



AGENDA

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

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 JANUARY 16, 2024

V. PUBLIC COMMENT

VI. NEW BUSINESS

- 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, John and Erin Ginn, Applicants
- B. 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 LDRs, to allow an additional 12-foot-wide paver driveway, and to exceed the 40% maximum impervious surface ratio (ISR) coverage allowed in a low density residential land use district, per Section 6.01.02 of the City's LDRs, to allow 45.7% ISR coverage for the additional 12-foot-wide paver driveway, on Lot 27, Block E, Woodland Estates Unit B Subdivision, at 56 Willow Drive, St. Augustine Beach, Florida, 32080, James G. Whitehouse, Esquire, St. Johns Law Group, Agent for Karren J. Pitts, Applicant
- C. 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 Land Development Regulations, 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

- D. First reading of Ordinance No. 24-XX, to amend Article II, Definitions, of the City of St. Augustine Beach Land Development Regulations, to add a definition for “driveway”

VII. OLD BUSINESS

VIII. BOARD COMMENT

IX. ADJOURNMENT

NOTICES TO THE PUBLIC

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

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



MINUTES

PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING

TUESDAY, JANUARY 16, 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: Vice Chairperson Chris Pranis, Hulsey Bray, Conner Dowling, Larry Einheuser, Victor Sarris, Senior Alternate Gary Smith.

BOARD MEMBERS ABSENT: Chairperson Kevin Kincaid, Hester Longstreet, Junior Alternate Rhys Slaughter.

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 SEPTEMBER 19, 2023**

Motion: to approve the minutes of the Board's meeting of September 19, 2023. **Moved** by Victor Sarris, **seconded** by Larry Einheuser, **passed 6-0** by unanimous voice-vote.

V. **PUBLIC COMMENT**

Eric Tausch, 55 Willow Drive, St. Augustine Beach, Florida, 32080: I think we had a great, fabulous fireworks display at the pier on New Year's Eve.

VI. **NEW BUSINESS**

A. Election of chairperson and vice-chairperson of the Board, per Section 11.02.02.H of the City's Land Development Regulations (LDRs), the election of officers consisting of a chairperson and vice-chairperson shall take place every year as the first order of business at the regularly scheduled meeting for the month of January

Chris Pranis: I will start this by nominating Kevin Kincaid for chairperson. I believe we have his approval to be re-elected as chairperson, correct?

Jennifer Thompson: Yes, his email stating his desire to remain as chairperson is included

in the Board members' packets.

Chris Pranis: Okay. For vice-chair, I would like to nominate Conner Dowling. Do we have any other nominations for the chair or vice-chair? Hearing none, may we have a voice-vote on the nominations for chair and vice-chair?

Motion: to re-elect Kevin Kincaid as chairperson for the next one-year term and elect Conner Dowling as vice-chairperson for the next one-year term. **Moved** by Chris Pranis, **seconded** by Victor Sarris, **passed 6-0** by unanimous voice-vote.

Chris Pranis: For the record, this will be my final meeting. I am resigning from the Board, effective tomorrow. It's been a pleasure serving on this Board.

B. Tree Removal Application for removal of a 36-inch diameter-at-breast-height (DBH) oak tree in the proposed building footprint of a new single-family residence in a low density residential land use district on Lot 73, Anastasia Dunes Unit 3 Subdivision, at 371 Ocean Forest Drive, St. Augustine Beach, Florida, 32080, James N. Robshaw, Robshaw Custom Homes Inc., Agent for Ebling-Wasiewicz Family Trust, Applicant

Jennifer Thompson: This next item is a tree removal application for a proposed new single-family residence at 371 Ocean Forest Drive. The tree requested to be removed is a 36-inch DBH oak tree located within the footprint of the proposed new home.

Gary Smith: Question for the applicant, when you bought the property, did the real estate agent advise you of the City's regulations regarding trees?

James N. Robshaw, Robshaw Custom Homes Inc., 4 Contera Drive, St. Augustine, Florida, 32080, Agent for Ebling-Wasiewicz Family Trust, Applicant: I am the general contractor building this house for the property owners, who actually live out of state, so I do not know the answer to that question.

Gary Smith: Is there no way the foundation platform of the house can be moved further back to preserve this tree?

James Robshaw: The site plan shows that the house is built right up to the required front setback, and in the back yard, the pool deck is actually built right up to the rear setback. The house and pool have been designed to try to save two larger trees, a 48-inch DBH oak tree and a 50-inch DBH oak tree, to the right of the pool. In front of the house, there are three specimen trees that will be preserved. The only large tree that will have to be removed is the 36-inch DBH oak tree in the front building footprint of the house.

Gary Smith: So, my question is, do we pretty much approve any tree removal that falls under the condition of being located in the proposed house or other building footprint?

Conner Dowling: Yes. It is my understanding that if a tree is 30 inches DBH or more, removing it requires the approval of this Board, even if the tree is in a proposed building

footprint. I think it is also true there is little this Board can do to sort of force someone's hand to change the footprint of a building to save a tree located in the footprint.

Brian Law: You are correct. The conditions for the removal of any tree that is 30 inches DBH or greater talk about the removal of a tree that is in the way of a structure. If a tree in the way of a structure is not allowed to be removed, the Board would be treading the line of denying the use of a property, especially when every effort has been made in this subdivision to allow flexible setbacks to save trees, along with the fact that two even larger trees than the one the applicants are asking to remove will be saved in the rear.

Conner Dowling: Is there any public comment on this item? There was none.

Motion: to approve the removal of a 36-inch DBH oak tree in the proposed building footprint of a new single-family residence at 371 Ocean Forest Drive, St. Augustine Beach, Florida, 32080. **Moved** by Victor Sarris, **seconded** by Hulsey Bray, **passed 6-0** by unanimous voice-vote.

C. Land Use Variance File No. VAR 2024-01, for variances to exceed the maximum 18-foot width allowed for residential driveways in City rights-of-way, per Section 6.02.03.D of the City's LDRs, to allow an additional 12-foot-wide paver driveway, and to exceed the 40% maximum impervious surface ratio (ISR) coverage allowed in a low density residential land use district, per Section 6.01.02 of the City's LDRs, to allow 45.7% ISR coverage for the additional 12-foot-wide paver driveway, on Lot 27, Block E, Woodland Estates Unit B Subdivision, at 56 Willow Drive, St. Augustine Beach, Florida, 32080, James G. Whitehouse, Esquire, St. Johns Law Group, Agent for Karren J. Pitts, Applicant

Jennifer Thompson: This next item is regarding a home at 56 Willow Drive, requesting an increase in ISR from the 40% maximum allowed in a low density residential land use district to 45.7%. This is for an additional paver driveway on the side of the property.

James G. Whitehouse, Esquire, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, Florida, 32080, Agent for Karren J. Pitts, Applicant: I am here on behalf of the property owners of 56 Willow Drive. This is an application for variances to two separate areas of the City Code, one for a slight increase in the allowed ISR coverage, and the other to exceed the maximum driveway width allowed. The code was changed in 2018 to limit the width of residential driveways to a maximum of 18 feet. This particular property already has a driveway that is approximately 23 feet wide, and the property owners hired a contractor to install an additional driveway for a handicapped individual who resides in the house. On the overhead, I have photos to show of several properties with multiple driveway accesses on Willow Drive [EXHIBIT A], most of which predate the 2018 code change limiting the width of residential driveways to 18 feet. Four properties on the north end of Willow Drive have three driveway accesses each, far exceeding the maximum 18-foot-width allowed. The property owners of 56 Willow Drive hired a contractor who unfortunately didn't converse with City staff prior to doing the work. A new driveway was put in on the north side of the lot, and a carport was built without a

permit. The homeowners have a handicap-accessible van used by the handicapped resident, who is in a wheelchair, but due to the incline of the lot, getting in and out of the van is very difficult for this individual. The carport has now been removed, because it didn't comply with the code, and when the property owners were contacted by City staff about it, they contacted me. They removed the carport because I told them if they didn't, this would be another variance they would have to ask for, and I advised them they had to be reasonable. A number of pavers installed for the carport were also removed, and the new driveway, which was originally 16 feet wide, was reduced to a width of only 12 feet. This new driveway is on a flatter area of the lot where the van can be parked to make getting in and out of the van easier for the handicapped resident. The original 23-foot-wide driveway will also be reduced to a width of 21 feet, so with the removal of all of these pavers, the ISR will be reduced from approximately 55% to 45.7%. The additional 5.7% of ISR coverage allows the homeowners to have this small pad next to the house on this flat area on the north side of the lot to provide accessibility for their handicapped family member. Those are the two variances requested here, and as I said, there are many other multiple driveway accesses that exceed the maximum 18-foot driveway width on other lots in the surrounding neighborhood. I think the two variance requests are reasonable, based on the fact that the applicants need that handicap accessibility.

Chris Pranis: Does the existing 23-foot-wide driveway access a garage, or is it just a dead-end driveway?

James Whitehouse: It does access a garage, but this driveway is on an incline, with no flat area on which to park to pick up or drop off the disabled individual residing there. Trees and landscaping would have to be taken out to achieve a flat surface. This is the reasoning behind the variances, as the additional driveway is on a flat area on the lot's north side.

Conner Dowling: I saw from driving by this property that both driveways are composed of pavers. Is the flat area adjacent to the house composed of the same paving materials as the original driveway, and are these permeable pavers?

James Whitehouse: The paving materials are all the same, but I do not think the property owners were savvy enough in the ways of the world to ask that permeable pavers be used. We talked with staff about pulling all the pavers out and replacing them with permeable pavers, but that would be a very huge expense to the property owners. If the ISR coverage was the only issue here, I would tell them that's what they need to do, as using permeable pavers might get the ISR coverage closer to or under the maximum 40% allowed. The ISR has already been reduced from 55% to 45.7% with the removal of the pavers in the carport area and by reducing the width of both the new driveway and the existing driveway. I initially thought the pavers were permeable, because that's what it said on the contract with the paver company, but apparently, that's not what happened when the pavers were installed. Again, this is no excuse, but I think this is part of the issue here.

Chris Pranis: If the original driveway was taken out and replaced with permeable pavers, would this enable the applicants to comply with the maximum 40% ISR coverage allowed?

James Whitehouse: I don't want to do the math right here, but if the Board denies the request to exceed the 40% ISR coverage, the property owners will have to figure out something, and rip out the 5.7% of coverage that is over the maximum. I thought it was reasonable to ask for the additional 5.7% coverage, given the circumstances of the property owners and the fact that a handicapped household member needs accessibility.

Victor Sarris: Just to be clear, the pavers that were used on the property are impervious, and that's why the current ISR coverage is at 45.7%, which is 5.7% over the 40% maximum.

James Whitehouse: Yes, all of the pavers installed on the property are impervious. I think in a perfect world, at least some permeable pavers would have been used, to get the ISR closer to the 40% maximum allowed. I don't know if the impact of using permeable pavers would have any difference, visually, for the two driveway accesses, but this would reduce the ISR coverage. If you want me to get a stormwater engineer to come and talk about what kind of impact the extra 5.7% of ISR coverage might have on stormwater and drainage, I guess I could do that, if that is what the majority of the Board wants.

Victor Sarris: What we're talking about is that the applicants would have to pull out approximately 500 square feet of ISR coverage to comply with the maximum 40% allowed.

Jennifer Thompson: An additional 15% of the total square footage of the lot size may be used for permeable pavers that have a 10% or greater permeability ratio.

Victor Sarris: How was this brought to your attention? Can you explain what happened?

James Whitehouse: The property owners hired a contractor to figure out how they could get a flat surface where the wheelchair-bound family member could get in and out of the house and access the handicap-accessible van, as there was no real way to do this on the existing driveway. They were able to achieve a flat area on the other side, on the north side, of the lot, but the new driveway was installed with a width larger than what was needed and also, a carport, which under the code is considered a structure, was installed without a permit. This is when code enforcement got involved, and then I got involved, as the owners came to me and asked if I could help with this, as they said they were not savvy enough to know what to do. We went back and forth in discussion with City staff over a period of several months, and the staff was very helpful, but the bottom line was the carport didn't comply with code. I advised the owners it would probably have to be removed, but maybe they could figure out a way to keep the new driveway on the flat area on the north side, for the handicap accessibility needed by their household member.

Victor Sarris: So, the property owners incurred the cost of removing a carport they paid for and built on their property?

James Whitehouse: Yes, sir.

Chris Pranis: What was the substance, or the base, on which the carport was built?

James Whitehouse: The carport was built on pavers that have since been removed.

Conner Dowling: Does anyone from the public wish to speak on this agenda item?

Eric Tausch, 55 Willow Drive, St. Augustine Beach, Florida, 32080: I live directly across the street from the property we're talking about at 56 Willow Drive. I've brought some photos **[EXHIBIT B]** I'd like to share with everyone. The first is a photo from last October, showing my house and the house across the street, with the new driveway installed, and the street to the north of both of our properties completely underwater. I didn't take this photo for this particular case regarding the new driveway, my intent was to send it to the City to ask that the stormwater drain in the street be unclogged, but it shows why the regulations limiting the width of driveways were changed. In areas where there is a lot of concrete, this is exactly what happens when we don't have pervious surfaces. The second photo shows the submerged driveway of the home directly to the north of the property we are discussing at 56 Willow Drive. This excess water was not from a hurricane, but from a heavy rain. I am used to some other areas of St. Augustine Beach that flood during heavy rains, but on this particular day, nothing else flooded, just our street. I've lived here for three years, and in that time, never once have I seen a handicap-accessible van or any vehicle with handicap plates at the home across the street at 56 Willow Drive. If the Board leans toward approving this based on that, I would request that the claim regarding the need for accessibility be investigated further. Finally, this is a neighborhood where when we move here, we have a choice, for the price range, to get a brand new, beautiful house with a solar-powered saltwater pool where you never have to fix a thing, but then you live in a neighborhood that has concrete all over the place and no trees. In the past three years, I've watched oaks being taken out of the front yard of the house across the street, and a new driveway put in, so now I look at two driveways and a house, where there used to be oak trees. This was done just a year or so ago. I didn't buy a 1965 house and use all my free time fixing it up so the whole place could be razed and turned into a concrete jungle. I think most of my neighbors would agree. I ask this Board to think about us and all the other neighbors, and to put some thought into why the regulations limiting the width of residential driveways were changed.

Britt Edwards, 20 Lake Shore Drive, St. Augustine Beach, Florida, 32080: I live around the corner, and moved here a year ago from a different part of St. Augustine, to avoid flooding and to make sure my home is safe, so I was concerned and surprised at the amount of flooding going on in our neighborhood. Please keep in mind the environmental impacts when you get requests like this. This is an issue, as people are moving to find better places to live so they aren't affected by flooding and all of those negative environmental impacts.

Jeanine Maleno, 58 Willow Drive, St. Augustine Beach, Florida, 32080: I live next door to 56 Willow Drive, and since we moved here two years ago, we've seen a pattern of non-compliance next door. We personally haven't reported anything, but we've lived with a few things I don't think are in compliance, such as a fence and a new driveway which really encroaches on our property. It was very sad to see the trees that were removed a couple of years ago. They said the trees were diseased, but isn't a permit required to remove trees? I'm just over it with people not complying with the rules and regulations.

Robert Allen, 58 Willow Drive, St. Augustine Beach, Florida, 32080: I also live next door to 56 Willow Drive. It was pointed out that there are other homes in the neighborhood with multiple driveways. How many more are we going to have? I don't want to live in a concrete jungle. Since the additional driveway at 56 Willow Drive was put in, my lot has washed out right next to the driveway on the north side, and this driveway is beginning to sink in the middle as well. Our oak tree is within two feet of that driveway and the huge iron gate, which doesn't enclose anything, put in by the neighbors next door. I've had an arborist out who said there is something wrong with our oak tree, and that it is highly possible that putting in that gate and digging down to make a concrete pad has damaged this tree. These neighbors have never come over and talked to me about what they plan to do or anything, it's been kind of a free-for-all, as they just build anything they want, and it's been very uncomfortable living next door with all that unsightly stuff going on. We haven't reported anything or made any complaints, we've just rolled with everything, as we are trying to get along with our neighbors and we don't want to turn them in. Now, since there is a meeting about it, I'll mention what's been going on. We live with a nine-foot-high fence that has all the supporting members and the unfinished side facing our property. As far as I know, the unfinished side of a fence should always face in, and the finished side should face out, toward the adjoining neighbor's property. I've spent thousands of dollars trying to hide this fence and gate, which is always open, and I'm just asking that my neighbors show a little courtesy and respect to me.

Jeanine Maleno, 58 Willow Drive, St. Augustine Beach, Florida, 32080: I forgot, I have one more thing to say.

Jeremiah Blocker: Mr. Chair, excuse me, our rules only allow for one public comment period per person.

Jeanine Maleno: I am so sorry. I just wanted to say that in the period of time we've lived next door, we've never seen a handicap-accessible van or a wheelchair next door.

James Whitehouse: The City has been out to his clients' property a number of times, so clearly, other than the things we are here for tonight, all the other things that have been talked about are within the code at this point. The applicants have made statements in their application about the accessibility needed for their family member, so I can only go by what they said in regard to this need. As for the flooding in the street, I think you heard something to the effect that there was a clogged drain, which probably had something to do with this, and not necessarily with what his clients have done on their property. I think a lot of driveways in this neighborhood are concrete, including the two circular concrete driveways right across the street at 57 Willow Drive. I'd like to point out that the paver driveways on my clients' property at 56 Willow Drive, although they are not considered to be permeable, are more permeable than all the concrete that runs right off into the street. I think all of these things are factors in my clients' request to the Board to exceed the allowable ISR coverage by 5.7% for the additional driveway for handicap accessibility.

Hulsey Bray: Does anyone in the home have a Florida Department of Transportation-issued handicap pass or placard?

James Whitehouse: I can't answer that question, because I don't know the answer to it.

Hulsey Bray: Well, you are asking for handicap accessibility, and if the answer to my questions is yes, I imagine you would most likely have brought proof of this with you.

James Whitehouse: Are you saying I should have brought the handicap pass or plate with me to show it to you?

Hulsey Bray: No, but you should have proved the need for handicap accessibility, as the additional driveway is for a handicap-accessible vehicle and a disabled individual.

Larry Einheuser: I have a question as to why the applicants aren't here with you to answer the Board's questions.

James Whitehouse: They aren't here because I represent them, and I can answer the questions the Board has for them, other than the question about the handicap placard.

Larry Einheuser: The Board has questions that you can't answer, which is why we would love to have the property owners here, to answer the questions you cannot answer.

James Whitehouse: They are elderly and sickly, which is why they are not here today, and why they hired me to represent them. If the majority of the Board wants to continue this variance application so I can get those answers for you, I can do that. The answer to the question regarding the handicap placard is probably going to be yes, but I don't want to say that, because I am an attorney, and I can only tell you what I know, and I am not 100% sure, so I would rather get that answer from the property owners themselves.

Chris Pranis: Our objective here is to protect the integrity of the code, right? That's why we volunteer our time. In my opinion, ISR is really critical in the City, and we have to be cognizant of that.

Conner Dowling: I agree. I think if we were seeing this case come as an initial request for an additional driveway, based on the size of the lots and the condition of the houses in this neighborhood, which I live directly adjacent to and am very familiar with, I personally wouldn't have an issue with the additional driveway as long the applicants stayed within the allowable ISR. However, they're not doing this, but asking to exceed it.

Larry Einheuser: I just think there should be more investigation into this.

Chris Pranis: Don't forget, we are going to set a precedent on this ISR issue.

Gary Smith: I agree with Chris, we need to see that compliance with the codes that are in place is met. If this application needs to be continued to comply, we should do that.

