

2

**AGENDA ITEM
Planning & Zoning**

Meeting

2/1/2024

MEETING DATE

TO: Planning and Zoning Board Members

DATE: January 17, 2024

FROM: Trevor Steven, Planner

PHONE: 904 209-0587

SUBJECT OR TITLE: ZVAR 2023-33 Hall Carport @ 97 Sea Oats Lane

AGENDA TYPE: Business Item, Ex Parte Communication, Order, Report

PRESENTER: Robert Schmidt

BACKGROUND INFORMATION:

Request for a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a Front Yard setback of ten (10) Feet in lieu of the required Twenty-Five (25) feet, and a Side Yard setback of zero (0) feet in lieu of the required eight (8) feet for a Corner Lot located in Residential, Single Family (RS-3) zoning, located at 97 Sea Oats Lane.

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to approve ZVAR 2023-33 Hall Carport @ 97 Sea Oats Lane, based on eight (8) conditions and five (5) findings of fact as provided in the Staff Report.

DENY: Motion to deny ZVAR 2023-33 Hall Carport @ 97 Sea Oats Lane, based on four (4) findings as provided in the Staff Report.



Growth Management Department
Planning Division Report
Application for Zoning Variance
ZVAR 2023-33 Hall Carport @ 97 Sea Oats Lane

To: Planning and Zoning Agency

From: Trevor Steven, Planner

Date: January 19, 2024

Subject: **ZVAR 2023-33 Hall Carport @ 97 Sea Oats Lane**, a request for a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a Front Yard setback of ten (10) Feet in lieu of the required Twenty-Five (25) feet, a Side Yard setback of zero (0) feet in lieu of the required eight (8) feet for a Corner Lot located in Residential, Single Family (RS-3) zoning, located at 97 Sea Oats Lane.

Applicant: Robert Schmidt

Owner: William Hall

Hearing Dates: Planning and Zoning Agency – February 1, 2024

Commissioner District: District 3

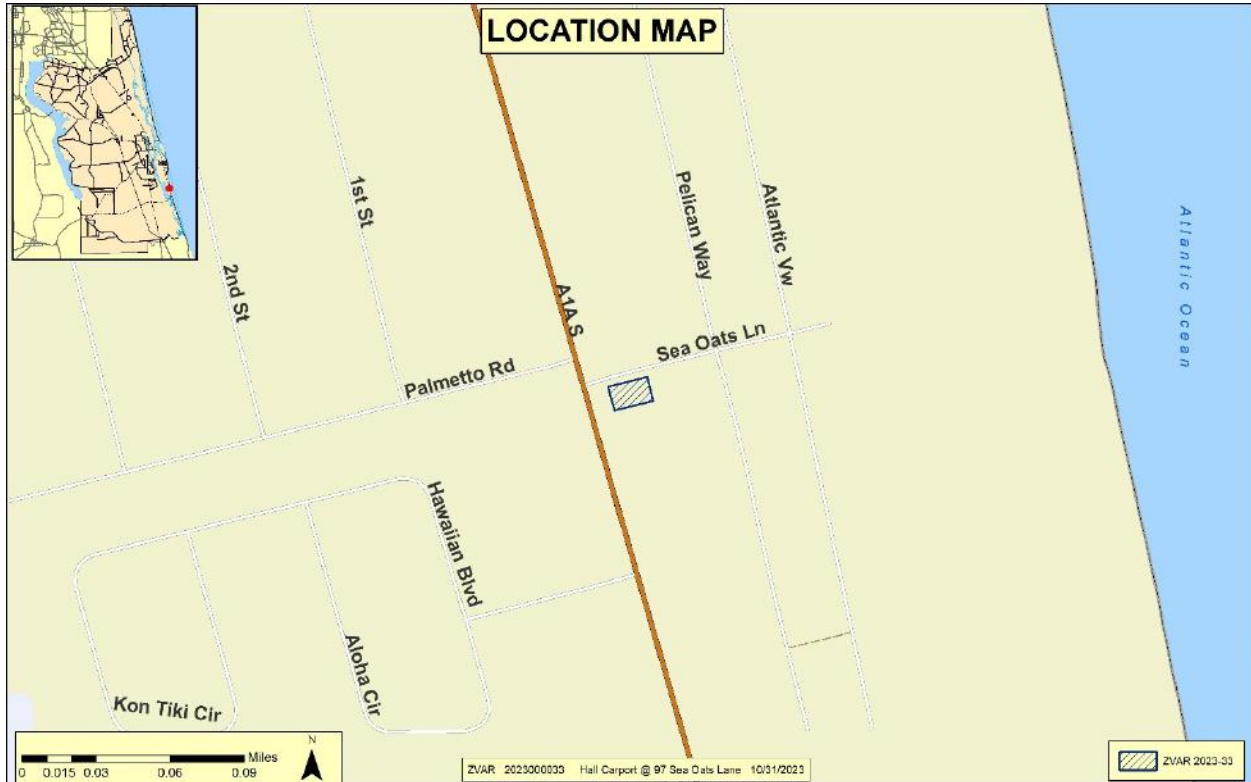
SUGGESTED MOTION/ACTION

APPROVE: Motion to approve **ZVAR 2023-33 Hall Carport @ 97 Sea Oats Lane** based upon five (5) findings of fact and eight (8) conditions as provided in the Staff Report.

DENY: Motion to deny **ZVAR 2023-33 Hall Carport @ 97 Sea Oats Lane** based upon four (4) findings of fact as provided in the Staff Report.

