AGENDA
PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING
TUESDAY, JUNE 16, 2020, 6:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080

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

I. CALL TO ORDER
II. PLEDGE OF ALLEGIANCE
III. ROLL CALL
IV. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF MAY 19, 2020
V. PUBLIC COMMENT
VI. NEW BUSINESS
A. Land Use Variance File No. VAR 2020-05, for reduction of minimum rear yard setback requirement of 25 feet to 19 feet for proposed new construction of a 224-square-foot addition to an existing single-family residence in a medium-low density residential land use district on Lot 11, Block 58, Coquina Gables Subdivision, at 412 F Street, Ryan Halcrow, Agent for James S. Cooper and Susan F. Horowitz, Applicants

B. Land Use Variance File No. VAR 2020-06, for reduction of minimum side yard setback requirement of 10 feet to 7 feet for proposed new construction of a 96-square-foot bathroom addition to an existing single-family residence in a medium density residential land use district on Lot 98, Atlantic Beach Subdivision, at 115 15th Street, Sally Nichols, Applicant

C. Ordinance No. 20_ passed on first reading by the City Commission at its regular monthly meeting of June 1, 2020, to establish boundary designations for the mixed use district along A1A Beach Boulevard

D. Rescheduling of the Board's August 18, 2020 regular monthly meeting to proposed new meeting date of Tuesday, August 25, 2020, at 6:00 p.m. at City Hall, due to use of the City Hall meeting room on August 18, 2020 as a voting site for the primary election
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, Steve Mitherz, Chris Pranis, Senior Alternate Victor Sarris, Junior Alternate John Tisdall.

BOARD MEMBERS ABSENT: Hester Longstreet.

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

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

Motion: to approve the minutes of the March 24, 2020 meeting. Moved by Ms. Odom, seconded by Mr. Mitherz, passed 7-0 by unanimous voice-vote.

V. PUBLIC COMMENT

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

VI. NEW BUSINESS

A. 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

Ms. Miller said this conditional use application is for renewal of a current conditional use permit for Cone Heads Ice Cream at 570 A1A Beach Boulevard, owned by Maggie Kostka since 2011. Ms. Kostka applied for her first conditional use permit for outside seating in 2012, and this was granted for three years. In 2015 she applied for renewal, which was granted for five years, so she's now here to renew this current conditional use permit, which expires June 1, 2020. The Building and Zoning Department has had absolutely no complaints or issues with the outside seating at Cone Heads Ice Cream since the original conditional use permit was granted in 2012. Staff recommends the renewal be granted for as long as Ms. Kostka owns and operates the business, but that it be granted as non-transferable to a new owner, as it is not known what a new owner would do with the business.
Maggie Kostka, 570 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, applicant, said as the inside seating at Cone Heads is limited to four to six chairs if you can squeeze them in, the outside seating is important because it provides space for her customers to sit and enjoy what they purchase at her ice cream shop.

Mr. Mitherz asked if the drive-thru window is still being used at Cone Heads, and if so, what the status is on the conditional use permit granted to allow the drive-thru.

Ms. Kostka said the drive-thru window is still being used at Cone Heads per a separate conditional use permit.

Ms. Miller said the conditional use permit for the drive-thru was renewed in 2017 for 10 years and expires in 2027.

Mr. Mitherz asked how many parking spaces are onsite, including parking for the residence above Cone Heads.

Ms. Kostka said Cone Heads has 22 available parking spaces. She lives in the upstairs residence and has two additional parking spaces reserved and designated as tenant parking only for her use.

Mr. Kincaid said he lives down the street from Cone Heads, which is a very welcoming place that always seems to have happy people hanging out front. During the past few months when they've all been living under different circumstances due to COVID-19, he noticed the tables for the outside seating were turned over. They are now in use and separated. He thanked Ms. Kostka for the efforts to comply with social distancing guidelines.

Motion: to recommend the City Commission approve the renewal of the current conditional use permit for food and/or beverage service and consumption outside of an enclosed building at Cone Heads Ice Cream, 570 A1A Beach Boulevard, subject to the condition that it be granted as non-transferable to the current property owner and applicant for as long as she owns the property and operates the business. Moved by Ms. Odom, seconded by Mr. Mitherz, passed 7-0 by unanimous voice-vote.

B. Land Use Variance File No. VAR 2020-04, for reduction of the minimum rear yard setback requirement of 25 (twenty-five) feet, per Section 6.01.03 of the City's Land Development Regulations (LDRs), to 10 (ten) feet, for proposed new construction of a 459-square-foot in-law suite addition to an existing single-family residence in a low density residential land use district 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

Ms. Miller said this application is a variance request for a rear yard setback reduction from 25 feet to 10 feet for a 459-square-foot mother-in-law suite addition to an existing single-family residence at 52 Ocean Woods Drive East. The owners of this property, Mr. and Mrs. Toonder, are asking to build the addition for Ms. Toonder’s mother, who has lived with them for the past several years and is dealing with several medical issues. Staff received just this afternoon four letters of support from neighboring property owners, hard copies of which have been provided to the Board members. The survey on the overhead screens shows the proposed mother-in-law suite located 10 feet off the rear property line, and two of the letters of support were signed by the owners of the two lots, Lots 28 and 29, Block A, at 577 and 575 16th Street, respectively, directly behind the applicants’ lot. [Recording Secretary’s Note: Ms. Miller was interrupted at this point by the applicant’s agent, John Antonio, who submitted a new survey and site plan for the proposed addition showing the requested rear yard setback to 12.5 feet, instead of 10 feet.] With this new survey and site plan, Ms. Miller said the requested rear yard setback reduction is now from 25 feet to 12.5 feet, so this is good news. The property owners living at 575 and 577 16th Street, who will be most affected by the requested variance for the rear yard setback reduction, submitted letters of support for the variance for a rear yard setback reduction to 10 feet, which is a bigger setback reduction than what is now being requested. The owners of 575 16th Street have some concerns about drainage, which Mr. Antonio and Mr. Toonder can address. She displayed a location map on the overhead screens showing where the adjacent property owners who submitted letters of support live in relation to the applicant’s property.

Mr. Mitherz asked if the City currently has any mother-in-law suites built on low density residential properties.
Ms. Miller said yes. Last year, the Board approved a variance for a mother-in-law suite on Poinsettia Street. The applicants built their house under the former minimum rear yard setback requirement of 20 feet and applied for a variance to build the in-law suite with a 20-foot rear yard setback to be in line with rest of the house. As was the case with this in-law suite addition, Mr. Toonder was asked to sign the letter of agreement stating the in-law suite shall not be rented as a separate unit, and as the property is zoned low density residential, short-term or transient vacation rentals of 30 days or less are prohibited. Low density residential only allows one residential unit per lot, so the in-law suite can’t be rented as a separate unit for short-term or long-term use but can only be used for family members or guests staying with the family. If it is found that the in-law suite is being rented as a separate unit, the issue will be turned over to code enforcement and the property owners will be cited with a violation notice. The document signed by Mr. Toonder says the in-law suite shall not be rented as a separate unit at any time from now into infinity, so this applies to not only the current property owners, but any future owners.

Mr. Kincaid asked if, even without the letter signed by Mr. Toonder, the City will keep people from renting it through the current regulations for low density residential.

Ms. Miller said correct, if the City found out it was rented as a separate unit or this was reported by neighbors, code enforcement would contact the owners and initiate any code enforcement action necessary to shut down and further prohibit the in-law suite from being rented as a separate unit.

Mr. Mitherz asked if the in-law suite could be rented for six months or more as a separate unit.

Ms. Miller said no. It couldn’t be used as a separate rental unit at all because the property is zoned low density residential and can only have one single-family unit per lot. The question was asked by a neighbor as to what would happen if the applicants wanted to subdivide their lot into two lots, with the existing house on one lot and the in-law suite on another, but the lot isn’t big enough to subdivide it into two separate lots and a 459-square-foot unit doesn’t comply with the minimum floor area for a single-family residence in low density residential.

Mr. Law said keep in mind, there will only be one electric service to the property, as a separate meter to the in-law suite won’t be allowed at the same address. Also, the floor plans submitted with the application don’t include a kitchen or a cooking appliance such as a stove. This doesn’t mean it couldn’t have a microwave or a hotplate. The letter signed by the applicants was something he brought with him from St. Johns County, as the County allows what they call accessory family units, which are essentially the same principle as mother-in-law suites. The applicant will be asked to have this letter recorded with the variance order, if the variance is granted, at the St. Johns County Clerk of Courts Office, so it will be transferred in the event of a sale, and the new owners won’t be able to say they didn’t know the unit could never be rented separately. Once it’s recorded it should be part of the closing documents in the event of a sale of the property so it can be reviewed by any prospective or future owners.

Mr. Sarris asked if granting this variance will expose the City to other similar requests for variances to build mother-in-law suites in not just this neighborhood but in all the other neighborhoods in the City.