Victor Sarris: We certainly need to be respectful of the people who spoke and brought photos, as they have some legitimate concerns, and if this indeed involves a disabled

person, we have to have compassion for this person too. I say we explore verifying that this involves a disabled person, for the concerns of the community, and also explore the applicants' need for the additional driveway and what it would cost them to remove the existing impervious pavers and replace them with pervious ones. Also, it would be helpful if one of the residents could be here, to help work things out with everyone involved.

James Whitehouse: Maybe now that I feel comfortable that a majority of the Board is okay with having the second driveway access as long as the ISR coverage is brought into compliance, and there is proof of the resident's disability, we could continue this to the next meeting. From my understanding, the residents are very elderly and sickly, and all of them are in and out of the hospital, which is one of the reasons they hired me to represent them. However, I will see what I can do about getting one of them to come here, if this is continued to the next meeting and the Board thinks this will work better.

Jeremiah Blocker: Mr. Chair, there would need to be a motion to continue this, to allow Mr. Whitehouse to get the answers to the questions that have been asked, as staff can't go out and verify disability. So, to give Mr. Whitehouse the chance to talk to his clients and come back, this application can be continued to a later hearing date and time.

Motion: to continue the application for Land Use Variance File No. VAR 2024-01 to next month's regularly scheduled monthly meeting on Tuesday, February 20, 2024, at 6:00 p.m. at City Hall. **Moved** by Hulsey Bray, **seconded** by Larry Einheuser, **passed 6-0** by unanimous voice-vote.

D. First reading of Ordinance No. 24-XX, amending Section 3.02.05.F of the City's LDRs, pertaining to parking regulations for special events for business/promotional/sales permits on privately-owned property in commercial land use districts

Jennifer Thompson: If everyone can remember back to the Board's last meeting in September, we discussed parking requirements for special events. The current code requires a business to have a minimum of 25 onsite parking spaces for a special event, basically eliminating smaller businesses from having special events. The Board proposed revising this to state businesses must have 50% of all onsite parking spaces and 100% of all onsite accessible parking spaces available for parking by the public for a special event.

Hulsey Bray: This is what we all talked about, so that businesses in strip malls with shared parking and those that don't have 25 parking spaces per business can hold a special event.

Jeremiah Blocker: This ordinance read by title states, "Ordinance No. 24-___, an ordinance of the City of St. Augustine Beach, Florida, relating to Land Development Regulations and review; amending the Land Development Regulations of the City of St. Augustine Beach, Article III, Section 3.02.05 for special events; and providing an effective date."

Motion: to approve and pass on first reading Ordinance No. 24-XX, amending Section 3.02.05.F of the City's LDRs, pertaining to parking regulations for special events for business/promotional/sales permits on privately-owned property in commercial land use

districts, as drafted. **Moved** by Conner Dowling, **seconded** by Chris Pranis, **passed 6-0** by unanimous voice-vote.

- E. Rescheduling of the Board's March 19, 2024 regular monthly meeting from the third Tuesday in March to the fourth Tuesday, which is Tuesday, March 26, 2024, due to scheduling conflicts in the City Hall Meeting Room, which will be used for voting for the presidential preference primary election from March 9, 2024 to March 20, 2024

Jennifer Thompson: This item is to reschedule the Board's March meeting, which would normally be held on March 19, the third Tuesday of the month. However, early voting will be taking place in the meeting room on this date, so staff proposes this meeting be rescheduled to the fourth Tuesday in March, which would be March 26, 2024.

Motion: to reschedule the Board's regular monthly meeting in March to Tuesday, March 26, 2024, at 6:00 p.m. at City Hall. **Moved** by Gary Smith, **seconded** by Hulsey Bray, **passed 6-0** by unanimous voice-vote.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

Chris Pranis: Do we have an update on Publix?

Brian Law: The civil plans have been approved by the St. Johns County Fire Marshal and should be routed to us at some point. When approval is also given from the St. Johns County Utility Department, a phased modification of the existing parking lot will begin. I don't have information as to when the demolition of the existing Publix will take place, as the architectural and engineering plans for the project have not been submitted yet.

IX. ADJOURNMENT

The meeting was adjourned at 6:59 p.m.

Kevin Kincaid, Chairperson

Bonnie Miller, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE AUDIO/VIDEO CAN BE OBTAINED BY CONTACTING THE CITY MANAGER'S OFFICE AT 904-471-2122.)



City of St. Augustine Beach Building and Zoning Department

To: Comprehensive Planning and Zoning Board
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building and Zoning, Bonnie Miller, Senior Planner
Date: 02/02/2024
Re: Application to Remove Trees Greater Than 30 Inches DBH, Located at 322 Ridgeway Rd

An application to remove 3 trees greater than or equal to 30 inches in diameter at breast height has been submitted for a proposed new single-family residence located at 322 Ridgeway Rd. The trees are 30 inches, 34 inches, and 38 inches DBH oak trees located within the footprint of the proposed single-family residence. The property has 2 additional trees that are 30 inches or greater which will remain on the property.

At last month's meeting, the Comprehensive Planning and Zoning Board granted the removal of a 36 in tree located at 371 Ocean Forest Dr.

Sincerely,

Jennifer Thompson, MPA, CFM

Planner
Planning and Zoning Division

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

2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

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

1. Legal description of the parcel for which the tree removal is being sought:

Lot(s) 40 Block(s) _____ Subdivision Ocean Ridge

Street Address 322 Ridgeway Rd., St. Augustine, FL 32080

2. Parcel identification number (PIN): 1641610400

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

John Ginn & Erin Ginn

4. Current land use district classification: Vacant Residential

5. Number of, type, and size of tree or trees requested for removal: _____

30" live oak, 38" live oak, 34" live oak

6. Reason for request to remove tree(s) described above: The proposed trees to be

removed fall within the footprint of the home or ancillary
structures.

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

Please see attached site plan

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

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

Section 5.01.02. Conditions for tree removal.


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

In filing this application for removal of a tree or trees that have a DBH of 30 inches or greater, the undersigned acknowledges it becomes part of the official record of the City of St. Augustine Beach Building and Zoning Department and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

John GINN

Print name (owner or his/her agent)

Print name (applicant or his/her agent)

 1/16/24

Signature/date

Signature/date

752 Tides End Dr, St. Augustine, FL 32080

Owner/agent address

Applicant/agent address

904-461-3000

Phone number

Phone number

Jginn@Ginnpatrou.com

Email address

Email address

Application Fee: \$50.00

Date Paid:

1-16-2024

Received by:

Bonnie Miller

Invoice Number:

App. # 8224

I2400543

Check Number or type of credit or debit card:

Check # 1168

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

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

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

From: Owner Name(s) & Phone #: John Ginn & Erin Ginn, 904-501-5912
Address: 752 Tides End Dr., St. Augustine, FL 32080
City, State & Zip Code: _____

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

Contractor/Agent Name(s) & Phone #: Scott Patrou, Esq.
Address: 460 A1A Beach Blvd.
City, State, Zip Code: St. Augustine, FL 32080

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

322 Ridgeway Rd., St. Augustine, FL 32080

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

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

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

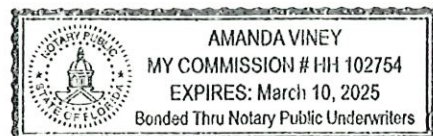
Date: 1/16/24 John Ginn [Signature]
Typed or Printed Name of Property Owner Signature of Property Owner

State of Florida County of: St. Johns

Subscribed and sworn before me this 16 day of January, 2024, by John Ginn

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

[Signature]
Signature of Notary Public, State of Florida
Typed or Printed Name: _____
My Commission Expires: _____



(Stamp or Seal)

**CITY OF ST. AUGUSTINE BEACH**

2200 A1A South
St. Augustine, FL 32080

INVOICE #**I2400543**

ACCOUNT ID: NORTH025 PIN: 296461

INVOICE DATE: 01/16/24

DUE DATE: 02/15/24

Description of Work

NEW SINGLE FAMILY RESIDENCE-BUILDING

NORTH RIVER BUILDING SOLUTIONS
HOGAN, JOSHUA M
PO BOX 840277
ST AUGUSTINE, FL 32080

PERMIT INFORMATION

APPLICATION ID: 8224

LOCATION: 322 RIDGEWAY RD

OWNER: GINN JOHN,ERIN

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.0000	PZ TREE	TREE REMOVAL >=30" Permit App Id: 8224	50.000000	50.00
TOTAL DUE:				<u>\$ 50.00</u>

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

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

INVOICE #: I2400543
DESCRIPTION: Permit App Id: 8224
ACCOUNT ID: NORTH025 PIN: 296461
DUE DATE: 02/15/24
TOTAL DUE: \$ 50.00

NORTH RIVER BUILDING SOLUTIONS
HOGAN, JOSHUA M
PO BOX 840277
ST AUGUSTINE, FL 32080



CITY OF ST. AUGUSTINE BEACH

Date: 01/16/2024 Time: 03:28 PM



Invoice Payment

Customer: NORTH025

Name: NORTH RIVER BUILDING SOLUTIONS

Invoice: I2400543

Permit App Id: 8224

Item 1 50.00

TREE REMOVAL >=30"

50.00

chk#: 1168

Batch Id: BM011620

Ref Num: 6188 Seq: 1 to 1

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

Total: 50.00

Thank You for your payment!

S0.0 - STRUCTURAL

Sheet no. SP



City of St. Augustine Beach Building and Zoning Department

To: Comprehensive Planning and Zoning Board
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building & Zoning, Bonnie Miller, Senior Planner
Date: 02/06/2024
Re: VAR 2024-01

Variance 2024-01 was originally a request for an increased impervious surface ratio to 45.7% from the allowed maximum for the low-density residential areas of 40% and a request for an additional 12-foot-wide driveway and will be removing 2 feet from their existing 23-foot driveway to make a 21-foot-wide driveway, resulting in the property having one 12-foot-wide driveway on the north side and one 21-foot-wide driveway on the south side.

At the January 16th, 2024, Planning and Zoning Board meeting, the board requested additional information and the applicant requested that the variance application be continued to the February meeting.

The applicant has amended the variance request from a proposed 45.7% ISR to a request to 40.7% ISR. The maximum allowed in low density residential areas is 40%. The applicant is still requesting an increased driveway in the right of way of one 12-foot-wide driveway on the north side and one 21-foot-wide driveway on the south side. The City's land development regulations allow for a total 18-foot-wide driveway in the right of way with 5 ft by 5 ft flares on either side.

Sincerely,

Jennifer Thompson, MPA, CFM

Planner
Planning and Zoning Division

ST. JOHNS
LAW GROUP

Dedicated and Responsive Service

February 1, 2024

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

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

RE: VARIANCE APPLICATION – 56 Willow Drive

AMENDED VARIANCE REQUEST

Summary of UPDATED Variance Request:

As discussed at the PZB meeting on 1/16/24, initially the owner had contracted to have a carport and paver pad installed to provide for handicapped access on this sloped parcel. Based upon the fact that some of the project did not meet the current codes, the owner has now removed the carport and owner has also removed and is in the process of re-landscaping the areas removed that are on the side yard to lessen the impermeable surface area, all as depicted in the amended attached site plan. Further, we have gone back, as advised by staff, and are working with the paver company to replace a 500 sq.ft. area of the back paved deck to come into compliance with the 40% impermeable surface requirement, as you will see from the attached site plan and worksheet. The new plan, which still seeks to retain a handicapped access area on a flat portion of the parcel, will now be in compliance with the ISR allowance under the code, and now only requires the one variance for the secondary drive.

As discussed, this secondary handicapped access exceeds the width for the COMBINED portions of the applicant's driveway since the COMBINED total exceeds the allowed width under the code. Sec. 6.02.03.D – "Residential Driveways" which states that "Residential driveways in the city rights-of-way shall be limited to a maximum of eighteen (18) feet in width with a maximum five (5) by five (5) foot apron flair on either side. The city shall not be responsible for the repair and maintenance of residential driveways in city rights-of-way." This section was added to the code in an amendment at Ordinance 2018-18 to provide that residential driveways in the city rights-of-way shall be limited to a maximum of eighteen feet (18') in width with a maximum five by five-foot (5' x 5') apron flair on either side. It is interesting to note that this section was added to the City Code in 2018 and DOES NOT state that it means if more than one access is allowed on the parcel that they will be accumulated. In fact, Section 6.02.06, which was already existing

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

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

since earlier that same year in 2018, plainly states that "All lots in a proposed residential subdivision shall have frontage on and access from an existing street meeting the requirements of this Code" and "No more than one access point will be allowed on a lot of less than 50 feet of frontage." (Emphasis added). Applicant's lot, which is located at WOODLAND subdivision, UNIT B, LOT 27, is approximately 90 feet wide by 100 feet deep, as recorded. In sum, this amended application now merely seeks variance from that portion of the code, if it indeed means that the width of the driveway in the city right-of-way of the additional ALLOWED access is required to be less than the proposed 12-foot width as reduced from the current 16-foot width.

Finally, I have provided an email from that owner / applicant explaining her situation and that of her partners and their need for the handicapped access, as well as their current health issues that prevent their current attendance. Further, I have provided the handicapped proof and will bring and show to the staff and city attorney. I have not submitted to keep private for their health and security reasons. I look forward to discussing further and now that we will meet the ISR as requested by the board to possibly secure allowing this secondary handicapped access for these city residents to be able to continue to reside in their home and provide for their partners to age in place and address their handicapped access needs.

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

Sincerely,

James G. Whitehouse, Esq.,

St. Johns Law Group
On Behalf of the Applicant

James Whitehouse

Subject: FW: 56 Willow Drive - Handicap parking permits
Attachments: Scan_20240201 (2).jpg; Scan_20240201.jpg

From: Karren Pitts <14islandgirl@att.net>
Sent: Thursday, February 1, 2024 4:03 PM
To: James Whitehouse <jameswhitehouse@sjlawgroup.com>
Cc: Alex Lee <gatemanalex@gmail.com>
Subject: 56 Willow Drive - Handicap parking permits

James, attached are copies of the Disabled person parking permits you requested. Additionally, I am forwarding you a copy of an email from Melissa (Missy) Clark with information on Deborah's current status. Deborah, as we have discussed, has multiple health issues requiring the handicapped access as requested. She is currently in Bayview Rehabilitation Hospital after breaking the femur in her upper leg from a fall. She was in Flagler Hospital and then Trauma One Care Center in Jacksonville via ambulance, and now most recently in Bayview, pending coming back to the house.

The email I will forward from Missy documents this and has pictures attached that support the information.

Alex was trying to keep Deborah at the residence where she had her accident in the Commodores Club, pending this approval, but it does not appear that we will be able to let her stay there after she can be released from Bayview - we also have no idea when that will be since her ability to even transfer from bed to wheelchair requires mechanical assistance currently.

I will forward the letter from Missy Lee Clark next. By the way, landscaping at the side of the left hand driveway is partially complete and I will forward pictures.

I should also mention that on February 19, I am having a procedure done that will require anesthesia, hopefully not overnight, but doubtful I would be able to accompany you on the 20th.

Thanks,

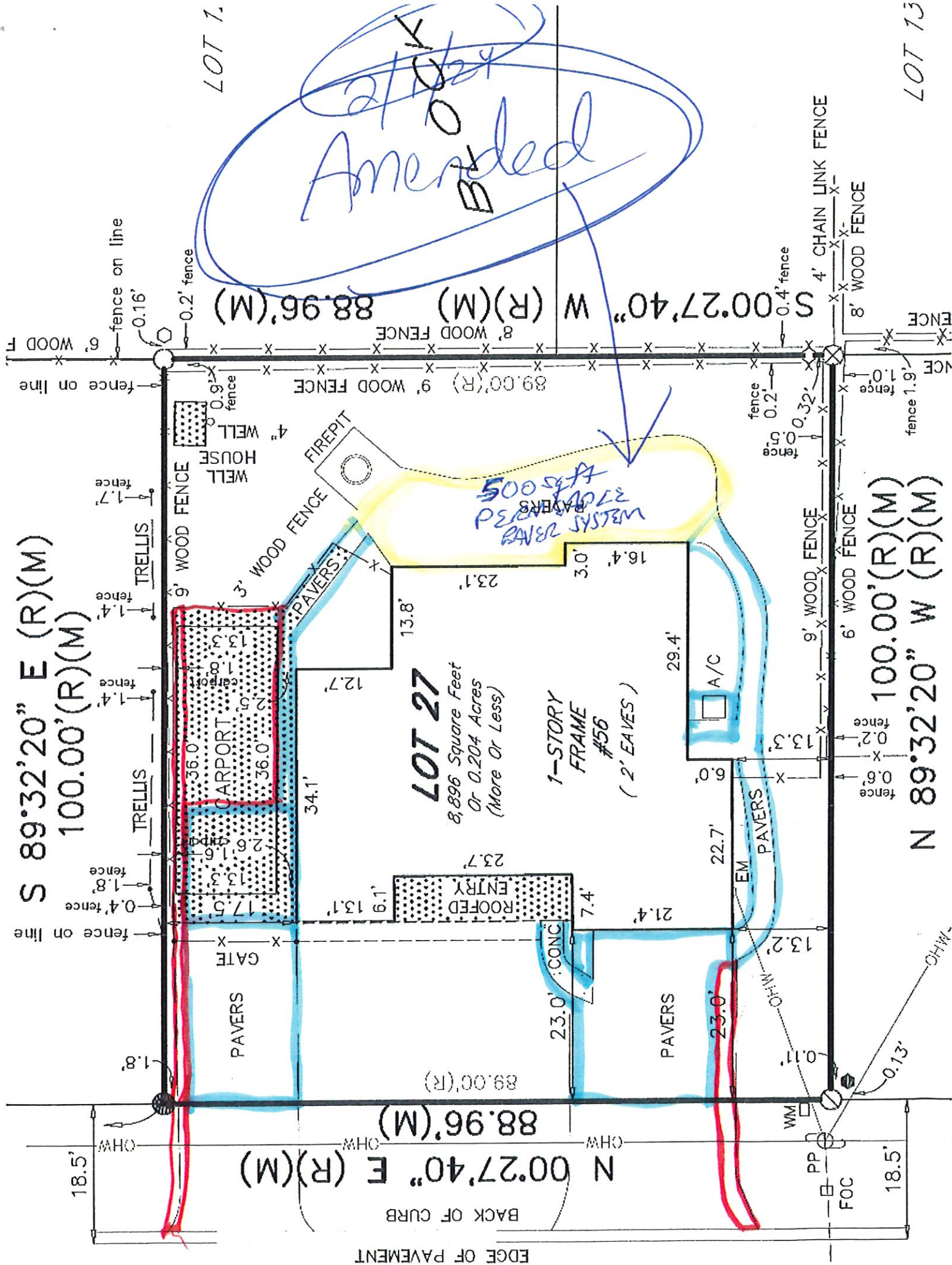
Karren Pitts

S 89°32'20" E (R)(M)
100.00'(R)(M)

N 00°27'40" E (R)(M)
88.96'(M)

N 89°32'20" W (R)(M)
100.00'(R)(M)

W 00°27'40" (R)(M)
88.96'(M)



LOT 1

LOT 13

EDGE OF PAVEMENT

BACK OF CURB

2/1/24
AMENDED
IMPERVIOUS SURFACE RATIO (ISR) WORKSHEET

REMOVING 500 S.F. BACK DECK & REPLACING WITH PERMEABLE PAVER SYSTEM

IMPERVIOUS SURFACE: Any building, surface, concrete, pool, wet retention/detention areas, pavement or surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

IMPERVIOUS SURFACE RATIO (ISR): The ISR shall be calculated by dividing the total impervious surface area by the total area of the proposed development site or project. Alternative porous paving with a 10% or greater permeability shall not count as ISR coverage.