MAP SERIES

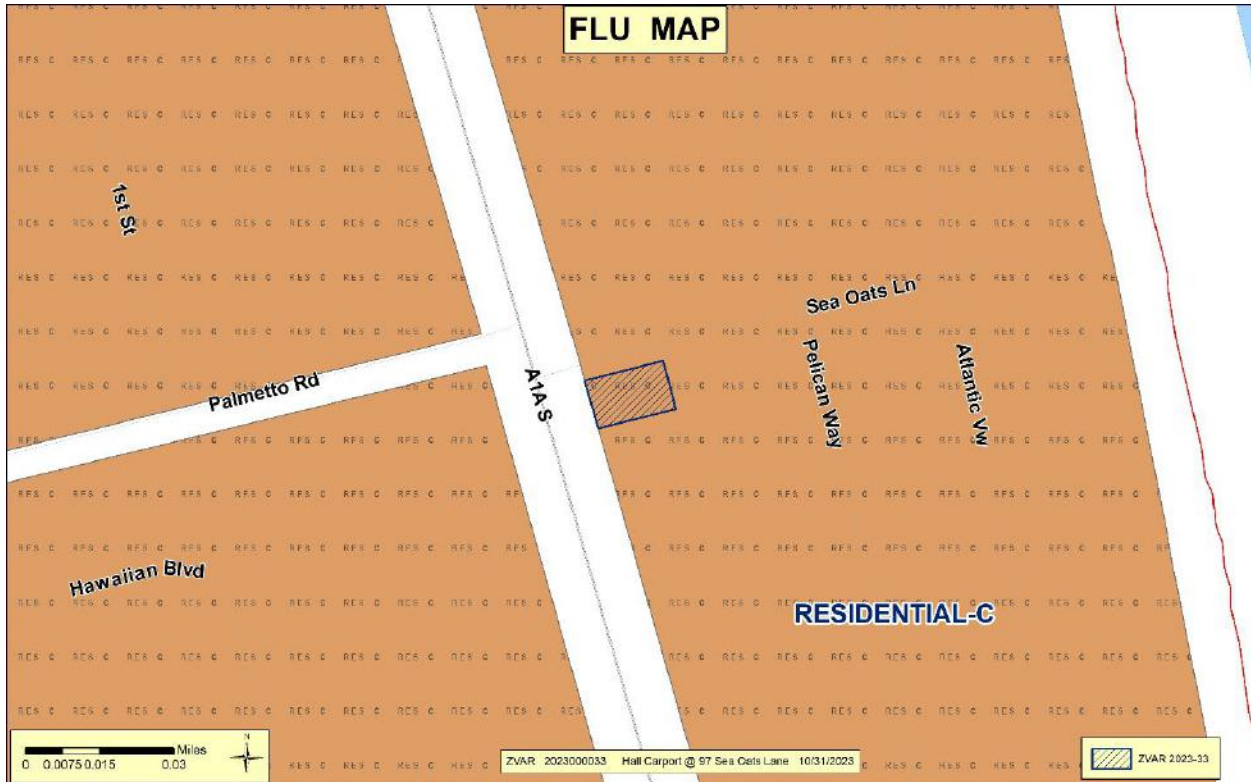
Location: The subject property is part of the Anastasia Hills platted subdivision, and is located on the southeast corner of A1A S and Sea Oats Lane.



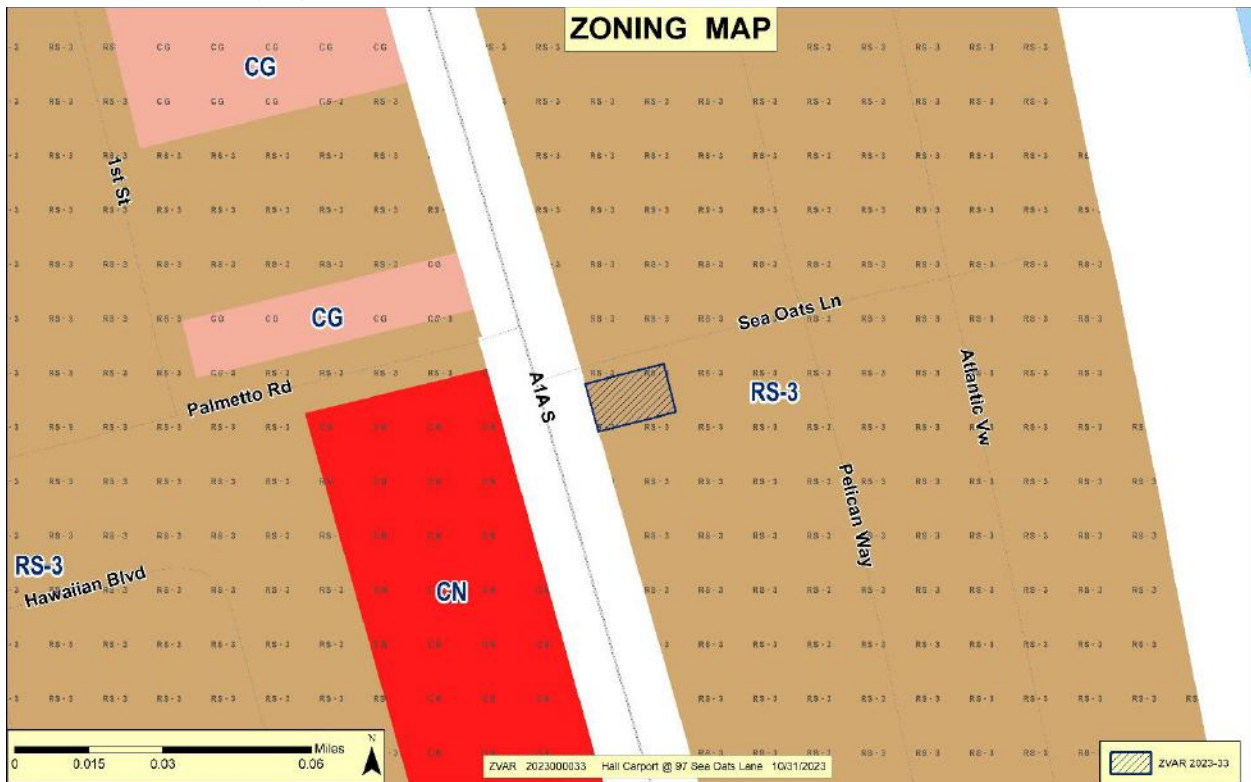
Aerial Imagery: The subject property is a corner lot with an existing single-family home built in 2001.



Future Land Use: The subject property and surrounding properties are designated Residential-C Coastal (RES-C).



Zoning District: The subject property and adjacent properties are zoned Residential, Single Family (RS-3). There are properties across A1A S to the west that are zoned Commercial Neighborhood (CN) and Commercial General (CG).



APPLICABLE REGULATIONS

LDC, Section 10.04.02 Zoning Variances

The St. Johns County Planning and Zoning Agency (PZA) may grant Zoning Variances, which are found not to be contrary to the public interest and owing to special conditions, a literal enforcement of this Code will result in unnecessary and undue Hardship. The Planning and Zoning Agency may provide such conditions and safeguards as may be appropriate and in harmony with the purpose and intent of this Code as part of the Variance.

Article XII, Definitions

Variance, Zoning: Variance is a relaxation of the terms of this Code where; i) such Variance will not be contrary to the public interest, and where; ii) by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or by reason of the Use or Development of property immediately adjoining the piece of property in question, iii) the literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code, and iv) the Variance would not be contrary to the spirit and purpose of this Code. In this context personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner, are not considered hardships justifying a Variance.

Lot Frontage: The front of an interior Lot shall be construed to be the portion nearest the street. For the purpose of determining Yard requirements on corner Lots and through Lots, all sides of a Lot adjacent to street shall be considered frontage, and Yards shall be provided as set out in this Code.

