



MINUTES

PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING

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

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

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

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

BOARD MEMBERS ABSENT: Larry Einheuser.

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

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

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

V. PUBLIC COMMENT

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

VI. NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kevin Kincaid: Do we have any public comment?

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

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

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

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

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

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

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

Scott Patrou: That's correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conner Dowling: I'll second the motion.

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

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

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

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

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

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

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

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

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

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

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

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

Jennifer Thompson: Correct.

Conner Dowling: And the new driveway was not permitted.

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

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

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

Kevin Kincaid: Could you just specifically describe the hardship?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conner Dowling: I second the motion.

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

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

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

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

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

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

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

Brian Law: What's regular?

Kevin Kincaid: How about saying "primary" instead of "regular?"

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

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

Conner Dowling: Yes, that's right.

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

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

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

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

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

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

Conner Dowling: Yes, it does.

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

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

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

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

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

VII. OLD BUSINESS

There was no old business.

VII. BOARD COMMENT

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

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

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

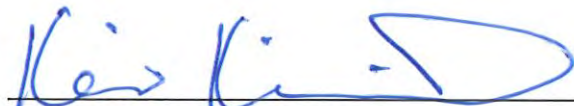
Brian Law: We didn’t discuss that, but this will most likely be a multi-pronged permit, consisting of the parking lot reconfiguration, the main structure replacing the existing Publix, and then façade construction on the other buildings in Anastasia Plaza later.

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

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

X. ADJOURNMENT

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



Kevin Kincaid, Chairperson



Bonnie Miller, Recording Secretary

Variance 2024-02, 2b F Street

Exhibit "A"

Rich O <richobrien812@gmail.com>

Fri 2/16/2024 3:29 PM

To: Hester Longstreet <pzhlongstreet@cityofsab.org>; Victor Sarris <pzvsarris@cityofsab.org>; Hulsey Bray <pzhbray@cityofsab.org>; Gary Smith <pzgsmith@cityofsab.org>; Rhys Slaughter <pzrslaughter@cityofsab.org>; Conner Dowling <pzcdowling@cityofsab.org>; Sarah Ryan <pzsryan@cityofsab.org>; Kevin Kincaid <pzkincaid@cityofsab.org>; Larry Einheuser <pzeinheuser@cityofsab.org>

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Planning & Zoning

City of St. Augustine Beach

St. Augustine Beach, FL 32080

2/16/2024

810 Beach Inc.

Beachfront Bed & Breakfast

1 F Street

St. Augustine Beach, FL 32080

Dear Board members,

We received notice of a variance request # 2024-02 recently.

The applicants at 2b F St. have made very nice improvements to their property which enhances the neighborhood. I have only briefly met them to say hello.

The requested variance poses a significant reduction to the setbacks. The existing one level garage structure is already very close to the 4 F Street property line. However, a new 2 story structure would be extremely close to their property that it would be very imposing on their home that would create an unexpected privacy issue for our 4 F St. neighbors.

I think it is important that property owners can depend upon the City planning & zoning board setbacks to protect their privacy and values. No hardship exists. This requested variance would create an unreasonable burden to the neighbors and longtime Owners of 4 F St.

Sincerely,

Rich O'Brien

Variance 2B F St.

betty Carvellas <bcarvellas@yahoo.com>

Tue 2/20/2024 9:51 AM

To: Hester Longstreet <pzhlongstreet@cityofsab.org>; Conner Dowling <pzcdowling@cityofsab.org>; Gary Smith <pzgsmith@cityofsab.org>; Hulsey Bray <pzhbray@cityofsab.org>; Kevin Kincaid <pzkkincaid@cityofsab.org>; Larry Einheuser <pzleinheuser@cityofsab.org>; Rhys Slaughter <pzrslaughter@cityofsab.org>; Sarah Ryan <pzsryan@cityofsab.org>; Victor Sarris <pzvsarris@cityofsab.org>
Cc: Max Royle <mroyle@cityofsab.org>

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Planning and Zoning Board, St. Augustine Beach

February 20, 2024

Planning and Zoning Board Members:

We are aware of a request for a Land Use Variance for 2B F St. and we have some concerns. The current owners applied for a similar request 3 years ago and it was denied. That original request was for a variance to allow a second story addition to be built over an existing garage which is 4.2 feet from our property (built at a time when 10 feet was the allowed rear setback.) The second request in 2022 asked to build a new attached garage with a second story at 7.5 feet (the variance allowed in 1998) from our property line and it was allowed based on a hardship. The current request asks to renew the allowed 2022 variance.

The current allowed rear setback is 20 feet, 12.5 feet beyond the current requested variance. The garage is now at 4.2 feet and, while very close it does not present much of a problem as it is low and windowless. A two story garage/addition only 3.3 feet farther from our property line would "loom" over the backyard and porch, guest bedroom, and primary bedroom of our house.

Thank you for your work on the Planning and Zoning Board. We have both served on town boards/committees in the past and understand it's often not an easy job.

Betty and John Carvellas

4 F St.

St. Augustine Beach

2/20/2024

Dear Board members,

I am writing to express my opposition to granting the variance request by the Owners of 2 b F Street.