PERMEABLE PAVERS WITH 10% OR GREATER PERMEABILITY SHALL BE LIMITED TO 15% OF LOT COVERAGE IN LOW AND MEDIUM DENSITY LAND USE DISTRICTS (SEE #8 BELOW).

Site Address 56 Willow Drive Lot Area 8900 square feet

Impervious Surfaces:

- | | | |
|------------------------------------------------|------------------------------------------------|-------------|
| 1. Building footprint | <u>2470</u> | square feet |
| 2. Parking & driveway areas | DRIVE 1 - 19x23 = 437
DRIVE 2 - 12x23 = 276 | square feet |
| 3. Access easements | HANDICAPPED ACCESS PARKING PAD → 180 | square feet |
| 4. Walkways | NORTH → 60
SOUTH → 165 | square feet |
| 5. Pools and decks | | square feet |
| 6. Other (screen rooms, patios, porches, etc.) | | square feet |
| 7. Equipment and air-conditioning pads | UTILITY PAD → 36 | square feet |
| 8. Permeable pavers > 10% permeability | <u>500</u> | square feet |

Total Impervious Surfaces: _____ square feet

3624 ÷ 8900 = 40% 40.71% (47.1%)

Total Impervious Surfaces Lot Area Impervious Surface Ratio %

I _____ (signature) certify that the calculations submitted above for the impervious surface ratio calculations are accurate and complete.

Name _____ Date _____

Address _____ Phone _____

Email address _____

* FORMER REQUEST - PZB 1/16/24

ORIGINAL ISR SQFT $\rightarrow 4752 / 8900 = 53\%$
 * REMOVE 682 SQFT $\rightarrow 4070 / 8900 = 45.7\%$

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

* Remove Ad'l
 Back Area of PAD
 LEAVING ONE
 FLAT PARKING AREA
 FOR HANDICAPPED
 ACCESS
 $24 \times 14.5 = 348$

Remove

Handicapped Access
 Option B

* Remove 4 FT Front
 Left Property Line
 $4 \times 72 = 288$

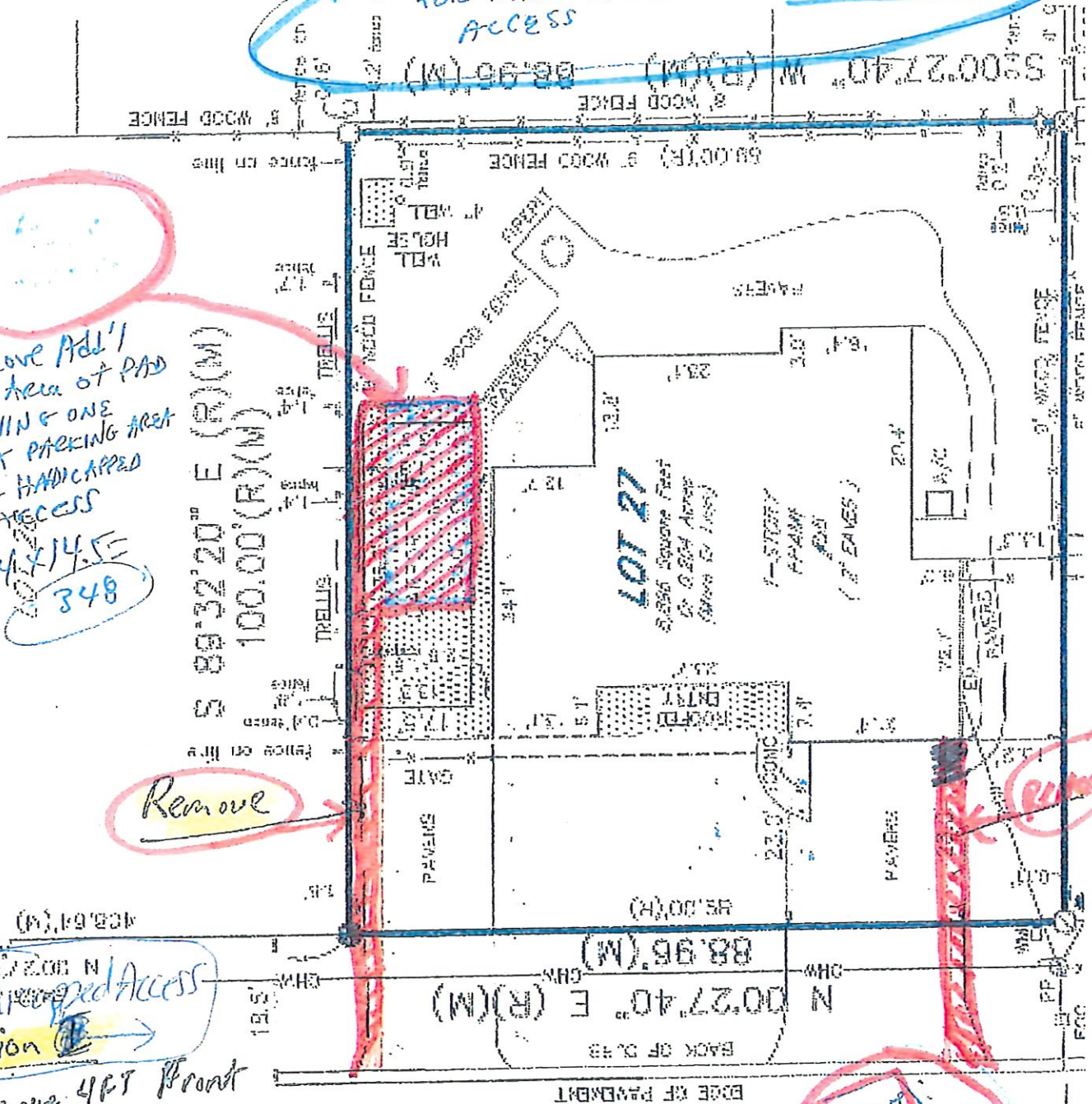
* Remove 2 FT From
 Right Property Line

$2 \times 23 = 46$

Remove

348
 288
 46
 682

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





City of St. Augustine Beach Building and Zoning Department

To: Comprehensive Planning and Zoning Board
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building & Zoning, Bonnie Miller, Senior Planner
Date: 12/14/2023
Re: VAR 2024-01

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

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

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

Sincerely,

Jennifer Thompson, MPA, CFM

Planner

Planning and Zoning Division

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

Hey Jennifer,

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

Russell Adams

Public Works Department

City of St. Augustine Beach

2200 A1A South

St. Augustine Beach, FL 32080

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

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

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

Hi Guys,

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

Thanks.

Best Regards,

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

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

11/27/23 AMENDED

1

City of St. Augustine Beach Building and Zoning Department
Variance Application

2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

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

1. Legal description of the parcel for which the variance is being sought:

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

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

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

4. Real estate parcel identification number: 164090-0000

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

Karren J. Pitts

56 Willow Drive, St. Augustine Beach 32080

6. Current land use classification: Low Density Residential

7. Land use variance being sought: ISR + Accessway

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

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

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

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

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

- ☒ Legal description of property
- ☒ Copy of warranty deed
- ☒ Owner Permission Form (if applicable)
- ☒ List of names and addresses of all property owners within 300-foot radius
- ☒ First-class postage-stamped legal-size (4-inch-by-9½-inch) envelopes with names and addresses of all property owners within 300-foot radius
- ☒ Signed and sealed survey not older than one year showing all existing structures and improvements
- ☒ Other documents or relevant information to be considered
- ☒ Fourteen (14) copies of the completed application including supplemental documentation and relevant information

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

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

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

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

****Variances shall be recorded prior to issuance of the building/development permit****

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

Date: _____

Variance File #: _____

Applicant's name: _____

Applicant's address: _____

For land use variance at: _____

Charges

Application Fee: \$400.00 Date Paid: _____

Legal Notice Sign: \$10.00 Date Paid: _____

Received by _____

Date _____

Invoice # _____

Check # or type of credit or debit card _____

Instructions for Applying for a Land Use Variance

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

Considerations for the Granting of a Land Use Variance

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

— SEE ATTACHED —

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

— SEE ATTACHED —

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

— SEE ATTACHED —

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

— SEE ATTACHED —

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

— SEE ATTACHED —

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

— SEE ATTACHED —

ST. JOHNS



LAW GROUP

Dedicated and Responsive Service

November 27, 2023

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

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

RE: VARIANCE APPLICATION – 56 Willow Drive

AMENDED VARIANCE REQUEST

Summary of UPDATED Variance Request:

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

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

Additionally, staff advises that the owner also requires a variance for the COMBINED portions of the applicant's driveway since the COMBINED total exceeds the allowed width under the code. **Sec. 6.02.03.D** – "Residential Driveways" which states that "Residential driveways in the city rights-of-way shall be limited to a maximum of eighteen (18) feet in width with a maximum five (5) by five (5) foot apron flair on either side. The city shall not be responsible for the repair and maintenance of residential driveways in city rights-of-way." This section was added to the code in an amendment at Ordinance 2018-18 to provide that residential driveways in the city rights-of-way shall be limited to a maximum of eighteen feet (18") in width with a maximum five

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

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

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

Facts and General Information as to Owner/Parcel

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

Discussion and Additional Justification

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

James G. Whitehouse, Esq.,

St. Johns Law Group
On Behalf of the Applicant

LEGAL DESCRIPTION

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

Parcel Identification Number: 164090-0000



City of St. Augustine Beach

2200 A1A SOUTH

ST. AUGUSTINE BEACH, FLORIDA 32080

WWW.STAUGBCH.COM

CITY MGR. (904) 471-2122

FAX (904) 471-4108

BLDG. & ZONING (904) 471-8758

FAX (904) 471-4470

OWNER'S AUTHORIZATION

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

BY: Karren J. Pitts
Signature of Owner

KARREN J. PITTS
Print Name of Owner

850-445-3634
Telephone Number

State of Florida

County of St. Johns

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

By Karren J. Pitts

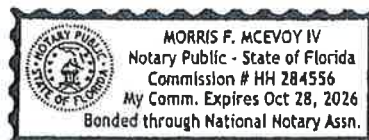
Identification verified: driver's license

Oath sworn: ☒ Yes ☐ No

Notary Signature:

My Commission expires:

10/28/26



067.00
1,575.00

Prepared by and return to:
Christina M. Guyette

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

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 26th day of November, 2012 between Frank Calabrese, an unmarried person and Laurie Patricia Penney, f/k/a Laurie Calabrese, an unmarried person, whose post office address is 3167 W. SR 40, Ormond Beach, Florida 32174, grantor, and Karren J. Pitts, an unmarried person, whose post office address is 3586 Wexford Court, Tallahassee, Florida 32309, grantee:

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

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

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

Parcel Identification Number: 164090-0000

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

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2011**.

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

DoubleTimes

Signed, sealed and delivered in our presence:

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

Frank Calabrese (Seal)
Frank Calabrese

State of Florida
County of St. Johns

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

[Notary Seal]



Christina M. Guyette
Notary Public

Printed Name: _____

My Commission Expires: _____

Signed, sealed and delivered in our presence:

● Cindy Jackson
Witness Name: Cindy Jackson

● Laura Patricia Penney
(Seal)
Laura Patricia Penney

● Ann Phillips
Witness Name: Ann Phillips

● State of Florida
County of St. Lucie

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

[Notary Seal]

Andrea McNaair
Notary Public

Printed Name: Andrea McNaair

My Commission Expires: 3/17/2013





* Four (4) MULTI-ACCESSSED IN SAME STREET

74 Willow Drive (3 Accesses)

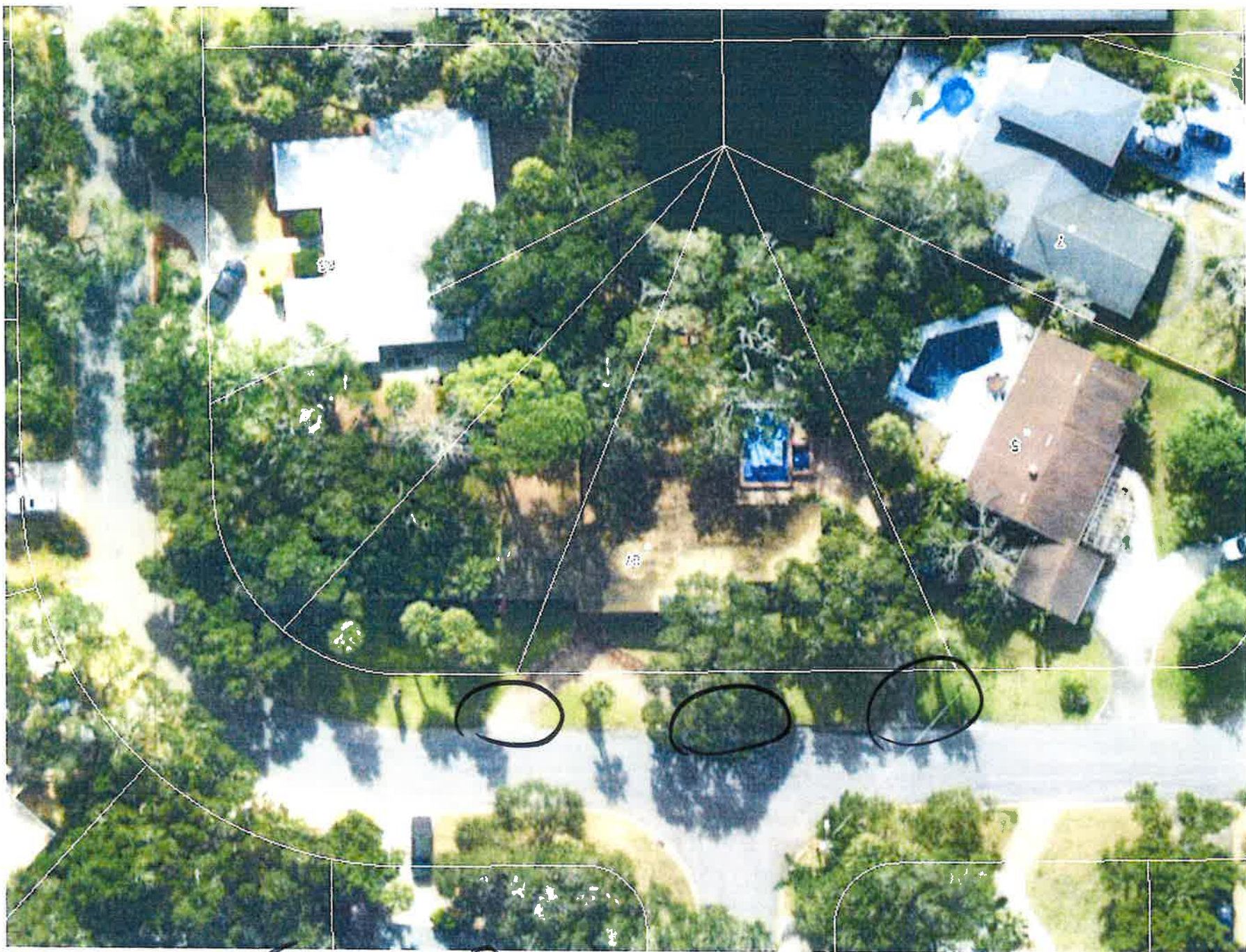


74 Willow Drive (3 Accesses)



~~★~~ ON SAME STREET





67 Willow Dr. (3 access)

67 Willow Drive (3 accesses)





Across the Street



James Whitehouse

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

RE: 56 WILLOW DRIVE

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

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

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

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

Thanks.
James

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

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

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

MAP OF SURVEY

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

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

LOT 28

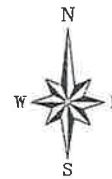
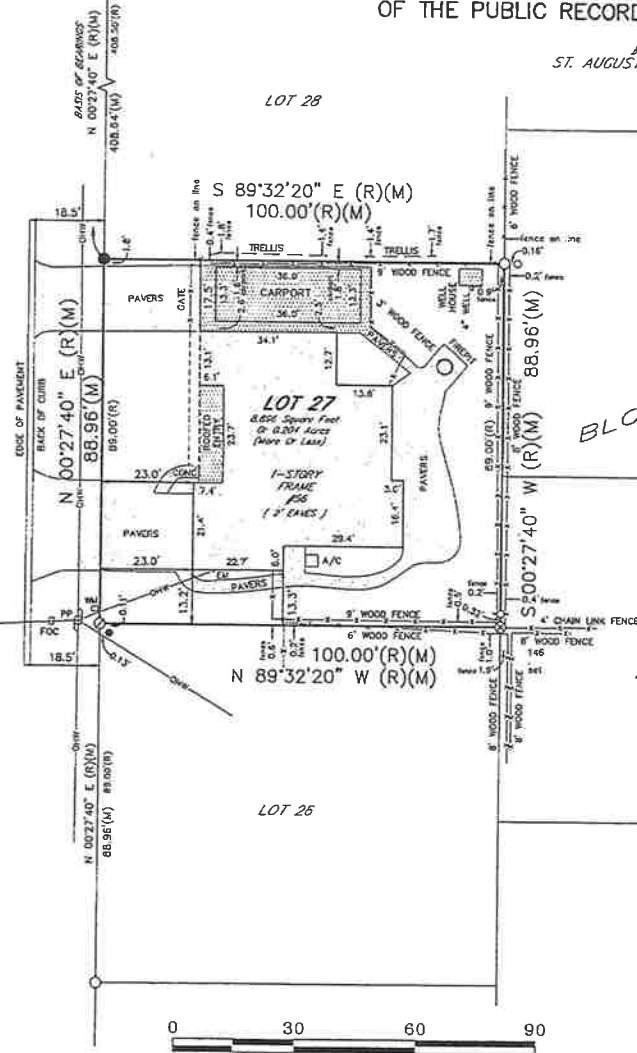
LOT 12

LOT 13

LOT 14

LOT 26

WILLOW DRIVE
00' R/W - PAVED



LEGEND

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

NOTES

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

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

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

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

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

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

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

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

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

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

REVISIONS

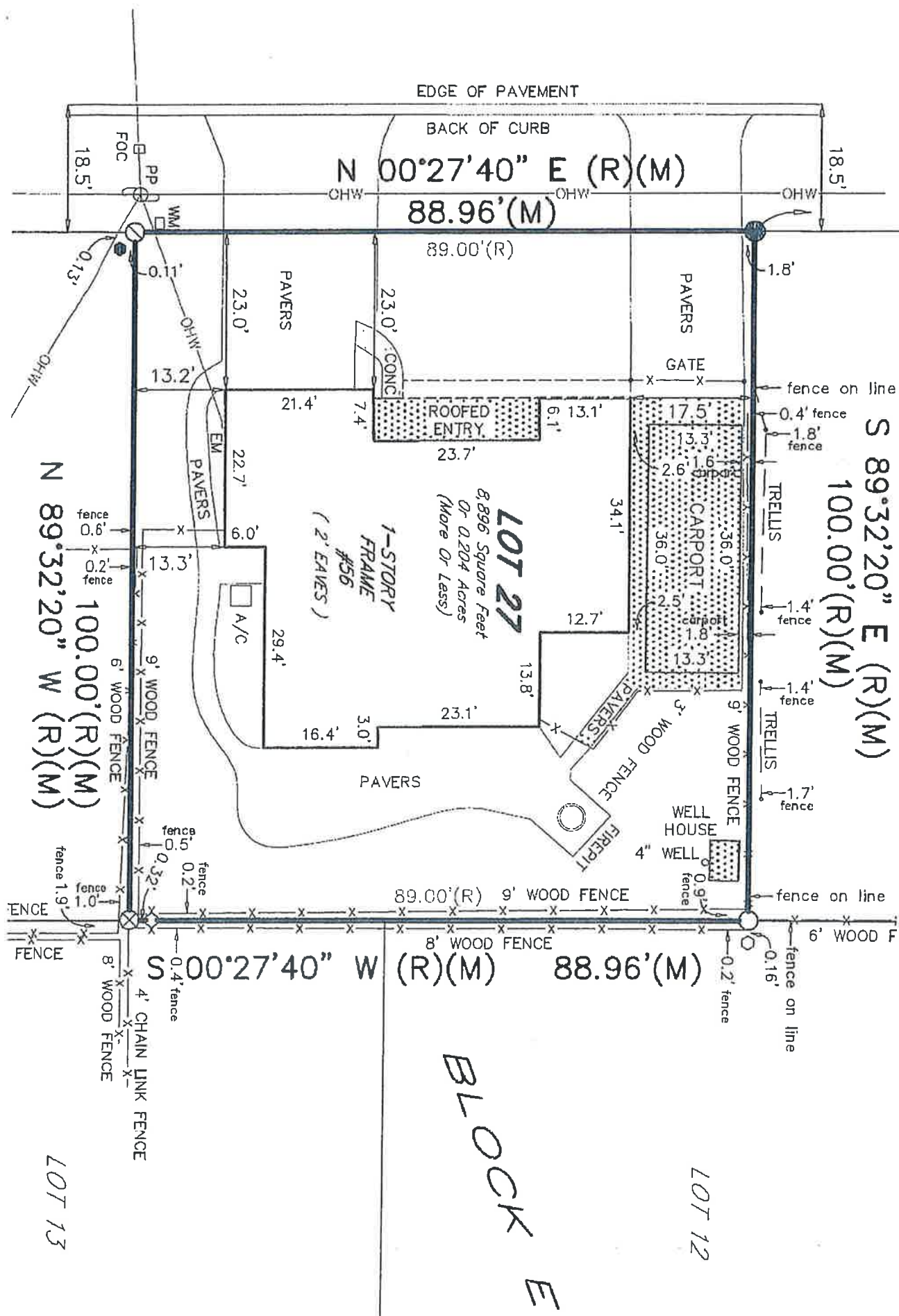
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DATE OF SURVEY: 08/21/2023
FIELD BOOK/PAGE(S): 548/16-17
DRAWING SCALE: 1" = 30'
JOB NUMBER: 23-346

