs in the area, while meeting the disability accessibility requirements for their disabilities. As stated, there are a number of parcels with multiple accesses and driveways that clearly exceed the 18-foot width if we go by the staff interpretation that you accumulate all drives in the right-of-way on parcels to determine if they violate that interpretation. (See attached).

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

Applicants bought this house in 2012. This section was added to the code in an amendment at Ordinance 2018-18 to provide that residential driveways in the city rights-of-way shall be limited to a maximum of eighteen feet (18') in width with a maximum five by five-foot (5' x 5') apron flair on either side. However, although this section was added to the City Code in 2018, it DOES NOT state that it means if more than one access is allowed on the parcel that they will be accumulated. In fact, Section 6.02.06, which was already existing since earlier that same year in 2018, plainly states that "All lots in a proposed residential subdivision shall have frontage on and access from an existing street meeting the requirements of this Code" and "No more than one access point will be allowed on a lot of less than 50 feet of frontage." (Emphasis added). Applicant's lot, which is located at WOODLAND subdivision, UNIT B, LOT 27, is approximately 90 feet wide by 100 feet deep, as recorded. In sum, this application also seeks a variance from that portion of the code, if it indeed means that the width of the driveway in the city right-of-way of the additional ALLOWED access is required to be less than the proposed 12-foot width as reduced from the current 16-foot width.

Again, this request is not to seek a variance to make a larger house, it is merely to allow for disability accessibility, landscaped and positioned so as to fit into the current neighborhood. Accordingly, if the applications before the city are granted, the owner will remove the almost 700 sq.ft. of additional pavers and reduce the ISR from 53% to 45.7% and additional landscaping will be provided. Accordingly, the applicant needs this slight infringement on the ISR allowance to help provide for disability access to the home for the applicant and their relations.

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

Yes, this reduction of the area covered and the request for the mere 5% ISR allowance will serve "to accommodate Deborah's medical realities. Her bathroom has been remodeled for handicap accessibility. The driveway and carport were part of the remodeling for disability accessibility. The entrance door from the garage at 56 Willow to the home is too small to accommodate a wheelchair. We have discussed increasing the door size and have been told the changes would require serious remodeling and placement of walls. Most significantly, beyond our control and different from the houses around us, the garage floor is lower than the house floor and a ramp would need to be built that would extend out into the garage rendering one side of the garage unusable for auto parking. Based upon these hardships to meet the disability accessibility standards, as presented to us by the current status of the lot and house as built, and not created by us, we decided to spend the money to upgrade the house to accommodate her disabilities as she has made the end-of-life decision to age in place. Thus, not to save money, but instead to

spend a large sum, we contracted to have a code compliant (16 ft wide) driveway built, as many of the houses on our block have done, that would run from the street to a beautifully-paved area on the left side of the house. That area would directly connect with the back walkway, all on the same level, allowing a wheelchair to move easily from the parked car to an entrance into our home. The carport was installed to protect Deborah from the weather when entering and leaving the vehicle. And it was required to be into the 5-foot setback due to the location." Accordingly, the applicant needs the variance to the ISR and for the second accessway, if required, so as to keep this as positioned to accommodate the disability access and this was the only place to allow it to fit into the area and allow the disability access. (Note the carport is now removed as required by staff and the pad has been minimized.)

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

Again, there are a number of other parcels in the area that have multiple driveway accesses, both in that neighborhood and in the adjacent neighborhoods of our city. In fact, as you can see from the aerials and pictures, this additional accessway is in an area that includes parcels with multiple accesses, including directly across the street, as pictured. Moreover, a grant of this variance allows the applicant to continue the current look of the area and to respect the current houses and designs in the area, while meeting the disability accessibility requirements for her disabilities. As stated, there are a number of parcels with multiple accesses and driveways that clearly exceed the 18-foot width if we go by the staff interpretation that you accumulate all drives in the right-of-way on parcels to determine if they violate that interpretation. (See attached). This variance for a minor ISR incursion and for the second accessway is tastefully landscaped to fit into the area without particular notice and will not adversely affect the area properties because of the high-class design and tasteful pavers. Respectfully, this request is not to seek a variance to make a larger house with decreased setbacks; instead, it is truthfully "to accommodate Deborah's medical realities. Her bathroom has been remodeled for handicap accessibility. The driveway and carport were part of the remodeling for disability accessibility." Moreover, there are a number of properties in the area with multiple access drives and this additional access driveway is allowed by the code and thus it in and of itself would not alter the character of the neighborhood, diminish property values, or impair the appropriate use or development of adjacent properties. The 16-foot width that continues into the city right-of-way is a mere continuance of the allowed access and should be allowed to stay at the reduced 12-feet within the city right-of-way. If the city interpretation that we accumulate all drives in the right-of-way on every parcel in the city is to apply, then the applicant can reduce that section of the access or the variance would be appropriate because the former drive has been at that width since 1967. (Note the carport is now removed as required by staff and the pad has been minimized.)

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

The granting of these requests will have no adverse effect on these factors.

In sum, the need for the proposed variance arises out of the physical construction of the house and their need to refit and remodel the house to provide for disability accessibility accommodations. These physical conditions are unique to the specific property involved based

upon its location and its design with the garage lower than the main structure which hinders disability accessibility. Accordingly, the code compliant driveway was installed to remain at the 16-foot width into the city right-of-way, now reduced to 12-foot, based upon the licensed contractor's understanding of the code and we ask that it remain at that width to accommodate fair and reasonable handicapped accessibility to the parcel and newly installed disability access. In sum, it appears that there clearly are a number of houses on this very street that have two or three drive accesses that exceed the current city interpretation that the width in the city right-of-way can only be 18-feet combined. The applicant hereby requests the ratification of these minimal incursions, the driveway access being similar to many in the area and also supporting the disability access and the slight increase in ISR to allow for the disability access pad as reduced. Moreover, a grant of these variances allows the applicant to continue the current look of the area, respecting the current mass and scale of the current houses in the area, and also allowing reasonable and necessary disability access accommodation.