Yard: A required open space other than a court unoccupied and unobstructed by a Structure or portion of a Structure from thirty (30) inches above the general ground level of the graded Lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any Yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A required Yard extending between Side Lot lines across the front of a Lot adjoining a public or private street.

Impervious Surfaces: Any Building, concrete, pools, wet retention/detention areas, pavement or compacted materials utilized for parking or roadways.

Impervious Surface Ratio (ISR): the ISR shall be calculated by dividing the total Impervious Surface Area, exclusive of the surface area of any wet retention/detention areas, by the total area of the proposed Development site or Project.

LDC Section 6.01.03.E. Lot Yards; Methods of Measurement; Special Requirements (in part)

3. Front Yards on Corner Lots

Front Yards on Corner Lots shall be construed as extending across the Lot from each interior side Lot line to the opposite Street Line. Corner Lots are considered to have two (2) Front Yards. The required Front Yard of the second frontage may be reduced by twenty percent (20%). In Subdivisions where non-conforming Lots exist, the second frontage may be reduced by forty percent (40%), provided the residence is constructed on one (1) Lot only.

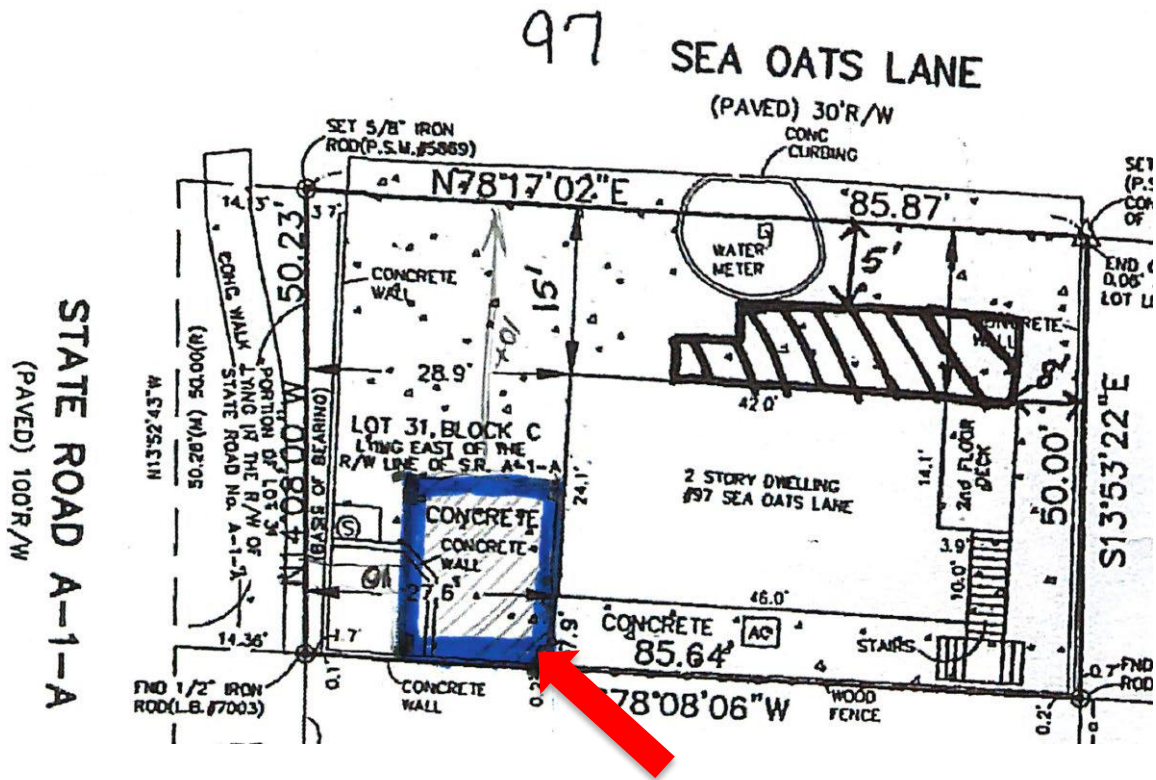
7. Interior Yards on Corner Lots

On Corner Lots, the Side Yard is the Yard along any Interior Lot line which intersects with a Street Lot line. When a Corner Lot has four (4) sides, the two (2) sides not adjacent to the Streets are both Side Yards and the Lot has no Rear Yard.

APPLICATION SUMMARY

The applicant is requesting a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a Front Yard setback of ten (10) Feet in lieu of the required Twenty-Five (25) feet, a Side Yard setback of zero (0) feet in lieu of the required eight (8) feet for a Corner Lot located in Residential, Single Family (RS-3) zoning to accommodate placement of a Carport. The applicant states that because of the small size and layout of the property, being able to utilize the southernmost garage is nearly impossible, and is the main reasoning for the request for the proposed carport location. This application is to allow construction of a replacement for the southernmost garage in the new Carport and still retain access to the northernmost garage. The applicant's Narrative application is provided in full within **Attachment 1 Supporting Documents**.

Proposed Site Plan:



DEPARTMENTAL REVIEW

The Planning and Zoning Division has routed this request to all appropriate reviewing departments. There are no open comments.

Office of the County Attorney Review:

Pursuant to Section 10.04.02 of the Land Development Code, the St. Johns County Planning and Zoning Agency (PZA) may grant Zoning Variances, which are found not to be contrary to the public interest and owing to special conditions, a literal enforcement of this Code will result in unnecessary and undue Hardship. The Planning and Zoning Agency may provide such conditions and safeguards as may be appropriate and in harmony with the purpose and intent of this Code as part of the Variance.

As defined in Article 12 of the LDC, a Variance is a relaxation of the terms of this Code where; i) such Variance will not be contrary to the public interest, and where; ii) by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or by reason of the Use or Development of property immediately adjoining the piece of property in question, iii) the literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code, and iv) the Variance would not be contrary to the spirit and purpose of this Code. In this context personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner, are not considered hardships justifying a Variance.

The Applicant bears the burden of demonstrating by competent substantial evidence that there exists a special condition or unique circumstance of the property such that the literal application of the Land Development Code constitutes a hardship. The Agency may consider the quality (character convincing power, probative value or weight) of the evidence and testimony in the Staff report as well as by Staff, evidence and testimony produced by the applicant, and of the evidence and testimony produced by public comment, as well as any other evidence presented or disclosed during the hearing.

The Agency may grant such relief to the extent only necessary to alleviate the hardship. If the evidence presented does not warrant the full relief requested, the Agency may grant only a portion of the relief. The Agency may attach additional reasonable conditions to further mitigate the effect of the requested relief along with corresponding findings.

The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.