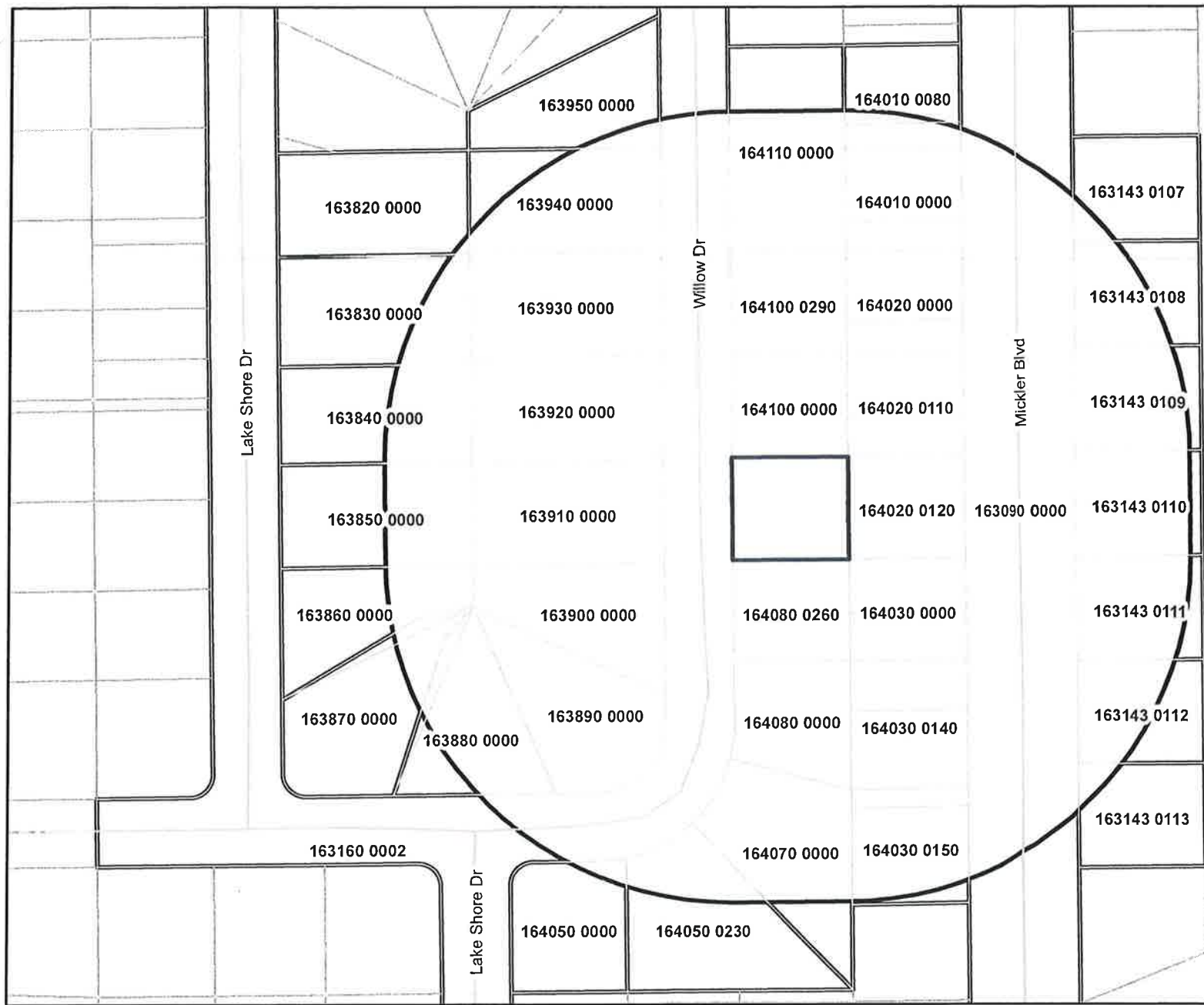
ANCIENT CITY SURVEYORS
ACS
PROFESSIONAL
LAND SURVEYORS
4425 U.S. HIGHWAY No. 1 SOUTH, SUITE 401
ST. AUGUSTINE, FLORIDA 32086
email: acs-surveyors@comcast.net PHONE: 904-797-8967



MICHAEL A. PIESCO PLS
Professional Land Surveyor #4793

DATE SIGNED: 8/25/23





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

Map Printed: 7/31/2023

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

DELUCA JASON
10 MICKLER BLVD
SAINT AUGUSTINE FL 320805906

PAONE JERRIE A
5049 SEABROOK PL
STONE MOUNTAIN GA 300874047

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

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

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

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

HERENDEEN PAUL,ELIZABETH
22 MICKLER BLVD
SAINT AUGUSTINE FL 320805906

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

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

HOLMBERG TINA M
11 LAKE SHORE DR
SAINT AUGUSTINE FL 320805947

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

BIRCKELBAW CHARYL L
26 LEE DR
SAINT AUGUSTINE FL 320805981

HOMANN JAY,NANCY
24 MICKLER BLVD
SAINT AUGUSTINE FL 320800000

SAALFELD BRICE,LEO
52 WILLOW DR
SAINT AUGUSTINE FL 320800000

BOEREMA DORIS JEAN
50 WILLOW DR
SAINT AUGUSTINE FL 320805938

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

SAFFRAN MARTHA W
9 LAKE SHORE DR
SAINT AUGUSTINE FL 320805947

CASCHETTO ILSE
60 WILLOW DR
SAINT AUGUSTINE FL 320805938

KENT MATTHEW,KAYLA
46 WILLOW DR
SAINT AUGUSTINE FL 320800000

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

CASTIGNOLI DOREEN
20 LEE DR
SAINT AUGUSTINE FL 320805981

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

ST JOHNS COUNTY
500 SAN SEBASTIAN VW
SAINT AUGUSTINE FL 320840000

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

MALENO JEANINE
58 WILLOW DR
SAINT AUGUSTINE FL 320805938

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

COLEMAN ELISABETH STEIGER
13 LAKE SHORE DR
SAINT AUGUSTINE FL 320800000

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

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

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

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

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

WALKER JONATHAN,SUSAN
16 MICKLER BLVD
SAINT AUGUSTINE FL 320800000

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

WOELFEL CRAIG BRADSHAW ETAL
14 MICKLER BLVD
SAINT AUGUSTINE FL 320805906

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

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

NONE(Pitts Rezoing (Parcel 164090-0000))

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

NONE(Pitts Rezoing (Parcel 164090-0000))

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

NONE(Pitts Rezoing (Parcel 164090-0000))



City of St. Augustine Beach Building and Zoning Department

To: Comprehensive Planning and Zoning Board
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building and Zoning, Bonnie Miller, Senior Planner
Date: 02/07/2024
Re: VAR 2024-02, 2-B F St.

Application for Variance 2024-02 is a reapplication for Variance 2022-04. This original application was granted but has since expired as of May 9th, 2023.

The variance application is requesting a reduction of the rear yard setback requirement from 20 feet to 7.5 feet for a proposed new attached 2nd story addition consisting of a 1st floor garage and conditioned living area on the 2nd floor. This is an addition to an existing single family residence located in a medium density residential land use district located at 2-B F St.

Sincerely,

Jennifer Thompson, MPA, CFM

Planner

Planning and Zoning Division



City of St. Augustine Beach Building and Zoning Department

To: Comprehensive Planning & Zoning Board
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building and Zoning & Bonnie Miller, Sr. Planner
Date: April 7, 2022
Re: VAR File No. VAR 2022-04, 2B F Street

Variance File No. VAR 2022-04 is a request for a reduced rear setback from the required 20 feet, per City Land Development Regulations section 6.01.03, to 7.5 feet, for a new attached garage with a second story living area above, located at 2B F St.

In 1998, Variance File No. VAR 98-07 was granted to reduce the required rear setback from 10 feet to 7.5 feet to construct a detached one-story garage at 2B F St. At the time of construction in 1998, the garage was built beyond the granted variance setbacks. The current one-story garage is 4.2 feet from the rear and 7 feet from the north side property line.

On March 20th, 2021, Variance File No. VAR 2021-04 was requested for a reduction of the rear side setback from the 7.5-foot setback (which was granted in VAR 98-07) to 4.2 feet, as well as a reduction of the north side setback from the required 7.5 feet to 7 feet, to bring the existing garage into compliance to add a second-story addition for living space. This variance request was denied due to lack of hardship.

Sincerely,

Jennifer Thompson

Planner
Planning and Zoning Division



City of St. Augustine Beach Building and Zoning Department

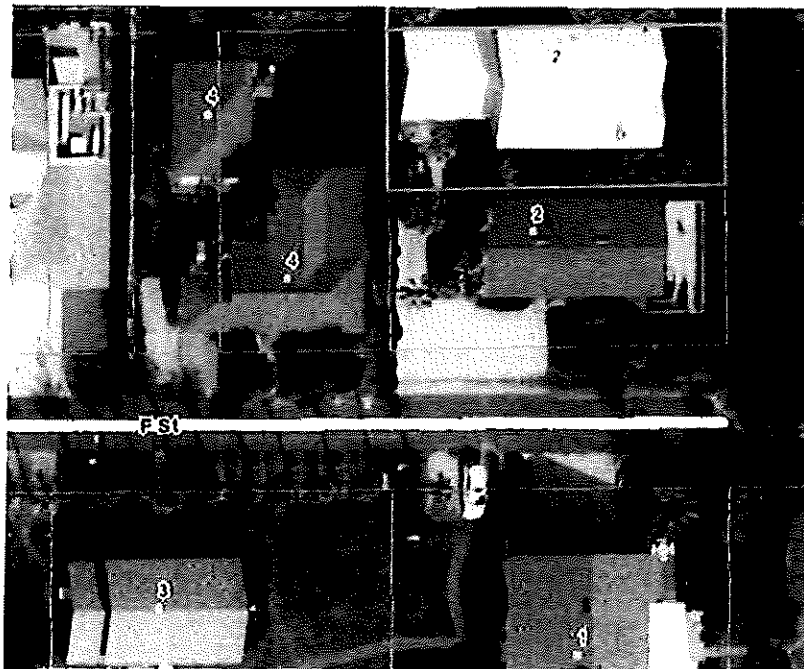
TO: Planning and Zoning Division

FROM: Brian Law

SUBJECT: 2B F street variance

DATE: 4-11-2022

The Building Division has no objection for the reduced rear setback variance request as this is not a building code issue. The current code cycle is the 2020 FBC 7th edition. The property is in a X/X(S) flood zone and lies seaward of the Coastal Construction Control Line(CCCL) and as such as DEP permit is required. Section 3109 of the 2020 FBC regulates structures seaward of the CCCL.



Brian W Law CBO, CFM, MCP
City of St. Augustine Beach
Director of Building and Zoning
2200 A1A South
St. Augustine Beach, FL 32080
(904) 471-8758
blaw@cityofsab.org

App: 8287

1

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) B Block(s) 38 Subdivision Coquina Gables

Street Address 2B F Street

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

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

4. Real estate parcel identification number: 1705200010

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

Caneel Capital Group, LLC

1017 Sea Forest lane, St. Augustine, FL 32080

6. Current land use classification: Medium Density

7. Land use variance being sought: Extension/Renewal of Variance

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: Original Varinace expired prior to DEP approval
what we are seeking is the same approval that was previously granted.

10. Supporting data which should be considered by the Board: The nature of construction specifically
over the last several years, has become one of long wait times and delays. The property owner
has pursued completion of this project since its approval however, bewteen contractor dealys
and DEP approvals they were unable meet the timelines.

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

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

- () Legal description of property
- () Copy of warranty deed
- () Owner Permission Form (if applicable)
- () List of names and addresses of all property owners within 300-foot radius
- () First-class postage-stamped legal-size (4-inch-by-9½-inch) envelopes with names and addresses of all property owners within 300-foot radius
- () Signed and sealed survey not older than one year showing all existing structures and improvements
- () Other documents or relevant information to be considered
- () Fourteen (14) copies of the completed application including supplemental documentation and relevant information

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

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

	
Print name (owner or his/ her agent)	Print name (applicant or his/her agent)
	1/16/24
Signature /date	Signature /date
460 A1A Beach Blvd,	St. Augustine FL 32080
Owner/agent address	Applicant/agent address
	904 461-3000
Phone number	Phone number

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

****Variances shall be recorded prior to issuance of the building/development permit****

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

Date: 1-18-24

Variance File #: 2024-02

Applicant's name: Scott Patrou agent for applicant Caneel Capital

Applicant's address: 1017 Sea Forest Ln.

For land use variance at: 2B F St.

Charges

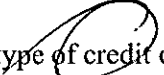
Application Fee: \$400.00 Date Paid: 1-18-24

Legal Notice Sign: \$10.00 Date Paid: 1-18-24

Received by JENNIFER

Date 1-18-24

Invoice # 124 00551

Check # or type of credit or debit card 

218 F STREET 4

Instructions for Applying for a Land Use Variance

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

Considerations for the Granting of a Land Use Variance

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

SEE ATTACHED NARRATIVE

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

SEE ATTACHED NARRATIVE

28 F STREET S

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

SEE ATTACHED NARRATIVE

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

SEE ATTACHED NARRATIVE

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

SEE ATTACHED NARRATIVE

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

SEE ATTACHED NARRATIVE

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.

Variance Application Narrative: 2-B F Street, St Augustine Beach, Florida

March 18, 2022

Page 1 - R

The following narrative is related to the numbering on the City of SAB Variance Application:

Background:

For introduction, there is currently a two-story home of approximately 2000 square feet and a two-car one story garage on the site. The current owners purchased this home in July of 2020.

This property was granted a variance – Number 98-07 – in 1998 to reduce the west rear setback from 10' to 7.5' for the construction of a single story garage.

Upon receipt of the variance the previous owner then constructed the garage which was built out of compliance with both the rear setback as well as the side setback. The resulting structure is 7' off the north property line (side setback) and 4.2' off of the west property line or rear setback. Please see attached referenced variance.

The new/current owners came before the board in 2021 and requested a variance to permit the construction of a 2nd floor over the existing garage, which would have required a new variance to bring the existing structure into compliance this variance request was denied by the board.

The current owners are now coming back before the board with the willingness to tear down the existing non-compliant structure and rebuild a new garage in compliance with the setbacks granted in the existing variance, if this board would permit them to modify the variance to permit a second floor over the new garage. Said new structure being built within the permitted setbacks originally granted in the prior variance.

Project Scope:

The scope of the current project is to remove the existing one-story garage building. Then to build a new garage with an added bedroom and bath above. The new addition will be built in compliance with the variance granted in 1998 with a rear (west) setback of 7.5'. (The north side setback will be at the current 7.5' setback allowed per the LDR's)

Also, the new addition will be built as a detached structure using an expansion joint between the new and existing structures. The new addition will be built in compliance with current code requirements for construction seaward of the coastal construction control line (CCCL) and therefore will be built on pilings with the first floor having breakaway walls in compliance with the codes for the city and the State. This will require a permit from the State DEP.

Also note that the new garage and 2nd floor bedroom roof lines are secondary to the existing two-story home and therefore do not create any additional impacts on height.

9) Reasons for which the variance is being sought:

The variance is being sought to provide a "two" story structure in compliance with the existing approved setbacks for the originally approved one story garage. The project will be built within compliance with the existing setback variance granted for the structure in 1998 which allows a 7.5' rear setback.

Variance Application Narrative: 2-B F Street, St Augustine Beach, Florida

March 18, 2022

Page 2 - R

CONSIDERATIONS FOR GRANTING OF A LAND USE VARIANCE

- 1) The hardship in the variance is due to the constraints on the existing lot due to its configuration and access. These hardships were confirmed in the granting of the original variance in 1998. This lot is not on a directly accessible street and the lane/alley that would have served this lot has been vacated. Therefore, access to the lot is through an easement on the property to the south. In addition, the existing house (damaged by previous hurricanes) is a limiting factor on the ability to renovate the existing house and add on.
Code requirements placed on properties seaward of the CCCL do not allow habitable space on the first floor. Therefore, to provide an additional bedroom for their expanding family the owners need to build on the 2nd floor.
This variance is not for increased setbacks but simply to allow a 2nd floor addition over a one-story garage that was previously granted a variance.
- 2) Houses in the area all allowed to be built two stories and in fact three stories in height. The variance was already granted by the P & Z board for a one-story garage with reduced setbacks so variances have been granted.
In addition, Lots O & P on 15th Street were granted a series of variances included reduced setbacks for two three story residences.
- 3) The property was acquired by the current owners after the sections of the LDC were implemented and after the variance was granted in 1998.
- 4) The variance request is solely for a two-story structure with minimal ceiling and wall heights. in lieu of the existing one-story structure. This is not a request for a three-story home and only includes the addition of a single bedroom and bathroom and therefore is the minimum variance required to achieve the goals of adding a bedroom.
- 5) The existing home on the lot is a two-story home with a one-story garage. The existing two-story home is compatible with the surrounding neighborhood which is composed of two- and three-story homes; a Bed and breakfast in, etc. Increasing the bedroom count will add value to the property and therefore surrounding properties. In addition, bringing the addition into compliance with current building codes and construction seaward of the CCCL will improve the value of the property and be in compliance with city codes and building codes.
- 6) The impact on traffic and other services will be nearly non-existent since there is an existing two-story home with a two-car garage on the site and the added bedroom will not add adversely to any infrastructure as the house already exists.