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 Applicant

COSAB

ORIGINAL ISR SQ FT $\rightarrow 4752/8900 = 53\%$
 * REMOVE 682 SQ FT $\rightarrow 4670/8900 = 45.7\%$

★ ISR VARIANCE FOR HANDICAPPED ACCESS $\rightarrow 5.7\%$ REQUESTED

Remove

* Remove Add'l Back Area of PAD LEAVING ONE FLAT PARKING AREA FOR HANDICAPPED ACCESS
 24' x 14.5' = 348

Remove

Handicapped Access Option

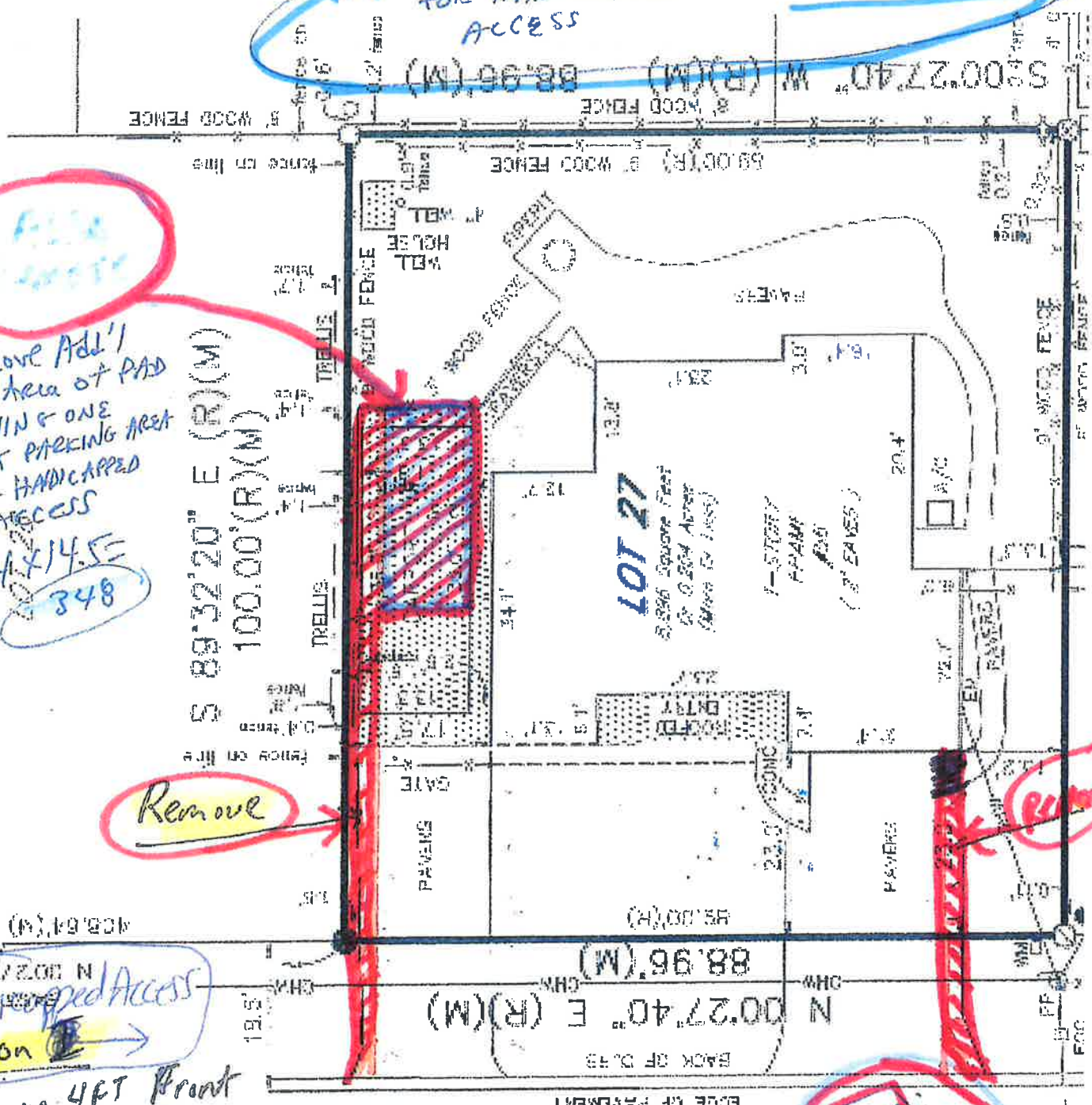
* Remove 4 FT Front Left Property Line
 4 x 72 = 288

* Remove 2 FT From Right Property Line
 2 x 23 = 46

Remove:
 348
 288
 46

 682

* VARIANCE REQUEST FOR ISR $\rightarrow 5.7\%$



LEGAL DESCRIPTION

Lot 27, Block E, Woodland-Unit B, a subdivision according to the plat thereof recorded at Map Book 10, Pages 94 and 95, in the Public Records of St. Johns County, Florida.

Parcel Identification Number: 164090-0000



City of St. Augustine Beach

2200 A1A SOUTH

ST. AUGUSTINE BEACH, FLORIDA 32080

WWW.STAUGBCH.COM

CITY MGR. (904) 471-2122

FAX (904) 471-4108

BLDG. & ZONING (904) 471-8758

FAX (904) 471-4470

OWNER'S AUTHORIZATION

JAMES G. WHITEHOUSE, ESQ. / ST. JOHNS LAW GROUP is hereby authorized TO ACT ON BEHALF OF Karren J. Pitts, the owners of those lands described in the application or as described in other such proof of ownership as may be required, in appearing before and/or applying to the City of St. Augustine Beach, related to land use issues, and any other matter related to her property located at 56 Willow Drive, St. Augustine Beach, FL, and including the following parcel: Parcel ID #164090-0000.

