I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF MARCH 24, 2020

V. PUBLIC COMMENT

VI. NEW BUSINESS

   A. Conditional Use File No. CU 2020-02, for renewal of a current conditional use permit to allow food and/or beverage service and consumption outside of an enclosed building on the premises of Cone Heads ice Cream, in a commercial land use district on Lots 11 and 17, Block 4, Chautauqua Beach Subdivision, at 570 A1A beach Boulevard, Genesis Property & Management Group LLC, Margaret Kostka, Applicant

   B. Land Use Variance File No. VAR 2020-04, for reduction of minimum rear yard setback requirement of 25 feet to 10 feet for proposed new construction of a 459-square-foot in-law suite addition to an existing single-family residence on Lot 27, Block A, Ocean Woods Subdivision Unit 2, at 52 Ocean Woods Drive East, John S. Antonio, Agent for Noel and Lois C. Toonder, Applicants

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.
I. CALL TO ORDER

Chairperson Kevin Kincaid called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Vice-Chairperson Berta Odom, Larry Einheuser, Dennis King, Hester Longstreet, Steve Mitherz, Chris Pranis, Senior Alternate Victor Sarris [Recording Secretary’s Note: Board Member Larry Einheuser arrived at 6:05 p.m. and was not present for roll call or the approval of the February 18, 2020 minutes. Senior Alternate Victor Sarris substituted for Mr. Einheuser, who sat in the audience as an alternate for the remainder of the meeting].

BOARD MEMBERS ABSENT: Junior Alternate John Tisdall.

STAFF PRESENT: Building Official Brian Law, City Attorney Lex Taylor, Recording Secretary Lacey Pierotti, Executive Assistant Bonnie Miller, Police Officer Eduardo Martinez.

IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF FEBRUARY 18, 2020

Motion: to approve the minutes of the February 18, 2020 meeting. Moved by Mr. Mitherz, seconded by Ms. Odom, passed 7-0 by unanimous voice-vote.

V. PUBLIC COMMENT

There was no public comment.

VI. NEW BUSINESS

A. Request to remove a 36-inch diameter-at-breast-height (DBH) oak tree in the proposed footprint of the front paver driveway and a 37-inch DBH oak tree adjacent to the building footprint of a proposed new single-family residence in a low density residential land use district on Lot 11, Spanish Oaks Subdivision, at 104 Spanish Oaks Lane, Terry Lee and Teresa Carr Dillinger, Applicants

Ms. Miller said this is a tree removal request to remove two oak trees greater than 30 inches DBH that will need to be removed for the construction of a new single-family residence at 104 Spanish Oaks Lane in Spanish Oaks Subdivision, off of 11th Street across from Island Hammock Subdivision. Per Section 5.01.02.E of the City’s Land Development Regulations (LDRs), any tree having a trunk greater than or equal to 30 inches in DBH requires permit approval from the Planning and Zoning Board. As shown on the site plan on the overhead projector, there is a 37-
inch DBH oak tree right next to the back wall of the covered lanai at the back of the proposed new home, and a 36-inch DBH oak tree in the paver driveway in front of the house. The applicants and property owners, Mr. and Mrs. Dillinger, are here to answer any questions the Board may have for the requested tree removals.

Mr. Pranis asked approximately how many trees are being removed in the construction of this house.

Ms. Miller said it looks like a significant number of trees, and most of the larger trees, will be removed, but these trees are in or near the building footprint. Trees less than 30 inches DBH that need to be removed for construction of improvements do not need approval from this Board. There are several smaller trees that will be preserved, including 15-inch and 11-inch DBH oaks in the northeast corner, and smaller oaks along the northern lot line.

Terry Dillinger, 603 Mariposa Street, St. Augustine Beach, Florida, 32080, applicant, said this is a unique situation, obviously, because there are so many trees that are being removed. They tried to save as many trees as possible, but per the neighborhood’s homeowners association (HOA), the house dimensions have to be 2,500 square feet, so with the setbacks and lot size, it’s really difficult. They’re planting more trees, but there’s just not a whole lot they can do with the trees within the footprint of the house, as they don’t have room to move anything around.

Mr. Mitherz asked if the 36-inch DBH oak is located just too far into the paver driveway to save.

Mr. Dillinger said yes, and this tree is actually a double-cluster tree, with the 36-inch tree hanging over where the house would be, and the 20-inch tree located toward the front of the driveway and the street. The elevation site at the location of these trees is 13.5 feet, so it’s just too high to build around these trees.

Ms. Odom asked Mr. Sarris at the location of these trees is 13.5 feet, whether the 36-inch tree hanging over where the house would be, and the 20-inch tree located toward the front of the driveway and the street. The elevation site at the location of these trees is 13.5 feet, so it’s just too high to build around these trees.

Ms. Odom asked Mr. Sarris, who lives in Spanish Oaks Subdivision, if he knows this lot.

Mr. Sarris said yes, and he’s actually met Mr. and Mrs. Dillinger before, at an HOA meeting, so he’s familiar with this lot, and is fine with the proposed construction and tree removals.

Motion: to approve the removal of both the 36-inch and 37-inch DBH oak trees for the proposed new construction of a single-family residence at 104 Spanish Oaks Lane. Moved by Ms. Odom, seconded by Mr. Mitherz, passed 7-0 by unanimous voice-vote.

B. Conditional Use File No. CU 2020-01, for renewal of a current conditional use permit to allow food and/or beverage service and consumption outside of an enclosed building on the premises of a restaurant, Terra & Acqua, in a Planned Unit Development in Seagrove Unit 4, Replat #2, on parcels G, H, and I, in the Seagrove Town Center at 134 Seagrove Main Street, Simone and Monica Parisi, Applicants

Ms. Miller said this is an application for renewal of a current conditional use permit for outside dining at Terra & Acqua Restaurant at 134 Seagrove Main Street in the Seagrove Town Center. Monica and Simone Parisi have owned this restaurant for five years and were granted a conditional use permit for outdoor dining in May 2015, for a period of five years, so this conditional use permit expires in May 2020. They’re requesting a renewal of the conditional use permit for as long as they own the restaurant. In the five years they’ve operated Terra & Acqua, there have been no complaints, no noise issues, no police issues as far as she knows, and no code enforcement issues. The Building Department has no problem with a recommendation from this Board to the City Commission to renew the current conditional use permit for as long as Mr. and Mrs. Parisi own and operate the restaurant.

Mr. Mitherz asked if the current outside seating arrangement and table placement will remain the same.

Ms. Miller said yes. The applicants included a sketch of the current outdoor seating, and as no additional seating is requested, staff has not recommended any additional conditions be imposed on the conditional use renewal.

Monica Parisi, 151 Pelican Reef Drive, St. Augustine, Florida, 32080, applicant, said she and her husband would really like to keep using the patio for outdoor dining in the same way they’ve been doing for the past five years. To answer Mr. Mitherz’s question a little further, they don’t generally move tables or seating around, unless
they’re asked to move tables together for a larger group or a special dinner. However, when this is done, no more tables or seating are added to the outdoor patio, so there is not a crowding issue. Their customers like the outdoor dining on the patio so they’d love to have the opportunity to renew the conditional use permit for outdoor dining and service for as long as they own and operate the restaurant. They just recently signed a new 15-year lease.

Ms. Odom said she’s very happy Terra & Acqua has been in business for the past five years, it’s a great restaurant.

Mr. Kincaid asked if a time limit is normally put on conditional use permits.

Mr. Law said as the Board’s purview is to make a recommendation to the City Commission, if the Board members see fit to specify a time frame or limit on the conditional use permit, they may do so, or they could recommend it be renewed for as long as the current applicants own and operate the restaurant.

**Motion:** to recommend the City Commission approve renewal of the current conditional use permit for Terra & Acqua, 134 Seagrove Main Street, St. Augustine Beach, Florida, 32080, for 15 years, subject to the conditions that it be granted as non-transferable and valid only to the current restaurant owners and applicants, and subject to possible revocation by the City Commission upon review of complaints or issues regarding the conditional use permit. **Moved** by Ms. Longstreet, **seconded** by Ms. Odom, **passed 7-0** by unanimous voice.vote.

Mr. Taylor said for the record, he wants to make it clear that public comment on this agenda item was available, but there was no one who wanted to make a public comment.

C. Mixed Use File No. MU 2020-01, for proposed new construction of a two-story, 19,072-square-foot building consisting of 9,536-square-feet of retail/mercantile units on the first floor and 9,536-square-feet of office units on the second floor, in a commercial land use district in the mixed use district on Lots 1-10, Block 18, Chautauqua Beach Subdivision, on the west side of A1A Beach Boulevard between 4th and 5th Streets at 621 A1A Beach Boulevard, Michael Stauffer, Agent for Scott M. Patrou, Applicant

Ms. Miller said this application is for a two-story building with proposed retail/mercantile use on the first floor and business/professional offices on the second floor. The property site consists of 10 lots, all zoned commercial, just west of A1A Beach Boulevard between 4th and 5th Streets, at 621 A1A Beach Boulevard, just north of the Tides Restaurant and across the street from Island South Condominiums, located on the east side of the Boulevard between 4th and 5th Streets. The site plan as shown on the overhead projector screens meets the parking and setback requirements, complies with maximum lot and impervious surface ratio (ISR) coverage, and the building has the architectural design and style recommended for mixed use development. The building accommodates a mixture of retail and business uses, exhibits the physical design characteristics of pedestrian-oriented, storefront shopping and business enterprise, and has vertical and horizontal articulation recommended as architectural features for mixed use development per Section 3.02.02.01 of the City’s LDRs. Mike Stauffer is the architect for the project and agent for the applicant, Scott Patrou of Ginn and Patrou, a local law firm within the City limits.