Mr. Law said with every variance, there is the risk of setting a precedent, which is why it’s imperative for the Board to consider each variance application individually as to the conditions for applying for any variance to the LDRs. Without a variance, the applicants would have to build to the current setback requirements, as this City does not offer reduced setbacks for accessory structures, with the exception of small sheds, or anything of that magnitude.

Mr. Sarris said this seems like a very good and worthy cause, but if other applicants come before the Board in the future with similar requests for setback reductions for in-law suites because they know other people have been granted variances for the same, will the Board be able to turn down future applicants if they don’t meet the same criteria? He asked if this is kind of like a moving target that will be hard to defend the next time it comes up.

Mr. Law said he’d say this is possible, but he’d like to defer these questions to the City Attorney.
Mr. Taylor said the Board has a lot of discretion in issuing variances, which is why the Board is supposed to look at each application on an individual, case-by-case basis. If the Board has twenty variances for setback reductions to 12.5 feet for in-law suites such as this one and approves them all but then turns down the twenty-first one, this would open up a little exposure, but the Board still has to individually look at each one because every case, even if they look similar from the outside, is going to be different. For example, this particular variance request includes letters of support from four neighboring property owners, while another application may have letters of support from property owners who are not so close. In issuing a variance, each approval is a tailored decision, even though there’s always a danger that the more that are approved, the more of a precedent is built up, and this could cause a good challenge if one is turned down. As long as the Board is being fair and looking at each situation independently, however, the Board’s decisions are going to be upheld and it is going to be very hard doable terms.

Mr. Kincaid said he has a number of questions, but he’d like to listen to the applicant’s presentation and then have Board discussion afterward, because he thinks this will involve staff and the City Attorney weighing in again.

John Antonio, Ancient City Construction, 2614 Joe Ashton Road, St. Augustine, Florida, 32092, agent for applicant, said he’s the contractor for this project, and has been hired by the applicants because Mrs. Toonder’s mother, Nancy Hill, has some health issues and is having a hard time living the rest of her life in an eight-foot by-ten-foot bedroom with cans of soup and all her other possessions in it. The Toonders are trying to improve Ms. Hill’s comfort and quality of living, whereas every request to build an in-law suite might not involve these medical issues. Regarding the neighbor’s concerns about water running downhill to his property, the in-law suite building will be built with two gables, so the water will shed to the right and left and not to the rear, and not affect this neighbor’s property. Also, the property is at a good elevation, so with water shedding to the right and left on either side, it won’t affect either of the adjacent neighbors abutting the back of the Toonders’ property.

Noel Toonder, 52 Ocean Woods Drive East, St. Augustine Beach, Florida, 32080, applicant, said he and his wife have lived in their house for about 17 years, and his mother-in-law, Nancy Hill, has lived with them intermittently over the years. In the past few past years, she’s had total shoulder replacement surgery and has limited range of motion. Their family is small, as his wife is his mother-in-law’s only living child, and their daughter is his mother-in-law’s only grandchild, so they’re trying to keep her close but also in an environment where she has freedom to do what she wants. They’ve looked at other options, such as assisted living, but due to financial constraints and other things, it’s just not feasible. The neighbors who would be most impacted by the in-law suite are Bryan and Chandra Heifner, who live behind them at 575 16th Street. He’s had extensive conversations with them regarding the three issues they have, the first and foremost of which has to do with the impact of water run-off, which Mr. Antonio addressed. He’ll be putting gutters on the house post-construction to ensure the water run-off from the gutters flows to the south and is drained to the lawn area in front of his home, and not to the rear, or north side. His lot is elevated, and the water run-off will actually plane off onto his own lot like a bowl. Another issue has to do with renting the in-law suite through Airbnb and that sort of thing, but they have no intention of doing anything like that. He’s worked from home for the last 20 years, so in the event his mother-in-law passes, he’ll use the in-law suite for his personal office space. Also, now that their daughter is home due to COVID-19, any extra space in the house has kind of been absorbed by her, so with the configuration of their lot, the proposed addition is the best they can do with what they have available to work with. They’ve looked at adding different structures or levels to the house, but it just got to a cost structure that wasn’t sustainable. The last of the Heifners’ concerns was the proximity of the in-law suite window facing their bedroom window. He’s communicated to them he’s willing to move that window to either the north side or anywhere else where it’s not facing their bedroom window.

Mr. King asked why the in-law suite is proposed to be built as a detached structure.

Mr. Toonder said they’re working around a couple of factors, including having an artesian well on the east side of the house. He looked at the cost, which would be pretty substantial, of filling in this well and moving it, but the other issue is that a detached addition will save them a little money as it relates to connectivity and other things.
Mr. Pranis said the description of the hardship in the application doesn’t really address the ongoing medical issues which are very important in this decision, so he’s not sure the hardship is correct in the way it is stated.

Mr. Kincaid said he has similar concerns. Looking at the actual regulations for granting a variance, there are a number of references as to whether the requested variance is specific to the property, which in this case, it is, but it is also precedent-setting. If the condition is common to numerous sites, requests for similar variances might come in, so the Board needs to make a required finding based on the cumulative effect of granting the variance to all who may apply. This gives him a little bit of pause because the hardship as stated in this case is not created by the physical characteristics of the property or the house, or an inability to reasonably use that property to the applicant’s benefit. He certainly understands the hardship and supports the sentiment behind it, he’s just having a difficult time with it because the considerations for granting a variance specifically talk about self-created hardship, and this hardship is specific to the applicant’s family and circumstances, it is not specific to the property or the use of the land. There probably needs to be more discussion about how the hardship is evaluated. One of the things he was questioning before the meeting was the effect of the variance on neighboring properties, and it’s obvious the applicant has the support of the neighboring property owners. Another consideration for granting a variance says if this has been granted in the past, the Board could use that in favor of granting the variance. He asked if staff could tell them more about the similarities between this application and the variance Ms. Miller mentioned was granted by the Board last year also for a mother-in-law suite addition in low density residential.

Mr. Law said he’ll answer this, as he was the plan reviewer for this addition, and is very familiar with it. The applicants asked for a variance for a rear yard setback reduction from 25 feet to 20 feet, because the entire street, including their house, had been built to the former 20-foot rear setbacks. The Board granted a variance to allow construction of the addition with the old setbacks at 20 feet, as the applicants didn’t have enough room to build it with a 25-foot rear yard setback. This was a rather large lot, but it wasn’t quite big enough to subdivide into two separate lots to build a new single-family residence for the mother-in-law, so they built an attached addition for which a variance was granted to allow it to be built at the former 20-foot rear setback. So, the circumstances for this variance, even though it was granted to allow a mother-in-law suite to be built, were completely different.

Ms. Odom asked if this has been the only variance granted to allow a mother-in-law suite that anyone can recall, to which staff responded with an affirmative nod. Her experience with variances is that the Board is always concerned about setting a precedent with every variance granted, and they’re always trying to justify a hardship. This may not sound right, but she’s seen the Board grant variances for less of a hardship than is shown here, and whether or not they’ve created the hardship, the in-law suite is for the applicant’s family. While she understands the Board’s concerns about the hardship and setting a precedent, she thinks there has to be some compassion.

Mr. Kincaid said his concern is that by allowing this, anybody could now apply for a variance to build an additional building on a lot, and the hardship doesn’t really matter, because while it is a personal hardship, it is not a hardship created by topography or by the lot size or by any restrictions on the lot. This is a hardship specific to this family on this property, so he’s having a hard time fitting that in the hardship definition without setting a precedent.

Mr. Pranis said in the past the Board has recommended the application be resubmitted without additional fees to enter in an amended demonstration of the hardship, so a precedent isn’t set for what the current applicant is asking for. He asked if this is something they want to consider for this application.

Mr. Kincaid said the Board has also granted variances in the past for setback reductions to allow property owners to better utilize properties for current and future owners.

Mr. Law said the biggest variance recently granted by the Board was a rear yard setback reduction to five feet for a detached two-car garage. This property backed up to a stormwater tract and there were no adjacent residences behind it. Also, the location of the garage was moved to the rear of the lot to save two rather large oak trees. This detached garage was for a new single-family residence off Old Beach Road, across from Ron Parker Park.
Mr. Antonio said there are no other complaints or opposition from the neighbors, and the in-law suite will be built as a deed-restricted addition binding to any future owners. Mr. Toonder's mother-in-law, Ms. Hill, has been living a pretty tough life in a bedroom that's pretty small, and she really has no other place to go. His idea is, for future considerations, this would be a compassionate thing, for example, if someone just wanted to build an in-law suite without medical issues involved, this would be evaluated differently. Otherwise, just anybody could do it. Also, like most corner lots, the Toonders' lot isn't a regular-sized lot but is pie-shaped with a different configuration.

Mr. Kincaid said he understands and appreciates that, and also understands and appreciates the neighborhood support as well as the future use restrictions on the property, which he did drive by and look at. The proposed addition will be hidden in the back and won't be an eyesore, so he doesn't have a problem with any of that, but his concern is the precedent-setting they'll be doing by opening the door for other people to apply for variances to build additional structures on their properties with setbacks that don't meet the minimum requirements per the City's LDRs. The Board isn't asking the applicant to prove any medical issues, just as they wouldn't ask anybody to prove any medical difficulties. If somebody wanted to come in and say there are medical issues involved, the Board would take this at face value. The issue is whether that creates a hardship under the variance structure that gives the Board the ability and flexibility to evaluate properly without setting a precedent and without weakening the LDRs. It is not really about the medical at all. He asked for the City Attorney's advice on this.