1705200010

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ST. JAMES, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

PARCEL A: LOT 17 OF BLOCK 38 OF OCEAN BEACH ADDITION TO THE SUBDIVISION OF THE AMALASIA ASSOCIATION AS RECORDED IN MAP BOOK 8, PAGE 10 OF THE PUBLIC RECORDS OF ST. JAMES COUNTY, FLORIDA, BEING ALSO LOT 17 OF BLOCK 38 OF OCEAN BEACH SUBDIVISION NO. 1, AS RECORDED IN MAP BOOK 3, PAGE 30 OF SAID PUBLIC RECORDS; ALSO THAT PORTION OF THE SOUTH HALF OF SECTION 16, TOWNSHIP 16 NORTH AND RANGE 14 WEST AND WEST THROUGH SAID BLOCK 38 LIVING EAST OF THE WEST LINE OF LOT 17 EXTENDED NORTH ACROSS SAID LOT 17 AS DESCRIBED IN DEEDS RECORDED IN OFFICIAL RECORDS BOOK 126, PAGES 137 AND 138, TOGETHER WITH ALL RIGHT DESCRIBED IN SAID DEEDS

TOGETHER WITH AN NON-EXCLUSIVE EASEMENT FOR ingress and egress OVER THE WEST 15 FEET OF LOT 1, BLOCK 38 OF OCEAN BEACH ADDITION TO THE SUBDIVISION OF THE AMALASIA ASSOCIATION, AS RECORDED IN MAP BOOK 8, PAGE 10 OF THE PUBLIC RECORDS OF ST. JAMES COUNTY, FLORIDA, BEING ALSO LOT 1 OF BLOCK 38 OF OCEAN BEACH SUBDIVISION NO. 1, AS RECORDED IN MAP BOOK 3, PAGE 30 OF SAID PUBLIC RECORDS; AS SET FORTH IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 632, PAGE 341 OF SAID PUBLIC RECORDS OF ST. JAMES COUNTY, FLORIDA.

[illegible]

A/C - AIR CONDITIONER PAD
ID. - IDENTIFICATION
H.A.V.D. - NORTH AMERICAN VERTICAL DATUM
R.F. - SQUARE FEET
I.P.(F) - IRON PIPE FOUND
I.R.(F) - IRON ROD FOUND
I.R.(S) - 3/8" IRON ROD SET (PSM 4620)

RES - RESIDENCE
 CL - CENTERLINE
 + - DENOTES NOT TO SCALE
 M - WATER METER
 [] - EXPOSED CONCRETE
 [] - COVERED AREA
 [] - ELECTRIC TRANSFORMER

AREA = 0.124 ± ACRES
OR 53817 ± sq. ft.

20 0 10 20
1"=20'

[illegible]

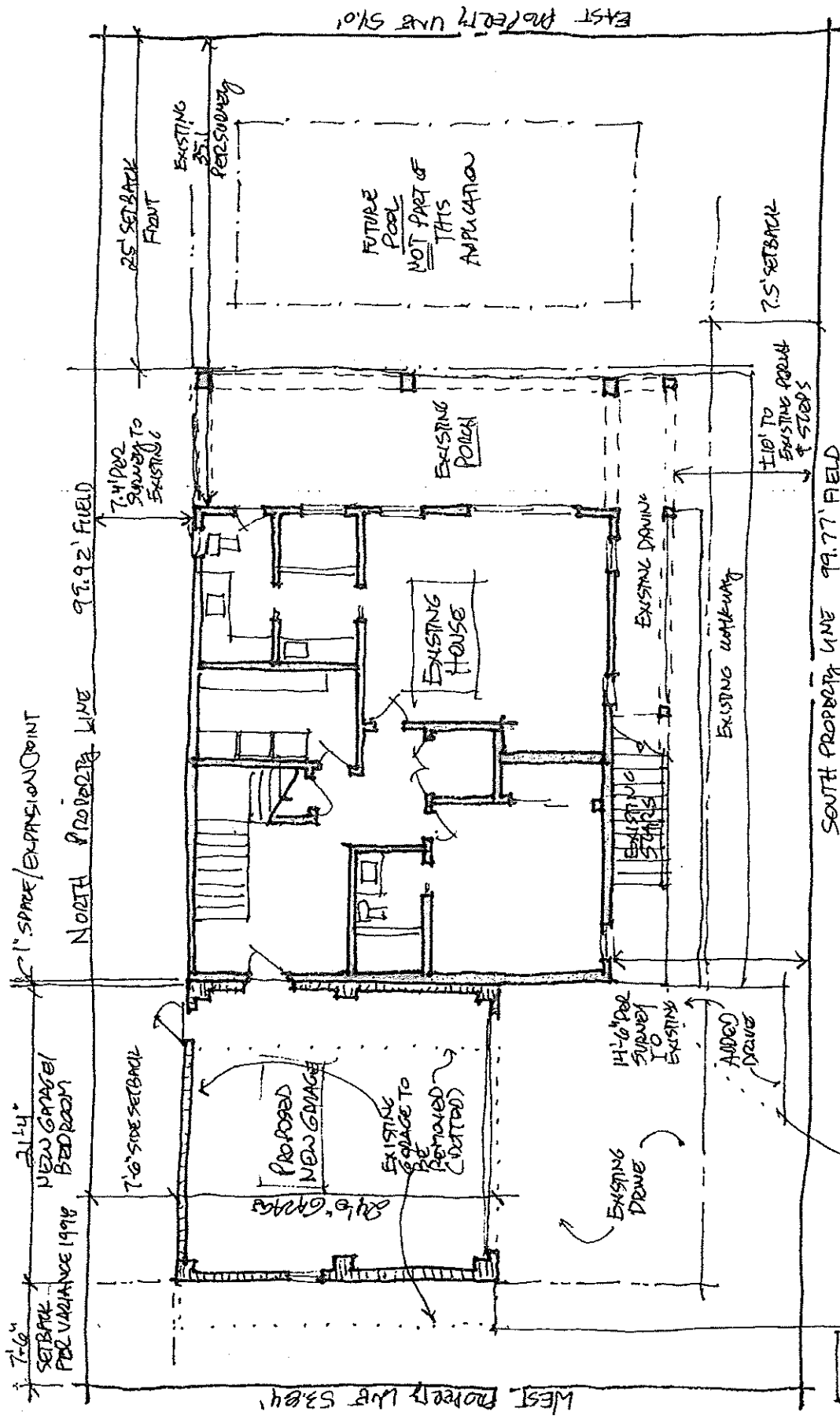
- The survey is confined to the last 24 hours.
- The survey does not reflect or determine causation.
- The specific steps listed by the survey are not exhaustive.
- The survey's findings will not reflect the full scope of the survey.

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

According to the Federal Emergency Management Agency File Map HX 12/11/1991
effective date 11/20/91. The primary described person appears to be a Zone ACE
Book of names is NEVER TO SURVEY

1950	1951/52	1952	1953	1954	1955
1956	1957/58	1958	1959	1960	1961
1962	1963/64	1964	1965	1966	1967
1968	1969/70	1970	1971	1972	1973
1974	1975/76	1976	1977	1978	1979
1980	1981/82	1982	1983	1984	1985
1986	1987/88	1988	1989	1990	1991
1992	1993/94	1994	1995	1996	1997
1998	1999/00	2000	2001	2002	2003
2004	2005/06	2006	2007	2008	2009
2010	2011/12	2012	2013	2014	2015
2016	2017/18	2018	2019	2020	2021
2022	2023/24	2024	2025	2026	2027
2028	2029/30	2030	2031	2032	2033
2034	2035/36	2036	2037	2038	2039
2040	2041/42	2042	2043	2044	2045
2046	2047/48	2048	2049	2050	2051
2052	2053/54	2054	2055	2056	2057
2058	2059/60	2060	2061	2062	2063
2064	2065/66	2066	2067	2068	2069
2070	2071/72	2072	2073	2074	2075
2076	2077/78	2078	2079	2080	2081
2082	2083/84	2084	2085	2086	2087
2088	2089/90	2090	2091	2092	2093
2094	2095/96	2096	2097	2098	2099
2100	2101/02	2102	2103	2104	2105
2106	2107/08	2108	2109	2110	2111
2112	2113/14	2114	2115	2116	2117
2118	2119/20	2120	2121	2122	2123
2124	2125/26	2126	2127	2128	2129
2130	2131/32	2132	2133	2134	2135
2136	2137/38	2138	2139	2140	2141
2142	2143/44	2144	2145	2146	2147
2148	2149/50	2150	2151	2152	2153
2154	2155/56	2156	2157	2158	2159
2160	2161/62	2162	2163	2164	2165
2166	2167/68	2168	2169	2170	2171
2172	2173/74	2174	2175	2176	2177
2178	2179/80	2180	2181	2182	2183
2184	2185/86	2186	2187	2188	2189
2190	2191/92	2192	2193	2194	2195
2196	2197/98	2198	2199	2200	2201
2202	2203/04	2204	2205	2206	2207
2208	2209/10	2210	2211	2212	2213
2214	2215/16	2216	2217	2218	2219
2220	2221/22	2222	2223	2224	2225
2226	2227/28	2228	2229	2230	2231
2232	2233/34	2234	2235	2236	2237
2238	2239/40	2240	2241	2242	2243
2244	2245/46	2246	2247	2248	2249
2250	2251/52	2252	2253	2254	2255
2256	2257/58	2258	2259	2260	2261
2262	2263/64	2264	2265	2266	2267
2268	2269/70	2270	2271	2272	2273
2274	2275/76	2276	2277	2278	2279
2280	2281/82	2282	2283	2284	2285
2286	2287/88	2288	2289	2290	2291
2292	2293/94	2294	2295	2296	2297
2298	2299/00	23			

NICHOLAS H. FRANKLIN
0170 11A SOUTH 310
ST. AUGUSTINE, FLORIDA 32064
(904) 471-6477 FAX (904) 471-6478



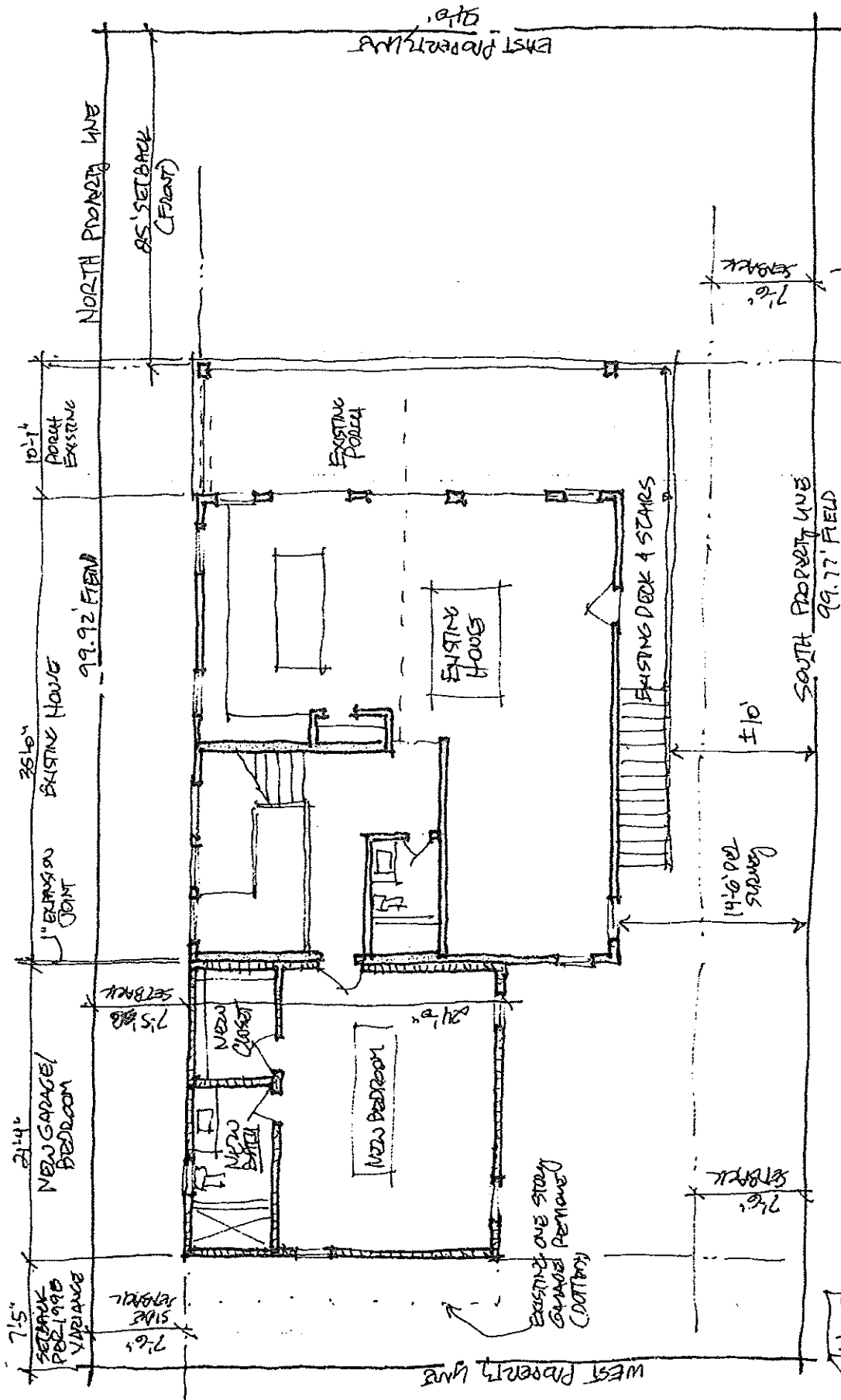
NORTH

1st Floor / SITE PLAN

2-B F STREET, ST AUGUSTINE BEACH

3/19/2022 (R)

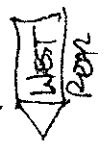
EXISTING WALLS
NEW WALLS

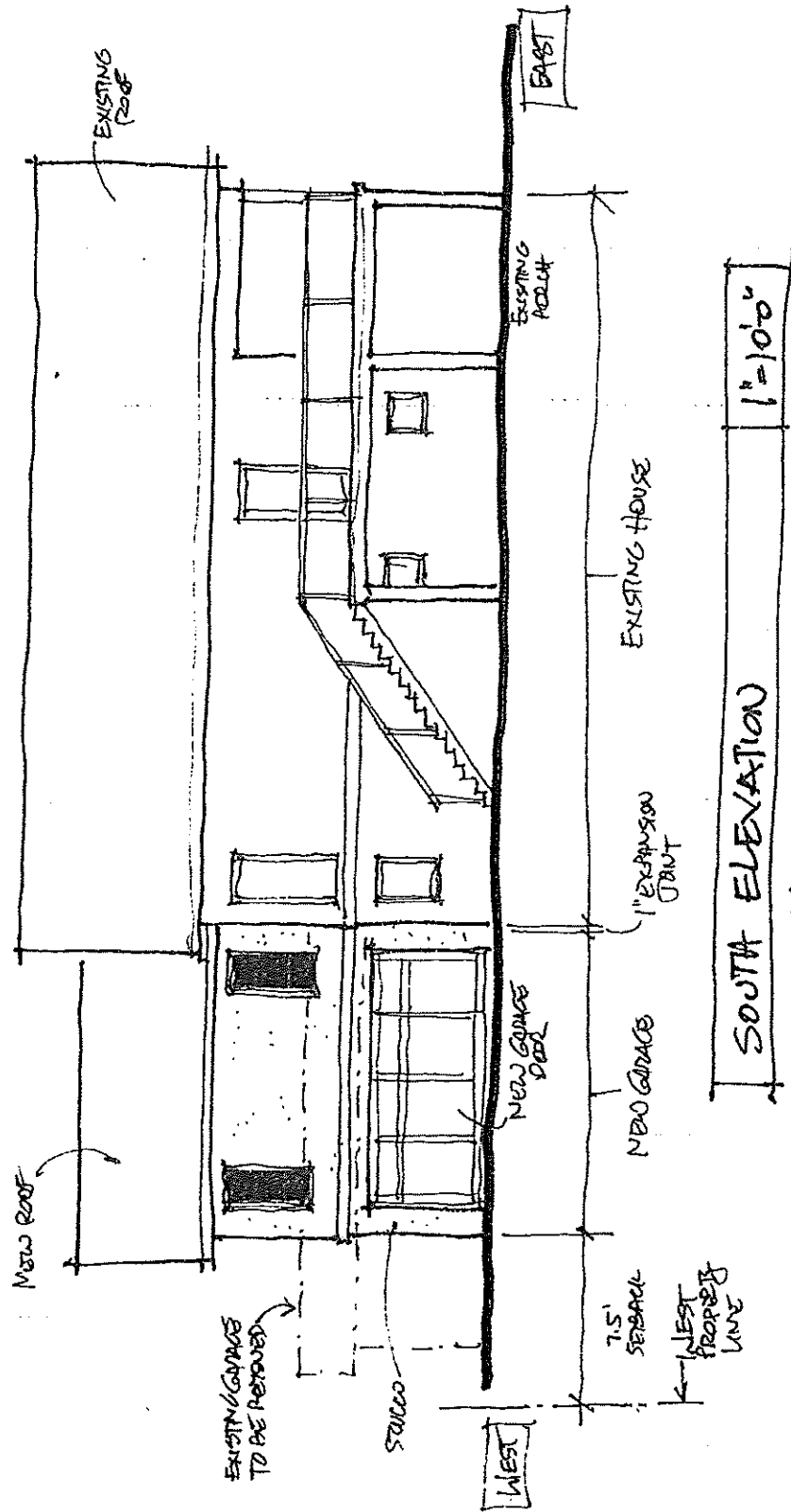


2ND FLOOR PLAN

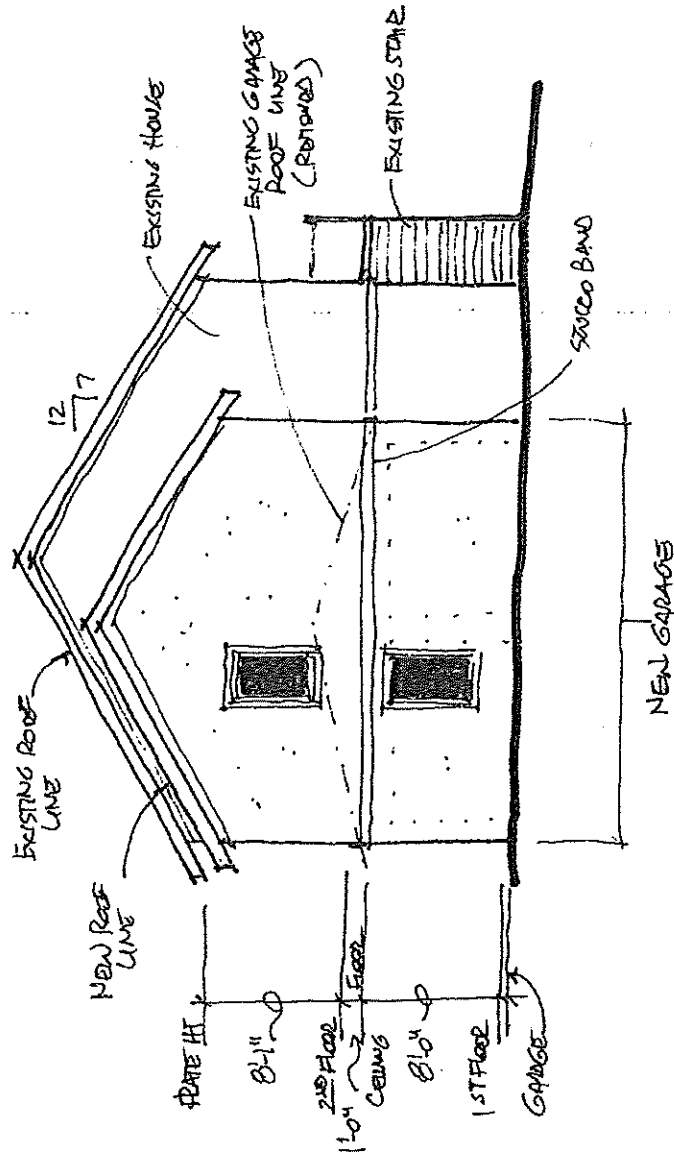
2-B F STREET, ST AUGUSTINE BEACH
 3/10/2022 (R)