Michael Stauffer, 1093 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, agent for applicant and architect for the project, said as stated by Ms. Miller, this is a two-story commercial building that is roughly 19,072-square feet with a mixture of retail and office space. Per the staff memo to the Board, they’ve met all the requirements for parking and setbacks, and presented a landscape plan showing compliance with the City’s requirements. Information from St. Johns County Utility Department showing both water and sewer availability has been provided, and concurrency information is also included from the County’s Growth Management Department stating the project is not triggering any kind of overflows in regard to traffic or transportation issues.

Mr. Mitherz noticed the project will have two signs on the property, and asked what these signs will look like, as per the LDRs, signage for mixed use development is subject to approval from the Planning and Zoning Board. Also, he didn’t see on the site plan where the air-conditioning units will be placed, and he asked for clarification on the grass-crete pavers that will be used for the parking spaces on the north and west sides of the property site.
Mr. Stauffer said as they don’t really know right now what the mix of tenants will be, they don’t have any signage design to present to the Board, as the building is not going to have one particular single use, but multiple uses. However, tenants will certainly be one-hundred percent compliant with any sign regulations when signage is designed. The air conditioning units will be placed on the roof, to try to minimize site coverage and also because this is very efficient. All of the Seagrove Town Center buildings with the exception of the library have the air-conditioning units on the roofs. Grass-crete pavers have been used in multiple projects around town, such as Salt Life Restaurant, where they have asphalt road paths with grass-crete but instead of grass growing in it, it’s got gravel in it, because trying to grow grass is nearly impossible in a parking lot with cars sitting on top of it all the time. As grass-crete has a 40-percent pervious ratio, it’s basically being used to minimize ISR coverage. Obviously, everything will be in full compliance, and they’ll have civil engineers handling the permitting through St. Johns River Water Management District and all applicable agencies for stormwater and other required infrastructure.

Mr. Mitherz asked if the height of the building will not exceed 35 feet.

Mr. Stauffer said correct, the highest point of the building is the tower feature, which is right at 35 feet, on the northeast side of the building, but other elements of the building and roof do not exceed 35 feet.

Mr. Mitherz asked if the six-foot-high fence shown on the west property line abutting the medium-density lots to the west of the proposed mixed use development could be increased to an eight-foot-high fence.

Mr. Stauffer said he thinks City Code only allows up to a six-foot-high fence, but if the Code allows them to go up to eight feet, they’d be happy to do so.

Mr. Law said City Code allows fences up to eight feet in height.

Mr. Stauffer said that is no problem then.

Mr. King asked about the second-floor porch roof canopy, and what the setbacks are for the front porch areas.

Mr. Stauffer said the balcony on the southeast side of the building protrudes out about three to three-and-a-half feet. The center front section of the building recesses a little bit, so that roof canopy over the second-floor porch balcony projects out another few feet toward the east from this center section.

Mr. Law said allowable setbacks for retail and business uses in the mixed use district run from zero to 25 feet or more, and the minimum setback for a two-story structure with a second level porch or balcony is five feet, with the porch not exceeding five feet in depth. Maximum height allowed to the roof ridge is 27 feet within the setback area from zero to 15 feet, and between 15 to 25 feet or more, the allowable height is 35 feet to the roof ridge. The metal roof canopy in the center of the building is really just an architectural illustration, as that balcony protrudes past that back porch. However, the balcony on the south side of the front of the building is a roof balcony that will comply with the 27-foot-height maximum when they get into the design phase.

Mr. Pranis asked if there are any concerns with both the entrance and exit being off 5th Street, considering the size of the property and proposed building.

Mr. Law said staff does not have a concern with that, and has reached out to Jan Trantham, Senior Transportation Planner for St. Johns County Growth Management, who recommends a sidewalk be constructed on the 5th Street side of the property, which is something he’s sure the applicants would be more than happy to provide. The Board would have to require this sidewalk be put in along 5th Street as a condition of approval of the mixed-use application, and keep in mind, the sidewalk would be built on City-owned right-of-way adjacent to 5th Street.

Mr. Stauffer said he also wanted to mention the proposed site plan for this project was sent to the St. Johns County Fire Marshal’s Office and reviewed by PJ Webb, who checked to make sure entrances and exits work for firetrucks and emergency vehicles. Mr. Webb saw no issues with the site plan or parking design.
Mr. Mitherz said a very nice diagram and drawing of the front of the building was submitted, but nothing that shows what the back of the building will look like.

Mr. Stauffer said the back of the building will be a mirror image of the front.

Mr. Kincaid asked for public comment.

Raina Greening, 209 6th Street, St. Augustine Beach, Florida, 32080, said she’s concerned as to what kind of retail businesses will occupy the retail space, because in her opinion, the City has more than enough beach supply stores. Another issue she has is with traffic, as it’s been mentioned that the only accesses in and out of the property site will be off 5th Street. She lives on 6th Street and has to turn onto either 5th Street or 7th Street to get to A1A Beach Boulevard. She recently found out five lots that were part of one parcel on 7th Street are being split up to have single-family homes built on them, so people will be backing up out of their driveways on 7th Street. With this large retail space being built with traffic accessing it from 5th Street, she’s sure people will try to park in this new building’s parking lot and go to the beach. She’s also concerned about what the air-conditioning units on the roof will sound like in her community, if the trash and dumpster will back up to her neighborhood, and if the owners and tenants will be responsible with having the trash picked up. She moved here because she likes the small-town feel of the City, and obviously, growth is an issue. If growth continues, she wonders if the City will end up looking like Daytona or Jacksonville Beach with multiple retail stores all along the Boulevard. She’s all for having retail space, but she’d just like to know what the retail units will be. Instead of some cheap bucket store she’d like to see eco-friendly retail uses worthy of the community, like a yoga studio or beach bike rentals or something similar.

Mr. Mitherz said the dumpster as shown on the first-floor site plan is on the northwest corner of the property.

Ma. Longstreet said there’s a six-foot-high fence shown on the site plan along the entire west property line, but an eight-foot-high fence was just discussed and recommended, as this, along with the landscaping hedge inside the fence, will help screen the dumpster from the adjacent neighborhood.

Mr. Kincaid said he’s pretty sure putting the air conditioning units on the top of the building is standard for commercial buildings and won’t be any noisier than if the units are on the ground behind the building or anywhere else. It’s just aesthetically more pleasing because the units will be up on the roof and behind the parapet wall.

Ms. Greening asked about the traffic and the entrances and exits for this new retail building all being on 5th Street. With all the new homes she just heard about going up on 7th Street, she asked if there is a way to fix that.

Mr. Stauffer said 4th Street is currently undeveloped, so right now, it’s a cracked, two-hundred-foot long strip of nothing. Until the City builds out 4th Street, this street is not accessible to his client’s building, because it’s really not a road at this time, so they really had no choice but to put the entrance and exit off 5th Street. Keep in mind there are six lots zoned residential, three on each side adjacent to 4th and 5th Streets west of the proposed commercial building, that will be buffered by the fence and landscaping at the rear of the site. If he’s not mistaken, he thinks all of the air-conditioning units for the Courtyard by Marriott, north of this proposed mixed use development between 5th and 7th Streets, are on the roof, and he doesn’t know if the neighborhood behind the Marriott has any issues with the units on the roof, but residents would probably hear them more significantly than the units on his client’s building, because they’ve got the whole parking lot as a buffer and this building is all the way up front toward the Boulevard with the parking behind it. If the neighbors behind the Marriott aren’t hearing the units on the roof of the hotel, they’re not going to hear the units on the roof of his client’s commercial building.

Mr. Pranis asked what the average square footage of the first-floor retail units will be.

Mr. Stauffer said the individual units are roughly 2600-2700 square feet each, but if a large retail entity wanted to combine units for more space, the walls will have columns and be flexible to accommodate this.

Ms. Longstreet asked if the downstairs space might be considered for a restaurant. She commended Mr. Stauffer
and his client for designing the proposed development with the building in the front, along the Boulevard, and the parking in the rear behind the building, so the parking lot isn’t as visible from the Boulevard.

Mr. Stauffer said restaurants are complicated, as you get into grease traps, hood vents, and the proposed site plan would have to be reevaluated and revisited from a parking perspective. Restrictions from a restaurant seating capacity would change the dynamic and require the applicants to come back before this Board for a modification to the mixed use application that has been submitted. One of the great things about the mixed use ordinance is that it encourages parking in the back by allowing a reduction of the front setback, and this, combined with other issues, allows for the design of a nice building façade along the Boulevard with the parking in the back.

Ms. Odom asked Mr. Law for clarification as to how the Board can incorporate the recommendation that a sidewalk be built along 5th Street.