BY: Karren J. Pitts
Signature of Owner

KARREN J. PITTS
Print Name of Owner

850-445-3634
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 16th day of May, 2023

By Karren J. Pitts

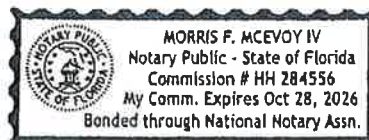
Identification verified: driver's license

Oath sworn: ☒ Yes ☐ No

Notary Signature:

My Commission expires:

10/28/26



067.00
1,575.00

Prepared by and return to:
Christina M. Guyette

Island Title of St. Augustine LLC
2085 A1A South Suite 206
St. Augustine, FL 32080
904-471-7272
File Number: 12-10544

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 26th day of November, 2012 between Frank Calabrese, an unmarried person and Laurie Patricia Penney, f/k/a Laurie Calabrese, an unmarried person, whose post office address is 3167 W. SR 40, Ormond Beach, Florida 32174, grantor, and Karren J. Pitts, an unmarried person, whose post office address is 3586 Wexford Court, Tallahassee, Florida 32309, 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 27, Block E, Woodland-Unit B, a subdivision according to the plat thereof recorded at Map Book 10, Pages 94 and 95, in the Public Records of St. Johns County, Florida.

Parcel Identification Number: 164090-0000

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

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, 2011**.

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

DoubleTimes

Signed, sealed and delivered in our presence:

Kaitlin Larywon
Witness Name: Kaitlin Larywon
Christina M. Guyette
Witness Name: Christina M. Guyette

Frank Calabrese (Seal)
Frank Calabrese

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 2nd day of November, 2012 by Frank Calabrese, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]



Christina M. Guyette
Notary Public

Printed Name: _____

My Commission Expires: _____

Signed, sealed and delivered in our presence:

● Cindy Jackson
Witness Name: Cindy Jackson

● Laura Patricia Penney
(Seal)
Laura Patricia Penney

● Ann Phillips
Witness Name: Ann Phillips

● State of Florida
County of St. Lucie

The foregoing instrument was acknowledged before me this 30th day of November, 2012 by Laura Patricia Penney, who
☒ is personally known or ☐ has produced a driver's license as identification.

[Notary Seal]

Andrea McNair
Notary Public

Printed Name: Andrea McNair

My Commission Expires: 3/17/2013





* Four (4) MULTI-ACCESSSED IN SAME STREET

74 Willow Drive (3 Accesses)

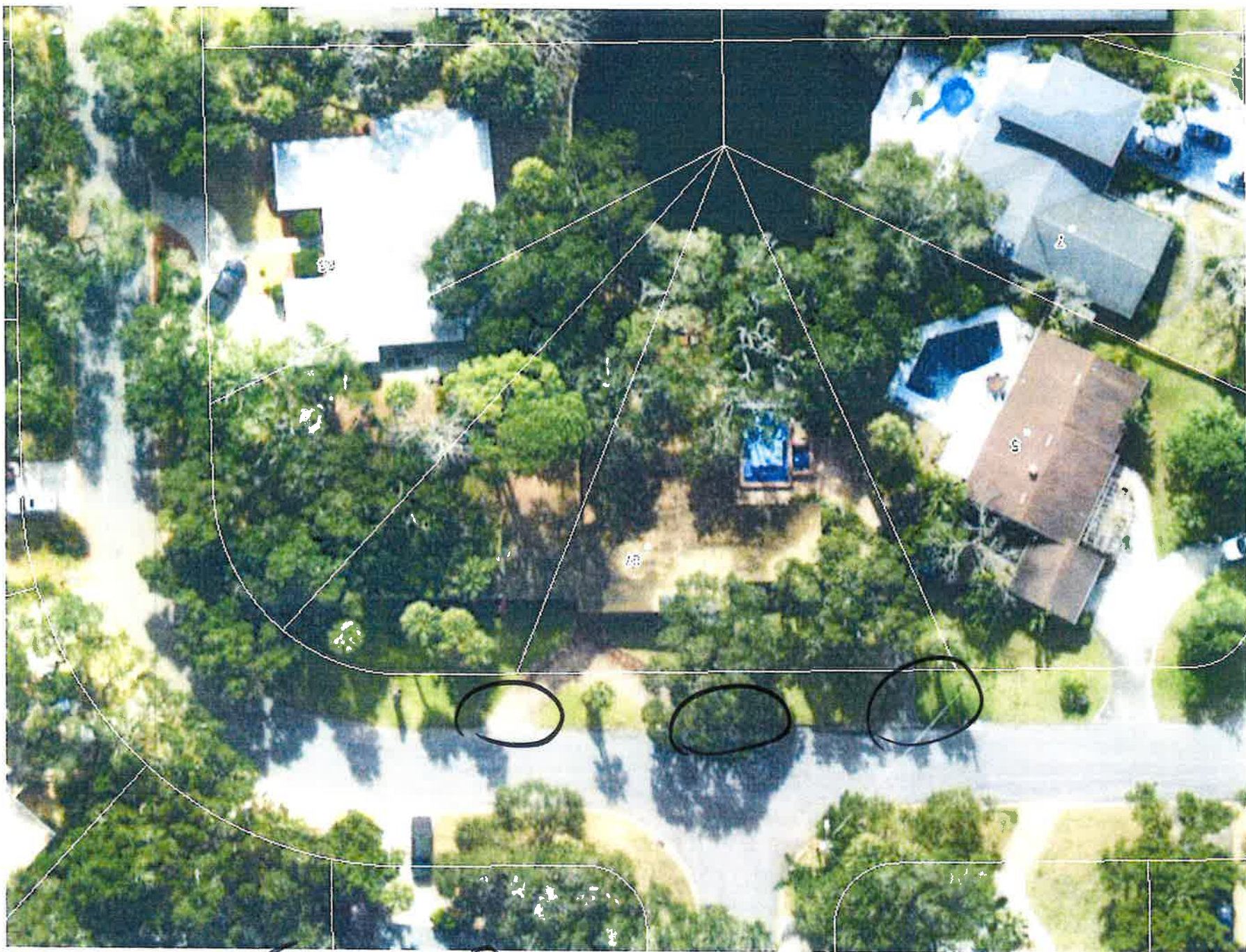


74 Willow Drive (3 Accesses)



~~★~~ ON SAME STREET





67 Willow Dr. (3 acres)

67 Willow Drive (3 accesses)



Across the Street



James Whitehouse

From: James Whitehouse
Sent: Monday, July 31, 2023 2:16 PM
To: codeenforcement@cityofsab.org
Cc: Bonnie Miller; 'blaw@cityofsab.org'; mroyle@cityofsab.org; attorney@cityofsab.org;
James Whitehouse; Morris McEvoy
Subject: 56 Willow Drive
Attachments: Owners Authorization - executed.pdf

RE: 56 WILLOW DRIVE

As you know, we have been retained to represent the owners of 56 Willow Drive to help to resolve the outstanding matters as to this property which involve your office as to code enforcement proceedings pending. Presently, we are taking steps to bring the property into compliance as required under the code.