EXISTING WALLS
 NEW WALLS





2-B F STREET, ST AUGUSTINE BEACH
 3/18/2022 (R)

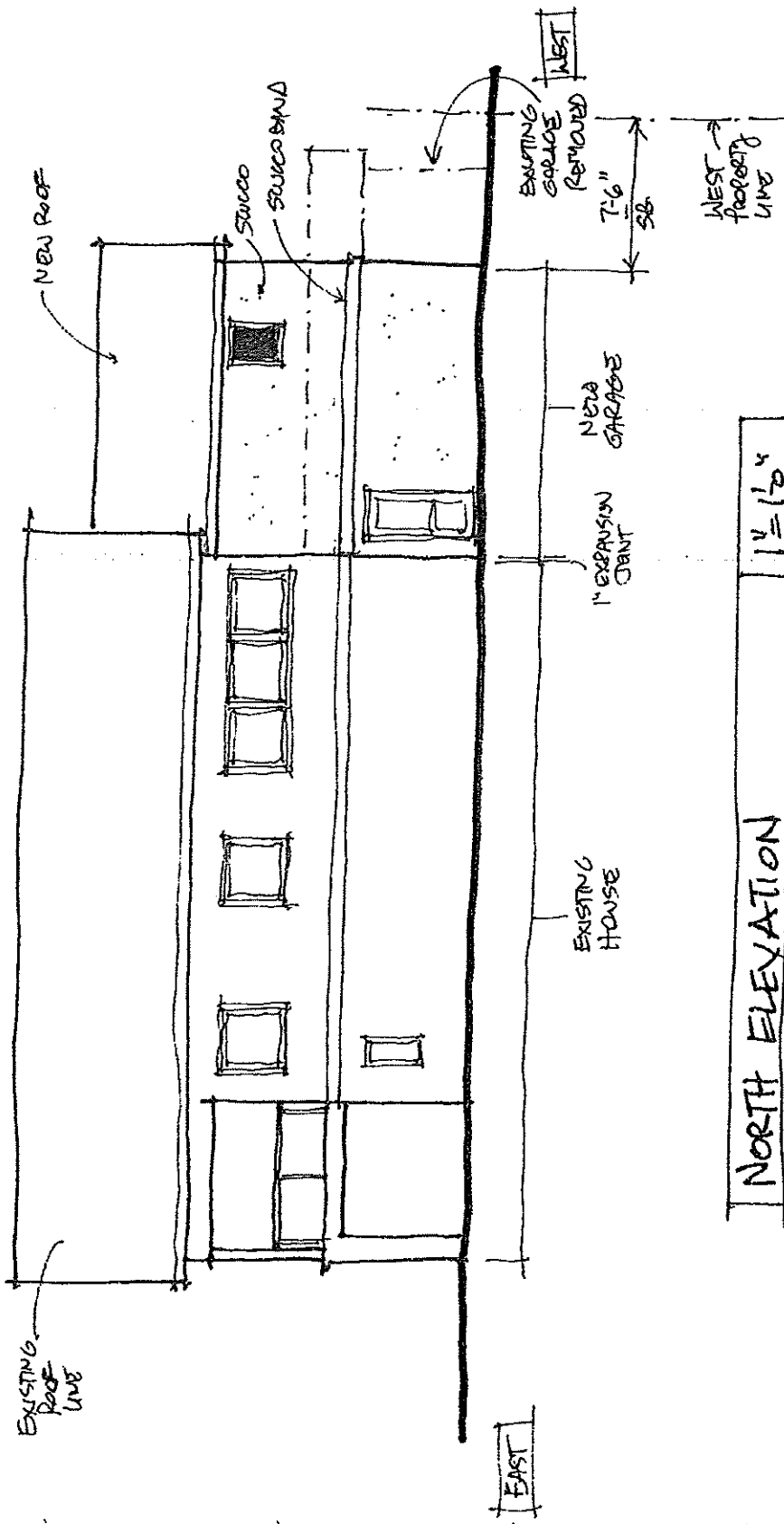


WEST ELEVATION

2-B F STREET, ST. AUGUSTINE BEACH

3/18/2022 CR

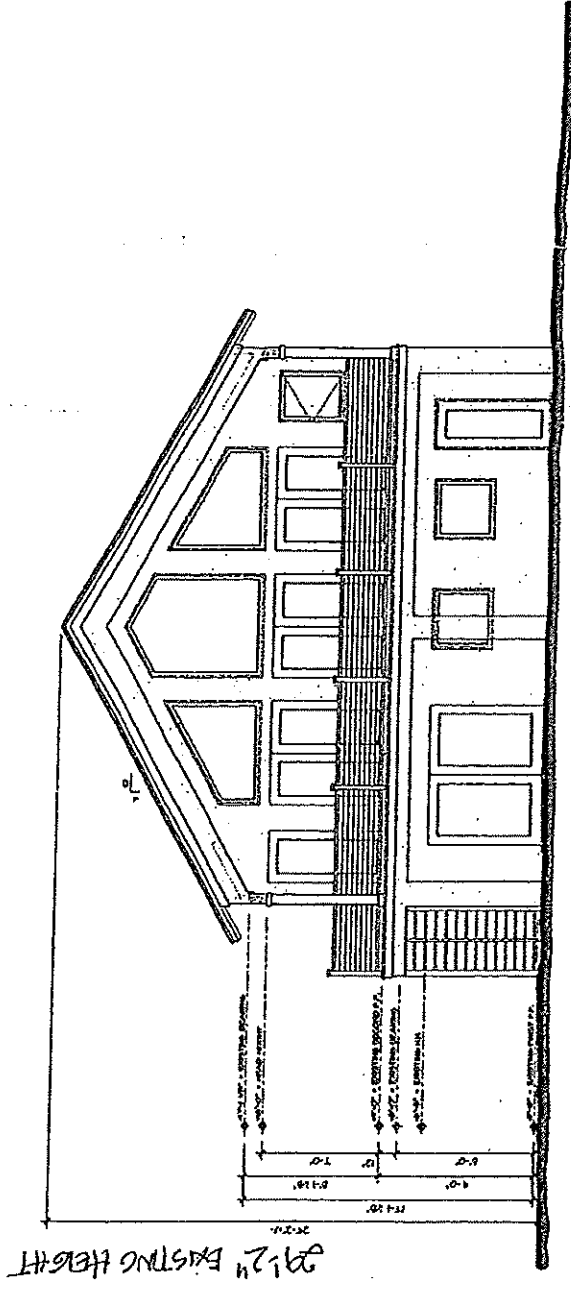
1"=10'-0"



NORTH ELEVATION

2-B F STREET, ST. AUGUSTINE BOHEM

3/10/2022 (R)



EAST ELEVATION

2-B F STREET, ST. AUGUSTINE BEACH
3/18/2022

**BEFORE THE COMPREHENSIVE PLANNING
AND ZONING BOARD OF THE
CITY OF ST. AUGUSTINE BEACH, FLORIDA**

Public Records of St. Johns County, FL
Clerk number: 2022047345
BK: 5554 PG: 1769
5/9/2022 2:33 PM
Recording \$69.50

In RE:

**APPLICATION OF SCOTT PATROU, AGENT FOR
CANEEL CAPITAL GROUP LLC, TYLER AND
SASHA AVERDICK, APPLICANTS, FOR A LAND
USE VARIANCE FOR REDUCTION OF THE REAR
YARD SETBACK REQUIREMENT OF 20 (TWENTY
FEET TO 7.5 (SEVEN-AND-ONE-HALF FEET) FOR
PROPOSED NEW CONSTRUCTION OF A TWO-STORY
ADDITION AT 2-B F STREET, ST. AUGUSTINE BEACH, FLORIDA, 32080**

ORDER APPROVING VARIANCE FILE NO. VAR 2022-04

This CAUSE came on for public hearing before the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, on Tuesday, April 19, 2022, upon Application (File No. VAR 2022-04) by Scott Patrou, Agent for Caneel Capital Group LLC, Tyler and Sasha Averdick, Applicants, for a variance for a rear yard setback reduction from 20 (twenty) feet, per Section 6.01.03 of the City of St. Augustine Beach Land Development Regulations, to 7.5 (seven-and-one-half) feet, for proposed new construction of a two-story attached addition consisting of a garage on the first floor and conditioned living area on the second floor on Lot B, Block 38, Coquina Gables Subdivision, Parcel Identification Number 170520-0010, in a medium density residential land use district at 2-B F Street, St. Augustine Beach, Florida, 32080. The Planning and Zoning Board having reviewed the Application, received public comments, and upon motion duly made, seconded and passed, the Application was approved based upon the following findings.

1. The required considerations for the granting of a variance as detailed in the Application and discussed at the hearing are incorporated herein as findings of fact.
2. The rear yard setback reduction from 20 (twenty) feet to 7.5 (seven-and-one-half) feet shall be granted for proposed new construction of a two-story attached 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.
3. The two-story addition for which this variance is granted shall be consistent and in accordance with all documents and materials submitted with the Application and which were provided by the applicants' agent to supplement the Application, including all schematic drawings, renderings, and site plans pertaining to the property described above.
4. A violation of the conditions listed above shall void the variance approval granted herein.

Any appeal of this decision may be made by filing an application for appeal to the St. Augustine Beach City Commission within thirty (30) days of the date of this Order.

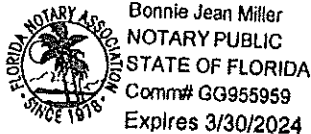
DONE AND ORDERED this 9th day of May, 2022, at St. Augustine Beach, St. Johns County, Florida.

COMPREHENSIVE PLANNING AND ZONING
BOARD OF THE CITY OF ST. AUGUSTINE BEACH,
FLORIDA

By: [Signature]
Chris Pranis, Chairperson

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 9th day of May, 2022,
by (print name of person signing above) Chris Pranis,
who is personally known to me ☒ or has produced the following type of
identification _____



[Signature]
Signature of Notary Public, State of Florida

**ORDER OF THE CITY OF ST. AUGUSTINE BEACH
COMPREHENSIVE PLANNING AND ZONING BOARD**

Set - Let
RE: Henry Best
2-B F Street
St. Augustine Beach, FL

FILE NUMBER: Variance 98-07

ORDER GRANTING VARIANCE

The above referenced application requested a variance per Section 6.01.03 of the Land Development Regulations seeking a reduction in rear set back from ten (10) feet to seven and a half (7.5) feet in order to construct an unattached one-story garage on Lot B, Block 38 (Parcel A), O.R. 637/562, Coquina Gables Subdivison No. 1, as recorded in map book 3, page 30 of the public records of St. Johns County, Fl. aka 2B F Street, St. Augustine Beach, Florida. On April 21, 1998, the matter came before the Comprehensive Planning and Zoning Board for public hearing.

FINDINGS

Having considered the application and supporting documents, the Staff report dated April 21, 1998, correspondence to the Board and statements from the applicant and other persons speaking at the hearing, the Board makes the following findings of fact:

- (1) This matter has been fully considered after public hearing pursuant to legal notice duly published as required by law and the Land Development Regulations.
- (2) There are no material disputed facts.
- (3) The request meets each of the seven requirements of Section 10.02.03 of the Land Development Regulations.
- (4) The motion is based on the facts as stated by the applicant and as stated in the application.

NOW, THEREFORE, the Board finds the request is not in conflict with the St. Augustine Beach Comprehensive Plan, and hereby grants the VARIANCE for reduction in rear yard setback.

Deed restrictions on the subject property, if any, are not affected by this order.

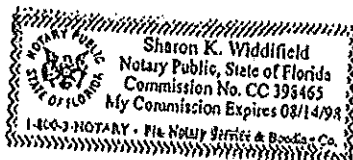
Dated this 14th day of May, 1998.

ST. AUGUSTINE BEACH
COMPREHENSIVE PLANNING AND ZONING BOARD

William H. Feaster
William Feaster, Chairman

STATE OF FLORIDA
COUNTY OF ST. JOHNS

THE FOREGOING instrument was acknowledged before me this 1 day of May, 1998, by WILLIAM FEASTER, who is personally known to me.



Sharon K. Widdifield
Signature of Notary

Sharon K. Widdifield
Printed Name

8-14-98
My Commission Expires:

THIS ORDER IS SUBJECT TO APPEAL PER THE PROVISIONS OF SECTION 12.06.02 OF THE ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS.

SECTION 12.06.02 - "A developer, an adversely affected party, or any person who appeared orally or in writing before the comprehensive planning and zoning board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under section 12.06.01 reached at the conclusion of an administrative hearing to the city commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision."

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

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

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

From: Owner Name(s) & Phone #: Caneel Capital

Address: _____

City, State & Zip Code: _____

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

Contractor/Agent Name(s) & Phone #: Scott Patrou

Address: 460 A1A Beach Blvd

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

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

2 B F St.

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

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

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

Date: 1/14/24 Tyler Averdick

Typed or Printed Name of Property Owner

Signature of Property Owner

State of Florida

County of: St. Johns

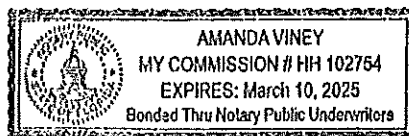
Subscribed and sworn before me this 14th day of January, 2024, by Tyler Averdick

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

Signature of Notary Public, State of Florida

Typed or Printed Name: _____

My Commission Expires: _____



(Stamp or Seal)

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

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

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

From: Owner Name(s) & Phone #:

Tyler & Sasha Averdick 904-347-3671

Address: 1017 Sea Forest Ln

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

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

Contractor/Agent Name(s) & Phone #:

Scott H. Patrou & Mike Stauffer

Address: _____

City, State, Zip Code: _____

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

Variance Application

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

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

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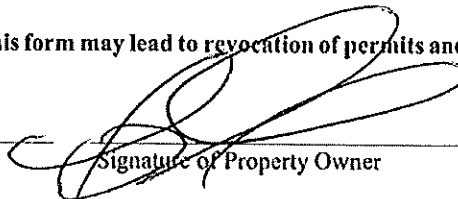
Date:

3/21/22

Typed or Printed Name of Property Owner

Tyler Averdick

Signature of Property Owner



State of Florida

County of:

St. Johns

Subscribed and sworn before me this

21

day of

March

2022

by

Tyler Averdick

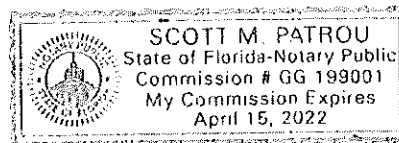
Who is/are personally known to me or who has/have produced _____

as identification.

Signature of Notary Public, State of Florida

Typed or Printed Name: _____

My Commission Expires: _____



(Stamp or Seal)



St. Johns County, FL

Apply for Exemptions

Sales Questionnaire Form

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

2021 TRIM Notice

Summary

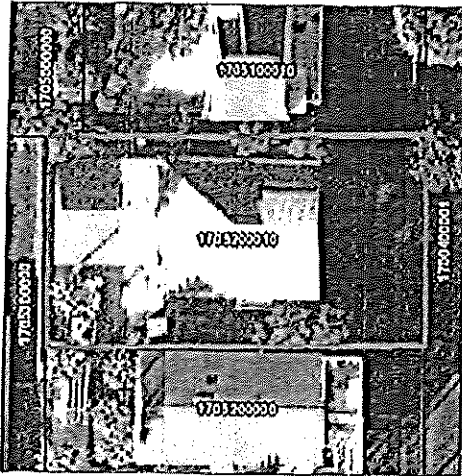
[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)
No Image Available

Parcel ID 1705200010
Location Address 2 F ST
SAINT AUGUSTINE 32080-0000
Neighborhood Coquina Gables (OCNFR) (717.63)
Tax Description* 3-30 COQUINA GABLES LOT B & S 7.5 FT OF ALLEY LYING N BLK 38 OR 4990/1890
*The Description above is not to be used on legal documents.
Property Use Code Single Family (0100)
Subdivision Coquina Gables Subdivision No 1
Sec/Twp/Rng 3-8-30
District City of St Augustine Beach (District 551)
Millage Rate 16.1681
Acreage 0.120
Homestead N

Owner Information

Owner Name Caneel Capital Group LLC 100%
Mailing Address 1017 SEA FOREST LN
SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

Building Value	2022
Extra Features Value	\$350,083
Total Land Value	\$0
Agricultural (Assessed) Value	\$621,000
Agricultural (Market) Value	\$0
Just (Market) Value	\$0
Total Deferred	\$971,083
Assessed Value	\$0
Total Exemptions	\$971,083
Taxable Value	\$0
	\$971,083

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

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$299,302	\$0	\$621,000	\$0	\$0	\$920,302	\$920,302	\$0	\$920,302
2020	\$292,446	\$0	\$621,000	\$0	\$0	\$913,446	\$913,446	\$0	\$913,446
2019	\$182,415	\$0	\$621,000	\$0	\$0	\$803,415	\$803,415	\$0	\$803,415
2018	\$184,880	\$0	\$621,000	\$0	\$0	\$805,880	\$792,867	\$13,013	\$792,867
2017	\$187,345	\$477	\$540,000	\$0	\$0	\$727,822	\$720,788	\$7,034	\$720,788
2016	\$189,810	\$556	\$540,000	\$0	\$0	\$730,366	\$655,262	\$75,104	\$655,262
2015	\$194,740	\$635	\$475,200	\$0	\$0	\$670,575	\$595,693	\$74,882	\$595,693
2014	\$176,325	\$714	\$364,500	\$0	\$0	\$541,539	\$541,539	\$0	\$541,539
2013	\$178,645	\$794	\$364,500	\$0	\$0	\$543,939	\$518,768	\$25,171	\$518,768
2012	\$208,294	\$873	\$262,440	\$0	\$0	\$471,607	\$471,607	\$0	\$471,607
2011	\$210,930	\$952	\$291,600	\$0	\$0	\$503,482	\$503,482	\$0	\$503,482
2010	\$213,566	\$1,031	\$324,000	\$0	\$0	\$538,597	\$538,597	\$0	\$538,597

Building Information

Building 1
 Year Built 1984
 Actual Area 3628
 Conditioned Area 2240
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Concrete Stucco

Roof Cover Metal
 Roof Structure Gable Hip
 Interior Flooring Ceramic Tile, Hardwood
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms 3
 Baths 3

Description	Square Footage
FINISHED UPPER STORY	1120
OUTSIDE STAIRS	68
FINISHED OPEN PORCH	320
FINISHED DECK	40
BASE AREA	1120
FINISHED OPEN PORCH	360

Rec. \$ 44.00
Doc. \$8,295.00
Index: \$ 0.00

Total \$8,339.00

This instrument was prepared by,
record and return to:
R. WILLIAM FUTCH, P.A.,
R. WILLIAM FUTCH, Esquire
2201 S. E. 30th Avenue
Suite 202
Ocala, Florida 34471
(352) 732-8080
Email Address: bill@futchlaw.net

WARRANTY DEED

THIS INDENTURE, made this 14 day of July, 2019, between SEA CHAINE BEACH, LLC, a Florida limited liability company, Grantor, whose post office address is 2201 S. E. 30th Avenue, Suite 202, Ocala, Florida, 34471 to CANEEL CAPITAL GROUP, LLC, a Florida limited liability company, whose post office address is 770 A1A Beach Boulevard, Suite B, St. Augustine, Florida 32080, Grantee. (Wherever used herein the terms "Grantor" and "Grantee" include all the parties to the instrument and the heirs, legal representatives and assigns of the Individuals, and the successors and assigns of corporations).