Please be advised that, pursuant to Section 10.04.02.A of the LDC, the Planning and Zoning Agency may grant a variance that is less than the full requested variance to the extent that a hardship no longer exists. Additionally, the Planning and Zoning Agency may impose reasonable additional conditions in order to mitigate for the harm caused by the granting of the variance.

Technical Division Review:

In the case that the Zoning Variance is approved by the Planning and Zoning Agency, all site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the development has met all applicable Federal, State, and local regulations.

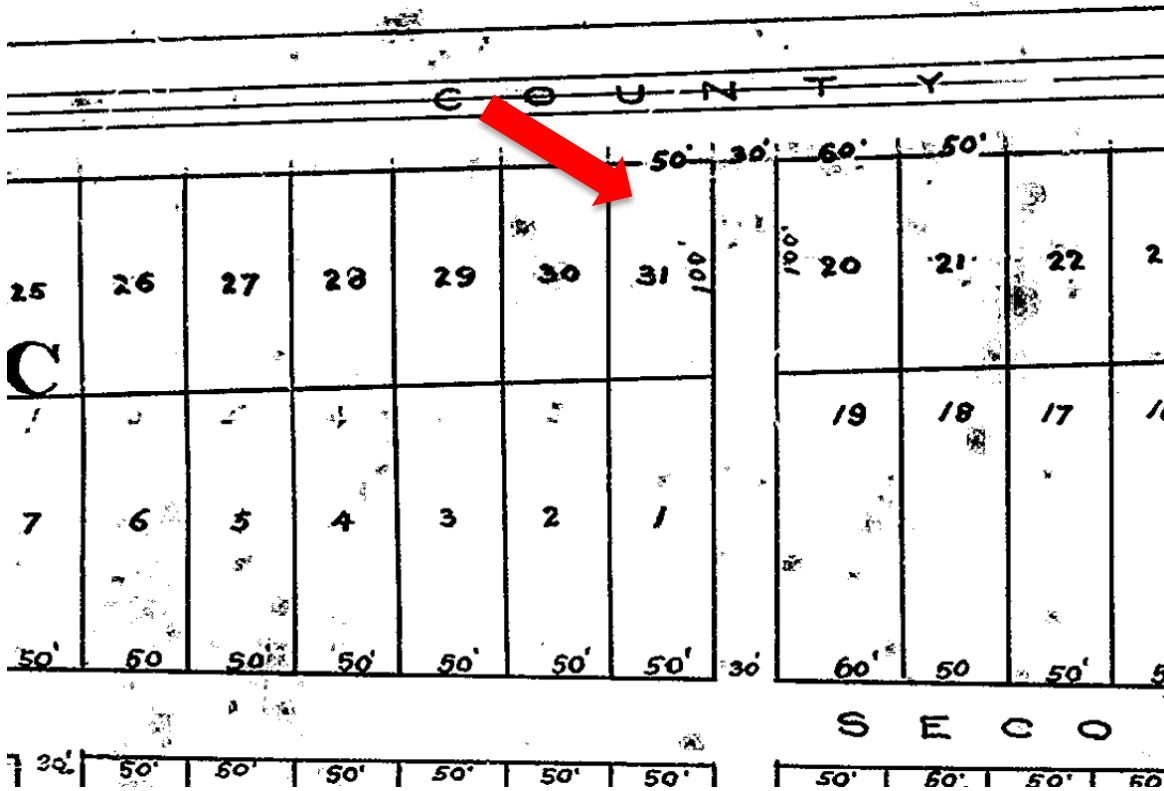
Planning and Zoning Division Review:

The subject property is zoned Residential, Single Family (RS-3) and is considered to be a Corner Lot with two (2) Front Yards and two (2) Side Yards.

Table 6.01 (LDC)

SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT STANDARDS							
Zoning District	Minimum Lot Widths	Minimum Lot Area	Maximum Lot Coverage by All Buildings	Floor Area Ratio	Impervious Surface Ratio	Min. Yard Req. Front/Side/Rear	Maximum Height of Structures
RS-3	75 feet	7,500 square feet	35%	N/A	70%	25/8/10 feet	35 feet

The subject property is comprised of a single 50' x 100' platted lot from the Anastasia Hills subdivision, which was recorded in 1924. Many of the other lots platted in this same subdivision with frontage along A1A S have similar dimensions, but only a few are corner lots. Although the lot was platted as 50' x 100', The provided survey indicates the lot as approximately 50' x 85', making it around 4,250 square feet in size.



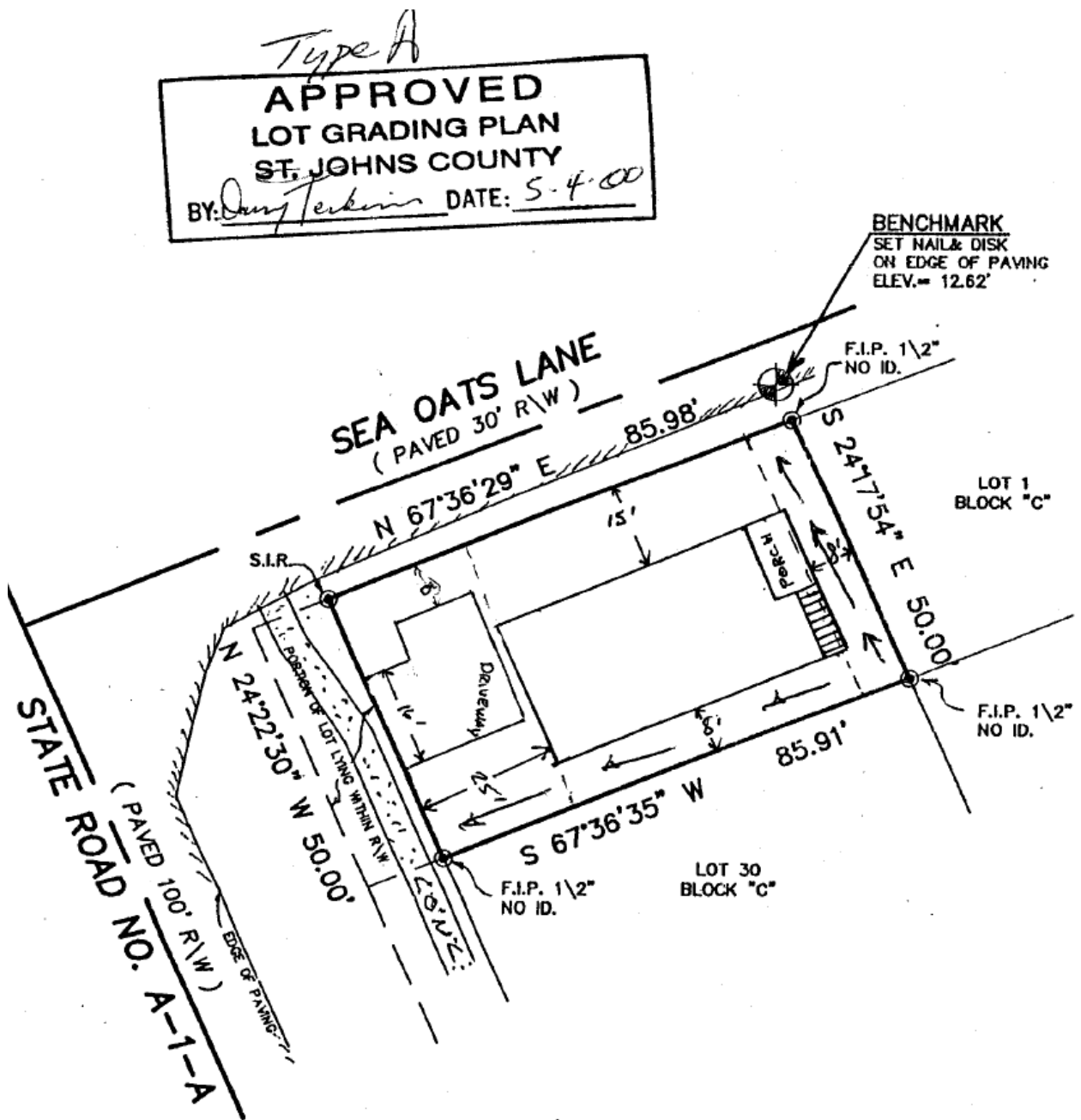
Regarding the current impervious area on the property, it appears to be in violation of the 70% Impervious Surface Ratio (ISR) allowed in the Residential-C Future Land Use designation, and a variance to be over the 70% can only be accomplished by a comprehensive plan text amendment. The property owner stated that the impervious area of the property has been existing since they purchased the property in 2008, and Staff research of aerial imagery indicates that it has likely been in the same condition since the home was constructed in 2001. The approved site plan for the home from 2000 (page 8) shows a different layout for the driveway than what currently exists. The proposed building coverage will adhere to the 35% maximum allowed in RS-3 Zoning.