Today, we have filed both a vesting determination for the driveway access and a Variance application as to the detached structure. You may review these through administration or the planning and building department, if needed. These are now pending before the city attorney/zoning department and the planning and zoning board. We hope to have decisions on both in the very near future.

Please inform your staff and the board that we are helping to assist the owners in proceeding toward bringing the above matters into compliance through the above applications and procedures, as allowed under the code. We look forward to finalizing compliance as this application and determination are processed, as soon as possible.

Please direct all correspondence regarding these matters through our office.
If you have any questions, please call or email me to discuss.

Thanks.
James

James G. Whitehouse, Esquire
Attorney, Board Certified Expert*
Florida Supreme Court Certified Mediator - Circuit Civil

St. Johns Law Group
www.sjlawgroup.com
104 Sea Grove Main Street
St. Augustine, Florida 32080
(904) 495-0400 office
(904) 495-0506 facsimile

*BOARD CERTIFIED EXPERT AND SPECIALIST IN CITY, COUNTY AND LOCAL GOVERNMENT LAW
EVALUATED FOR PROFESSIONALISM AND TESTED FOR ETHICS BY THE FLORIDA BAR

MAP OF SURVEY

LOT 27, BLOCK E, WOODLAND - UNIT B,
AS RECORDED IN MAP BOOK 10, PAGES 94 AND 95,
OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

#56 WILLOW DRIVE
ST. AUGUSTINE BEACH, FLORIDA, 32080

LOT 28

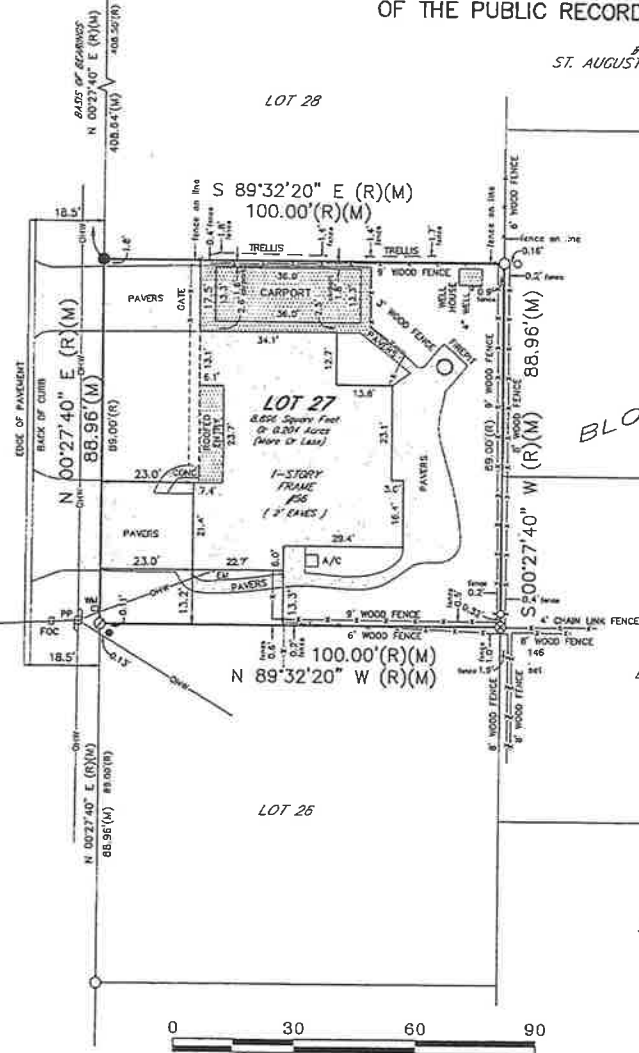
LOT 12

LOT 13

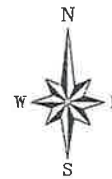
LOT 14

LOT 26

WILLOW DRIVE
00' R/W - PAVED



0 30 60 90
SCALE: 1 INCH = 30 FEET



LEGEND

- R/W = RIGHT OF WAY
- LB = LICENSED BUSINESS
- CONC = CONCRETE
- (R) = RECORD
- (M) = MEASURED
- PC = POINT OF CURVATURE
- PP = POWER POLE
- OHW = OVERHEAD WIRE(S)
- WM = WATER METER
- EM = ELECTRIC METER
- A/C = AIR CONDITIONER
- FOC = FIBER OPTIC CABLE BOX
- ⊗ = SET 5/8" IRON ROD - LB # 8177
- ⊙ = FOUND 5/8" IRON ROD - # 4690
- ⊖ = FOUND 1/2" IRON PIPE - # 894
- ⊙ = FOUND 1/2" IRON ROD - NO IDENTIFICATION
- ⊖ = FOUND 5/8" IRON ROD - NO IDENTIFICATION
- ⊙ = FOUND 1/2" IRON PIPE - NO IDENTIFICATION
- ⊖ = FOUND 3/4" IRON PIPE - NO IDENTIFICATION

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "X" (AREA OF 0.2% ANNUAL CHANCE OF FLOOD HAZARD) AS DEPICTED ON FLOOD INSURANCE RATE MAP No. 12109C-0382-J, COMMUNITY No. 125146 FOR THE CITY OF ST. AUGUSTINE BEACH, ST. JOHNS COUNTY, FLORIDA AS REVISED 12/07/2018.
<http://www.gis.bocc.co.st-johns.fl.us/imap/>

THE BASIS OF BEARING AS SHOWN HEREON IS THE EAST RIGHT-OF-WAY LINE OF WILLOW DRIVE HAVING AN ASSUMED BEARING OF N 00°27'40" E.

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND, VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSED WITH THE SIGNING SURVEYORS SEAL.

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF:
KARREN J. PITTS

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS 5J-17.051, 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE.