Mr. Taylor said the Board doesn't have to worry about setting a precedent because, for example, say at one time, the Board allowed 12.5-foot setbacks and now every time someone else asks for 12.5-foot setbacks, the Board thinks they have to approve the same thing. Each lot location and each location of a structure or whatever the applicant is asking for is subject to its own separate evaluation. If the policy of the City Commission is that they don't want any variances approved for mother-in-law suites, this can be the Board's decision. But each variance application is by itself an independent evaluation of the situation, and he agrees that the medical is not really supposed to be the fundamental for what is decided. It could be a factor, but it should not be the fundamental factor, which should be the property, the structures, etc. The Board should make decisions based on what makes sense and what's coherent so when the logic is applied to something else, it makes sense in that case as well. If the Board decides that as a community, it's important to be able to take care of family members, and mother-in-law suites are something that should be allowed with a variance if it makes sense, once you step past that, you're just evaluating whether these particular setbacks work, and whether the Board needs to ask the applicant to do something different, for example, there might be a neighbor who has concerns about drainage or something else. Each variance application is separate, and if the Board has allowed mother-in-law structures in the past, that's where they're at, so the questions then are really whether the requested variance meets the conditions listed on the variance application and whether there are any neighbors' concerns that need to be addressed.

Mr. Kincaid asked what the Board would be doing to the City's variance process by allowing a compassionate consideration into the hardship process.

Mr. Taylor said without giving offense, he doesn't think that's exactly the test. If there's a community desire to keep families intact, regardless of whether there's a medical condition involved, that's usually the legislative reasoning behind having family out-building structures and allowing these kinds of things. Once the Board has taken the step of deciding they're going to allow these kinds of structures, it's not really all that important what the compassionate reasons for it are, as you then get to a set of circumstances pertaining to whether the variance is reasonable with the use of the property and whether it makes sense to grant it for the proposed use.

Mr. Kincaid said the variance process, however, requires a hardship, so at what point does the hardship become that the property owner bought too small of a house, and now needs a bigger one? If that is what they're opening this up to, anyone who moves to the City and buys a two-bedroom house can expect to be able to build onto it or add an out-building. He thinks the compassionate part almost has to be added if this variance is approved, as this separates it out from everyone else who applies for a variance because they bought too small of a house.
Mr. Taylor said not that he’s trying to guide anything, because the Board can decide what it wants to decide, but the logic when you think about out-building structures is more looking at the square footage on the lot itself.

Mr. Law said residential properties are limited to 35 percent maximum lot coverage and low density residential is limited to 40 percent maximum impervious surface ratio (ISR) coverage, so the applicant won’t be able to get a permit for the in-law suite if the lot coverage and ISR coverage exceeds this, unless he applies for another variance.

Mr. Taylor said this individual lot does have an irregular shape, so that might be a good reason to grant a variance, if the proposed new building does not go over the allowable lot coverage and ISR coverage percentages. If a variance is granted to allow the applicant to build the in-law suite, the analysis should really be focused on what’s the best positioning of the out-building and if the variance requested is really the minimum needed to build it.

Ms. Odom said the additional square footage would increase the value of the property, in the case of a resale.

Mr. Kincaid said he agrees with all of that, and that’s all fine, but everybody could make the argument that they could make their property worth more if they did this to it, and at some point, the LDRs become worthless if they don’t follow them and don’t have a reason, which is what he’s looking for here, to go outside and around them.

Mr. Toonder said they’ve done probably three or four different drawings to fit within the configuration of their lot lines, and he wasn’t thinking about this until it was brought up, but if he brought the in-law suite in five or ten feet from the rear, or north, property line, he’d need a variance to encroach into the setback on the east side, and if he tried to put it on the back of his house, where his porch is, he’d also need a variance. He’s in a position where he really can’t do anything else, and while he understands the point made that people should buy a bigger house, he bought a house 17 years ago, he and his wife had one child, and now their sentiment is to take care of another of their family members. They’d prefer not to have to move from the area to make this accommodation, and they’re just trying to do everything they can. As to the hardship part of it, he’d say they’re facing a bit of a hardship trying to work in the square footage of the proposed addition, as a result of the extreme pie-shape of their lot.

Mr. Kincaid said in driving by and looking at it, he thinks Mr. Toonder has done a good job putting it where it is. His problem is not with the applicant or where the in-law suite is located, as right now, he thinks the Board is looking for a way to help him. The Board’s problem is that they have to sit here next month and the next month after that and listen to the next applicants applying to build a similar addition based on what they’ve approved.

Mr. Law said to answer the questions about square footage for lot coverage and ISR, per the information provided by St. Johns County Property Appraiser’s Office, the lot size is approximately 10,890 square feet. If the screen porch has a hard roof, to which the applicant nodded assent that it does, the total square footage for existing lot coverage is at 25.675 percent, so they’re allowed an additional 1,015 square feet, and the proposed in-law suite is less than that. In theory, what’s proposed would comply and be less than the allowable maximum lot coverage of 35 percent. He recommended they go through the limitations on granting variances item by item, so the Board can discuss each one individually, and that way, they’ll stick to the conditions required to grant the variance. He put Section 10.02.03.B, “Required considerations for the granting of a variance,” of the LDRs up on the overhead screens, starting with Section 10.02.03.B.1, “The nature of the hardship, whether it is as a result of an inability to make reasonable economic use of the property consistent with the provisions of these land development regulations, circumstances in common with other property owners, or personal to the applicant, it being the intent of this provision that an inability to make reasonable economic use of the property acts in favor of the granting of the variance and personal hardship and hardship in common with others act against the granting of the variance.”

Mr. Kincaid said he’d go out on a limb to venture that the conditions of this paragraph are not met, because the economic use of the property is not inhibited by not granting the variance.

Ms. Odom said she sees what Mr. Kincaid is saying, that the economic use of the property is not inhibited by not granting the variance, but on the other hand, if the variance is granted, it will give it increased economic value.
Mr. Kincaid said yes, granting the variance would increase the economic value of the property, but there's no inability to make reasonable economic use of the property if the variance is not granted.

Mr. Mitherz said he would agree.

Mr. Law displayed Section 10.02.03.B.2, which states, "The precedential effect of the variance, it being the intent of this provision that the prior granting of similar variances to persons similarly situated shall act in favor of the granting of the variance and the prior denial of similar variances shall act against to the granting of the variance."

Mr. Kincaid said the Board has discussed that they think it is precedential, and that the other variance that was granted for a mother-in-law suite and discussed by the Board is not really similar.

Mr. King said they would actually have to look further back to see what the Board has approved in past years to really get a good comparison.

Mr. Law displayed Section 10.02.03.B.3, which states, "Whether the granting of the variance will create a precedent. The creation of a precedent shall act against the granting of the variance."

Mr. Kincaid said they've already discussed this. He asked for any additional comments. There were none.

Mr. Law displayed Section 10.02.03.B.4, "Whether the hardship is self-created; that is, whether the applicant acquired the property following the adoption of the regulation from which the variance is sought or the hardship is as a result of construction or other activities undertaken by the applicant following the adoption of such regulation. Acquisition of the property following the adoption of the regulation shall act against the granting of the variance. Acquisition preceding the adoption of the regulation shall act in favor of the granting of the acquisition."

Mr. Kincaid said the applicant has owned his property for 17 years, and he thinks the setbacks have kind of moved back and forth over the years.

Mr. Law said yes, front and rear yard setbacks have gone from 25 feet to 20 feet then back to 25 feet each, but he doubts they've ever been 12 feet in this City. He next displayed Section 10.02.03.B.5, which states, "Whether the variance requested is the minimum variance that will permit the reasonable economic use of the property."

Mr. Kincaid said he thinks the requested variance clearly meets this.

Mr. Law displayed Section 10.02.03.B.6, "The effect of the variance on neighboring properties. The absence of an effect on neighboring properties will act in favor of the granting of the application. An adverse impact upon neighboring properties or the immediate neighborhood will act against the granting of the application."

Mr. Kincaid said this has been taken care of with neighbors supporting it. They've received no dissenting letters or opposing opinions on this, and the applicant addressed the concerns of the one neighbor about water run-off.

Mr. Law displayed the last paragraph, Section 10.02.03.B.7, which states, "Increases in congestion on surrounding streets, increases in the danger of fire or flooding will act against the granting of the application."

Mr. Kincaid said he doubts any of that is going to happen.