There is a condition within the Final Order that requires the applicant to bring the lot into compliance regarding the maximum allowed 70% Impervious Surface Ratio in Residential-C Future Land Use, as is set forth in Comprehensive Plan Policy A.1.11.3 (below).

Comprehensive Plan Policy A.1.11.3:

LAND USE	Maximum ISR ¹²	FAR ¹²
Residential ⁶		
- Residential - A	0.70	50% ¹⁰ 50% ¹⁰
- Residential - B	0.70	50% ¹⁰ 50% ¹⁰
- Residential - C	0.70	
- Residential - D	0.70	

Approved clearance sheet site plan for the Single Family Residence from 2000 (R00-1484):



Regarding drainage and lot grading, the Technical division stated that since there will be no new impervious added (carport is being added over existing driveway), along with the roof of the structure being pitched away from the adjacent property to the south, they have no open comments or concerns with the proposal.

Street view from the Property Appraiser (12/23/2022):



There was another Zoning Variance approved in 2012 (ZVAR 2012-07) for relief on the 2nd front setback (15' to 5') to accommodate construction of a 2nd floor deck. The request was approved with a 7-0 vote. This deck is depicted on the site plan located on page 5 of the Staff Report. The current impervious area of the property was existing when the Variance was approved.

CORRESPONDENCE/PHONE CALLS

Staff has received two emails provided by the applicant of the adjacent neighbors to the south and east, both stating that they did not oppose the proposal. No other correspondence or phone calls regarding this request have been received as of the writing of this Staff Report.

ACTION

Staff offers five (5) findings of fact and eight (8) conditions to support a motion to approve or four (4) findings of fact to deny. These findings may be subject to other competent substantial evidence received at the quasi-judicial public hearing.

ATTACHMENTS

1. Application and Supporting Documents
2. Final Draft Orders

SUGGESTED MOTION/FINDINGS/CONDITIONS TO APPROVE REQUEST

Motion to approve **ZVAR 2023-33 Hall Carport @ 97 Sea Oats Lane** , a request for a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a Front Yard setback of ten (10) Feet in lieu of the required Twenty-Five (25) feet, and a Side Yard setback of zero (0) feet in lieu of the required eight (8) feet for a Corner Lot located in Residential, Single Family (RS-3) zoning, located at 97 Sea Oats Lane, subject to the following conditions:

1. The Variance will be transferable and will run with title to the property for the lifetime of the proposed structure.
2. Approval of Variance does not release project from compliance with all relevant requirements of the St Johns County Land Development Code, Comprehensive Land Use Plan and any other Agency having jurisdiction.
3. Approval is pursuant to site plan labeled as Exhibit B, submitted by applicant, and made a part of this application.
4. The applicant shall bring the lot into compliance with the Maximum Impervious Surface Ratio requirement of 70% pursuant to Comprehensive Plan Policy A.1.11.3 prior to approval of a Clearance Sheet for the requested carport.
5. The Variance shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Operations Division.
6. The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the recommendation and interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.
7. The application, supporting documents, conditions, and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.
8. The applicant, at the public hearing, has stated no objections to the proposed conditions.

(Additional conditions may be added as a result of the public hearing)

Suggested Findings:

1. The request for this Zoning Variance has been fully considered after public hearing with legal notice duly published as required by law.
2. The request is in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has been submitted to support a special condition of the property, such that the literal enforcement of the code would produce a hardship as defined by the Code, or why denying the application would be contrary to the spirit and purpose of the Land Development Code.

3. The request is not contrary to the public interest and is not in conflict with surrounding development.
4. The request meets the criteria established by Section 10.04.02 of the Land Development Code.
5. The request is not in conflict with the Future Land Use Map designation of Residential-C Coastal.

(The Agency may choose any or all of the above Findings or may provide additional Findings to support the motion)

SUGGESTED MOTION/FINDINGS TO DENY REQUEST

Motion to deny **ZVAR 2023-33 Hall Carport 97 @ Sea Oats Lane**, a request for a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a Front Yard setback of ten (10) Feet in lieu of the required Twenty-Five (25) feet, and a Side Yard setback of zero (0) feet in lieu of the required eight (8) feet for a Corner Lot located in Residential, Single Family (RS-3) zoning, located at 97 Sea Oats Lane:

1. The request is not in compliance with Part XII of the Land Development Code, defining Zoning Variance. Competent substantial evidence has not been submitted to support hardship as defined by the Code.
2. The request does not meet the criteria established by Section 10.04.02 of the Land Development Code.
3. The request is contrary to the public interest and is in conflict with surrounding development.
4. The request is in conflict with the Future Land Use Map designation of Residential-C Coastal.