REVISIONS

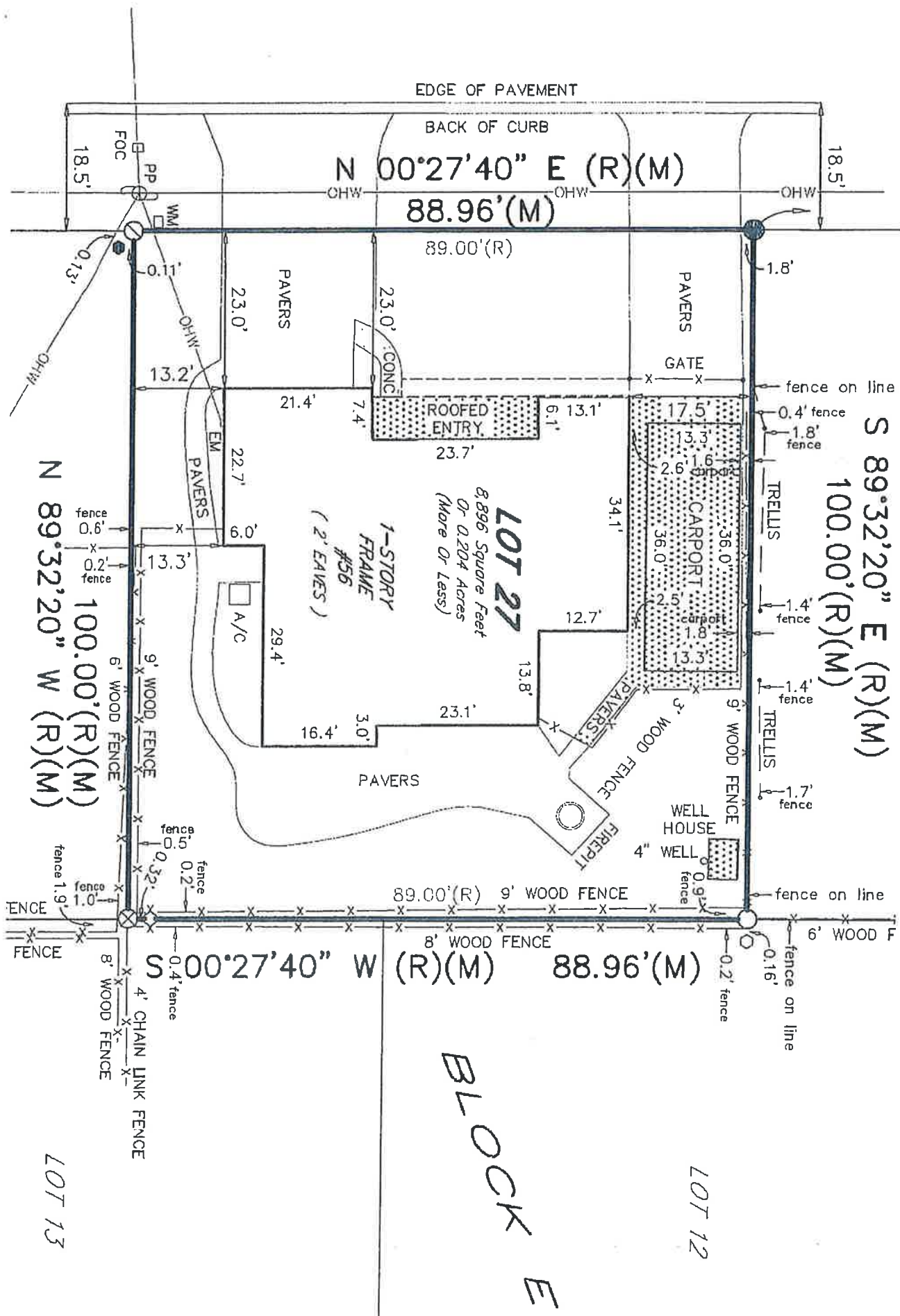
TYPE OF SURVEY: BOUNDARY
DATE OF SURVEY: 08/21/2023
FIELD BOOK/PAGE(S): 548/16-17
DRAWING SCALE: 1" = 30'
JOB NUMBER: 23-346

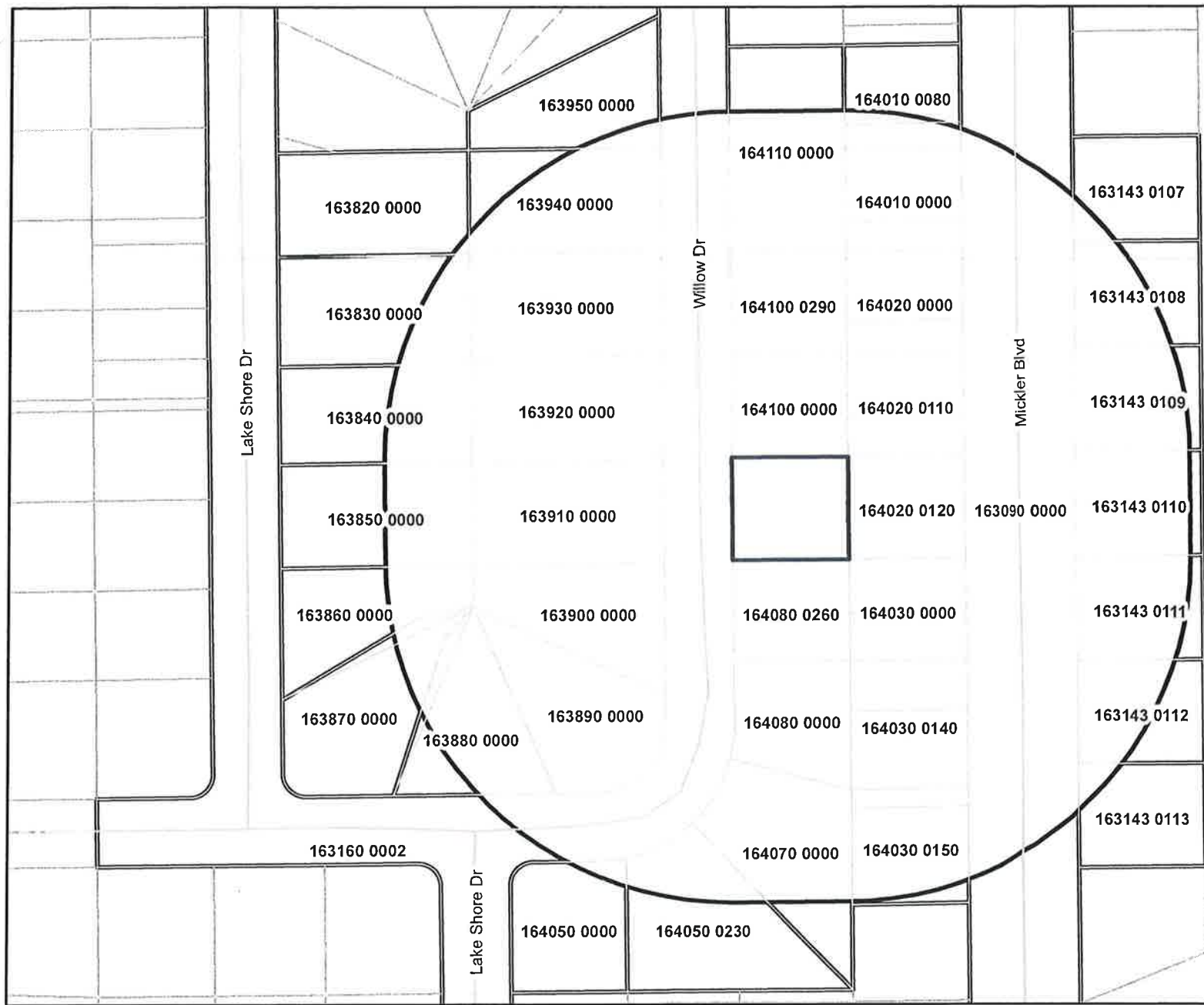
ANCIENT CITY SURVEYORS
ACS
PROFESSIONAL
LAND SURVEYORS
4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086
email: acs-surveyors@comcast.net PHONE: 904-797-8967