Mr. Taylor said he's a little concerned they may be analyzing the first consideration wrong, so he'd like to go back to Section 10.02.03.B.1, referring to the nature of the hardship. The reason he brought up the square footage usage was because if the lot were a different shape, the applicant would be allowed to build the addition regardless of the purpose, which in this case, is for his mother-in-law. That's not the problem, the problem is economically, he could build out bigger but for the shape of the lot. The applicant also stated there is an artesian well and other things causing issues with placing the in-law suite elsewhere. The Board has to make a decision based on consideration of all of these factors, but he thinks they may be analyzing this part a little too strictly.
Mr. Kincaid said reinterpreting that, the hardship is the applicant could build the in-law suite legally and in conformance with the LDRs without any problem if the lot were big enough and it could be built within the 25-foot rear yard setback line, but because the lot is shaped the way it is, and because of the position of the artesian well and different factors on this lot alone, the applicant is unable to build the addition without a variance.

Mr. Law said you could look at it that way, based on where the proposed location of the in-law suite is. The applicant also briefly touched on the cost aspect, saying it’s much more cost-effective to build a detached building, but another option is to go into a full renovation of the house, and attach the proposed in-law suite to the rear of the house. However, the applicant would still need a variance, as there’s only 26 feet from the wall of the house to the rear property line. They’re just limited as to space, and honestly, if he were still a contractor, the way the applicant is proposing to build the addition in the location shown in the variance application is the route he’d take.

Mr. Kincaid said so this is the minimal variance that is being requested, which is another of the conditions to be considered for the granting of a variance.

Mr. Law said yes, he would say so.

Ms. Odom said in looking at the map showing the location of the neighboring property owners who wrote letters of support, it looks like most of the adjacent property owners could build what the applicant wants to do without a variance, due to the size of the lots in this neighborhood. However, the applicant is applying for this variance for the most part because of the pie-shaped dimensions of his lot, which isn’t big enough to do what he wants to do without the requested variance. She thinks the applicant has positioned the addition in the best place possible.

Mr. Kincaid said if the applicant were to move the addition forward, it would encroach into the side setback.

Mr. Toonder said yes, they’ve pulled it in as close as they could so as not to encroach into the side setback on the east side, so they’re only dealing with one setback reduction for the variance. Even if he filled in the artesian well to move the addition so it meets the 25-foot rear yard setback, it would encroach into the east side setback.

Mr. Law suggested they go through some conditions before a motion is made, and recommended the motion include verbiage stating it is based upon the configuration of the lot, support in favor of the variance from adjacent neighbors, demonstration by the applicant of the minimum variance necessary to construct whatever the square footage of the mother-in-law suite is, and as such, the variance is granted under the conditions that the mother-in-law suite shall not be rented and shall not violate any of the City’s Land Development Regulations. The Board can also discuss whether they want to prohibit a stove or an oven in the in-law suite.

Mr. Kincaid asked if there is sentiment from the Board to prohibit cooking appliances or a stove in the addition.

Ms. Odom said in the City of St. Augustine, you can’t have a stove in a mother-in-law suite.

Mr. Law said during the time he worked for St. Johns County, this wasn’t allowed in the County either, except, he believes, in the special zoning district of Ponte Vedra.

Mr. Kincaid asked if this would be prohibited during the City’s inspections of the in-law suite.

Mr. Law said he has no legal authority under the building code or zoning code to prohibit this, it would have to be listed as a condition of the motion to grant the variance.

Mr. King said he thinks this should be added as a condition of granting the variance. The Board agreed, by general consensus.

Motion: to approve Land Use Variance File No. VAR 2020-04 for a rear yard setback reduction from 25 feet to 12.5 feet for proposed construction of 459-square-foot in-law addition based on the hardship of the configuration of the lot; support in favor of the variance from adjacent neighbors; demonstration by the applicant of the
minimum variance necessary to construct said addition; and subject to the conditions that said addition shall not be rented as a separate unit, shall not violate any of the City’s Land Development Regulations, and a stove and/or oven shall be prohibited in the 459-square-foot mother-in-law suite addition. Moved by Mr. Kincaid, seconded by Mr. Einheuser, passed 7-0 by unanimous voice-vote.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

Ms. Odom said she knows the paperwork was submitted today or maybe tomorrow to reopen vacation rentals, and she heard it may be three or four weeks before it’s approved. She asked what the City’s stance is on people violating the still-in-effect ban on vacation rentals.

Mr. Law said the City is enforcing this through code enforcement. Staff has probably investigated at least five or six complaints and he believes some people have left as a result. Code enforcement is complaint-driven, so if staff receives a complaint or it’s just obvious, the City’s Code Enforcement Officer is sent out to make contact with the tenants, and if nobody answers the door, the property owner or property management company is contacted.

Ms. Odom said you hate to tattle on people, but if one person is doing what they’re supposed to and another is reaping a profit because they’re not, it’s hard not to say something.

Mr. Law said that’s exactly what’s happening, as most of the complaints they’ve gotten are from people who are doing what they’re supposed to and seeing a transient vacation rental going on two doors down from them.

Mr. Kincaid asked what’s being built behind Jack’s Bar-B-Que.

Mr. Law said this is a microbrewery addition to Jack’s Bar-B-Que, which was approved as a mixed use application by this Board last year with a variance to reduce the front setback from 10 feet to 5 feet. The concrete for the microbrewery was just poured this morning.

IX. ADJOURNMENT

The meeting was adjourned at 6:57 p.m.

Kevin Kincaid, Chairperson

Lacey Pierotti, Recording Secretary

(This meeting has been recorded in its entirety. The recording will be kept on file for the required retention period. Complete audio/video can be obtained by contacting the City Manager’s Office at 904-471-2122.)
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To: Comprehensive Planning & Zoning Board
From: Bonnie Miller, Executive Assistant
CC: Brian Law, Building Official
Date: June 10, 2020
Re: Variance File No. VAR 2020-05

Variance 2020-05 is for a reduced rear yard setback from 25 feet to 19 feet for proposed new construction of a 224-square-foot enclosed sunroom addition to an existing single-family residence in a medium-low density residential land use district at 412 F Street. As the alley behind this lot has been vacated, the dimensions of the lot are 50-feet-by-100.5 feet, for a total of 5,025 square feet. Maximum lot coverage for all residential land use districts in the City is 35 percent. The proposed 224-square foot addition added onto the existing 1,516-square-foot house will bring the square footage for lot coverage calculation to 1,740 square feet, for total lot coverage of 34.6 percent. Impervious surface ratio (ISR) coverage for medium low density residential is a maximum of 50 percent. Square footage for ISR coverage is calculated by adding all impervious concrete coverage, which includes the 1,740-square-foot building footprint inclusive of the 224-square-foot sunroom addition and an additional 660-square-foot concrete driveway, for a total of 2,400 square feet of impervious coverage, which, divided into the 5,025-square foot lot, calculates to 48 percent ISR coverage.

The existing wood deck and stairs shown on the current survey will be demolished to build the 224-square-foot sunroom addition and a new 9-foot-by-4-foot low lying, 12-inch-high deck will be built coming off the west side of the sunroom and the rear of the existing home. Decks less than 30 inches in height are exempt from permitting if the main structure is built to the 25-foot rear setback line, and such decks may extend 12 feet into the rear setback.

The applicants have included in the application a petition signed by 10 neighboring property owners in support of the requested variance to allow the sunroom addition. The Board is advised to consider this variance application based upon the required considerations for the granting of a variance per Section 10.02.03.B of the City’s Land Development Regulations. This section includes the following statements: “The presence of a single factor shall not warrant either the granting or denial of the application. Instead the Board shall weigh each factor as to whether the public health, safety and welfare warrant the granting or denial of the application. The burden of demonstrating factually that the granting of the application is warranted is on the applicant.”

Sincerely,

Bonnie Miller
Bonnie Miller
Executive Assistant
Building and Zoning Department
City of St. Augustine Beach Building and Zoning Department
Variance Application
2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080
WWW.STAUGBC.COM BLDG. & ZONING (904)471-8758 FAX (904) 471-4470

1. Legal description of the parcel for which the variance is being sought:
   Lot(s) 11  Block(s) 58  Subdivision 3-20 Coquina Shores
   Street Address 412 F St., St. Augustine, Fl 32080


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

4. Real estate parcel identification number: 1717800110

5. Name and address of owner(s) as shown in St. Johns County Public Records:
   James Cooper & Susan Horowitz
   412 F St., St. Augustine, Fl 32080


7. Land use variance being sought: 6 ft. of rear setback for reduction from 25 feet to 19 feet
   Section of land use code from which the variance is being sought: 6A01.03 LDRS

8. Reasons for which the variance is being sought: Add additional conditioned living space to rear of home.

10. Supporting data which should be considered by the Board: Architectural drawings.
    Survey showing encroachment onto owners property, petition signed by neighbors, variances granted for similar requests.