(The Agency may choose any or all of the above Findings or may provide additional Findings to support the motion)

**ATTACHMENT 1
APPLICATION AND
SUPPORTING
DOCUMENTS**



St. Johns County Growth Management Department

Application for: ZONING VARIANCE

Date 10/1/23 Property Tax ID No 1777100310

Project Name HALL CARPORT

Property Owner(s) WILLIAM C. HALL Phone Number (904) 386-7704

Address 97 SEA OATS LN. Fax Number

City ST AUGUSTINE State FL Zip Code 32080 e-mail

Are there any owners not listed? [X] No [] Yes If yes please provide information on separate sheet.

Applicant/Representative ROBERT SCHMIDT Phone Number (904) 687-8708

Address 952 WINDMILL WAY Fax Number

City ST AUGUSTINE State FL Zip Code 32080 e-mail precisiondesignflorida@gmail.com

Property Location 97 SEA OATS LN.

Major Access AIA Size of Property .10 ACRES Cleared Acres (if applicable)

Zoning Class RS-3 No. of lots (if applicable) Overlay District (if applicable)

Water & Sewer Provider Future Land Use Designation RES-C

Present Use of Property SINGLE FAMILY RESIDENCE Proposed Bldg. S.F.

Project Description (use separate sheet if necessary)

REQUEST FOR 10' SETBACK INSTEAD OF STATED 25' SETBACK.

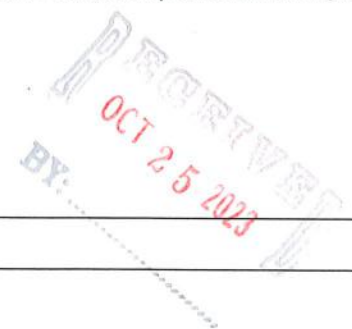
Please list any applications currently under review or recently approved which may assist in the review of this application including the name of the PUD/PRD:

I understand that reasonable inspections of the subject property may be made as part of the application review process. I understand that any material misrepresentations or errors contained in this application or supporting documents may void an approved application, at the reasonable determination of the County considering the Land Development Code, Comprehensive Plan, and other applicable regulations.

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT: Signature of owner or person authorized to represent this application:

Signed By [Signature]

Printed or typed name(s) ROBERT Z. SCHMIDT



Upon Recording Return to Grantee

For Recorder

QUIT CLAIM DEED

Made this 14 day of November, 2018, between **Kimberly Sue Hall**, an individual whose address is 60 Douglas Avenue, St. Augustine, FL 32084 ("Grantor") and **William C. Hall**, an individual whose address is 97 Sea Oats Lane, St. Augustine, FL 32080 ("Grantee").

WITNESSETH:

Grantor for and in consideration of and pursuant to the Consent Final Judgment of Dissolution of Marriage entered between Grantor and Grantee of even or proximate date herewith, and for other lawful consideration the receipt and sufficiency whereof is hereby acknowledged, Grantor hereby grants, bargains and sells to said Grantee, his respective heirs, successors and assigns forever, all and any of Grantor's rights, title and interests in and to the ownership of the below referenced "Property", situate, lying and being in the County of St. Johns, State of Florida, and described legally as follows:

LOT 31, BLOCK C, ANASTASIA HILLS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 25, OF THE PUBLIC REOCRDS OF ST. JOHNS COUNTY, FLORIDA.

Parcel Identification Number: 177710-0310

TO POSSESS AND TO HOLD the Property together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor in said Property, either in law or equity, to the only proper use, benefit and behoove of the Grantee and his heirs, successors and assigns forever.

IN WITNESS WHEREOF, this instrument was executed by the Grantor the day and year first above written.

WITNESSES:

Clarissa Langford
Print Name: Clarissa Langford

Skyler Woller
Print Name: Skyler Woller

GRANTOR

Kimberly Sue Hall
Kimberly Sue Hall

STATE OF FLORIDA
COUNTY OF Duval

The foregoing was acknowledged before me this 14th day of November, 2018, by **KIMBERLY SUE HALL**, who is known personally or produced _____ as identification.



Kristi Clark
Print Name: Kristi Clark
Notary Public, State of Florida



Owner's Authorization Form

Precisions Homes Inc

is hereby authorized TO ACT ON BEHALF OF

William C. Hall

the owners(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Johns County, Florida, for an application related to a development Permit or other action pursuant to a: application for:

RDØ - 1484

By signing, I affirm that all legal owners(s), as listed on the Recorded Warranty Deed on file with the St. Johns County Clerk of Courts or otherwise stated (_____), have been notified of the _____
(Identify what document)

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

Signature of Owner [Signature]
Print Name William C. Hall
Signature of Owner _____
Print Name _____
Telephone Number _____

STATE OF FLORIDA
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 23 day of Oct, 2023, by William C Hall as owner for variance.

[Signature]
Notary Public, State of Florida
Name: Marie Almonte
My Commission Expires: July 28, 2027
My Commission Number is: HH 418681

Personally Known _____ OR Produced Identification
Type of Identification Produced Military ID
Revised August 30, 2011



ATTACHMENT 2
DRAFT FINAL ORDERS
APPROVAL/DENIAL



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Robert Schmidt
952 Windward Way
St. Augustine, FL 32080

FILE NUMBER: ZVAR 2023-33

LEGAL: Exhibit A

SITE PLAN: Exhibit B

PARCEL ID: 177710-0310

DATE OF HEARING: February 1, 2024

ORDER GRANTING ZONING VARIANCE REQUEST

The above referenced application for a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a Front Yard setback of ten (10) Feet in lieu of the required Twenty-Five (25) feet, and a Side Yard setback of zero (0) feet in lieu of the required eight (8) feet for a Corner Lot located in Residential, Single Family (RS-3) zoning, located specifically at 97 Sea Oates Lane, came before the Planning & Zoning Agency for public hearing on February 1, 2024.

FINDINGS OF FACT

Having considered the application, along with supporting documents; the Staff report prepared by staff; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

1. The request for this Zoning Variance has been fully considered after public hearing with legal notice duly published as required by law.
2. The Variance request is in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has been submitted to support a special condition of the property, such that the literal enforcement of the code would produce a hardship as defined by the Code, or why denying the application would be contrary to the spirit and purpose of the Land Development Code.