MICHAEL A. PIESCO PLS
Professional Land Surveyor #4793

DATE SIGNED: 8/25/23





Parcels within 300' of Pitts Rezoing (Parcel 164090-0000)

Map Printed: 7/31/2023

ALEXANDER WILLIAM TODD,CLARISS
22 LEE DR
SAINT AUGUSTINE FL 320800000

DELUCA JASON
10 MICKLER BLVD
SAINT AUGUSTINE FL 320805906

PAONE JERRIE A
5049 SEABROOK PL
STONE MOUNTAIN GA 300874047

BARTLETT JEFFREY F,MARGUERITE
18 LEE DR
SAINT AUGUSTINE FL 320800000

HENDERSON WAYNE F,LISA S
17 LAKE SHORE DR
SAINT AUGUSTINE FL 320805947

POUNDS MICHAEL R,PAMELA
63 WILLOW DR
SAINT AUGUSTINE FL 320800000

BEALE FRANK L JR,JOANNE M
57 WILLOW DR
SAINT AUGUSTINE FL 320800000

HERENDEEN PAUL,ELIZABETH
22 MICKLER BLVD
SAINT AUGUSTINE FL 320805906

ROD ALYSON KAY TRUST D:7/23/20
43 WILLOW DR
SAINT AUGUSTINE FL 320800000

BEST LORI T,CHARLES W
61 WILLOW DR
SAINT AUGUSTINE FL 320800000

HOLMBERG TINA M
11 LAKE SHORE DR
SAINT AUGUSTINE FL 320805947

ROSE MICHAEL S ET AL
14 LEE DR
SAINT AUGUSTINE FL 320800000

BIRCKELBAW CHARYL L
26 LEE DR
SAINT AUGUSTINE FL 320805981

HOMANN JAY,NANCY
24 MICKLER BLVD
SAINT AUGUSTINE FL 320800000

SAALFELD BRICE,LEO
52 WILLOW DR
SAINT AUGUSTINE FL 320800000

BOEREMA DORIS JEAN
50 WILLOW DR
SAINT AUGUSTINE FL 320805938

JOHNSON JAY S REVOCABLE LIVING
16 LEE DR
SAINT AUGUSTINE FL 320805979

SAFFRAN MARTHA W
9 LAKE SHORE DR
SAINT AUGUSTINE FL 320805947

CASCHETTO ILSE
60 WILLOW DR
SAINT AUGUSTINE FL 320805938

KENT MATTHEW,KAYLA
46 WILLOW DR
SAINT AUGUSTINE FL 320800000

SKY DOG ISLAND DIGS LLC
812 TIDES END DR
SAINT AUGUSTINE FL 320800000

CASTIGNOLI DOREEN
20 LEE DR
SAINT AUGUSTINE FL 320805981

LINDSEY ROBERT W,HELEN M
15 LAKE SHORE DR
SAINT AUGUSTINE FL 320805947

ST JOHNS COUNTY
500 SAN SEBASTIAN VW
SAINT AUGUSTINE FL 320840000

CMA + SEC FAMILY TRUST D:10/06
24 LEE DR
SAINT AUGUSTINE FL 320800000

MALENO JEANINE
58 WILLOW DR
SAINT AUGUSTINE FL 320805938

STUBBS LINDSAY,BRADLEY AARON
47 WILLOW DR
SAINT AUGUSTINE FL 320805936

COLEMAN ELISABETH STEIGER
13 LAKE SHORE DR
SAINT AUGUSTINE FL 320800000

MORTON THOMAS K,LAURIE N
53 WILLOW DR
SAINT AUGUSTINE FL 320800000

TAUSCH ERIC CHRISTOPHER ET AL
55 WILLOW DR
SAINT AUGUSTINE FL 320800000

TEISAN GREGORY WALTON,KERRI HU
48 WILLOW DR
SAINT AUGUSTINE FL 320800000

VANAIRSDALE JAMES B,CLAIRE H
4870 DUNCANS LAKE DR
BUFORD GA 30519

VANAIRSDALE LIVING TRUST D:04/
307 TWIN LAKES DR
SAINT AUGUSTINE FL 320848368

WALKER JONATHAN,SUSAN
16 MICKLER BLVD
SAINT AUGUSTINE FL 320800000

WHITE MICHAEL J,CAROL B
45 WILLOW DR
SAINT AUGUSTINE FL 320800000

WOELFEL CRAIG BRADSHAW ETAL
14 MICKLER BLVD
SAINT AUGUSTINE FL 320805906

YELVERTON ROBERT LEE JR,MAUREE
20 MICKLER BLVD
SAINT AUGUSTINE FL 320800000

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	
1640800260					
1631430111	ALEXANDER WILLIAM TODD,CLARISS	22 LEE DR		SAINT AUGUSTINE FL 320800000	15/
1631430109	BARTLETT JEFFREY F,MARGUERITE	18 LEE DR		SAINT AUGUSTINE FL 320800000	15.
1639200000	BEALE FRANK L JR,JOANNE M	57 WILLOW DR		SAINT AUGUSTINE FL 320800000	10-
1639400000	BEST LORI T,CHARLES W	61 WILLOW DR		SAINT AUGUSTINE FL 320800000	10-
1631430113	BIRCKELBAW CHARYL L	26 LEE DR		SAINT AUGUSTINE FL 320805981	15/9
1640700000	BOEREMA DORIS JEAN	50 WILLOW DR		SAINT AUGUSTINE FL 320805938	10-
1641000290	CASCHETTO ILSE	60 WILLOW DR		SAINT AUGUSTINE FL 320805938	10-