Mr. Law said as a mixed use application, the Board has wide latitudes as to what can be required for mixed use approval. His recommendation, if the Board sees fit to add the requirement that the sidewalk along 5th Street be constructed, is to incorporate into the mixed use order that pedestrian sidewalks with connection to A1A Beach Boulevard be put in. Basically, the Board can just add to the mixed use order that approval is contingent upon the applicant providing a five-foot-wide, ADA-accessible sidewalk along the entirety of the commercial lots adjacent to 5th Street. This is a great idea from Jan Trantham at the County, as it will let the employees working in both the mercantile and business offices have sidewalk access to get to the Boulevard to go for walks throughout the day. The residents behind 2nd Avenue could also use it to walk to the Boulevard, and possibly, when the single-family homes on the lots on 7th Street are built, sidewalks could be built along 7th Street to access the Boulevard as well, but at this time, there is no requirement for a single-family residence to build a sidewalk in the City-owned right-of-way. However, if a sidewalk is there, odds are people will connect to it, so it’s a great idea.

Motion: to approve Mixed Use File No. MU 2020-01 as submitted subject to the requirements than an eight-foot-high fence be constructed along the entirety of the west property line and a five-foot-wide, ADA-accessible sidewalk be built along the entirety of the commercially-zoned lots of the mixed use property site adjacent to 5th Street, as recommended by St. Johns County Transportation and Growth Management Department. Moved by Ms. Odom, seconded by Mr. Mitherz, passed 7-0 by unanimous voice-vote.

D. Final Development File No. FD 2020-01, for proposed modification to Sea Colony Subdivision Units I, II, III, and IV final development orders for amendment to stipulate regulations and specifications for building setbacks, total ground coverage and building height for various lots and housing types in all phases of Sea Colony Subdivision, in a low density residential land use district at 100 Sea Colony Parkway, James N. McGarvey and Timothy S. McGarvey, Agents for Sea Colony Architectural Review Board/Sea Colony Neighborhood Association Inc., Applicants

Ms. Miller said this is a final development application to modify all the final development orders issued for Sea Colony Subdivision, which was built in four phases. Sea Colony is zoned low-density residential, it’s not a Planned Unit Development (PUD), as most people think, but was developed as what was called back in the 1990’s as a “cluster development,” a term that is no longer in the current LDRs. Mr. Law can explain more about this, as she believes the term ‘cluster development” was used as a floodplain management tool back at that time with the intent to keep the overall density the same, but build on the good land, and leave the land that doesn’t drain so well, or is prone to flooding, open. For example, Sea Colony does not exceed the maximum four units per acre allowed in low density residential land use districts, but the majority of the development is clustered together and built on the good land, with the rest of the land left undeveloped, so the maximum overall density of four units per acre is not exceeded. The proposed final development modifications are in no way intended to exceed the design parameters Sea Colony already has in place and has been utilizing since the inception of its development in the late 1990’s. The final development modifications are intended to protect the residents of Sea Colony in the event of a natural disaster that could cause substantial damage to existing structures. If there was a major storm
or flooding event, most of the homeowners in Sea Colony would not be able to rebuild their houses on their current footprints because the setbacks, building heights and impervious surface ratios are not referenced in most of the final development orders issued for Sea Colony. Some of the final development orders reference setback requirements, but none of them address building height or total lot coverage ratios. As Mr. Law is much more of an expert in regard to Sea Colony’s design code and standards, as well as the City’s floodplain manager, at this point, she’ll defer to him, and Mr. McGarvey, representative for the applicants, Sea Colony Architectural Review Board (ARB) and Sea Colony Neighborhood Association Inc., to answer any questions regarding this application.

Mr. Law when he became Building Official for the City about two-and-a-half years ago, a permit application and plans came in for a house in Sea Colony, and he had many questions about the design code for this subdivision, so he went all the way back to the beginning of its development, when it was called the Fleeman Tract, back in the 1990’s. This property site has a pretty interesting history, and as it turns out, most of the Sea Colony residents and members of the neighboring community think Sea Colony was developed as a PUD, but it was not. The first final development order issued for Sea Colony refers to it as a cluster development, and the rest refer to it as low density residential, so by that logic, it has to adhere to the City’s LDRs, however, most of what has been built in Sea Colony hasn’t done this. As Sea Colony is an oceanfront community, in the event of a natural disaster, if any of the buildings were substantially damaged by 50 percent or greater, the zoning code will not allow those structures to be rebuilt, so they would have to come into compliance with the current code. There are certain phases in Sea Colony that were designed with five-foot setbacks, so this final development modification application is an attempt to bring the structures in Sea Colony into compliance with the permits the City’s been issuing for over 20 years, as the subdivision is nearly built-out. Just like what was done in Anastasia Dunes Subdivision last year, it’s time to bring what was actually built in Sea Colony into compliance, so in the event of a natural disaster, homeowners are not coming before the Board with 122 or more variances. Regarding cluster developments, that is a floodplain management tool that is an effective use of existing property to build on the good land and let the rest of the land become passive or used for some kind of recreation, conservation, or drainage. Sea Colony is one of the best laid-out subdivisions he’s ever seen in regard to the Coastal Construction Control Line (CCCL) and high velocity wave action. It doesn’t have big floodplain issues, but that’s where cluster developments come from, so in conjunction with that, between the Sea Colony ARB, HOA and the subdivision’s developer, documentation has been submitted out of Sea Colony’s design manual for this final development modification application, as the City should not be responsible for architectural profiling or anything like that for single-family residences. This application addresses regulations for setbacks, total lot coverage and ISR, along with building height for the tower and scenery loft structures in Sea Colony. The different square footages for these towers and scenery lofts are based on specific lot types, and while this has not been submitted as part of this final development modification application, he strongly suggests the square footages for these structures be specified for the various lot types. Those towers and scenery lofts can go up to 42 feet, and are part of the way this subdivision has been built, as from what he understands, towers and scenery lofts were part of the City’s LDRs back in the 1990’s. At this point, Sea Colony is trying to bring the subdivision into compliance, this is not an attempt to build anything bigger than what they’ve been building, and the Sea Colony ARB still has architectural control over what is built, but the Building Department suffers a little because staff isn’t sure what codes are to be used in reviewing plans for permit applications. He spoke with the former City Attorney over a year-and-a-half ago and was instructed by him that any attempt to now stop what has currently been built in Sea Colony would bring liability on the City. There’ve been a couple of houses permitted since he’s been here, and they’ve complied with the City’s 35 percent maximum lot coverage for residential land uses, 40 percent maximum ISR coverage for low density residential land use districts, and the use of the additional 15 percent ISR coverage allowed if pervious pavers with 10 percent or greater permeability are used. He pointed out that in the final development amendment documents, the flag lots are not shown as having any specific setbacks, due to the unique characteristics of these lots. Mr. McGarvey can speak more extensively on this, as it’s problematic from an enforcement standpoint, because he does not like unknowns when he reviews site plans. He recommends five-foot minimum side setbacks, which will help with compliance to the Florida Building Code’s fire separation table.
Mr. Mitherz asked who provided the three pages titled, “Amendment to the Final Development Orders of Sea Colony of the Beach Club at Anastasia—All Phases,” which show the sketches of building footprints and setbacks. He also asked how many vacant lots are left in Sea Colony.

Mr. Law said this was provided as a collaborative effort on the part of the developer and Sea Colony ARB and HOA. The sketches came out of the Sea Colony ARB design code, and show the different setbacks allowed on various lot types. Regarding lot coverage, some subdivisions do not utilize lot coverage and ISR coverage as individual coverage, as engineered subdivisions will allow for total coverage. Seagrove is a perfect example, because residential construction in Seagrove is allowed up to 60 percent lot coverage, which basically lets you build in compliance with the designated square footages and setbacks for the hardscaping, which includes building footprints, driveways, and everything built in developing the subdivision as a whole. All of Sea Colony is one entity, so 65 percent total coverage, which is what Sea Colony is asking for in its final development modification application, is not unheard of in engineered subdivisions. He can’t answer as to how many vacant lots are left in Sea Colony, but he’s sure Mr. McGarvey, or someone from Sea Colony ARB or HOA, can provide that information.

Mr. Pranis asked if it is going to be a challenge to figure out the new numbers when houses come in for permits.

Mr. Law said no, if this final development modification application is approved as submitted or with his recommendations regarding the towers and flag lots and any recommendations the Board wants to make, when a permit application comes in, staff will identify what type of lot it is, and then go to the final development modification amendment document specifying the setbacks, lot coverage and building height for that particular lot. However, without this final development modification amendment, there’s nothing to save Sea Colony in the event of a natural disaster or allow what’s been built to be rebuilt on existing building footprints.

Mr. King said per the submitted amendment document, there are only eight specified flag lots.

Mr. Law said he’d have to look at the map, but with flag lots, he strongly recommends they institute minimum five-foot side setbacks.

Jay McGarvey, 81 Ponte Vedra Boulevard, Ponte Vedra Beach, Florida, 32082-1311, said he developed Sea Colony. There are eight flag lots in Sea Colony, and the flag lot setbacks are the same as the oceanfront lot setbacks, which have 7.5-foot side setbacks. The only difference for flag lots is that they may have the garage designated as a courtyard garage, otherwise, all of the other oceanfront lots have a front-in garage. So, the idea of allowing exceptions for the eight flag lots is only to allow them to have a courtyard garage, otherwise, the same setbacks for oceanfront lots apply to flag lots, including minimum 7.5-foot side setbacks.