The existing 1-story garage is already extremely close to the property line. The change to a 2-story addition to the home would invade the privacy of my adjacent property, at 7 E Street. I have owned the E street property for over 10 years and I object to a two story structure being added that has windows overlooking my property which is not in compliance with the setbacks.

The Owner of 2 b F Street has not owned the property that long, and setbacks have not changed, and the driveway was shared when purchased, Perhaps with the knowledge the Owners had, that another home would have been better to purchase.

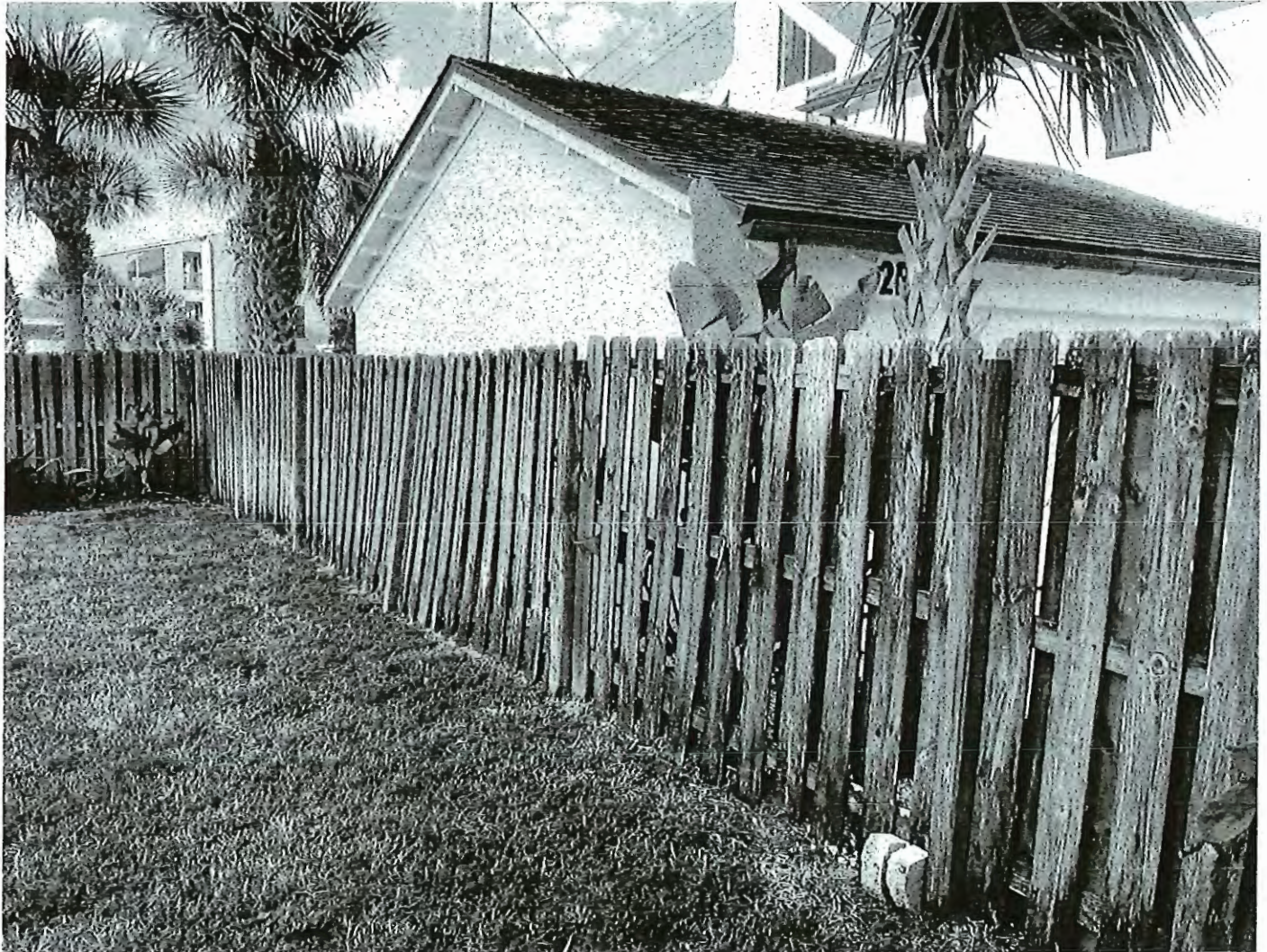
I have seen some of your meetings and have been impressed that your board has looked out for the wellbeing of residents and been fair about your decisions to long-term owners such as myself. Please consider how you would vote if you lived next to the home asking for the variance. The request appears outrageous and I hope this will not pass.

Thank you for your consideration.

Shannan Kolbe

From: **betty Carvellas** bcarvellas@yahoo.com
Subject: **Photos 2B**
Date: **Feb 20, 2024 at 5:28:28 PM**
To: **Betty Carvellas** bcarvellas@yahoo.com

Exhibit "B"



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5.6 MB

Sent from my iPad



Sent from my iPad