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

Susan F Horwitz  
Print name (owner or his/her agent)  
Signature / date 5/14/20

412 F St, St. Augustine, FL 32080  
Owner/agent address

Ryan Halcrow  
Print name (applicant or his/her agent)  
Signature / date 5/14/20

1045 Main Beach Blvd #133, 32080  
Applicant/agent address

904-541-7444  
Phone number

City of St. Augustine Beach Variance Application 06-19
**All agents must have notarized written authorization from the property owner(s)**
**Variances shall be recorded prior to issuance of the building/development permit**
**Please note that if you are a resident within a development or subdivision that has covenants and restrictions, be aware that approval of this application by the Comprehensive Planning and Zoning Board does not constitute approval for variation from the covenants and restrictions.**

Date: 5-15-2020

Variance File #: VAR 2020-05

Applicant’s name: Susan F. Horowitz

Applicant’s address: 412 F Street

For land use variance at: 412 F Street, St. Augustine Beach, Florida 32080

Charges

Application Fee: $400.00  Date Paid: 5-15-2020

Legal Notice Sign: $7.50  Date Paid: 5-15-2020

Received by: Bonnie Miller

Date: 5-15-2020

Invoice #: 12001173

Check #: 1059

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 current conditioned space of the home is 1,170 sq. ft. with no covered patio or carport, based on the current setbacks, the customer can only expand by 6 feet which makes an incredibly small sunroom/conditioned space. The cost of building up is much higher and not what the customer wants as this is their retirement home. We are requesting approval for 7' of the current setback.

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.

Approved Variances - 6 Examples

1) March 19, 2019 VI: New Business (A) pg.9 VPR 2019-07 Rear Setback - Approved
2) May 31, 2019 VI: New Business (C) pg. 7 VPR 2019-09 Rear Setback from 35' to 10' - Approved. This same lot had a variance approved for conditioned space on the west of the home.
3) Jan 31, 2020 VI: New Business (C) pg.3 VPR 2020-02 Rear Setback from 35' to 20' motion approved.

City of St. Augustine Beach Variance Application 06-19
4) Sept 17, 2019 VI: New Business (A) pg.1 VPR 2019-13 Rear Setback from 35' to 4' - Carport built with no permit. Motion approved.
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.

   The home was purchased in 2006, setbacks at one point were 25', then changed to 25'. The requested addition would be livable with 20' rear setbacks, but not 25'. We are requesting approval for 1' of the rear setback.

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

   We are requesting a variance of the existing 25' rear setback. This variance approval will allow the customer a beautiful sunroom which will increase the size of the home - adding value to the property and community. This will increase the size of the home by 204 sq.

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.

   Approval of the variance will not alter the character of the home. The addition is in the rear of the home and only visible from those neighbors. The addition will be the same roofing materials and siding as the existing home making the appearance consistent. Adding 204 SF will increase the property value.

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?

   If approved, there will be no traffic congestion as its use is a sunroom - not additional bedrooms for rent, there will not be an increase in vehicles at the property based on the addition. The addition will be per code and include a site plan to be approved by the building dept for proper drainage of the lot.
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 envelopes as the return address and mail the legal notices to all property owners). Signatures and approvals of property owners within 300 feet are not necessary. Variance applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to the granting of the requested variance, but these persons should not sign the application itself. Variance applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the variance application.

6) The section(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
- My Tax Bill

Estimate Taxes
- Tax Estimator

2019 TRIM Notice
- 2019 TRIM Notice

2018 TRIM Notice
- 2018 TRIM Notice

Summary
- Parcel ID: 1717800110
- Location Address: 412 F ST
- Saint Augustine 32080-0000
- Neighborhood: Coquina Gables (717)
- Tax Description*: 3-30 COQUINA GABLES LOT 11 4TH 30 & 3 1/2 OF VACA ALLEY LYING NORTH PER OR4308/417 OR2841/700
  *The Description above is not to be used on legal documents.
- Property Use Code: Single Family (0100)
- Subdivision: Coquina Gables Subdivision No 1
- Sec / Tax / Par: 3-0-30
- District: City of St Augustine Beach (District 551)
- Millage Rate: 16.9195
- Acres: 0.120
- Homestead: N

Owner Information
- Owner Name: Cooper James E Et ox 100%
- Horowitz Susan F 100%
- Mailing Address: 3 WINCHESTER ST 61
  BOSTON, MA 02116-0000

Map
### Valuation Information

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### Land Information

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### Sketch Information

```
- Room Type: Area
  - FINISHED GARAGE: 0
  - DECK: 0
  - FINISHED OPEN PORCH: 0
  - BASEMENT: 0
```

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

Last Data Upload: 5/9/2020 1:28:32 AM

Version 2.3.59

WARRANTY DEED

THIS WARRANTY DEED made this 20th day of December, 2006 by Rebecca L. Allman, nka Rebecca L. Smith, joined by her husband Mark Smith, hereinafter referred to as Grantor, whether one or more, and whose address is 349 Ocean Forest Drive, St. Augustine, FL 32080, to James S. Cooper and Susan F. Horwitz, husband and wife, as Tenants by the Entirety hereinafter referred to as Grantee, whether one or more, and whose address is 214 W Springfield St., Boston, MA 02118

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations, in hand paid by Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, assigns, remises, releases, conveys and confirms unto Grantee the following described land situate, lying and being in the County of St. Johns, State of Florida to wit:

LOT 11, BLOCK 58, COQUINA GABLES SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN MAP BOOK 3, PAGE 30, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

SUBJECT TO taxes accruing subsequent to December 31, 2005.

SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference shall not operate to reimpose same.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.
Owner's Authorization Form

Ryan Halcrow
Susan Horwitz & James Cooper

is hereby authorized TO ACT ON BEHALF OF

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:

Land Use Variance

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)

Address of Owner(s)

Telephone Number of Owner(s)

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 14th day of May, 2020, by

Susan Horwitz

who is personally known or who has produced identification.

Type of identification produced

Signature of Notary Public—State of Florida

Notary Stamp/Seal/Commission Expiration Date:
**Petition Summary:** We are petitioning the immediate neighbors of 412 F St for an addition to the home. The homeowners, Susan and James Cooper would like to build a 14'X16' addition in the rear of their home which would encroach 7' into the rear setback. Due to the small size of the home the addition will add 224sf to the home and a beautiful sunroom for the homeowners. The roofline will not exceed the existing roofline in height nor the width of the home. The addition will add value to the home and community by increasing the SF of the home with finished space.

**Action petitioned for:** We, the undersigned approve the customers choice to expand slightly into the rear setback per the architects drawings.

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<td>签名</td>
<td>5/14/20</td>
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<td>展开签名</td>
<td>407 F St</td>
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<td>展开签名</td>
<td>408 F St</td>
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Variance 2020-05 is for a reduced side yard setback from 10 feet to 7 feet for proposed new construction of a 96-square-foot bathroom addition to an existing single-family residence in a medium-density residential land use district at 115 15th Street. As the alley behind this lot has been vacated, the dimensions of the lot are 50-feet-by-100.5 feet, for a total of 5,025 square feet. Maximum lot coverage for all residential land use districts in the City is 35 percent. The proposed 96-square foot addition added onto the existing 1,080-square-foot house will bring the square footage for lot coverage calculation to 1,176 square feet, for total lot coverage of 23.4 percent. Impervious surface ratio (ISR) coverage for medium density residential is a maximum of 50 percent. Square footage for ISR coverage is calculated by adding all impervious concrete coverage, which includes the 1,176-square-foot building footprint inclusive of the 96-square-foot bathroom addition and an additional 104 square-feet of concrete and air-conditioning pads, for a total of 1,280-square feet of impervious coverage, which, divided into the 5,025-square-foot lot, calculates to 25.5 percent ISR coverage.

The variance application includes approval from the State of Florida Department of Health and St. Johns County Environmental Public Health Department for the bathroom addition, as the property is currently serviced by an onsite septic system. Stamped approval on the State’s application and the site plan submitted to the County state the bathroom addition will have no impact on the existing septic system and no further action is required from them pertaining to construction of the new bathroom.

The applicant has included in the application three letters of support for the variance signed by neighboring property owners, including both of the next-door property owners at 113 15th Street and 117 15th Street. The Board is advised to consider this variance application based upon the required considerations for the granting of a variance per Section 10.02.03.B of the City’s Land Development Regulations. This section includes the following statements: “The presence of a single factor shall not warrant either the granting or denial of the application. Instead the Board shall weigh each factor as to whether the public health, safety and welfare warrant the granting or denial of the application. The burden of demonstrating factually that the granting of the application is warranted is on the applicant.”

Sincerely,

Bonnie Miller
Bonnie Miller
Executive Assistant
Building and Zoning Department
City of St. Augustine Beach Building and Zoning Department
Variance Application
2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080
WWW.STAUGBCH.COM BLDG. & ZONING (904)471-8758 FAX (904) 471-4470

1. Legal description of the parcel for which the variance is being sought:
   Lot(s) 98 Block(s) Subdivision Anastasia Method Assembly Grounds
   Street Address 115 15th St.

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

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

4. Real estate parcel identification number: 167570-0000

5. Name and address of owner(s) as shown in St. Johns County Public Records:
   Sally Nichols
   115 15th St. St. Augustine Beach, FL 32080


7. Land use variance being sought: 10' to 7' Bathroom 8' x 12'

8. Section of land use code from which the variance is being sought: 6.01.03

9. Reasons for which the variance is being sought: I would like to add another bathroom. I live by myself but I have four children and four grandchildren so far. They love to come visit me and as the grandkids are getting a little older, the bathroom is so busy. I would like to add a 2nd bathroom.