Mr. Law said he has no objection to flag lots having the same setbacks as oceanfront lots.

Ms. Odom said last month, the Board reviewed a variance application for a pool in Sea Colony. She asked if the proposed final development order modifications will have any effect on that at all.

Mr. Law said that pool permit is still in the review process, as it has a couple of technical issues that have to be worked through before it can be approved for permitting. However, if the proposed final development order modifications are approved as submitted, lots in Sea Colony will be allowed to have 65 percent maximum ISR coverage, and Sea Colony would not be subject to the 465-square-foot exception which was recently approved to allow for pool and pool deck additions only in low density residential land use districts, which are limited to 40 percent maximum ISR coverage, because Sea Colony would already be allowed to have up to 65 percent ISR coverage. A perfect example, again, is Seagrove, which, as one of the City’s few PUDs, is allowed to have up to 60 percent ISR coverage, and it doesn’t matter what other revisions and/or regulations to the City’s LDRs are passed, as PUDs are governed by the rules and regulations in their own PUD ordinances. In all honesty, Sea Colony should have been developed as a PUD, as it’s designed as a PUD, but for whatever reason, when it was developed in the 1990’s, it just didn’t get there. The total ISR coverage of 60-65 percent is pretty generous, but if the Board feels
the 465-square-foot exception allowed for pools in low density residential only should also apply to Sea Colony, the Board can recommend this to the City Commission. His recommendation is to take the components of the design code as submitted as modifications to the Sea Colony final development orders, but what he doesn’t want is to include a blanket 42-foot building height for tower and scenery lofts without giving guidelines or restrictions on maximum square footages for these structures. If the Sea Colony ARB has been enforcing this, he feels comfortable that’s what the City should be doing, but he doesn’t feel it would be prudent to not bring up the square-foot totals allowed for towers or scenery lofts on the various lot types. He’d also recommend, if the flag lots are designated to have the same setbacks as oceanfront lots, that all other restrictions for oceanfront lots also be moved to the flag lots, and if the maximum 65 percent total lot coverage is approved, a condition is put on the final development order modification amendment that no variances shall be allowed to exceed the maximum lot coverage and ISR. This would stop anyone from going up to, for example, 85 percent total coverage.

Mr. Kincaid asked if they can put a pre-condition on this that says you can’t file for a variance.

Mr. Law said that’s a good question for the City Attorney. Variances, in his opinion, can be applied for and requested for anything, but this application is asking for modifications to existing final development orders.

Mr. Taylor said by putting this in the final development modifications, it’s a suggestion, so it’d have some merit, but it wouldn’t preclude a variance in the future, it’s just basically information that the current Board wouldn’t be interested in entertaining variances in Sea Colony. This won’t limit the power of the Board down the road to grant a variance, but it would set a precedent that the Board isn’t interested in granting variances in Sea Colony.

Mr. McGarvey said these final development modifications really come forward at the request of City staff, to make staff’s job easier, and basically, they’re an identical copy of what’s in the Sea Colony ARB design code. Flag lots are oceanfront lots anyway, so it’s really no problem to regulate them as oceanfront lots. This is simply a tool that will allow this Board and Mr. Law and his staff to make good decisions relative to Sea Colony. To answer Mr. Mitherz’s question, there are no unsold lots in Sea Colony, but not all of the lots have been built on. Sea Colony originally had a final build-out date, but when the great recession hit, this was relaxed, because the people who owned these lots were their customers and real human beings, and it didn’t make any sense to put them into any sort of peril or harm’s way. As everyone knows, he’s developed a number of communities around here, and final build-out dates were relaxed in all of their communities, so there is no build-out date at this point in Sea Colony, property owners are just supposed to keep their lots in a park-like condition. Actually, there are no changes in the final development order modifications to anything that is currently built or regulated by the Sea Colony ARB and design code. This application is simply a housekeeping matter to clarify that what is in the design code is also in the Sea Colony final development orders, so it’s a request to modify the final development orders because they did not include this information. Sea Colony has been built and governed by the same information since day one.

Mr. Kincaid said this is bringing the final development orders into line with the community guidelines and design code that already exist.

Mr. Mitherz asked why the information on the 42-foot building height maximum and square footage restrictions for towers and scenery lofts on the various lot types were not included in the submitted application information.

Mr. McGarvey said on the third page of the proposed amendments to the final development orders, under the subtitle “Building Heights,” it is stated that these scenery lofts are allowed to reach a maximum height of 42 feet, so he thought this was clear enough, and this is the height limit that has been enforced for the last 20 years.

Ms. Longstreet asked how many houses that are yet to be built are supposed to have these towers.

Mr. McGarvey said he doesn’t know that, specifically, but any vacant lots with the exception of villa and sanctuary lots are allowed to have towers or scenery lofts. He thinks there are a few vacant estate lots and a few vacant oceanfront lots, and these lots are allowed to have towers or scenery lofts per the limitations in the design code.
Mr. Kincaid asked for public comment.

Chris LaValley, 864 Ocean Palm Way, St. Augustine Beach, Florida, 32080, said he just bought a lot in Sea Colony and has also been a Sea Colony resident for the past four-and-a-half years. He wants to ensure he’s playing by the same rules he thought he had when he bought his lot. Sea Colony is almost completely built-out, there are only a few vacant lots left, of which his lot is one, and while he intends to build sooner rather than later, with the current COVID-19 virus situation, things may be a little delayed. He intends to have a tower and just wants to make sure the rules he thought were in place still apply, that’s really his biggest concern. If this is just basically adopting what’s already in the design code and putting it into the final development orders, then so be it, but if this is taking a footprint for something just to make someone’s job easier, he doesn’t think that’s really fair, in terms he may not be afforded the same rights all the other homeowners in the community had. He’s familiar with the Sea Colony design code, which is why he bought his lot, as he knew the rules he’d be playing by, and he doesn’t want them pulled out from under him at the last minute, especially after making such a substantial investment.

Mr. Law said this does not make his job any easier by any means, this is bringing an existing subdivision and its development orders and merging them, so they are compliant. This is no attempt on his part to make the rules stricter or easier, all they’re trying to do is ensure that what’s built in the subdivision matches the development orders in the event of a natural disaster. If what is recommended is approved, Mr. LaValley would be entitled to the same rights to which the entire subdivision was constructed, but it’s not an opinion that this is something that will make his life easier. Easier are medium density residential 10-foot side setbacks and 25-foot front and rear setbacks, and then you’re out the door. This is just bringing the existing buildings into compliance, so they don’t turn into a non-conforming status in the event of a natural disaster if they become more than 50 percent damaged.

Mr. LaValley said that’s his biggest concern, he just wants to make sure that in the event he builds and then loses his home, he can rebuild it the same way without having to go through a bunch of hurdles. He wants to know that the rules will apply to him today, tomorrow and 10-20 years from now, because he loves the community so much. He actually plans on building a bigger home in Sea Colony, as this is his retirement, and this is what he wants.

Mike Stauffer, 1093 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, said he’s been involved with Sea Colony since 1998, as he actually worked with Mr. McGarvey as an architect and wrote the design guidelines, served on the ARB for at least 10 years, and designed probably at least 30 homes in Sea Colony. Essentially these rules that the Board members see before them are the same rules and guidelines he wrote with Mr. McGarvey in the beginning and followed as an architect who had to comply with the requirements. He and Mr. Law had conversations about this because he was doing a house that had a similar issue, as Mr. Law couldn’t find the codes and regulations that applied, so this is just basically bringing the rules that have been in place for 22 years or more to codify them to make them part of the final development order documents to ensure what’s been in the ARB design code basically becomes part of the City’s LDRs. He can say if you’ve ever been before this ARB, it’s the toughest ARB he’s ever been in front of, in that they comply with the design code rules very strictly and they’re very tough. It’s good to know the design code is finally going to be codified the way most people thought it already was, as they’ve been following it for the last 22 years or so. Doing some quick math, he estimates there might be 15 lots out of a total of 225 that haven’t been built on yet, so this would really be great for new construction, to be able to comply with the rules and design codes that have been in place. Obviously, in the event of a natural disaster, heaven forbid homeowners are not allowed to build back to their previously existing conditions.

Ms. Odom said to comment on the letter submitted by Sea Colony resident Marie Inge, who doesn’t like the 42-foot building height “specific to new home construction in the Sea Colony development,” she does doesn’t think anything is being changed, as this building height has been allowed for the towers in Sea Colony all along.

Mr. Law said yes, for specific lot types, the towers and scenery lofts have been allowed up to 42 feet all along. The design code does not allow towers or scenery lofts on villa and sanctuary lots. By that statement and the following limitations for towers and scenery lofts on the next two pages, these structures are allowed on any of the various
lots with the exception of villa and sanctuary lots per the design code. Just to make sure this is clear to everyone, to him, this means if you own either one of these two lot types, he shouldn’t see any towers or anything higher than 35 feet built on these lots. The design code then goes through the limitations for towers and scenery lofts on oceanfront, dune, cottage, wooded, and estate lots, so the size of towers and scenery lofts is based on the lot type. For example, these structures on oceanfront lots are allowed to be 500 square feet total; on dune lots, 250 square feet total; cottage lots, 150 square feet total; and wooded and estate lots, 250 square feet total.