1631430110	CASTIGNOLI DOREEN	20 LEE DR		SAINT AUGUSTINE FL 320805981	15/
1631430112	CMA + SEC FAMILY TRUST D:10/06	24 LEE DR		SAINT AUGUSTINE FL 320800000	15/92
1638400000	COLEMAN ELISABETH STEIGER	13 LAKE SHORE DR		SAINT AUGUSTINE FL 320800000	10-
1640100080	DELUCA JASON	10 MICKLER BLVD		SAINT AUGUSTINE FL 320805906	10-95
1638600000	HENDERSON WAYNE F,LISA S	17 LAKE SHORE DR		SAINT AUGUSTINE FL 320805947	10
1640300000	HERENDEEN PAUL,ELIZABETH	22 MICKLER BLVD		SAINT AUGUSTINE FL 320805906	10-95

NONE(Pitts Rezoing (Parcel 164090-0000))

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	
1638300000	HOLMBERG TINA M	11 LAKE SHORE DR		SAINT AUGUSTINE FL 320805947	10-
1640300140	HOMANN JAY,NANCY	24 MICKLER BLVD		SAINT AUGUSTINE FL 320800000	10-9
1631430108	JOHNSON JAY S REVOCABLE LIVING	16 LEE DR		SAINT AUGUSTINE FL 320805979	15-9
1640500000	KENT MATTHEW,KAYLA	46 WILLOW DR		SAINT AUGUSTINE FL 320800000	10-
1638500000	LINDSEY ROBERT W,HELEN M	15 LAKE SHORE DR		SAINT AUGUSTINE FL 320805947	10
1641000000	MALENO JEANINE	58 WILLOW DR		SAINT AUGUSTINE FL 320805938	10-95
1639000000	MORTON THOMAS K,LAURIE N	53 WILLOW DR		SAINT AUGUSTINE FL 320800000	10-
1640200110	PAONE JERRIE A	5049 SEABROOK PL		STONE MOUNTAIN GA 300874047	10-95
1639500000	POUNDS MICHAEL R,PAMELA	63 WILLOW DR		SAINT AUGUSTINE FL 320800000	10-9
1638700000	ROD ALYSON KAY TRUST D:7/23/20	43 WILLOW DR		SAINT AUGUSTINE FL 320800000	10-9
1631430107	ROSE MICHAEL S ET AL	14 LEE DR		SAINT AUGUSTINE FL 320800000	1-
1640800000	SAALFELD BRICE,LEO	52 WILLOW DR		SAINT AUGUSTINE FL 320800000	10-9
1638200000	SAFFRAN MARTHA W	9 LAKE SHORE DR		SAINT AUGUSTINE FL 320805947	10-9
1640300150	SKY DOG ISLAND DIGS LLC	812 TIDES END DR		SAINT AUGUSTINE FL 320800000	10-9

NONE(Pitts Rezoing (Parcel 164090-0000))

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	
1630900000	ST JOHNS COUNTY	500 SAN SEBASTIAN VW		SAINT AUGUSTINE FL 320840000	W 5
1638900000	STUBBS LINDSAY,BRADLEY AARON	47 WILLOW DR		SAINT AUGUSTINE FL 320805936	10
1639100000	TAUSCH ERIC CHRISTOPHER ET AL	55 WILLOW DR		SAINT AUGUSTINE FL 320800000	10-
1640500230	TEISAN GREGORY WALTON,KERRI HU	48 WILLOW DR		SAINT AUGUSTINE FL 320800000	10-95
1639300000	VANAIRSDALE JAMES B,CLAIRE H	4870 DUNCANS LAKE DR		BUFORD GA 30519	10-
1641100000	VANAIRSDALE LIVING TRUST D:04/	307 TWIN LAKES DR		SAINT AUGUSTINE FL 320848368	10-95
1640200000	WALKER JONATHAN,SUSAN	16 MICKLER BLVD		SAINT AUGUSTINE FL 320800000	10-95
1638800000	WHITE MICHAEL J,CAROL B	45 WILLOW DR		SAINT AUGUSTINE FL 320800000	10-95
1640100000	WOELFEL CRAIG BRADSHAW ETAL	14 MICKLER BLVD		SAINT AUGUSTINE FL 320805906	10-95
1631600002	WOODLAND UNIT B				10
1640200120	YELVERTON ROBERT LEE JR,MAUREE	20 MICKLER BLVD		SAINT AUGUSTINE FL 320800000	10-95

NONE(Pitts Rezoing (Parcel 164090-0000))



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 & Zoning, Bonnie Miller, Senior Planner
Date: 09/12/2023
Re: Proposed Land Development Regulations Section 3.02.05

Section 3.02.05 of the City of St. Augustine Beach's Land Development Regulations allows for permits to be issued for special events on privately owned property in the commercial land use district. Section 3.02.05 F requires that all vehicle parking shall be located on site of the business holding the special event and that there must be 25 parking spaces.