10. Supporting data which should be considered by the Board:
    I have talked with my neighbors on both sides and they are fine with it. I have letters from some of my neighbors.
    I also have the okay from St. Johns County health dept. that my septic tank can handle the 2nd bathroom.
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

 NA  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.

__________________________
Print name (owner or his/her agent)

__________________________
Print name (applicant or his/her agent)

__________________________
Signature / date

__________________________
Signature / date

__________________________
Owner/agent address

__________________________
Applicant/agent address

__________________________
Phone number

__________________________
Phone number

City of St. Augustine Beach Variance Application 06-19
**All agents must have notarized written authorization from the property owner(s)**
**Variances shall be recorded prior to issuance of the building/development permit**
**Please note that if you are a resident within a development or subdivision that has covenants and restrictions, be aware that approval of this application by the Comprehensive Planning and Zoning Board does not constitute approval for variation from the covenants and restrictions.**

Date: 5-19-2020

Variance File #: VAR2020-06

Applicant's name: Sally Nichols

Applicant's address: 115 15th Street, St. Augustine Beach, Pl. 32080

For land use variance at: 115 15th Street, St. Augustine Beach, Pl. 32080

---

**Charges**

Application Fee: $400.00 Date Paid: 5-19-2020

Legal Notice Sign: $7.50 Date Paid: 5-19-2020

Received by: Bonnie Miller

Date: 5-19-2020

Invoice #: 12001188

Check #: 1306
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.

   I have a septic tank and drainfield in my backyard. This gives me a limited area where I can add a second bathroom. My home was built in 1959 before the setback existed and one side of my home is 75 feet from the side property line. I would like to continue that side of my house 3 feet towards the back of the property. This still allows me to keep the 250 foot setback to the back of the property. This bathroom will help when my four kids and four grandkids visit.

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 have not been any similar variances that were in the vicinity that I could find.

   [Additional considerations and reasons could be written here if necessary.]
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.

Yes, I bought the property in 2005 and the policy was changed in 1992.

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

We have looked at any possibilities of where to put the bathroom and because of the septic tank & drainfield, this is the best place for the addition.

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.

Adding the bathroom using the same line that the house is on the lot side and going back only 8 feet which means there is still plenty of room to the back of the lot so it doesn't change the look of the property. It will also up the value of the home which helps the neighborhood.

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?

There will be no change in traffic congestion as my children or grand children visit me now but will help the congestion in my tiny bathroom. (Picture attached.)
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 envelopes as the return address and mail the legal notices to all property owners). Signatures and approvals of property owners within 300 feet are not necessary. Variance applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to the granting of the requested variance, but these persons should not sign the application itself. Variance applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the variance application.

6) The section(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 $10.00 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

<table>
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<tr>
<th>Parcel ID</th>
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<tr>
<td>Location Address</td>
<td>115 15TH ST SAINT AUGUSTINE 32080-0000</td>
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<td>Neighborhood</td>
<td>Atlantic Beach (672)</td>
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<td>Tax Description</td>
<td>2-50 ATLANTIC BEACH LOT 98 (EX E5FT) &amp; N7.5FT OF VACATED ALLEY LYING S OR2585/419</td>
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<td>Property Use Code</td>
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<td>Millage Rate</td>
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<td>Acreage</td>
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<td>Homestead</td>
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Owner Information

| Owner Name         | Nichols Sally 100% |
| Mailing Address    | 115 15TH ST SAINT AUGUSTINE, FL 32080-0000 |

Map

Valuation Information

| Building Value     | $61,263 |
| Extra Features Value | $275  |
| Total Land Value   | $140,750 |
| Agricultural (Assessed) Value | $0 |
| Agricultural (Market) Value | $0 |
| Just (Market) Value | $202,488 |
| Total Deferred     | $23,738  |
| Assessed Value     | $178,550  |
| Total Exemptions   | $0  |
| Taxable Value      | $178,550  |

Values listed are from our working tax roll and are subject to change.
## Historical Assessment Information

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<th>Building Value</th>
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## Building Information

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<td>Roofing Structure</td>
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<td>Roof Cover</td>
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<td>Interior Walls</td>
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## Extra Feature Information

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## Land Information

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## Sale Information

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<th>Instrument Type</th>
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<th>Qualification</th>
<th>Vacant/Improved</th>
<th>Granor</th>
<th>Grantee</th>
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<td>2385</td>
<td>417</td>
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<td>I</td>
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<td>NICHOLS SALLY</td>
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<td>I</td>
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## Sketch Information
No data available for the following module: Exception 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: 5/19/2020 12:58:17 AM
Version 2.3.60

Developed by SCS
WARRANTY DEED

THIS WARRANTY DEED made this 10th day of November, 2005 by Thomas C. Law a/k/a Thomas C. Law, Sr., A Single Man, hereinafter referred to as Grantor, whether one or more, and whose address is 2237 Twin Fox Trail, St. Augustine, FL 32086, to Sally Nichols, A Single Woman, hereinafter referred to as Grantee, whether one or more, and whose address is 740 Rose Creek Circle, Duluth, GA 30097

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

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations, in hand paid by Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, releases, conveys and confirms unto Grantee the following described land situate, lying and being in the County of St. Johns, State of Florida to wit:

ALL OF LOT NINETY-EIGHT, EXCEPTING THE EAST FIVE FEET THEREOF, OF ATLANTIC BEACH SUBDIVISION OF ANASTASIA METHODIST ASSEMBLY GROUNDS, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK TWO, PAGE 56, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

ALSO THE NORTH ONE-HALF OF THE VACATED ALLEY ADJOINING THE ABOVE PROPERTY, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE AFORESAID LOT NINETY-EIGHT, AND RUN SOUTH, ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT NINETY-EIGHT, 7.5 FEET TO AN IRON PIPE; RUN THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID LOT NINETY-EIGHT, A DISTANCE OF 49.34 FEET TO AN IRON PIPE; RUN THENCE NORTH, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE PORTION OF SAID LOT NINETY-EIGHT ABOVE-DESCRIBED, A DISTANCE OF 7.5 FEET TO THE SOUTHEAST CORNER OF THAT PORTION OF SAID LOT NINETY-EIGHT ABOVE-DESCRIBED; RUN THENCE WEST, ALONG THE SOUTH LINE OF SAID LOT NINETY-EIGHT TO THE POINT-OF-BEGINNING.

PARCEL ID NUMBER 167570-0000

SUBJECT TO taxes accruing subsequent to December 31, 2004.

SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference shall not operate to re impose same.
TO HAVE AND TO HOLD the same in fee simple forever.
AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

PAMELA S. LOGAN
Witness

THOMAS C. LAW
Grantor

Witness

STATE OF Florida
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me this 10th day of November, 2005 by Thomas C. Law a/k/a Thomas C. Law, Sr., A Single Man. He/She/They have produced identification.

PAMELA S. LOGAN
Notary Public, County and State Authorized

Notary Seal

My commission expires: 

Page 2 of 2 Form software by Automated Real Estate Services, Inc. - 800.330.1295 File: ATR1001-F
STATE OF FLORIDA
DEPARTMENT OF HEALTH
APPLICATION FOR ONSITE SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMIT

PART II - SITE PLAN

Scale: Each block represents 5 feet and 1 inch = 50 feet.

Proposed Floor Plan

No Impact on the Septic System
No Action Required

Signature
Date

Environmental Protection Center
St. Johns County Health Department

Notes: BB - Bedroom
AC - Air Conditioner 2 Blocks = 50
BA - Bathroom
LAR - Laundry LR - Living Room

Site Plan submitted by: [Signature]

Plan Approved _____ Not Approved _____

By: ___________________________ County Health Department

ALL CHANGES MUST BE APPROVED BY THE COUNTY HEALTH DEPARTMENT
Picture of my current bathroom.
I, James Crutchfield 113 15th st., have discussed with my neighbor, Sally Nichols her addition project and do not have any concerns or objections.

James Crutchfield
113 15th St
St. Augustine, FL 32080

[Signature] 5/17/2020
To Whom It May Concern:

We live at 117 15th Street and
do not have any problems with
our neighbor Sally Nichols located
at 115 15th Street having a variance
for an add on to her home.

Lori Thompson

Lori and Reggie Thompson
(850) 294-3659
5-17-20

To Whom It May Concern,

Sally Nichols has been our neighbor for 15 years. She is conscientious, kind, and responsible. We fully support her desire to renovate her home by adding a bathroom to her residence. We have no concerns or issues with this endeavor. If you have any questions or need additional information, please do not hesitate to contact us.