Mr. Kincaid asked Mr. McGarvey if he owns any lots in Sea Colony at this time.

Mr. McGarvey said he has one lot under contract and scheduled to close in a week. This is actually a personal lot he bought 20 years ago, so it’s a resale. At the time, he was hoping to build a house on this lot.

Mr. Law said for the record, he knew nothing about this lot until staff received the email from Sea Colony resident Marie Inge. The final development order modifications started over a year ago, with himself and Mr. Stauffer.

Mr. Longstreet asked if this is the lot sale Ms. Inge refers to in her email as being contingent upon the City approving this final development modification application.

Mr. Law said he can’t answer that.

Mr. Kincaid said should there be greater than 50 percent damage to any building in Sea Colony, many homeowners would not be able to rebuild their houses under the City’s current LDRs.

Ms. Odom said that’s what this final development modification application is for, to make sure that they can.

Mr. Law said yes, he prepares for the worst. If a hurricane comes ashore, Sea Colony is the most vulnerable subdivision in the City.

Mr. Kincaid said they would be looking at several hundred variances at this point, unless the final development orders are modified.

Mr. King said he thinks the tower information should have been included, but other than that, he agrees with what has been proposed.

Ms. Longstreet said she feels they’ve been blindsided on that, as she doesn’t like not having all of the information. She thinks they should have gotten the documentation about the towers with the application submittal.

Ms. Odom said she doesn’t want to agree or disagree, as they’re not changing anything, just protecting Sea Colony residents in the event of a natural disaster. Mr. Law was just informing the Board of the situation with the towers.

Mr. Law said not presenting this to the Board would leave a loophole in the code, and as everybody knows, he doesn’t like loopholes. However, staff will make sure this information is included when this is presented to the City Commission at its next meeting.

**Motion:** to recommend the City Commission approve Final Development File No. FD 2020-01 for modification to the final development orders issued for Sea Colony Subdivision as stipulated in Exhibit A, “Amendment to the Final Development Orders of Sea Colony of the Beach Club at Anastasia—All Phases,” subject to amendment to specify under “Building Heights” that the tower structures and scenery lofts shall be regulated per the building size limitations of the current Sea Colony Architectural Review Board Design Code, which limits the size and total square footage of such structures and shall be included as part of the final development modification submittal documents; flag lots shall be regulated as oceanfront lots pertaining to setbacks and tower and scenery loft construction; any variance requests outside of the final development order modifications shall demonstrate an undue hardship. **Moved** by Ms. Odom, **seconded** by Mr. King, **passed 5-2** by roll-call vote, with Mr. Pranis, Mr. Kincaid, Ms. Odom, Mr. Sarris, and Mr. King assenting, and Mr. Mitherz and Ms. Longstreet dissenting.
E. Presentation by Public Works Director Bill Tredik regarding request by City Commission for the Board’s recommendation to the Commission regarding prioritizing areas along A1A Beach Boulevard and adjacent streets for parking improvements for a five-year plan

Ms. Miller said Mr. Tredik’s presentation has been continued to the Board’s May 19, 2020 regular monthly meeting, which will be held at 6:00 p.m. at City Hall. As there are no new applications for the Board’s April 21, 2020 regular monthly meeting, this meeting has officially been cancelled.

VII. OLD BUSINESS
There was no old business.

VIII. BOARD COMMENT
Ms. Miller asked Mr. Lex Taylor, one of the City’s new attorneys from Douglas Law Firm, to introduce himself and give the Board a brief biography of his law experience.

Mr. Taylor said he’s one of the attorneys at Douglas Law Firm, which was recently hired by the City Commission to represent the City as legal counsel, a responsibility they’re very proud to have. Charlie Douglas, as head of this law firm, has represented the Putnam County School Board for over six years, and he himself has previous experience working on the Joint Economic Committee in Washington D.C. and also in Hillsborough County as a legislative aide. The plan is that he’ll be the routine attorney for the City’s Planning and Zoning Board and Code Enforcement Board meetings, as he has a little bit more experience with some of the issues these boards handle than Mr. Douglas has, and Mr. Douglas will probably be the regular attorney for the general City Commission meetings. They want to make themselves available if the Board members have any questions, and they have a local office in St. Augustine at the St. Augustine Record building on the corner of State Road 312 and State Road 207, which is where he normally works. They’re working with staff to set up a Sunshine Law refresher course for any board members who might want to participate in that, and at this time they’re waiting to see what will happen with the COVID-19 virus. If this is a prolonged thing, future meetings will probably be done by some sort of virtual or telephonic means, which is something they’re working on with the City’s IT staff. Executive Order 20-69, issued by State of Florida Governor Ron DeSantis, allows Board members to attend meetings telephonically or electronically, so most likely, this will be done by some sort of WebEx Zoom or similar provider, and they believe this will be available by the Board’s May meeting. On his end as legal counsel, the one thing he wants to ensure is that they allow for meaningful public comment, and especially for this Board, for some meaningful way for people to bring demonstrations and evidence in, so they’ll work with all those things and hopefully have them in place by the Board’s next meeting. In the meantime, he’s available to anyone who would like to contact him.

IX. ADJOURNMENT
The meeting was adjourned at 7:26 p.m.

________________________________________
Kevin Kincaid, Chairperson

________________________________________
Lacey Pierotti, Recording Secretary

(THE 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.)
To: Comprehensive Planning & Zoning Board  
From: Bonnie Miller, Executive Assistant  
CC: Brian Law, Building Official  
Date: 05-12-2020  
Re: Conditional Use File No. CU 2020-02

Conditional Use File No. CU 2020-02 is for renewal of a current conditional use permit that expires June 1, 2020, issued for food and/or beverage service and consumption outside of an enclosed building on the premises of Cone Heads Ice Cream, per Section 3.02.02 of the City’s Land Development Regulations, at 570 A1A Beach Boulevard, on the northeast corner of A1A Beach Boulevard and 7th Street. The applicant and owner of this business, Maggie Kostka, who has owned and operated Cone Heads Ice Cream since 2011, is asking to renew the current conditional use permit issued for outdoor dining and food and beverage service for as long as owns the business.

To date, the Building and Zoning Department has received no complaints about the outdoor dining at Cone Heads Ice Cream since the original conditional use permit for outdoor dining, food and beverage service was granted by the City Commission in May 2012. This original conditional use permit for outdoor seating was granted for three years and renewed in 2015 for five years. Cone Heads currently has eight circular picnic tables, for a total of 50 seats, and a bench outside in front facing A1A Beach Boulevard.

The Building and Zoning Department has no objection to the renewal of the conditional use permit for outdoor food and/or beverage service and consumption for as long as Cone Heads is in operation under its current ownership. No other conditions are recommended for the renewal of this conditional use order for outside seating.

Sincerely,

Bonnie Miller  
Executive Assistant  
Building and Zoning Department
1. Legal description of the parcel for which the conditional use permit is being sought:

Lot(s) 11, 17, 4
Block(s) 4
Subdivision Chautauqua Beach

Street Address 570 A1A Beach Blvd

2. Location (N, S, W, E): East
Side of (Street Name): A1A Beach Boulevard

3. Is the property seaward of the Coastal Construction Control Line (CCCL)? Yes

4. Real estate parcel identification number: 168640-0000

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

Genesis Property & Management Group, LLC/ Margaret Kostka 570 A1A Beach Blvd St Augustine Beach, FL 32080

6. Current land use classification: Commercial

7. Section of land use code from which the conditional use permit is being sought: 3.02.02

8. Description of conditional use permit being sought: Renewal of existing permit for outside food/beverage consumption on the current seating area

9. Supporting data which should be considered by the Board: No complaints in the 9 years of operation of business nor the 8 years of allowing for outside seating.
10. Has an application for a conditional use permit been submitted in the past year? Yes [x] No (Circle one)

If yes, what was the final result? __________________________ 

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

☐ Legal description of property
☐ Copy of warranty deed
☐ Owner Permission Form (if applicable) \ N/A
☐ List of names and addresses of all property owners within 300-foot radius
☐ First-class postage-stamped legal-size envelopes with names and addresses of all property owners within 300-foot radius
☐ Survey to include all existing structures and fences \ N/A
☐ Elevations and overall site plan of proposed structure if conditional use is requested for construction of a residential structure in a commercial land use district \ N/A
☐ Other documents or relevant information to be considered

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

Margaret Kostka

Print name (owner or his/her agent) \ Print name (applicant or his/her agent)

\[Signature/date\]

570 A1A Beach Blvd
St. Augustine, FL 32080

Owner/agent address \ Applicant/agent address

904-669-5132

Phone number \ Phone number

City of St. Augustine Beach Conditional Use Permit Application 06-19
**All agents must have notarized written authorization from the property owner(s)**

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

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

Date: 4-27-2020

Conditional Use File #: CU2020-02

Applicant's name: Margaret Kostka, Gemeck Property Management Group LLC

Applicant's address: 578 A1A Beach Boulevard
St. Augustine Beach, Florida 32080

For conditional use permit at: Same as above

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**Charges**

Application Fee: $400.00  Date Paid: 4-27-2020

Legal Notice Sign: $7.50  Date Paid: 4-27-2020

Received by

Date 4-27-2020

Invoice # I2001096

Check # 13272

City of St. Augustine Beach Conditional Use Permit Application 06-19
Definition—Conditional Use Permit

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

Instructions for applying for a Conditional Use Permit

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

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

Documentation needed for a Conditional Use Permit

1) The legal description of the parcel of land for which the permit is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use lots and block number. Include street address and location by indication street(s) boundary and side (south, east, etc.) and nearest intersecting street. If the land is a portion of the lot, indicate what portion of the lot, i.e. south 1/2, west 1/3, etc. If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.