3. The request is not contrary to the public interest and is not in conflict with surrounding development.
4. The request meets the criteria established by Section 10.04.02 of the Land Development Code.
5. The request is not in conflict with the Future Land Use Map designation of Residential-C Coastal.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the request for a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a Front Yard setback of ten (10) Feet in lieu of the required Twenty-Five (25) feet, and a Side Yard setback of zero (0) feet in lieu of the required eight (8) feet for a Corner Lot located in Residential, Single Family (RS-3) zoning, subject to the following conditions:

1. The Variance will be transferable and will run with title to the property for the lifetime of the proposed structure.
2. Approval of the Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Plan, or any other Agency having jurisdiction.
3. Approval is pursuant to site plan labeled as **Exhibit B**, submitted by applicant, and made a part of this application.
4. The applicant shall bring the lot into compliance with the Maximum Impervious Surface Ratio requirement of 70% pursuant to Comprehensive Plan Policy A.1.11.3 prior to approval of a Clearance Sheet for the requested carport.
5. The Variance shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Operations Division.
6. The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the recommendation and interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.
7. The application, supporting documents, conditions, and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.
8. The applicant, at the public hearing, has stated no objections to the proposed conditions.

This decision may be appealed to the St. Johns County Board of County Commissioners within thirty (30) days of the signing of this Order, pursuant to Section 9.07.03 of the Land Development Code.

Deed Restrictions, if any, are not affected by the actions of the Agency or this Order.

All applicable state or federal permits must be obtained before commencement of the development. Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

DATED THIS _____ DAY OF _____, 2024.

PLANNING AND ZONING AGENCY OF ST. JOHNS COUNTY FLORIDA

Chair/Vice-Chair

The undersigned Clerk to the Planning and Zoning Agency of St. Johns County, Florida certifies that the above Order of the Planning and Zoning Agency is a true and correct rendition of the Order adopted by said Agency as the same appears in the record of the Planning and Zoning Agency minutes.

Clerk
Growth Management Department

Date Filed

EXHIBIT A

**LOT 31, BLOCK C, ANASTASIA HILLS, ACCORDING TO THE PLAT THEROF
AS RECORDED IN MAP BOOK 3, PAGE 25, OF THE PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLORIDA**

PARCEL IDENTIFICATION NUMBER 177710-0310

Sq of lot: 4356
 House footprint: 1,053.61
 carport: 258.94
 Building coverage: 30.132%

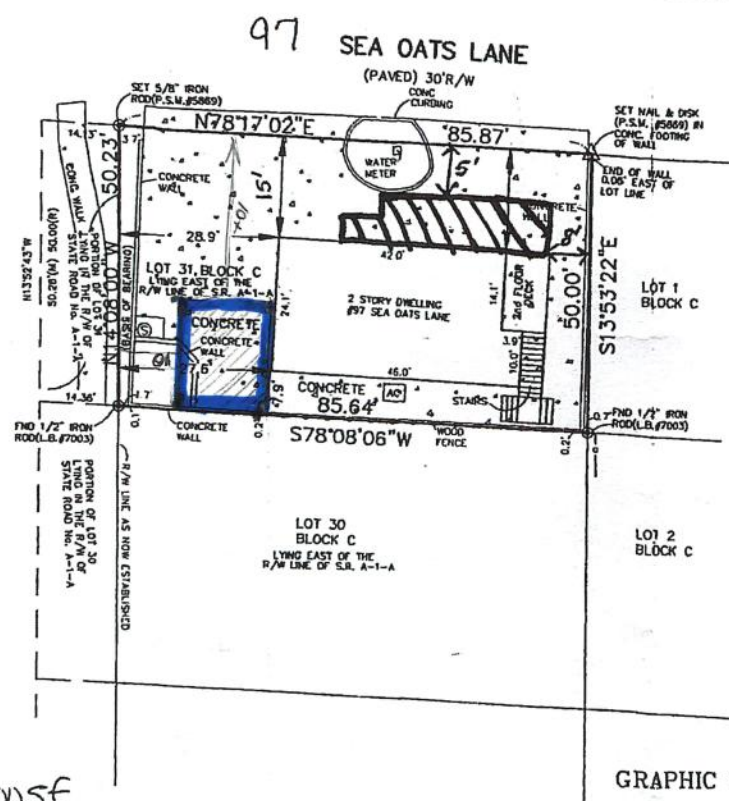
ROI-2835*1

MAP TO SHOW SURVEY OF

LOT 31, BLOCK C, ANASTASIA HILLS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 3, PAGE 25, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.



STATE ROAD A-1-A
 (PAVED) 100'R/W



SURVEYOR'S NOTES:

1. BUILDING AND ZONING REQUIREMENTS AND OR RESTRICTIONS ARE NOT REFLECTED OR DETERMINED BY THIS SURVEY.
2. NO UNDERGROUND UTILITIES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN.
3. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR, EXCEPT AS SHOWN, LEGAL DESCRIPTION PROVIDED BY CLIENT.
4. BEARING DATUM BASED ON THE EAST R/W LINE OF STATE ROAD No. A-1-A SAID LINE BEARS N 14°08'00\" W
5. THIS IS A BOUNDARY AND LOCATION SURVEY.
6. THIS PROPERTY LIES IN FLOOD ZONE "AE" ELB'S SHOWN ON THE FLOOD INSURANCE RATE MAP 12105C0392H MAP DATED 9/02/04, FOR ST. JOHNS COUNTY, FLORIDA.

LEGEND:

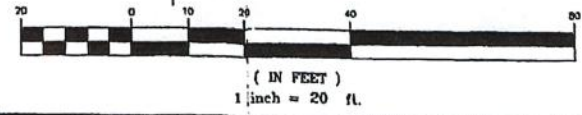
- | | |
|--------------------|---|
| FND. = FOUND | (NO ID) = NO IDENTIFICATION |
| CONC. = CONCRETE | P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER |
| R/W = RIGHT OF WAY | P.L.S. = PROFESSIONAL LAND SURVEYOR |
| S.R. = STATE ROAD | L.B. = LICENSED BUSINESS |
| (M) = MEASURED | AC = AIR CONDITIONER |
| (D) = DEED/RECORD | |

FIELD DATE: 05/15/2008
 I HEREBY CERTIFY THIS SURVEY EXCLUSIVELY TO:
 WILLIAM C. HALL AND KIMBERLY S. HALL
 WATSON TITLE SERVICES OF N. FL., INC.
 USAA FEDERAL SAVINGS BANK
 TFCOR

NOTES

- ① Addition of wheel chair lift on east side will not encroach into existing 8' setback.
- ② Proposed deck addition will not encroach into right-of-way.
- ③ Property currently connected to SSC utilities.

GRAPHIC SCALE



C.W. TURLINGTON
 PROFESSIONAL SURVEYING AND MAPPING
 P.O. BOX 824
 205-A, NORTH DANCY AVE.
 HASTINGS, FLORIDA, 32145 PH#904-692-1177

CERTIFICATION: I HEREBY CERTIFY, that the survey shown hereon was made under my direction and supervision and is correct to the best of my knowledge and belief and it meets minimum technical standards as set forth in chapter 1S1C17-5, Florida Administrative Code, pursuant to section 472.027, Florida Statutes.