WITNESSETH, that said Grantor, for and in consideration of the sum of TEN and 00/100 (\$10.00) DOLLARS, and other good and valuable considerations, receipt of which is hereby acknowledged, hereby grants, bargains, sells, allens, remises, releases, conveys and confirms unto Grantee all that certain land situate in St. Johns County, Florida, to-wit:

SEE ATTACHED EXHIBIT "A"

F.S. Section 689.02 required information:

Property Appraiser's Parcel I.D. Number: #170520-0010

SUBJECT TO:

1. Ad valorem taxes for 2020 and subsequent years;
2. Matters shown on EXHIBIT "B".

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

AND the Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes and assessments accruing subsequent to December 31, 2019.

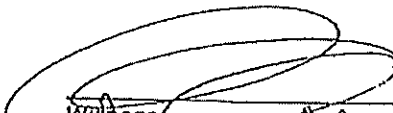
Grantor and Grantee are used for singular or plural, as context requires.

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

Signed, sealed and delivered
In our presence:

GRANTOR:

SEA CHAINE BEACH, LLC, a Florida limited liability company




Witness
Janet DiIorio


Print Name
Heather Pireport

Witness
Heather Pireport

Print Name

BY 

R. WILLIAM FUTCH, as Manager

BY 

ELIZABETH T. FUTCH, as Manager

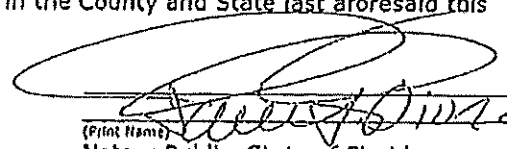
STATE OF FLORIDA
COUNTY OF MARION

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, the foregoing instrument was acknowledged before me by means of ✓ physical presence or _____ on line notarization by R. WILLIAM FUTCH and ELIZABETH T. FUTCH, as Managers of SEA CHAINE BEACH, LLC, a Florida limited liability company, known to me (YES ✓ or NO _____) to be the persons described in and who executed the foregoing instrument, OR who have produced _____ as identification and acknowledged before me that they executed same for the purposes expressed herein.

14 WITNESS my hand and official seal in the County and State last aforesaid this _____ day of July, 2020.



JANET DIORIO
Commission # GG 363530
Expires September 7, 2023
Bonded Two Hundred Twenty Dollars



(Print Name)
Notary Public, State of Florida
My Commission Expires: 9/7/23

EXHIBIT A

The land referred to herein below is situated in the County of St. Johns, State of Florida, and described as follows:

PARCEL A: LOT "B" OF BLOCK 38 OF OCEAN BEACH ADDITION TO THE SUBDIVISION OF THE ANASTASIA ASSEMBLY AS RECORDED IN MAP BOOK 2, PAGE 10 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING ALSO LOT "B" OF BLOCK 38 OF COQUINA GABLES SUBDIVISION NO. 1, AS RECORDED IN MAP BOOK 3 PAGE 30 OF SAID PUBLIC RECORDS; ALSO THAT PORTION OF THE SOUTH HALF OF THAT CERTAIN UNNAMED 15 FOOT WIDTH ALLEY RUNNING EAST AND WEST THROUGH SAID BLOCK 38 LYING EAST OF THE WEST LINE OF SAID LOT "B" EXTENDED NORTH ACROSS SAID ALLEY; ALL AS DESCRIBED IN DEEDS RECORDED IN OFFICIAL RECORDS BOOK 126, PAGES 137 AND 139, TOGETHER WITH ALL RIGHTS DESCRIBED IN SAID DEEDS.

PARCEL B: A PARCEL OF LAND LYING EAST OF THE EAST LINE OF LOT "B" BLOCK 38 OCEAN BEACH ADDITION TO THE SUBDIVISION OF THE ANASTASIA METHODIST ASSEMBLY AS RECORDED IN MAP BOOK 2, PAGE 10 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT "B", THENCE EASTERLY ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT "B" TO THE ATLANTIC OCEAN; THENCE SOUTHERLY ALONG SAID OCEAN 100.5 FEET, MORE OR LESS; THENCE WESTERLY, ON THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT "B" TO THE SOUTHEAST CORNER OF SAID LOT "B"; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT "B" A DISTANCE OF 100.5 FEET TO THE POINT OF BEGINNING.

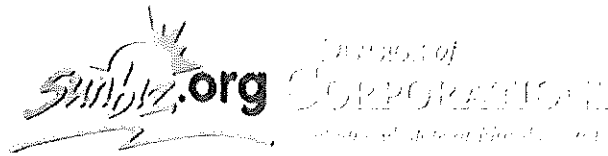
TOGETHER WITH THAT PORTION OF THE SOUTH HALF OF THAT CERTAIN UNNAMED 15 FOOT WIDTH ALLEY RUNNING EAST AND WEST ADJACENT TO PARCEL B AS DESCRIBED HEREIN. THE SOUTH HALF OF THAT CERTAIN UNNAMED 15 FOOT ALLEY RUNNING EAST AND WEST THROUGH BLOCK 38 OF OCEAN BEACH ADDITION TO THE SUBDIVISION OF THE ANASTASIA METHODIST ASSEMBLY, AS PLATTED BY THE JACKSONVILLE DISTRICT CHURCH EXTENSION MISSION SOCIETY AND RECORDED JULY 11, 1913, IN MAP BOOK 2 PAGE 10 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA (SAID BLOCK 38 AS SHOWN ON COQUINA GABLES SUBDIVISION NO. 1 PLAT, RECORDED IN MAP BOOK 3 PAGE 30 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, WITHOUT CHANGE OF LOCATION FROM THE AFORESAID OCEAN BEACH ADDITION PLAT, RECORDED IN MAP BOOK 2 PAGE 10), SAID PORTION BEING THAT PART THEREOF IMMEDIATELY ADJACENT TO AND NORTH OF LOT "B" OF SAID BLOCK 38, WHICH SAID UNNAMED ALLEY THROUGH SAID BLOCK 38 WAS VACATED BY RESOLUTION NO. 59538 OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DATED JUNE 12TH, 1956, RECORDED JUNE 18TH, 1956, IN DEED BOOK 229 PAGES 456-461 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH AN NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE WEST 15 FEET OF LOT 1, BLOCK 38, OF OCEAN BEACH ADDITION TO THE SUBDIVISION OF THE ANASTASIA ASSEMBLY AS RECORDED IN MAP BOOK 2, PAGE 10 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING ALSO LOT 1 OF BLOCK 38 OF COQUINA GABLES SUBDIVISION NO. 1, AS RECORDED IN MAP BOOK 3 PAGE 30 OF SAID PUBLIC RECORDS, AS SET FORTH IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 637, PAGE 561 OF SAID PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

EXHIBIT B

1. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of OCEAN BEACH ADDITION TO THE SUBDIVISION OF THE ANASTASIA METHODIST ASSEMBLY, as recorded in Plat Book 2, Page(s) 10, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
2. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of COQUINA GABLES SUBDIVISION NO. 1, as recorded in Plat Book 3, Page(s) 30, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
3. Terms and Conditions Contained in Zoning Resolution For An Original Zoning District of St. Johns County, Florida recorded in Deed Book 191, Page 134.
4. Maintenance Agreement recorded in Book 640, Page 512 and Maintenance Agreement recorded in Book 1252, Page 259.
5. Easement Agreement recorded in Book 1252, Page 255.
6. Order Granting Variance recorded in Book 1319, Page 178.
7. Temporary Disposal And Pipeline Easement recorded in Book 1321, Page 960.
8. Beach Storm Damage Reduction Easement recorded in Book 1623, Page 1469.
9. Grant of Easement recorded in Book 3940, Page 951.
10. Terms and conditions of the easement(s) recorded in Book 637, Page 561.
11. The right of the United States Government, arising by reason of the United States Government's control over navigable waters in the interest of navigation and commerce and/or the inalienable right of the State of Florida in the lands and/or waters of such character.

12. Any claims of the State of Florida based on the doctrine of the state's sovereign ownership of lands lying beneath navigable waterbodies, or lands lying beneath tidally influenced waters.
13. Riparian and/or littoral rights.
14. Any part of the Land lying below the Mean High Water Line of the abutting body of water.
15. Coastal Construction Setback Lines as established by Sections 161.052 and 161.053, Florida Statutes, and as depicted on maps recorded in Map Book 13A and 13B, of St. Johns County, Florida.



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

Detail by Entity Name

Florida Limited Liability Company
CANEEL CAPITAL GROUP, LLC

Filing Information

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Principal Address

770 A1A BEACH BLVD
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Mailing Address

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Registered Agent Name & Address

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Name Changed: 01/11/2021

Authorized Person(s) Detail

Name & Address

Title MGR

AVERDICK, TYLER
770 A1A BEACH BLVD STE B
SAINT AUGUSTINE, FL 32080

Title MGR

AVERDICK, SASHA
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Annual Reports

Report Year	Filed Date
2021	01/11/2021

Document Images

01/11/2021 -- ANNUAL REPORT	View image in PDF format	i
05/26/2020 -- Florida Limited Liability	View image in PDF format	i

... build houses on 50-foot wide lots that are allowed to have 18-foot-wide driveways with 5-foot flares on either side. This lot is 105-feet wide, and I am asking for a wider apron for safety. We will put palm trees in for protection, as a buddy of mine had a car hit his house, and I just think the driveway would be a better layout with a wider apron.

Victor Sarris: Right now, you are allowed to have a maximum driveway width of 18 feet with 5-foot flares. What are you suggesting the total width of the circular driveway be?

Zak Adams: A circular driveway with two 12-foot-wide aprons with 5-foot flares on the sides is perfect and ideal, but I'm willing to shave it all down to meet the ISR requirements.

Victor Sarris: Could you accept two 9-foot-wide driveways with 5-foot flares on the sides?

Zak Adams: Yes, I am okay with that.

Chris Pranis: Any other comments before we put a motion together? I'll take a stab at it.

Motion: to approve Land Use Variance File No. VAR 2022-03 for reduction of the front yard setback requirement of 25 feet to 15 feet and reduction of the rear yard setback requirement of 20 feet to 12 feet for new construction of a single-family residence at 507 F Street, based on the hardship of the lot size and configuration; motion includes denial of the requests to exceed the maximum allowable ISR coverage and to exceed the maximum width for residential driveways per City Code. **Moved** by Chris Pranis, **seconded** by Conner Dowling, **passed 6-0** by unanimous voice vote.

C. Land Use Variance File No. 2022-04, for reduction of the rear yard setback requirement of 20 feet, per Section 6.01.03 of the City's Land Development Regulations, to 7.5 feet, for a proposed new construction of an attached garage with a second-story addition to an existing single-family residence located on Lot B, Block 38, Coquina Gables Subdivision, at 2-B F Street, Scott Patrou, Agent for Caneel Capital Group LLC, Tyler and Sasha Averdick, Applicants

Jennifer Thompson: This next agenda item is a variance application for 2-B F Street, which is highlighted on the map on the overhead screens, for reduction of the rear yard setback requirement of 20 feet to 7.5 feet, for a new attached garage with second-story living space above it. In 1998, a variance was approved for this property to reduce the required rear setback at that time from 10 feet to 7.5 feet, to construct a detached one-story garage. At the time of construction, however, the garage was built beyond what the variance allowed, and as it sits right now, it is 4.2 feet from the rear property line and 7 feet from the north side property line. On the north side, the setback should be 7.5 feet. Last year, in March 2021, a similar variance was requested for reduction of the rear yard setback from the 7.5-foot setback granted in the 1998 variance to the 4.2-foot rear setback the garage actually has. Essentially, the applicants asked for a variance to bring the nonconforming garage into conformance with the variance that had been granted in 1998. The purpose of that was so they could build the second-story addition over the garage. This variance was denied due to lack of a hardship. The applicants are now asking

for this new variance to tear down the existing garage and rebuild it in compliance with the 7.5-foot rear setback approved in 1998. I've put a couple of letters submitted from neighbors, the Ringwood's, and Rich O'Brien, up on the overhead screens (EXHIBIT A).

Chris Pranis: My memory is foggy sometimes, but didn't we discuss, when this came up before, that if they took the garage down or if it was taken down by mother nature, they would have to abide by the current Code if they were going to rebuild?

Jennifer Thompson: That is the protocol for any nonconforming structure. If it is substantially damaged or torn down, it cannot be rebuilt to what had been there before.

Chris Pranis: Okay, I just wanted to make that clear.

Victor Sarris: Just so I am clear, what is considered the rear and side yards for this lot?

Jennifer Thompson: For oceanfront lots, the ocean or east side is considered the front, the west side is considered the rear, and the north and south sides are considered the side yards for setback purposes.

Victor Sarris: Just for clarification, what was the final verdict on the variance that came before the Board last year for this same property?

Jennifer Thompson: The variance was denied due to lack of hardship. The applicants requested that the nonconforming garage be accepted as a conforming structure. Additionally, the original variance only allowed for a one-story garage, and because they wanted to build a second-story over the garage, they needed to ask for an addendum to this variance, as the garage was not built in conformance with the 1998 variance.

Conner Dowling: What is the current required rear yard setback for that lot?

Jennifer Thompson: The current required rear setback is 20 feet.

Chris Pranis: Are the applicants present?

Scott Patrou, 460 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, agent for applicants: I am here on behalf of the applicants, or I am technically the agent here on behalf of the homeowners. I'd like to go through just a couple of things. I think the history of this property is very important, so I'd like to do a quick overview. In 1998, when the original variance was approved for the garage, the rear setback was 10 feet. The homeowner at that point applied for and was granted a variance to build a detached one-story garage with a rear yard setback reduction from 10 feet to 7.5 feet. Subsequently, the garage was built out of conformity, which is why you see it where it is now, with only a 4.2-foot setback off the rear, or west, property line, and only a 7-foot side yard setback on the north side. So, at that time, the garage was built out of conformity in two locations. Twenty years later, my clients purchased the property, and at that time, they were not aware of any of this. I know that is not the Board's problem, but they inherited this issue.

Last year, they applied for a variance and came before the Board to try to add a bedroom over the garage. The hardship for this lot is created in a couple of different ways, one of which is the fact that the alleyway to the north was vacated, so the access to the lot is through an easement on the lot next door to the south. The other hardship is that this lot is seaward of the Coastal Construction Control Line (CCCL), which actually imposes quite a few restrictions on where and how you can build. Particularly, it doesn't allow the homeowners to convert the garage as it sits now into habitable living space. Their situation is such that they have three children, and they're just trying to get an extra bedroom. When they applied for the variance last year, they basically were trying to find a way to work around what they have and asked the Board to approve the building as it is, with the garage having a rear setback of 4.2 feet and a north side setback of 7 feet, and they were asking to be able to build on top of this. I've watched the video of this meeting and the determination to deny the variance based on lack of hardship seems to be a misrepresentation of what was stated in the video. That discussion went back and forth a little, and the action taken by the Board was to deny it at that time. In regard to whether the garage could be rebuilt as it is if it were torn down, it could not be rebuilt as it is, as it was not built in conformity with the variance that was granted to allow it. The garage could be rebuilt in accordance with the existing 1998 variance because that variance runs with the land, so it would allow the current homeowners to build a one-story, detached garage with a reduced rear yard setback of 7.5 feet. The current homeowners are actually locals to St. Augustine Beach, they live here, and Mr. Averdick owns and runs a business here. This property is a beach house that he is trying to create for his family, and he does not even have a short-term rental license for it, so this is not somebody coming in and trying to sling people through the property. He is trying to build it out for his family to utilize. It's cool because his business is right at the end of the street, in a building that I used to occupy, so this creates a really neat environment for him and his family. Focusing on what we're asking for now, after the variance applied for last year was denied, the current homeowners decided to finish renovating the house as it stands with all the restrictions on what they can do, because if they go in excess of the 50% improvement rule, now all of a sudden, they've got to bring the entire structure up to current code per the CCCL, the Department of Environmental Protection (DEP), and all that stuff, which changes dramatically what they can do with the primary structure. If they do not want to start from scratch, this really limits what they can do, and takes away the opportunity for them to add that fourth bedroom for their third child. After getting that rejection on the variance they applied for last year, they've gone back to the drawing board, realizing they've inherited this issue of having this non-conforming structure, and are now proposing to tear it down and rebuild it in conformity with all the new building codes. They would be able to do that because they've already had extensive conversations with the architect as well as Mr. Law and understand any new construction must comply with current City Code, Florida Building Code (FBC), and DEP regulations. So, they are now asking for this new variance to rebuild this garage under the setbacks given in that original 1998 variance and asking for additional living space for a bedroom over it.

What I would like to jump to next are just a couple of diagrams to give you a little bit more explanation of what the homeowners are trying to do. I know you all have these diagrams in your meeting packets, so this is just a recap. The dotted line represents the existing

structure as it stands, and the proposed new structure will be built to fit within the 7.5-foot rear and north side setback lines. The second piece that I think is really a big element of this is how the design of the second floor has been created. We understand one of the concerns neighbors may have is that there may be interference to their views of potentially having access or sight to the ocean. Maybe by adding this floor, it is going to create some sort of impediment to their current views of the ocean. The homeowners have been very cautious and careful and neighborly, in my opinion, to design the second floor that goes over the garage to actually be built below the existing roofline. It is all the way over into the 7.5-foot setback lines, and still stays below the roofline of the existing house. So, this is not an attempt to build up to the 35-foot maximum building height and throw a party deck up there. The proposed design of the second floor addition over the garage consists of a bedroom, a closet, and a bathroom. That is what the request is. The new roofline over the garage will still be below the existing roofline of the house. Another thing I would like to point out is the location of this garage as it relates to other properties. One of the comments at the meeting last year talked about the impact of this property to the property directly to the south. The addition over the garage would be going up a little bit behind this driveway. It is not pushing in on somebody's bedroom window. If you look at some of the surrounding houses, there is no angle I can see that is going to directly be impacted by this roofline going up approximately 10 or 12 feet. The house directly behind it, to the west, will not have its current view to the ocean impeded, as the proposed addition over the garage will be below the roofline of the existing house.

Chris Pranis: Is the existing garage attached to the house, or is it freestanding?

Scott Patrou: That's a great question. Mr. Law and I actually had conversations about this because there are concepts and constructs beyond my expertise as to what is considered attached and not attached. I guess you can build structures that are touching but are technically independent of each other because they have their own support system. However, I believe the existing garage is attached.

Conner Dowling: The roofs connect, but there is a breezeway that separates the garage.

Brian Law: Right now, the garage has four separate walls, but it is attached to the breezeway. If this variance is granted, the new addition will have to be substantially structurally independent, due to the renovation currently occurring. That may seem like a lot, but you see it every time you see a townhome. Each townhome is structurally independent, and has its own support, so in the loss of one, the others remain. This is a tricky scenario because this addition, if allowed, would have to be built on a deep pile foundation, have a completely independent roofline, and be designed with a one-inch expansion joint around it, so in the event of a storm or other disaster in which the main structure suffers a casualty, the new addition should be able to withstand it and remain.

Victor Sarris: So, what has been established is that a variance was granted in 1998 to allow the rear setback to be reduced to 7.5 feet for a one-story garage. However, we know that the garage was actually built with a rear yard setback of 4.2 feet. The 4.2-foot rear setback is now off the table, as the applicants are asking with this new variance to

build a new garage with a 7.5-foot rear yard setback and second-story living space above it. The view that is there from neighboring properties will not be obscured because the new structure will be lower than the existing main structure of the house. So, there is no real challenge there as far as the neighbors to the west, and what you're trying to achieve is basically a new two-story structure built with 7.5-foot rear and side setbacks.

Scott Patrou: Yes. It could also be phrased as the ability to build a second floor over the garage, which was granted a variance in 1998 to reduce the rear setback to 7.5 feet.

Victor Sarris: Yes, but with the understanding that the existing garage structure will be torn down.