2) Provide the name and address of the owner of the property. The person’s name on the application should agree with the public records of St. Johns County. If the names are different, attach a clarifying statement.

3) Indicate the current land use classification of the parcel under consideration. Current land use map are on display in the office of the Building and Zoning Department and the personnel there will assist you in finding the current land use district classification.

4) Notification of all property owners within a radius of 300 feet of the property for which the conditional use permit is being sought is mandated by law. The St. Johns County Real Estate/Survey Department (telephone number 904-209-0804) will provide applicants with a list of the names and addresses of the property owners within 300 feet of the property for which the conditional use permit is requested. This list of names and addresses...
addresses of all property owners within 300 feet is to include the applicant's name and address. Along with the list of all property owners within 300 feet, the applicant shall submit stamped, addressed legal-size envelopes with the application. (Note: Do not fill in a return address on the stamped envelopes. The Building and Zoning Department will stamp its address on the envelopes as the return address and mail the legal notices to all property owners). Signatures and approvals of property owners within 300 feet are not necessary. Applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to the granting of the conditional use permit, but these persons should not sign the application itself. Applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the conditional use permit application.

5) Provide the section of the land use code from which the conditional use permit is being sought. Personnel in the Building and Zoning Department will assist you in this matter if needed.

6) A fee of $407.50 will be charged for the conditional use permit administrative procedure, which includes the legal notice sign, and legal advertising. The applicant will be required to post the legal notice sign on the property for which the conditional use permit application is submitted within clear view of the street and not more than 10 feet inside the property line, no later than 15 days before the first meeting date at which the conditional use permit application will be heard.

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

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

9) The application must be signed by the owner of the property for which the conditional use permit is requested and/or the owner's authorized agent. All authorized agents must provide notarized written authorization, which must accompany the application, approving such representation.

**Limitations on granting a Conditional Use Permit**

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

1) That the conditional use permit will be transferable and run with the land when the facts involved warrant same, or where construction or land development is included as part of the permit.

2) The time within which the use shall be commenced may be extended for a period of time longer than one (1) year. Failure to exercise the permit by commencement of the use or action approved thereby...
within one (1) year or such longer time as approved by the City Commission shall render the permit invalid, and all rights granted thereunder shall terminate. Transfer of the property by the applicant, unless the permit runs with the land, shall terminate the permit.

3) Whenever the City Commission denies an application for a conditional use permit, no further application shall be filed for the same use on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same use on any part or all of the same property has been denied, no further application shall be filed for this same use on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.

4) The time limits in paragraph 3 above may be waived by the affirmative votes of a majority of the City Commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the City.
BEFORE THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

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

ORDER APPROVING CONDITIONAL USE

The application of Genesis Property & Management Group, LLC, Maggie Kostka, owner/president, for a conditional use permit to allow food and/or beverage service and consumption outside of an enclosed building in a commercial land use district located at 570 A1A Beach Boulevard, St. Augustine Beach, Florida 32080, having come on to be heard before the City Commission on June 1, 2015, and the City Commission having received the recommendations of the Comprehensive Planning and Zoning Board, having taken public comments, and having considered said application fully, it is therefore:

ORDERED that the application is hereby approved as follows:

1. The documentation for granting of a conditional use as detailed in the Application and discussed at the hearing are incorporated herein as findings of fact.

2. The conditional use granted shall conform to all materials submitted with the Application and which were provided by the Applicant to supplement the Application, including all drawings, sketches and renderings.

3. The conditional use permit is granted to allow serving and consumption of food and beverages outside of an enclosed building in a commercial land district located at 570 A1A Beach Boulevard, St. Augustine Beach, Florida 32080.

4. The use shall expire five (5) years after the approval hereof, and the Applicant shall be required to apply to extend the Conditional Use beyond June 1, 2020.

5. No outdoor amplified music, public address system, or speakers shall be allowed.

6. The applicant shall provide and install brick pavers in the outdoor seating area between the front of the Cone Heads Ice Cream building and the Cone Heads Ice Cream sign to match pavers used at the adjacent city-owned plaza at 8th Street and A1A Beach Boulevard.
7. The use shall be conducted in such a way as to not violate City Code or become a nuisance.

8. No other expansion of the existing restaurant shall be conducted other than that specifically granted herein except expressly permitted by the Land Development Regulations.

9. The use shall be non-transferable.

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

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

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

DONE AND ORDERED this 1st day of June, 2015, at St. Augustine Beach, St. Johns County, Florida.

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

ATTEST: ____________________________
City Manager

BY: ________________________________
Mayor – Commissioner
Warranty Deed

This Warranty Deed made this 26th day of September, 2011 between Douglas W. Macke, an unmarried person, individually and as Trustee of the Macke Living Trust dated April 4, 2007 and Nancy A. Macke, an unmarried person, individually and as Trustee under the Macke Living Trust dated April 4, 2007, whose post office address is 112 Summerhill Circle, St. Augustine, FL 32086, grantor, and Genesis Property & Management Group LLC, limited liability company, whose post office address is 8 Mackler Blvd., St. Augustine, FL 32080, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assignees 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 11 and 17, Block 4, except Right of Way of State Road A1A, CHAUTAUQUA BEACH SUBDIVISION OF THE ANASTASIA METHODIST ASSEMBLY GROUNDS, according to the plat thereof as recorded in Map Book 3, Page(s) 5, Public Records of St. Johns County, Florida.

Parcel Identification Number: 168640-0000

Grantees warrant that at the time of this conveyance, the subject property is not the Grantees homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

Together with all the easements, 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 whatsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016.

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

Prepared by and return to:
Christina Gayette
Taylor & Taylor P.A.
6015 AIA South
St. Augustine, FL 32080
904-471-5050
File Number: 11-0051
StaTe of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 26th day of September, 2011 by Nancy MacKee, Trustee, who [ ] is personally known or [X] has produced a driver's license as identification.

[Notary Seal]

Nancy MacKee, individually and as Trustee

Witness Name: __________________________

[Notary Seal]

Douglas MacKee, individually and as Trustee

Witness Name: __________________________

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 26th day of September, 2011 by Douglas MacKee, Trustee, who [ ] is personally known or [X] has produced a driver's license as identification.

[Notary Seal]

Christ M. Gyetel
Notary Public

Printed Name: __________________________

My Commission Expires:

[Notary Seal]

Christ M. Gyetel
Notary Public

Printed Name: __________________________

My Commission Expires:

Warranty deed - Page 2

Double Times
St. Johns County, FL

Tax Bill

Estimate Taxes

2019 TRIM Notice

2018 TRIM Notice

Summary

<table>
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<tr>
<th>Parcel ID</th>
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<td>Tax Description*</td>
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<td>Acreage</td>
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<td>Homestead</td>
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Owner Information

| Owner Name             | Genesis Property & Management Group LLC 100% |
| Mailing Address        | 570 A1A BEACH BLVD |
|                        | SAINT AUGUSTINE, FL 32080-0000 |

Valuation Information

| Building Value         | 2020       |
|                       | $103,209   |
| Extra Features Value  | $3,377     |
| Total Land Value       | $390,600   |
| Agricultural (Assessed) Value | $0 |
| Agricultural (Market) Value | $0 |
| Just (Market) Value    | $497,386   |
| Total Deferred         | $17,480    |
| Assessed Value         | $479,906   |
| Total Exemptions       | $0         |
| Taxable Value          | $479,906   |

*The Description above is not to be used on legal documents.

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

### Historical Assessment Information

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### Land Information

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Sketch Information

No data available for the following modules: Exemption Information.

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

User Privacy Policy
GDPR Privacy Notice

Last Data Upload: 4/16/2020 11:40 PM

Developed by

Version 2.3.56
To: Comprehensive Planning & Zoning Board
From: Bonnie Miller, Executive Assistant
CC: Brian Law, Building Official
Date: 05-11-2020
Re: Variance File No. VAR 2020-04

Variance 2020-04 is for a reduced rear yard setback from 25 feet to 10 feet for proposed new construction of a detached mother-in-law suite addition to an existing single-family residence on Lot 27, Block A, Ocean Woods Subdivision Unit 2, at 52 Ocean Woods Drive East. The existing single-family residence complies with the required minimum 25-foot front (south) and rear (north) setbacks, 15-foot street side setback off Ocean Woods Drive on the west side property line, and 10-foot side setback on the east side property line. The applicants, Noel and Lois Toonder, are proposing to build a 459-square-foot detached addition for the Ms. Toonder’s 79-year-old mother, Nancy Hill, who has been living with her daughter and son-in-law for the past few years while recovering from surgeries and other health issues.