Respectfully,

Melody and Bryan Ott
107 15 St.
St. Augustine, FL 32080
(904) 461-5762
BOUNDARY SURVEY OF:

ALL OF LOT NINETY-EIGHT, EXCEPTING THE EAST FIVE FEET THEREOF, OF ATLANTIC BEACH SUBDIVISION OF ANASTASIA METHODIST ASSEMBLY GROUNDS, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK TWO, PAGE 50, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

ALSO THE NORTH ONE-HALF OF THE VACATED ALLEY ADJOINING THE ABOVE PROPERTY, PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE AFORESAID LOT NINETY-EIGHT, AND RUN SOUTH, ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT NINETY-EIGHT, 7.5 FEET TO AN IRON PIPE; RUN THENCE EAST PARALLELY TO THE SOUTH LINE OF SAID LOT NINETY-EIGHT, A DISTANCE OF 49.34 FEET TO AN IRON PIPE; RUN THENCE NORTH, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE PORTION OF SAID LOT NINETY-EIGHT ABOVE-DESCRIBED, A DISTANCE OF 7.5 FEET TO THE SOUTHEAST CORNER OF THAT PORTION OF SAID LOT NINETY-EIGHT ABOVE-DESCRIBED; RUN THENCE WEST, ALONG THE SOUTH LINE OF SAID LOT NINETY-EIGHT TO THE POINT-OF-BEGINNING.

SURVEY FOR:

NICHOLS SALLY
MEMORANDUM

TO: Mayor England  
    Vice Mayor Kostka  
    Commissioner George  
    Commissioner Samora  
    Commissioner Rumrell

FROM: Max Royle, City Manager

DATE: May 18, 2020

SUBJECT: Mixed Use District Along A1A Beach Boulevard: Consideration of Ordinance to Establish Boundaries

BACKGROUND

The "A1A Beach Boulevard Corridor Vision Plan", which was prepared in 2006, recommended that the following be designated Boulevard Mixed-Use: the commercial area 150 feet east of the Boulevard from 16th to F Street; the area west of the Boulevard between 2nd Avenue and the Boulevard from 11th to F Street; and the 300-foot wide commercial strip west of the Boulevard between 16th and 11th Streets. The Vision Plan on page 29 stated:

"Eliminating the interface of medium density residential and commercial-zoned districts along the west boundary of the corridor helps to minimize the likelihood of incompatibilities and encroachments by making 2nd Avenue the clear-cut transition between the two districts. It is recommended that standards for buffering between uses, for access and for traffic circulation within and around sites all be revisited to ensure that any weaknesses in these regulations are resolved. Moreover, the standards should prohibit the location of any stand-alone commercial use, or commercial uses that are part of a mixed-use development less than 200 feet from the right-of-way line of 2nd Avenue, to further minimize the possibility of conflicts."

Since 2006, the Commission has adopted several ordinances to regulate mixed-use developments. These ordinances have been consolidated in Section 3.02.02.01 of the Land Development Regulations. That Section is attached as pages 1-5.

However, despite the adoption of those detailed mixed-use regulations, the areas covered by them were never delineated or designated on the future land use map. It was assumed that the areas were those traditionally designated as commercial on the map: 150 east of the Boulevards centerline and 300 feet west of the centerline between 16th and F Street.

ACTION REQUESTED

It is that you consider Mr. Law's proposal that the mixed-use areas be designated as stated in the proposed ordinance (attached as pages 6-7). The designation is: all the land currently zoned commercial along the Boulevard from the south side of F Street to the City's limit on the north side of Pope Road.

Mr. Law will present this proposal and can answer any questions you have concerning it.

If you agree with the proposal, then we ask that you pass the attached ordinance on first reading.
Sec. 3.02.02.01. Mixed use districts.

A. Purpose. The purpose of a mixed use district is:

1. To accommodate a mixture of retail, service, residential, and other uses.
2. Encourage development that exhibits the physical design characteristics of pedestrian oriented, store front shopping streets; and
3. Promote the health and well being of residents by encouraging physical activity, alternative transportation and greater social interaction.
4. To site structures so their siting is compatible with the future vision of the city as well as city codes.
5. Ensure that the massing of the structure/structures are compatible with surrounding buildings.
6. Ensure that the proposed projects do not exceed the size and scale of other buildings in the vicinity and that a proportionate scale is maintained between height and width of structures.
7. Ensure that roof forms, detailing, textures, colors, and the rhythm of a structure, wall space and doors and windows are compatible with city codes and the future vision for the city.

B. Definitions.

Commercial use: A structure used only for a commercial operation that is allowed by the land development regulations.

Floor area ratio: The ratio of the building gross floor area to the square footage of each lot a structure is located on.

Gross floor area: The sum of all horizontal floor areas for a structure measured from the outside faces of the exterior walls. Not included are second or third level balconies and porches and attic space. Where parking is provided under a structure, the footprint of the parking will be considered as the gross floor area.

Horizontal/vertical articulation: Architectural features that break the flat surface of a building wall. Minimum distance between any horizontal or vertical feature is ten (10) feet in any direction.

Horizontal and vertical articulation to the building facade is required for structures fronting A1A Beach Boulevard. The vertical articulation features shall be within the allowed setback.
areas dependent on the proposed use of the structure, the horizontal features ten (10) feet above finished grade will be allowed to encroach into the setback area no more than twelve (12) inches.

**Mixed use building:** A structure containing a mix of commercial and residential uses, one (1) floor devoted for commercial use, the other floor devoted to residential use.

**Residential use:** A structure used solely for a single-family residence.

**C. Table of allowed uses.**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Required Use Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Household Living</strong></td>
<td></td>
</tr>
<tr>
<td>Business live/work above the</td>
<td>P</td>
</tr>
<tr>
<td>ground floor</td>
<td></td>
</tr>
<tr>
<td>Business live/work on ground floor</td>
<td>P</td>
</tr>
<tr>
<td>Dwellings above ground floor</td>
<td>P</td>
</tr>
<tr>
<td>Detached house</td>
<td>P</td>
</tr>
<tr>
<td>Multifamily residential</td>
<td>C</td>
</tr>
<tr>
<td><strong>Townhouse</strong></td>
<td>C</td>
</tr>
<tr>
<td><strong>Group Living</strong></td>
<td></td>
</tr>
<tr>
<td>Assisted living</td>
<td>C</td>
</tr>
<tr>
<td>Group home</td>
<td>P</td>
</tr>
<tr>
<td>Nursing home</td>
<td>C</td>
</tr>
<tr>
<td><strong>Public and Civic</strong></td>
<td></td>
</tr>
<tr>
<td>School</td>
<td>P</td>
</tr>
<tr>
<td>Parks and recreation</td>
<td>P</td>
</tr>
<tr>
<td>Postal service</td>
<td>P</td>
</tr>
<tr>
<td>Religious assembly</td>
<td>P</td>
</tr>
<tr>
<td>Lodge or private club</td>
<td>N</td>
</tr>
<tr>
<td>Day care</td>
<td>P</td>
</tr>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>Retail/office</td>
<td>P</td>
</tr>
<tr>
<td>Restaurant—Sit down/take-out</td>
<td>P</td>
</tr>
<tr>
<td>Fast food drive-thru</td>
<td>N</td>
</tr>
<tr>
<td>Vehicle service facilities</td>
<td>N</td>
</tr>
<tr>
<td>Hotel/motel</td>
<td>P</td>
</tr>
<tr>
<td>Parking for commercial uses</td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing/industrial</td>
<td>N</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
</tr>
<tr>
<td>Wireless-towers, freestanding</td>
<td>N</td>
</tr>
<tr>
<td>Architectural tower co-locate design</td>
<td>P</td>
</tr>
</tbody>
</table>

This use table should be refined to reflect local characteristics and planning objectives. The range of uses should be as broad as possible fitting the character of the city and the locations. There may be instances where a drive-thru facility is needed due to the type of business such as a bank or pharmacies. Also, buildings with residential units, commercial uses, will be self-policing because possible owner associations may ensure that commercial uses within buildings will be comparable with upper story residential uses.

**E. Mixed use size limits.** The minimum lot area for mixed use is eight thousand five hundred (8,500) square feet unless approved by variance after application to the City of St. Augustine Beach Planning and Zoning Board. The minimum floor area for a mixed use structure is eight hundred (800) square feet or twenty-five (25) percent of the lot area (whichever is greater) for lots with street frontage of fifty (50) feet width or more. For fifty (50) feet or less, street frontage, the minimum floor area is twenty (20) percent of the lot area.

The gross first floor area for any Commercial establishment shall not exceed fifteen thousand (15,000) square feet.

For separate commercial or residential use, the minimum first floor area shall be one thousand (1,000) square feet.

**E. Structure height for twenty-five-foot setbacks.** Structure or building height shall be measured in accordance with Section 6.01.03.B.4. Thirty-five (35) feet to the roof ridge is the allowable height and an allowance for architectural detail to the forty-foot height is allowed. The forty-foot height shall not exceed forty (40) percent of the building perimeter on any side. This additional height allowance is allowed when being utilized for screening roof top mounted equipment.

**F. Setbacks and height restrictions for mixed use.** Setbacks for mixed use are variable dependent on the type of commercial use sought in the application and the projected structure height.