C.W. Turlington

CECIL WESTLEY TURLINGTON, IS P.S.M. NO. 5569
 PROFESSIONAL SURVEYOR AND MAPPER

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DRAWN BY: C.W.T. JOB NO: 08-102

SCALE: 1" = 20' SHEET 1 OF 1

LOT SF 4300SF
 house 1416
 DECK HT 10'

Setbacks are measured to
 Furthest projection

ZVAR 2012-07



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Robert Schmidt
952 Windward Way
St. Augustine, FL 32080

FILE NUMBER: ZVAR 2023-33

LEGAL: Exhibit A

SITE PLAN: Exhibit B

PARCEL ID: 177710-0310

DATE OF HEARING: February 1, 2024

ORDER DENYING SPECIAL USE APPROVAL

The above referenced application for a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a Front Yard setback of ten (10) Feet in lieu of the required Twenty-Five (25) feet, and a Side Yard setback of zero (0) feet in lieu of the required eight (8) feet for a Corner Lot located in Residential, Single Family (RS-3) zoning, located specifically at 97 Sea Oates Lane, came before the Planning & Zoning Agency for public hearing on February 1, 2024.

FINDINGS OF FACT

Having considered the application, along with supporting documents; the Staff report prepared by staff; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

1. The Variance is not in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has not been submitted to support a hardship as defined by the Code.
2. The request is contrary to the public interest and is in conflict with surrounding development.
3. The request does not meet the criteria established by Section 10.04.02 of the Land Development Code.
4. The request is in conflict with the Future Land Use Map designation of Residential-C Coastal.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby denies the above referenced application for a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a Front Yard setback of ten (10) Feet in lieu of the required Twenty-Five (25) feet, and a Side Yard setback of zero (0) feet in lieu of the required eight (8) feet for a Corner Lot located in Residential, Single Family (RS-3) zoning.

This decision may be appealed to the St. Johns County Board of County Commissioners within thirty (30) days of the signing of this Order, pursuant to Section 9.07.03 of the Land Development Code.

Deed Restrictions, if any, are not affected by the actions of the Agency or this Order.

DATED THIS _____ DAY OF _____, 2024.

PLANNING AND ZONING AGENCY OF ST. JOHNS COUNTY FLORIDA

Chair/Vice-Chair

The undersigned Clerk to the Planning and Zoning Agency of St. Johns County, Florida certifies that the above Order of the Planning and Zoning Agency is a true and correct rendition of the Order adopted by said Agency as the same appears in the record of the Planning and Zoning Agency minutes.

Clerk
Growth Management Department

Date Filed

EXHIBIT A

**LOT 31, BLOCK C, ANASTASIA HILLS, ACCORDING TO THE PLAT THEROF
AS RECORDED IN MAP BOOK 3, PAGE 25, OF THE PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLORIDA**

PARCEL IDENTIFICATION NUMBER 177710-0310

ATTACHMENT 3
CORRESPONDENCE

Trevor Steven

From: Zach Schmidt <precisiondesignflorida@gmail.com>
Sent: Wednesday, November 22, 2023 9:16 AM
To: Trevor Steven
Subject: Fwd: Will Hall's project

Sent from my iPhone

Begin forwarded message:

From: Frank Clark <frankclark1@icloud.com>
Date: November 21, 2023 at 10:21:18 PM EST
To: Zach Natalia Schmidt <Precisiondesignflorida@gmail.com>
Cc: will Hall <whallstaug@yahoo.com>
Subject: Will Hall's project

Hello:

My name is Frank Clark and I am the neighbor who lives directly behind Will to the east. I am aware of the carport project he wishes your company to construct and the variance needed by the county to approve of the project. As owners of the house directly behind Will, I assure you that neither my wife Mary or myself have any issues with the carport project as explained to us.

Sincerely,

Frank Clark
5501 Pelican Way
St Augustine, FL 32080
Phone: 904-461-7203
Preferred email response: fclarkhia@aol.com

CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you believe this message is fraudulent or malicious, please contact MIS for further assistance.

Trevor Steven

From: Zach Schmidt <precisiondesignflorida@gmail.com>
Sent: Saturday, January 13, 2024 9:38 PM
To: Trevor Steven
Subject: Fwd: Natalia Schmidt/Will Hall project

Sent from my iPhone

Begin forwarded message:

From: Nolan Baker <nolanbaker@ymail.com>
Date: January 12, 2024 at 11:09:52 PM EST
To: tsteven@sjcfl.us, Zach Schmidt <precisiondesignflorida@gmail.com>
Subject: **Re: Natalia Schmidt/Will Hall project**

Thank you for sharing, seems like it will be a great addition.

No issues with it at all.

On Friday, January 12, 2024 at 10:29:28 AM EST, Zach Schmidt <precisiondesignflorida@gmail.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: Zach Schmidt <precisiondesignflorida@gmail.com>
Date: January 12, 2024 at 10:27:57 AM EST
To: Nolan Baker <nolanbaker@ymail.com>
Subject: **Re: Natalia Schmidt/Will Hall project**

Thank your for your response.

Yes, as soon as we receive approval for the project, we can do it in February.

Construction time: no longer than two weeks.

P.S. Is this indicating support for the Zoning Variance from the person who owns 480 Island View Circle? Does the same person also own 5512 A1A S? I will likely need some correspondence directly from them if I am going to be able to use it in my Staff Report.

Regards,

Trevor's e-mail:

tsteven@sjcfl.us

Trevor Steven
Planner

On Jan 11, 2024, at 3:36 PM, Nolan Baker <nolanbaker@ymail.com> wrote:

I haven't seen any designs yet or received an expectation of construction time.

Pending that insight, I have every interest in supporting my amazing neighbor.

On Monday, January 8, 2024 at 04:52:13 PM EST, Zach Schmidt <precisiondesignflorida@gmail.com> wrote:

Greetings Mr. Baker,

My name is Robert Schmidt and I am a project manager for a small carport project at 97 Sea Oats Lane for Will Hall. As you may already know, this project requires us to apply for a zoning variance through the county in which they are seeking Mr. Hall's nearby neighbors to voice any objection to this at a hearing scheduled for Feb. 1st.

I am sending this email to confirm that you are agreeable for your neighbor Mr Hall to proceed with his carport if approved. Please respond if you are in agreement to this and I will be able to save your email as this would help us at our hearing next month.

Feel free to let me know if you have any questions.

Thanks in advance,
Robert Schmidt
Precision Homes, Inc.
(904) 687-8708

Sent from my iPhone

CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you believe this message is fraudulent or malicious, please contact MIS for further assistance.