The owner has submitted and signed a document stating the proposed addition shall not be rented out as a separate unit at any time in the future, as the applicants plan to use the addition only as living quarters for Ms. Hill to increase her quality of life and privacy while still keeping her close to them and on their property. It is noted on the survey showing the proposed in-law suite addition that a 6-foot-high wood privacy fence has been installed along the entire rear (north) property line.

Consideration of this variance application is based upon the six conditions the Board is required to evaluate and weigh in determining whether to grant or deny a variance, including the applicant’s description of the hardship. If the Board decides to approve this variance request, staff’s recommendation is that the conditions of the variance approval include stipulations stating the 459-square-foot addition not be rented as a separate unit from now into infinity, as stated on the document signed by Mr. Toonder and included in the variance application submittal.

Sincerely,

Bonnie Miller
Bonnie Miller
Executive Assistant
Building and Zoning Department
1. Legal description of the parcel for which the variance is being sought:
   Lot(s) 27  Block(s) A  Subdivision 5/4 Ocean Woods Subdivision
   Street Address 52 Ocean Woods Dr. East

2. Location (N, S, W, E): EAST  Side of (Street Name): Ocean Woods Dr. East

3. Is the property seaward of the Coastal Construction Control Line (CCCL)? Yes (Circle one)

4. Real estate parcel identification number: 1631440127

5. Name and address of owner(s) as shown in St. Johns County Public Records:
   Noel Toonder
   52 Ocean Woods Dr East St. Augustine FL 32080


7. Land use variance being sought: 25 ft Set Back To 10 ft Set Back

8. Section of land use code from which the variance is being sought: 0.01.03

9. Reasons for which the variance is being sought: Nancy Hill is Noel Toonder's
t    mother-in-law. She is 79 years old, on Medicare and Limited Savings. She has no other options that are
    affordable. Currently, she is very uncomfortable in an overcrowded small bedroom. The house is 3 BD, 2
    bath, 1900 sq ft. They have no space for her to continue living comfortably.

    She has been treated for ovarian cancer. She is continuing to be monitored every 6 months. She had a knee replacement
    surgery and has limited mobility. She has had a shoulder replacement surgery due to a fall, and now is disabled with
    limited arm motion. She has one daughter and no other options.
Living in a tight space bedroom and causing the potential for a slip and fall injury will shorten the life span of Nancy Hill. She is fighting the injuries and cancer that she has been dealt with; she's trying to provide a healthier environment to live the rest of her life in a quality manner.

Your understanding and compassion for her, and for our senior citizens in your community would be highly appreciated.

Thank you,

John S. Anthony
Ancient City Const.
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 envelopes with names and addresses of all property owners within 300-foot radius
☐ Survey to include all existing structures and fences
☐ Other documents or relevant information to be considered

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.

Noel Toonder 7/4/16/20
Print name (owner or his/her agent)
Signature / date

John S. Antonio 4/14/20
Print name (applicant or his/her agent)
Signature / date

52 Ocean Woods Dr. East
St. Augustine 32080
Owner/agent address

904 377 6344
Phone number

St. Augustine Beach Variance Application 06-19
**All agents must have notarized written authorization from the property owner(s)**

**Variance 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: 4-17-20

Variance File #: VAR 2020-04

(Home Owner) Noel Toonder (Nancy Hills Mother-in-Law)

Applicant’s name: Noel Toonder

Applicant’s address: 52 Ocean Woods Dr. East

For land use variance at: 52 Ocean Woods Dr. East

Charges

Application Fee: $400.00 Date Paid: 4-17-2020

Legal Notice Sign: $7.50 Date Paid: 4-17-2020

Received by Bonnie Miller

Date 4-17-2020

Invoice # E2001054

Check # 318

City of St. Augustine Beach Variance Application 06-19
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.

   The rear set back is 25 ft. So is the front.
   We are asking that the rear set back be 10 ft.
   To fit this detached in-law suite (16'10" x 27'2½") we
   have tried to make it smaller but less than
   459 sq ft. AIC would not be comfortable or
   financially practical. We would appreciate the
   consideration for a rear set back of 10' to allow more
   distance to main house.

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.

   There is a next door swimming pool (builtin)
   that appears to be in the set back.
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.

NO - SETBACKS FOR SINGLE-FAMILY HOMES
WHEN HOUSE WAS BUILT IN 2000 WERE AS CURRENTLY REQUIRED. NOEL TOONDER BOUGHT THE HOUSE 7/2002. THE BACK PORCH SCREEN ENCLOSURE ALSO WAS ALLOWED IN THE REAR 2.5 FT SET BACK. SEE SURVEY.

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

REAR SET BACK: PLACING THE REAR SET BACK AT 10 FT. THE SIDE SET BACK TO 50 OCEAN WOODS OR EAST IS UNDISTURBED AT 100 FT. THIS IN-LAW SUITE WILL BE SET BACK FROM THE FRONT OF THE HOUSE AND THE FRONT RD. OCEAN WOODS OR EAST. THE ROOF WILL HAVE MATCHING GABLES TO THE MAIN HOUSE. THE EXTERIOR STUCCO WILL BE TEXTURED & PAINTED TO MATCH THE EXISTING HOME. THE LANDSCAPE WILL BE REPAIRED TO MATCH THE QUALITY OF THE HOME.

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.

AS WELL AS MENTIONED ABOVE - NANCY HILL OCCASION TO DRIVE AND IMPACT TRAFFIC WOULD NOT BE NOTICED AS SHE ALREADY LIVES THEIR AND IS AN ELDERLY PERSON. ALL CONSTRUCTION WOULD HAVE A PERMIT AND INSPECTED FOR CODE COMPLIANCES. 

IAN CAY CONSTRUCTION INC. CRC 1327411 STATE CERT. RESIDENTIAL CONTRACTOR

JOHN ANTONIO 904 669 9401 TOILET, ROLL IN SHOWER HANDRAILS ADA

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?

NONE. THE TRAFFIC OR AN ELDERLY LADY WOULD NOT BE GREAT.

NOT IN A FLOOD ZONE.

ALL CONSTRUCTION WILL BE INSPECTED, PERMITTED, AND BY LICENSE CONTRACTORS BY ANCIENT CITY CONSTRUCTION INC.

City of St. Augustine Beach Variance Application 06-19

[Currently there is a 6' FENCE (WOODEN) FOR EVERYONE'S PRIVACY]
Documentation Needed for a Land Use Variance

1) The legal description of the parcel of land for which the variance is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use the lot and block number. Include street address and location indicating street boundary and side (north, south, east, west) and nearest intersecting street.

2) If the land is a portion of the lot, indicate what portion of the lot (for example, south one-half, north one-third, east one-fourth, etc.). If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.

3) The name(s) and address of the owner(s) of the property shall be provided, and this information shall agree with the public records of St. Johns County. If the names are different, attach a clarifying statement.

4) Applicant shall provide a detailed description of the land use variance being sought. If this is more extensive than can be described on the form, additional sheets can be used.

5) Notification of all property owners within a radius of 300 feet of the property for which the variance being sought is mandated by law. The St. Johns County Real Estate/Survey Department (telephone number 904-209-0804) will provide variance applicants with a list of the names and addresses of the property owners within 300 feet of the property for which the variance is requested. This list of names and addresses of all property owners within 300 feet is to include the applicant’s name and address. Along with the list of all property owners within 300 feet, the applicant shall submit stamped, addressed legal size envelopes with the variance application. (Note: Do not fill in a return address on the stamped envelopes. The Building and Zoning Department will stamp its address on the stamped envelopes and mail the legal notices to all property owners). Signatures and approvals of property owners within 300 feet are not necessary. Variance applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to the granting of the requested variance, but these persons should not sign the application itself. Variance applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the variance application.

6) The section(s) of the City’s land use codes from which the variance is being sought shall be listed on the application. The Building and Zoning Department staff will assist you with this or any other matter involved in the variance application process.

7) A fee of $400.00 will be charged for the variance administrative procedure and the legal advertising, along with $7.50 for the legal notice sign, provided by the Building and Zoning Department, which will be posted on the property for which the variance is sought within clear view of the street and not more than 10 feet inside the property line.
St. Johns County, FL

Tax Bill

Estimate Taxes

2019 TRIM Notice

2018 TRIM Notice

Summary

Parcel ID: 1631440127
Location Address: 52 OCEAN WOODS DR E
Neighborhood: SAINT AUGUSTINE 32080-0000
Tax Description: Ocean Woods (657)
Property Use Code: Single Family (0100)
Subdivision: Ocean Woods Subdivision - Unit Two
Sec/Twp/Rng: 34-7-30
District: City of St Augustine Beach (District 551)
Millage Rate: 16.9195
Acreage: 0.250
Homestead: N

Owner Information

Owner Name: Toonder Noel, Lois C 100%
Mailing Address: 52 OCEAN WOODS DR E
SAINT AUGUSTINE, FL 32080-7908

Valuation Information

<table>
<thead>
<tr>
<th>Description</th>
<th>2020</th>
<th>2019</th>
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<td>Building Value</td>
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<tr>
<td>Extra Features Value</td>
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<tr>
<td>Total Land Value</td>
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<td>Agricultural (Assessed) Value</td>
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<td>Agricultural (Market) Value</td>
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<td>Just (Market) Value</td>
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<td>Total Exemptions</td>
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<td>Taxable Value</td>
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Values listed are from our working tax roll and are subject to change.