Scott Patrou: That's correct. The existing garage will be completely removed, and an entire new garage and room over it will conform to all the new building codes and the 7.5-foot rear yard setback granted for the garage per the 1998 variance.

Brian Law: The effort of the last variance application, which was presented to the Board last year by Mr. Whitehouse, I believe, as the agent and attorney for the applicants, asked the Board to essentially consider making the existing garage conforming. I recommended the Board not do that, but instead leave the garage as it is and deem it nonconforming. The applicants are now asking to remove the existing garage to build a new garage with a second-floor above it with the 7.5-foot rear setback granted per the 1998 variance.

Chris Pranis: Does the 1998 variance carry with the property?

Jacob McCrea: It should specifically be stated in the variance order that the variance runs with the land, but even if this is not, based on precedent, it is going to run with the land.

Chris Pranis: The variance application that came before the Board last year asked that the 1998 variance be modified to make the existing garage conforming with the 4.2-foot rear setback it was actually built at.

Scott Patrou: Yes, and that was part of the Board's consternation at the time, that if the variance was approved for the garage to have a 4.2-foot rear setback, this may create a precedent for owners of nonconforming buildings to just come and get a variance and all of a sudden, you have a secondary structure built two feet off the property line. The request for this new variance, I think, is a demonstration of this family's desire to be here. They are basically saying they will go as far as to tear the nonconforming garage down and build it back the way it was supposed to be built. Remember too, they could also just tear the existing garage and house down, the whole thing, and build a 35-foot high giant block house like other people on the street have done. That is not what they are trying to do. They are trying to keep it in line with everything that is there, rebuild the garage to the 7.5-foot rear yard setback granted by the variance in 1998, and put second-story living space over it. We would be fine with the limiting statement in a variance stating that any structure added, or any height added to the new garage, cannot exceed the height of the existing home or something like that, if that would make the Board more comfortable.

Hester Longstreet: The only access to that room over the garage will be from the inside of the house, and there will be no outside stairs trying to go through to it?

Scott Patrou: That's correct, the only access will be from inside the house.

Hester Longstreet: We're talking about tearing down a two-car garage and rebuilding it as a one-car garage. Correct?

Scott Patrou: I think, technically, it would still fit under the purview of a two-car garage because there is that breezeway that was discussed earlier. So, the rebuild of the new garage would eliminate that breezeway to slide the new garage over to fit within the 7.5-foot rear setback. I do not think there would actually be a big width change in the garage itself. It may be nominal, whether you call it a two-car, or a one-car, garage.

Chris Pranis: Do we have public comment?

Betty Carvellas, 4 F Street, St. Augustine Beach, Florida, 32080: I live next door, and you should have received a letter from me. It was not mentioned as one of the letters submitted from neighbors, so did you get that letter, from Betty and John Carvellas?

Jennifer Thompson: I am sorry, when did you send it, or where did you send it to?

Betty Carvellas: I sent it via email to Max Royle and I received an email back from him that said he had shared it.

Brian Law: Do you have a copy with you?

Betty Carvellas: I have it on my phone (**EXHIBIT B**). I am sorry. I could try resending it from my phone when I am done speaking. Mr. Royle told me that he had shared it, so I did not do anything else with it.

Brian Law: If you could send it to Ms. Thompson's provided email, I'll go print it, so the Board has it. That is the best we can do, as we never received that letter.

Betty Carvellas: Oh, I am sorry about that. I can tell you essentially what I said. At the end of the letter, I thanked you all, as my husband and I both served on town boards. It's never easy, and it takes up a lot of time. I appreciate the time and effort you put in. I understand about the 1998 variance, but it was also my understanding that in 1998, the required rear setback was 10 feet, and it's now 20 feet. That garage is right up against our property, 4.2 feet off the rear property line. You can practically reach through our fence and touch it, but it's just kind of there, and doesn't really present a problem. It's not much higher than our fence, really, but pushing the new garage and addition back to 7.5 feet is really only about 3 feet more. We do have a big backyard. We're not concerned about the sightline, as we haven't been able to see the ocean because of the dunes for a long time anyway, but it's just the idea of it looming over our backyard and being quite close to us in general. I'm assuming the new setback requirement of 20 feet versus 10 feet was

based on best land-use practices, as that's a big difference. Granting a variance to go from 20 feet to 7.5 feet is allowing a 12.5-foot reduction in the rear setback, which will put the new garage and second-story addition quite close to our house. I understand that if there's a hurricane and the existing garage is destroyed, it would now have to be rebuilt according to current Code, but I don't know how that works if the garage is torn down. If they're going to tear it down, does it have to meet the 20-foot rear setback requirement, or could it be torn down and rebuilt with a 7.5-foot rear setback per the 1998 variance?

John Carvellas, 4 F Street, St. Augustine Beach, Florida, 32080: I believe it's been said that the 1998 variance granted for a rear setback reduction to 7.5 feet for a one-story garage wasn't followed. Near the end of the previous discussion from the attorney, it sort of morphed into a variance for any building. So, indeed, what is now being proposed is a little different, and the variance request is now for a two-story addition. It is not going to block our view, or be a huge thing, but I do remember the discussion from last year. Someone asked if the existing garage was torn down, because it's so far out of the variance, at 4.2 feet from the rear property line, instead of 7.5 feet, as granted by the variance, would it have to be rebuilt with a 7.5-foot rear setback? I believe I said it would be unfair to make the owners tear it down after all these years. So, the question becomes this, that if they voluntarily tear it down, after spending the last 15 months rebuilding it, I think they should have to meet the current standards, because they are voluntarily tearing it down. You may disagree, and if you do, life goes on, but there is a purpose to these rules and regulations. My house is 80 years old, and I'm sure if I want to make a change to it, I will have to comply with current rules and regulations. I understand that, and I think the new standards are there for a reason, especially given the changes in the environment, climate, and growth of the area. So, I would just ask you to consider that.

Chris Pranis: Thank you. Any other public comment? Okay, public comment is closed. I have a question for either the City Attorney or Mr. Law. In this situation, what is going to take precedence, the 7.5-foot rear setback reduction granted by the 1998 variance, or the current setback regulations for building a structure?

Brian Law: Last year, I informed this Board that we would take no code enforcement action against a 22-year-old nonconforming structure. The City allowed it to be built, whether right or wrong. Was there a change in surveying techniques that became more accurate over time? It's unknown. As far as we understand the variance, it was granted for a one-story, unattached garage. Whether the setbacks were 10 feet or not at the time, keep in mind, as we just saw for the last variance request, these are parallel lots, as the front setback faces the ocean, and the rear setback is to the west, so it gets a little confusing. Having said that, we will take no action against this building being left as it exists as a nonconforming structure. If the Board decides to grant this variance, it will be granting a new variance. The variance from 1998 will go away, and the existing garage with its 4.2-foot rear setback will become redundant and irrelevant. The applicants are asking for a new two-story addition with a garage on the first floor and a bedroom, closet and bathroom above it, so, if this variance is granted, the existing garage will be torn down, and rebuilt as a new building that will shift 2.5 feet to the east and a tad to the south, to bring it into conformance with the 7.5-foot side yard setback requirement.

Chris Pranis: If the Board doesn't approve the variance and the existing garage is taken down, a new garage would have to meet the current regulations.

Brian Law: If they decide to remove the entire facility, then they would have to build to the current regulations or apply for a variance.

Scott Patrou: If the variance is denied, then the existing structure can remain for the time being, meaning that there's no obligation on the part of the owners to tear down this nonconforming structure. They have seen, however, that this structure is a problem, and have offered to voluntarily take on the cost of tearing it down and building it back with the 7.5-foot rear yard setback granted by the 1998 variance. They are basically saying they will go through all that expense because there are so many more extensive building codes they will have to comply with just to add this extra bedroom. If it's denied, then there's not a big push for them to tear down the existing garage, so this nonconforming structure will still be there 4.2 feet away from the lot next door. As Mr. Law said earlier, the variance process was created to address these issues with these odd-shaped lots. A variance for another odd lot was presented earlier, as it seems F Street is full of lots in odd orientations that don't have access, so easements have to be created to get to them.

Victor Sarris: We mentioned this lot is odd, specifically because of how you have to get to it from that easement. As that presents a challenge, I think there is some consideration that needs to be given as to what the alternatives are here.

Conner Dowling: If you go up and down St. Augustine Beach, the beachfront lots are a mishmash. I went and kind of reviewed all of them today, and this condition isn't abnormal or odd, it's pretty typical. There are two, sometimes three, buildings on what would be this type of beachfront lot, and there may be access from alleyways, or access through easements, like this one, to get through to the main street. There are other examples of two-story buildings that are not within the current setbacks, for sure. It runs the gamut, basically, as far as what the conditions are for these lots. So, to me at least, it seems very specific to each individual case and sort of what they're addressing and asking for. It seems like the previous variance granted in 1998 almost doesn't matter at this point. I'm curious as to what you all remember about the variance turned down by the Board last year. I'm assuming the owners were asking to build a second-story over their existing garage, and the variance was denied based on not having a hardship, so the only difference between that and this is that we're switching it back to the original 7.5-foot rear setback granted by the 1998 variance. Based on this new proposal, the applicants show something I think is reasonable to ask for, as something lower than the roofline is a reasonable request. They are not asking to build a giant, maxed-out structure.

Chris Pranis: I believe last year's variance was to add a second-story over the garage, by first requesting the garage with its 4.2-foot rear setback be deemed conforming.

Hester Longstreet: They wanted to build the room addition over the garage, but the Board said no because the garage was supposed to be built with a 7.5-foot rear setback and it was actually built with a 4.2-foot rear setback.

Scott Patrou: Obviously, there's a pretty substantial cost differential between those two options. So, the natural progression was to ask for the first variance last year because in having to rebuild the whole thing, it's now also subject to the new building codes, so there will have to be pilings that have to go into the ground for a whole separate structure.

Victor Sarris: I think, to your point, we certainly don't want to go along and set a precedent that we can do these things without careful consideration of the specific lot conditions. In this instance, I see the challenges and alternatives that are being presented here, and I don't see this as a far reach or request, in my opinion.

Conner Dowling: I appreciate Mr. and Ms. Carvellas for coming, as they arguably have one of the most affected properties, along with the property next door to the south. From an architectural standpoint, this is really more like a side setback, it's not really a rear setback. I mean, it is for this particular property, but the proposed garage and second story addition will really be built next to the Carvellas' side yard. To assume the current 20-foot rear yard setback requirement should be upheld is technically correct, but the applicants' lot does not have the same orientation as the Carvellas' lot, as their backyard is next to the Carvellas' side yard, and their front yard faces the beach. On paper, it sounds like a lot going from 20 feet to 7.5 feet, but in my mind, that's not the case.

Chris Pranis: We also have to keep in mind that this will set a precedent at this point.

Jacob McCrea: In terms of setting a precedent, with each variance case, you may set a precedent that new applicants might use to discuss prior variances that have been granted to try to bolster their point, but the Board is under no obligation, whenever a variance comes before it, to ever consider any other variance granted at a similar location or anything like that. It's a de novo, or fresh review, so besides setting legal precedents, it's more a concern for public interaction than anything the Board is bound to.

Hulsey Bray: Why do they need a second bedroom on top of the garage? What's the hardship there?

Scott Patrou: I think the hardship, as Mr. Sarris alluded to earlier, is the access issue as to where the garage has to be oriented, as this is the only way to get to it because at one time there was an alleyway for access to this lot, but that alleyway has since been vacated. The hardship has to be more specific to the reason for the variance, because of the existing structure and the inability to modify it as a result of the implications and the CCCL restrictions, which limit the ability to add to it without tearing the whole thing down, which the owners could do, and then they could rebuild it to 35 feet in height. Instead of doing that, they said they will tear the entire existing garage down and rebuild it in conformity with the variance granted in 1998. It pretty much has to be where it is because that's the only access point from the easement standpoint due to the lot's orientation.

Hulsey Bray: Correct me if I'm wrong, the conformity is for a one-story garage.

Scott Patrou: Correct.

Hulsey Bray: Okay, so why do they need the bedroom above the garage? Is this their primary residence?

Scott Patrou: It is not currently their primary residence.

Conner Dowling: Is it a rental property?

Scott Patrou: It is not, and the owners do not even own a rental or short-term rental license or permit. It is not like they have another license or permit on another property that they can try to transfer over to this property or something like that.

Brian Law: I would not permit living areas on the first floor of a new structure because of the DEP reference monument of approximately 17.4 feet. That's why the first floor would have to remain either storage, parking, or access with some provisions under the new definitions of allowable use which do not permit habitable spaces.

Scott Patrou: This further adds to the hardship because they can't remodel the existing garage to make it into a bedroom, because this would not be permitted.

Victor Sarris: This is a unique situation. I feel we've taken the precedent issue off the table by establishing this is not something we would have to defend at a later date, due to the uniqueness of the lot. I think we have to look at, certainly, the considerations of the neighbors. I don't live there, so I can't say this wouldn't bother me, but I do see consideration with the fact that it is pretty much the same footprint, and while it is higher, it is farther away. There should be some consideration for the uniqueness of this lot.

Chris Pranis: What's the general consensus?

Hulsey Bray: I don't think there's a hardship for the apartment above the garage. They don't live in the house.

Conner Dowling: It's a bedroom, not an apartment.

Hulsey Bray: There's no need and no hardship for a bedroom.

Brian Law: It is really not the Board's purview as to why they need a bedroom. The Board is here to review and consider the application based on the facts presented.

Hester Longstreet: Well, we do have to look at the hardship. What's listed on the application as a hardship says it is due to the constraints on the existing lot because of the lot configuration and access. It's still going to be a problem with lot configuration and access, and they'll still need the easement for access onto F Street, as they don't have an alleyway to use. So, I don't see that as a legitimate hardship.

Hulsey Bray: By the fact that the easement is needed for access, if they're adding another bedroom, that's another vehicle. Is there room for another vehicle in the parking area?

Scott Patrou: If they're able to have the garage, they'll have two parking places inside the garage. Again, this is for family use. I don't even think they have any kids that are of driving age. They have three young children around middle school age, I believe.

Conner Dowling: Reducing the height of the second-story under the existing roofline is probably the biggest thing for me, as in the long term, if this family is investing in this house to upkeep it, adding this will keep it at its current scale for, hopefully, a good number of years or a few decades. If this house isn't allowed to grow based on what the value of a beachfront property is, it will be torn down and a giant house maxed out to all the limits will inevitably be built and none of us will get to say anything about that. I feel what is being proposed is reasonable based on what has been presented and shown.

Scott Patrou: I would also point out that this Board, although it was back in 1998, made a finding that there was a hardship because that prior easement was granted. So, as to the establishment of a hardship, the Board has already created a precedent in this particular case, understanding that precedent is related, based on the City Attorney's comments, for this specific house. A hardship was previously established by the Board in 1998, and to a certain degree, it has been reestablished based on tonight's discussion.

Victor Sarris: It is somewhat of a stretch to define a hardship here. I do think the uniqueness of this lot and the access to it and what they want to do, along with the fact that we're not setting a precedent on binding this to future vague hardships, gives us an opportunity to help the situation out, so this is something I would consider approving.

Chris Pranis: The one thing that maybe we can discuss is that the Board seems to want to set in the motion that the new structure is not to exceed the height of the main structure of the home. Is everybody okay with that?

Hester Longstreet: Yes, let's see if we can figure out how the variance can be granted to allow the existing garage to be torn down and rebuilt, according to DEP requirements, and with the existing variance allowing a rear yard setback of 7.5 feet and with a low roofline that will not exceed the height of the existing house. I'd also like the motion to say the access to the new addition over the garage will only come from inside the house.

Brian Law: I understand what you're saying. The motion could simply be that the variance is approved as requested in accordance with the submittal documents which clearly show the elevation of the garage and second-story addition above as lower than the house and access to second-story addition will only be from the interior of the existing house.

Chris Pranis: So, do we need to define that the new garage with the addition above will not exceed the height of the existing house, or just go with submitted documents?

Jacob McCrea: I would subject any approval based on the submittal documents, which are part of the application, as that's better than the vague language of not exceeding the height of any existing structure. The application provides drawings and plans that need to be followed if the variance is approved.

Hester Longstreet: So, they will be able to use no other plans except the ones submitted with the variance application and which we are agreeing on right now?

Brian Law: When the permit documents and plans are submitted, they will first go to zoning for review to ensure a one-hundred-percent match in dimensions and architectural features. Some things, such as a different type of siding, if this is even shown on the plans or drawings, or a different window size, would be allowed, but the garage and second-story addition above would have to be exactly the way it is proposed.

Scott Patrou: I'd like to get some clarification on that, as this design was prepared for this meeting. It has not been finalized, so it hasn't been scaled. There are certain pieces that will fall in line perfectly and we can ensure it doesn't exceed the height and things like that, but I don't want to pigeon-hole my clients by saying the bathroom must be right here and the door must be right there. I'd like to find a way to articulate this motion so it gives some flexibility within the discussion, such as by saying the roofline is not to exceed the roofline of the house and there will be no exterior access to the second floor.

Chris Pranis: Does the submission of documents pigeon-hole the exact way something must be built?

Brian Law: No, I would never turn down a plan for an interior change, and the reason why is because what would stop them from building it, coming back three months later, and doing an interior renovation? But the phrase that could be used in the motion could be a structural description as illustrated by the attached documents, which will be recorded with the St. Johns County Clerk of the Court if the Board sees fit to grant this, so it will become part of the history of the property.

Jacob McCrea: That's the language I would recommend.

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. **Moved** by Chris Pranis, **seconded** by Conner Dowling, **passed 6-0**, by unanimous voice-vote.

D. Presentation of proposed amendment to Section 3.02.03.A of the City's Land Development Regulations by the City's Sustainability and Environmental Planning Advisory Committee (SEPAC)

Jennifer Thompson: This next item was put on tonight's agenda after I read the minutes of a SEPAC meeting. There was a request by SEPAC to put bee pollinator boxes on City property, and I noted this because it goes against Section 3.02.02.A of the LDRs, which prohibits the keeping, breeding, or raising of bees, insects, reptiles, pigs, horses, cattle, goats, hogs, or poultry. SEPAC members are here to explain their proposed code changes to this section of the LDRs and have also provided some materials (**EXHIBIT C**).



City of St. Augustine Beach Building and Zoning Department

To: Comprehensive Planning and Zoning Board
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building and Zoning, Bonnie Miller, Senior Planner
Date: 02/07/2024
Re: Proposed Code Change, Section 2.00.00, adding a definition for Driveway

Currently, the City's Land Development Regulations do not have a definition for "driveway". The Planning and Zoning Division along with the Public Works Department is proposing the following definition to be added to Section 2.00.00:

"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."

Sincerely,

Jennifer Thompson, MPA, CFM

Planner

Planning and Zoning Division

From: [Russell Adams](#)
To: [Planning and Zoning](#)
Cc: [Ken Gatchell](#)
Subject: Driveway Definition
Date: Monday, January 29, 2024 10:47:37 AM

Good Morning,

Public works is recommending the board approve the new definition of "Driveway". Driveway is referenced throughout the city code without any formal definition. Approving the definition will give staff better direction in interpreting the city code.

Russell Adams

Public Works Department

City of St. Augustine Beach

2200 A1A South

St. Augustine Beach, FL 32080

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

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

Sec. 2.00.00. Definitions as used in this Appendix.

Terms in the LDC shall have the following definitions.

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

ORDINANCE NO: 24-XX

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

WITNESSETH:

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

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

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

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

SECTION 2. Amend Article II - Section 2.00.00 Definitions – Driveway as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby amended, revised, and restated to read:

Sec. 2.00.00. Definitions-

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

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

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

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

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

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

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2024.

MAYOR

Published in the _____ on the _____ day of _____, 2024. Posted on www.staugbch.com on the _____ day of _____, 2024.

DRAFT