Many businesses in the city have parking lots that currently have less parking than 25 spaces. Therefore, businesses with less parking than 25 spaces are not allowed to host special events. Since many areas of our city are walkable and residents and visitors alike can take alternate forms of transportation to special events, the Planning and Zoning Division is suggesting that this code be changed and are asking for input from the Comprehensive Planning and Zoning Board.

To: Comprehensive Planning and Zoning Board
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building & Zoning, Bonnie Miller, Senior Planner
Date: 10/25/2023
Re: Proposed Land Development Regulations Section 3.02.05

At the September 19th, 2023, Comprehensive Planning and Zoning Board Meeting, the board discussed changing the Land Development Regulations Section 3.02.05 F. As was discussed during the meeting, the code has been changed to read that 50% of onsite parking must be available with 100% of accessible parking available.

Sincerely,

Jennifer Thompson, CFM

Planner
Planning and Zoning Division

Sec. 3.02.05. Special events—Business/promotional/sales.

- A. The City Manager or his designee shall have the authority to issue permits for special events on privately owned property in the commercial land use district.
- B. No person shall aid, form, stage or conduct any special event, unless the special event occurs on property in the commercial land use district, and with a permit having first been issued.
- C. One (1) location, site, or business may have a promotional sale no more than five (5) times during a calendar year. When more than one (1) business is situated on a parcel, lot, or tract of land, all of the businesses situated on such site, or an association authorized to act on behalf of all of the businesses, shall be required to apply for a special event permit, and no more than five (5) promotional sales per calendar year will be allowed on any such site.
- D. A special event may be held for one (1), two (2), or three (3) consecutive days, but no more than three (3) consecutive days, pursuant to a special event permit issued by the City Manager or designee.
- E. A special event may be held for longer than three (3) consecutive days, but no more than thirty (30) consecutive days, with a conditional use permit. The comprehensive planning and zoning board shall have the authority to grant conditional use permits for special events lasting no more than thirty (30) consecutive days on privately owned land in the commercial land use district, and provided each such special event complies with all other requirements of this section, and applicable city codes. It shall not be necessary for the city commission to approve or confirm the decision of the board in respect to the grant or denial of a conditional use permit for a special event. The procedures and limitations provided under Chapter 10 of this Code shall apply to such conditional use permits, except that any reference to the city commission or commission shall be read as the comprehensive planning and zoning board. An appeal of any decision by the board may be made to the city commission.
- F. ~~All vehicle parking for a special event shall be located on the site of the business holding the special event. There must be at least 50% of twenty-five (25) on-site parking spaces available for parking by the public and 100% of the accessible parking must be available. Parking shall not be allowed on public streets, rights-of-way or off-site locations.~~
- G. A special event permit shall not be issued unless the special event shall occur within one hundred eight (180) days of the date of issuance of the permit.
- H. The application fee for a special event permit shall be fifty dollars (\$50.00). The application shall be in writing and on a form prescribed by the City Manager or designee. A special event permit from the City Manager or designee shall not be necessary when a conditional use permit for a special event has been issued.
- I. The sale, offer for sale, or display of merchandise, food or beverages may occur outside of an enclosed building or from a vehicle or trailer as part of a special event. Music or entertainment outside of an enclosed building shall not occur between the hours of 9:00 p.m. and 9:00 a.m. the following day during any special event.
- J. The provisions of this section do not affect the regulation of special events occurring on property owned by the City of St. Augustine Beach or St. Johns County.

(Ord. No. 18-07 , § 1(Exh. 1), 5-7-18)

ORDINANCE NO: 24-

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 III, SECTION 3.02.05 FOR SPECIAL EVENTS; 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 III - Section 3.02.05 Special Events –

Business/Promotional/Sales 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. 3.02.05. Special events—Business/promotional/sales.

- A. The City Manager or his designee shall have the authority to issue permits for special events on privately owned property in the commercial land use district.
- B. No person shall aid, form, stage or conduct any special event, unless the special event occurs on property in the commercial land use district, and with a permit having first been issued.

- C. One (1) location, site, or business may have a promotional sale no more than five (5) times during a calendar year. When more than one (1) business is situated on a parcel, lot, or tract of land, all of the businesses situated on such site, or an association authorized to act on behalf of all of the businesses, shall be required to apply for a special event permit, and no more than five (5) promotional sales per calendar year will be allowed on any such site.
- D. A special event may be held for one (1), two (2), or three (3) consecutive days, but no more than three (3) consecutive days, pursuant to a special event permit issued by the City Manager or designee.
- E. A special event may be held for longer than three (3) consecutive days, but no more than thirty (30) consecutive days, with a conditional use permit. The comprehensive planning and zoning board shall have the authority to grant conditional use permits for special events lasting no more than thirty (30) consecutive days on privately owned land in the commercial land use district, and provided each such special event complies with all other requirements of this section, and applicable city codes. It shall not be necessary for the city commission to approve or confirm the decision of the board in respect to the grant or denial of a conditional use permit for a special event. The procedures and limitations provided under Chapter 10 of this Code shall apply to such conditional use permits, except that any reference to the city commission or commission shall be read as the comprehensive planning and zoning board. An appeal of any decision by the board may be made to the city commission.
- F. There must be at least 50% of on-site parking spaces available for parking by the public and 100% of the accessible parking must be available.
- G. A special event permit shall not be issued unless the special event shall occur within one hundred eight (180) days of the date of issuance of the permit.
- H. The application fee for a special event permit shall be fifty dollars (\$50.00). The application shall be in writing and on a form prescribed by the City Manager or designee. A special event permit from the City Manager or designee shall not be necessary when a conditional use permit for a special event has been issued.
- I. The sale, offer for sale, or display of merchandise, food or beverages may occur outside of an enclosed building or from a vehicle or trailer as part of a special event. Music or entertainment outside of an enclosed building shall not occur between the hours of 9:00 p.m. and 9:00 a.m. the following day during any special event.
- J. The provisions of this section do not affect the regulation of special events occurring on property owned by the City of St. Augustine Beach or St. Johns County.

(Ord. No. 18-07 , § 1(Exh. 1), 5-7-18)

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 on the ____ day of _____, 2024.