### Historical Assessment Information

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<th>Ag (Market) Value</th>
<th>Ag (Assessed) Value</th>
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<th>Exempt Value</th>
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### Building Information

- **Building**: 1
- **Actual Area**: 2796
- **Conditioned Area**: 1910
- **Actual Year Built**: 2000
- **Use**: Single Family Residence
- **Style**: 01
- **Class**: N
- **Exterior Wall**: Concrete Stucco
- **Roof Structure**: Gable Hip
- **Roof Cover**: Composite Shingle
- **Interior Flooring**: Ceramic Tile
- **Interior Wall**: Drywall
- **Heating Type**: Air Duct
- **Air Conditioning**: Central
- **Foundation**: Concrete Perimeter Footing
- **Floor System**: Concrete Slab
- **Wind**: 1 Story Masonry

### Extra Feature Information

- **Residential Fence**: BLD
- **Conditioned Area**: 1910
- **Actual Area**: 1910

### Land Information

- **Use Description**: Single Family
- **Front**: 85
- **Depth**: 115
- **Total Land Units**: 1
- **Unit Type**: UT
- **Land Value**: $145,000

### Sale Information

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<th>Sale Price</th>
<th>Instrument Type</th>
<th>Book</th>
<th>Page</th>
<th>Qualification</th>
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<td>MC GINTY FREDERICK J</td>
</tr>
</tbody>
</table>

### Sketch Information

No data available for the following modules: Exemption 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: 4/15/2020 11:45:29 PM

WARRANTY DEED

This Indenture made the 9th day of September, 2004 between MELANIE C. GILBERT, f/k/a MELANIE C. CONKEN, a single woman, GRANTOR; whose post office address is 62 Ocean Woods Drive East, St. Augustine, Florida 32086, and NOEL TOONDER and LOIS C. TOONDER, husband and wife, GRANTEES; whose post office address is 52 Ocean Woods Drive East, Saint Augustine, Florida 32086.

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100 ($10.00) Cents 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 grantee and grantee's heirs forever the following described land located in the County of St. Johns, State of Florida, to-wit:

Lot 27, Block A, Ocean Woods Subdivision, Unit Two, according to map or plat thereof recorded in Map Book 15, Page 40, of the public records of St. Johns County, Florida.

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS and RESERVATIONS of record, if any; However, this reference does not operate to reimpose same: SUBJECT TO Zoning Ordinances that may affect subject property; SUBJECT TO Taxes for the year 2004 and Subsequent Years.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whosoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

WITNESSES

Typed Name: MELANIE C. GILBERT

Typed Name: STEPHEN COLLINS

COUNTY OF ST. JOHNS

STATE OF FLORIDA

THE FOREGOING INSTRUMENT was acknowledged before me on September 10, 2004 by MELANIE C. GILBERT who leases personally known to me or has produced his/her Driver's License as identification.

[Seal]

STEPHEN COLLINS
Notary Public, State of Florida
Commission # DO166005
Owner's Authorization Form

John S. Antonio
Ancient City Construction Inc.

Is hereby authorized TO ACT ON BEHALF OF

Noel Toonder

the owners(s) of the property described in
the attached application, and as described in the attached deed or other such proof of ownership as may be
required, in applying to St. Augustine Beach, Florida, for an application related to a development, land use, zoning
or conditional or special use permit or other action pursuant to an application for:

NEW DETACHED IN-LAW SUITE

By signing, I affirm that the legal owner(s), as listed on the recorded warranty deed on file with the St. Johns
County Clerk of Courts, have been notified of the above application.

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

Signature of Owner(s)

Printed Name(s) Noel Toonder

Address of Owner(s) 52 Ocean Woods Dr EAST

Telephone Number of Owner(s) 904 377 6344

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 16th day of April, 2020, by
Noel Toonder

who is personally known, or who has produced identification.

Type of identification produced Florida Drivers License T576-832-64-456-0

Signature of Notary Public—State of Florida
Notary Stamp/Seal/Commission Expiration Date:

Notary Public State of Florida
Nupal K Patel
My Commission GG 065372
Expires 04/30/2021
Ocean Woods Neighbors,

The Toonder family (Noel, Lois, Madison and Nancy Hill) 52 Ocean Woods Drive East, would like to add a mother-in-law suite (one story 459 square feet) to our property and require your support for a variance for our backyard easement.

Nancy has lived with us periodically over the past few years; however, the past two years have been extremely difficult as she has had a reverse shoulder replacement surgery due to a fall in May of 2019 and knee replacement surgery November of 2019. The shoulder surgery has left her disabled with limited range of motion of her dominate arm. The knee replacement has decreased her pain significantly, but she still has limited mobility.

Nancy will be 80 in October 2020 and we want her to have her independence but be close to us to assist her if required. We believe that this is best solution for her moving forward considering all options.

There are no implications to east, south or west easement of our property. We are looking for a variance of our north easement (back yard fence parallel to 16th street) to reduce from 25 feet to 10 feet from our property line.

If you have any question please reach out to me directly, Noel Toonder (904)-377-6344.

Best,

[Signature]

Noel Toonder
To Whom It May Concern:

The property at 52 Ocean Woods Drive East, St. Augustine Beach, Florida, 32080, pertaining to Lot 27, Block A, Ocean Woods Subdivision, parcel identification number 163144-0127 is in the land use district and zoning classification of low density residential in the City of St. Augustine Beach, Florida, and currently has a single-family residence on this lot. As defined in Section 2.00.00 of the City of St. Augustine Beach land Development Regulations, a single-family dwelling is “A structure containing one (1) dwelling unit, and not attached to any other dwelling unit by any means.”

As the owner of this property, I, [print owner's name], the undersigned, do solemnly swear and affirm that the single-family residence on this property will remain as such, a single-family residence, and therefore any proposed addition or remodel construction I as the current property owner wish to make to this residence shall not be rented out as a separate unit at any time from now into infinity.

Signature of Property Owner

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was sworn to (or affirmed), subscribed, and acknowledged before me by means of [X] physical presence or [ ] online notarization, this 1st day of MAY, 2020, by [print name of person signing above] Noel Leon Toonder, who is personally known to me [X] or has produced the following type of identification:

Florida driver's license # T536-632-69-456-0

Signature of Notary Public, State of Florida

Stamp or Seal of Notary Public:
Note: We are asking to diminish the 25 FT rear set back to 10 FT as shown.

John Antonio Ancient City Coast 846-9740

MAP SHOWING SURVEY OF

Lot 25, Block A, Ocean Woods Subdivision, Unit 7A, according to map or plat thereof recorded in Map Book 15, Page 48, of the public records of St. Johns County, Florida.

Certify to:

NOEL C. TOONDER and LOIS C. TOONDER
Collins Title & Abstract Co., Inc. 6th Land TITLE OF AMERICA GROUP
Fidelity National Title Insurance Company
CHASE MANHATTAN MORTGAGE CORPORATION

AREA = 0.2484 ACRES

OCEAN WOODS DRIVE - 50' R/W

OCEAN DRIVE - 50' R/W

LEGEND

A/C - AIR CONDITIONER PAD R/N - RIGHT-OF-WAY
ADJ. - ADJACENT P/R - SQUARE FEET
CONC. - CONCRETE H - HEIGHT
L.P. - FENCE FOUND S - SOUTH
P.R. - POWER POLE E - EAST
P.C. - POINT OF CURVATURE W - WEST
R.R. - POINT OF REVERSE CURVE R - RADIUS
RES. - RESIDENCE L - ARC LENGTH

AREA = 0.2484 ACRES

GRAPHIC SCALE

1" = 30'

NOTES:
- According to the Federal Emergency Management Agency FEMA Map No. 12514 -00726
- Effective date: the property described herein appears to be in Zone "C"
- Both of surveying engineer: EAST RIGHT-OF-WAY OCEAN WOODS DRIVE
- NORTH 00°24'58" EAST
- Scale of drawing: 3" - 1" = 30' - 1" = 30E
- Scale: 1" = 30'
- 04-24-04 08-01-01 1" = 30' 557.70 8.15 5.62
- S.A.F.

MP1. BOUNDARY

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DeVino & Associates, Inc.
ENGINEERS & SURVEYORS
93 A ORANGE STREET
ST. AUGUSTINE, FLORIDA 32084

MCDONALD'S NAVIGATION
NICHOLAS H. FRANKLIN, P.L.S. #4230
(904) 423-3500
FOR DEVINO & ASSOCIATES, INC.

Not valid without the signature and the original seal of a Florida licensed surveyor and engineer. Tradition of devotion to survey rule and ethics to which this survey report is dedicated is earnestly requested in this written assurance of the integrity and compliance with rules set forth by the American Association of Surveyors.

The surveyor's liability shall not exceed the fees as stated by this surveyor.

This survey is certified to the best of my knowledge.

DeVino & Associates, Inc.
52 Ocean Woods Dr E.

FLOOR PLAN

ASPHALT SHINGLES OVER
30 lb FELT OVER 1/2" OSB OR
PLYWOOD OVER ENGINEERED