**Retail Shops:** Allowable setbacks are from zero (0) to twenty-five (25) feet or more. The minimum setback for a two-story structure with a second level porch/balcony, is five (5)
feet, the porch not exceeding five (5) feet in depth. Maximum height allowed to the roof ridge is twenty-seven (27) feet within the setback area from zero (0) to fifteen (15) feet. Between fifteen (15) feet to twenty-five (25) feet or more, the allowable height is thirty-five (35) feet to the roof ridge. Structure or building height shall be measured in accordance with Section 6.01.03.B.4. T

Business Use: Same allowance as retail use.

Restaurant Use: Minimum setback allowed is ten (10) feet if outside seating is proposed. A second level deck will be allowed a zero (0) foot setback for the front setback and a five-foot side setback. Restaurants having A1A Beach Boulevard and side street frontage, shall have an option for placing decks for outside seating facing either street meeting the following setback requirements. Fronting the Boulevard, a three-foot landscaped setback will be required. Side street setbacks for a wood deck shall be five (5) feet. Landscaping will be optional dependent upon existing site conditions. Decorative structural posts may be used for support elements for existing construction or porches may be cantilevered or supported by diagonal bracing.

Hotel/Motel Use: Minimum allowed setback is twenty-five (25) feet for those building facades exceeding twenty-seven (27) feet. The portion of a hotel/motel having a single story section, mainly a porte cochere, fronting a street will be allowed a five-foot front setback for that section providing the roof ridge does not exceed eighteen (18) feet. Structure or building height shall be measured in accordance with Section 6.01.03.B.4. T

Residential Use: All stand-alone residential uses are subject to approval by planning and zoning board for the City of St. Augustine Beach.

G. Construction materials, exterior colors. The roof and exterior finishes are those materials reflected in the catalog of recommended architectural and site features.

Exterior finishes for any structure fronting A1A Beach Boulevard shall be approved by the City of St. Augustine Beach in accordance with approved color palettes maintained in the building department. These color finishes established by community appearance standards as established by ordinance.

H. Mechanical and utility equipment location and screening. Single or dual mechanical equipment (ac compressors) shall be located in the side or rear setback area. Multiple units, three (3) or more, shall be placed on rooftops and screened by architectural details to the roof line. Ground located equipment shall be screened by walls constructed from the same materials as the main structure exterior finish, thenaccented by landscaping.

Utility services shall be placed underground for all new construction and for any structure subject to remodel work. All structures located within the mixed use zoning classification shall be required to hook up to water and sewer from St. Johns County Utility Services.

I. Catalog of recommended architectural and site features.

Recommended Architectural Design:

Key West Style, Florida Vernacular, Cracker Design, Spanish Mediterranean Design, Stepped Parapet Storefront, Classical Gable House, Classical Double Gallery House.

Recommended Architectural Features:

Accents to all structures by vertical and horizontal articulation.

Exterior finish materials shall be limited to masonry finishes, rock, brick, wood siding, concrete composite siding materials.

Roofing materials are limited to architectural grade shingles, metal roofing, and concrete composite roofing products.

Shutters, dormers, in scale with the structure’s design, porches with gingerbread effects, patios with decorative fencing or guardrails, open soffits, cupolas.
Recommended Site Features:

Xeriscape landscaping for decorative gardens in place of grasses, use of stone or mulch for ground cover, Brick pavers for drives, sidewalks, parking areas.

J. Parking requirements. All parking for retail, business, restaurant uses and garage openings for residential use shall be placed in the rear or at the side. Parking located at the side of a structure shall be required to have landscape buffers, five (5) feet in width between the edge of the parking area and the right-of-way of the adjacent street. All plant materials used shall be three-gallon minimum container size. Landscape plans shall also be subject to approval by the St. Augustine Beach Beautification Committee. Access to the parking shall be from the numbered or lettered streets perpendicular to A1A Beach Boulevard. Hotel/motel parking can be placed in the front of the structure.

Curb cuts from A1A Beach Boulevard shall be allowed where a platted alleyway whether the alleyway is open or not opened.

Shared parking and shared access to parking is encouraged.

K. Signage. All signage, ground and wall signs shall be subject to approval from the planning and zoning board within the mixed use districts. Ground signs shall have ground lighting illumination or back lit illumination, wall signs will be allowed to be back lit with the proposed intensity of the illumination being subject to approval by the planning and zoning board. No exposed neon shall be allowed. The use of metal supports is discouraged with wood or masonry products being encouraged.

The maximum size for a ground sign shall be determined by the frontage on the A1A Beach Boulevard. For those lots with fifty-foot frontage or less, the maximum sign face shall be thirty-two (32) square feet; fifty-foot to one hundred fifty-foot frontage shall be allowed forty-eight (48) square feet; greater than one hundred fifty-foot frontage shall be allowed seventy (70) square feet. This allowance does not include the sign supports, which size and material shall be subject to planning and zoning board approvals.

The allowable heights are also dependent upon the frontage. Fifty (50) feet or less are allowed seven-foot height; fifty-foot to one hundred fifty-foot frontage are allowed eight-foot height; greater than one hundred fifty-foot frontage are allowed nine-foot height. This measurement taken from the existing finished grade to the top edge of the sign.

A seven-year amortization period is provided for those signs located along A1A Beach Boulevard that will be deemed as nonconforming by the requirements of this ordinance. All such signs shall either be brought into conformity or removed seven (7) years following the adoption of this section. All nonconforming signs as a result of ordinances passed prior to the passage of this section shall be brought into conformity or removed as provided in the respective ordinances rendering such signs as nonconforming or seven (7) years from the date of this ordinance, whichever is the earlier.

L. Compliance requirements. The comprehensive planning and zoning board shall review and either approve or deny any proposed development within the mixed use zoning. Upon a showing of economic hardship demonstrating a substantial reduction in value of the property subject to the application for review based on a reasonable investment-backed expectation the comprehensive planning and zoning board may grant a variance with or without conditions from the strict provisions of this section. Review by the city commission of a determination by the comprehensive planning and zoning board shall be in the same manner as other appeals from the comprehensive planning and zoning board.

M. Unless specifically allowed by the mixed use district land development regulations or incorporated into the written development order approval received from the comprehensive planning and zoning board or the city commission on appeal, all mixed use development shall comply with the other applicable land development regulations, including those regulations not specified
by the mixed use district and, in particular, those regulations that apply to the underlying zoning. (Ord. No. 18-07, § 1(Exh. 1), 5-7-18)
ORDINANCE NO. 20-__

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH RELATING TO AND AMENDING SECTION 3.02.02.01.A OF APPENDIX A, LAND DEVELOPMENT REGULATIONS OF ST. AUGUSTINE BEACH CODE, BY DESIGNATING AS MIXED USE DISTRICTS ALL COMMERCIAL-ZONED LAND USE DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF ST. AUGUSTINE BEACH FROM THE SOUTH SIDE OF F STREET TO THE NORTHERLY CITY LIMITS NORTH OF POPE ROAD, TO ACCOMMODATE A MIXTURE OF RETAIL, SERVICE, RESIDENTIAL, AND OTHER USES; CONTAINING FINDINGS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Findings: The City Commission of the City of St. Augustine Beach having received the recommendations of the Comprehensive Planning and Zoning Board of the City and received the comments and testimony of residents and property owners of the City finds that the economic health, safety and general welfare of the City require that the areas of the City designated in the title hereof should be designated as mixed use districts, to accommodate a mixture of retail, service, residential, and other uses.

Section 2. Section 3.02.02.01, Appendix A, Land Development Regulations of St. Augustine Beach Code, shall be hereby amended by designating the following described areas to accommodate a mixture of retail, service, residential, and other uses under the category of “mixed use districts” as defined in Section 3.02.02.01:

SEC.02.02.01. – Mixed use districts.

All commercially zoned lands within the corporate limits of the City of St. Augustine Beach from the south side of F Street to the northerly City limits north of Pope Road shall be designated mixed use districts.

A. Purpose. The purpose of a mixed use district is: ...

Section 3. This Ordinance shall take effect as provided by law.

Passed on this ______ day of ________________________, 2020, by the City Commission, City of St. Augustine Beach, Florida.

Attest: _______________________________  By: _______________________________
City Manager Max Royle  Mayor Margaret England
Sec. 3.02.02.01. - Mixed use districts.

All commercially-zoned lands within the corporate limits of the City of St. Augustine Beach from the south side of F Street to the northerly City limits north of Pope Road shall be designated mixed use districts.

A. Purpose. The purpose of a mixed use district is:

1. To accommodate a mixture of retail, service, residential, and other uses.

2. Encourage development that exhibits the physical design characteristics of pedestrian oriented, store front shopping streets; and

3. Promote the health and well-being of residents by encouraging physical activity, alternative transportation and greater social interaction.

4. To site structures so their siting is compatible with the future vision of the city as well as city codes.

5. Ensure that the massing of the structure/structures are compatible with surrounding buildings.

6. Ensure that the proposed projects do not exceed the size and scale of other buildings in the vicinity and that a proportionate scale is maintained between height and width of structures.

7. Ensure that roof forms, detailing, textures, colors, and the rhythm of a structure, wall space and doors and windows are compatible with city codes and the future vision for the city.