

3

**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 2023-37 Whitley AFU

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

PRESENTER: Geoffrey C. Batteiger

BACKGROUND INFORMATION:

Request for a Zoning Variance to Section 2.02.04.B.16.d of the Land Development Code to allow for an Accessory Family Unit to be (52%) of the square footage of the main use Structure which exceeds the existing thirty five percent (35%) allowable square footage, located at 9045 Reid Packing House Road.

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to approve ZVAR 2023-37 Whitley AFU, based on eight (8) conditions and five (5) findings of fact as provided in the Staff Report.

DENY: Motion to deny ZVAR 2023-37 Whitley AFU, based on four (4) findings as provided in the Staff Report.



Growth Management Department
Planning Division Report
Application for Zoning Variance
ZVAR 2023-37 Whitley AFU

To: Planning and Zoning Agency

From: Trevor Steven, Planner

Date: January 18, 2024

Subject: **ZVAR 2023-37 Whitley AFU**, a request for a Zoning Variance to Section 2.02.04.B.16.d of the Land Development Code to allow for an Accessory Family Unit to be (52%) of the square footage of the main use Structure which exceeds the existing thirty five percent (35%) allowable square footage, located at 9045 Reid Packing House Road.

Applicant: Geoffrey Batteiger

Owner: Chris and Lisa Whitley

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

Commissioner District: District 2

SUGGESTED MOTION/ACTION

APPROVE: Motion to approve **ZVAR 2023-37 Whitley AFU** based upon five (5) findings of fact and eight (8) conditions as provided in the Staff Report.

DENY: Motion to deny **ZVAR 2023-37 Whitley AFU** based upon four (4) findings of fact as provided in the Staff Report.

MAP SERIES

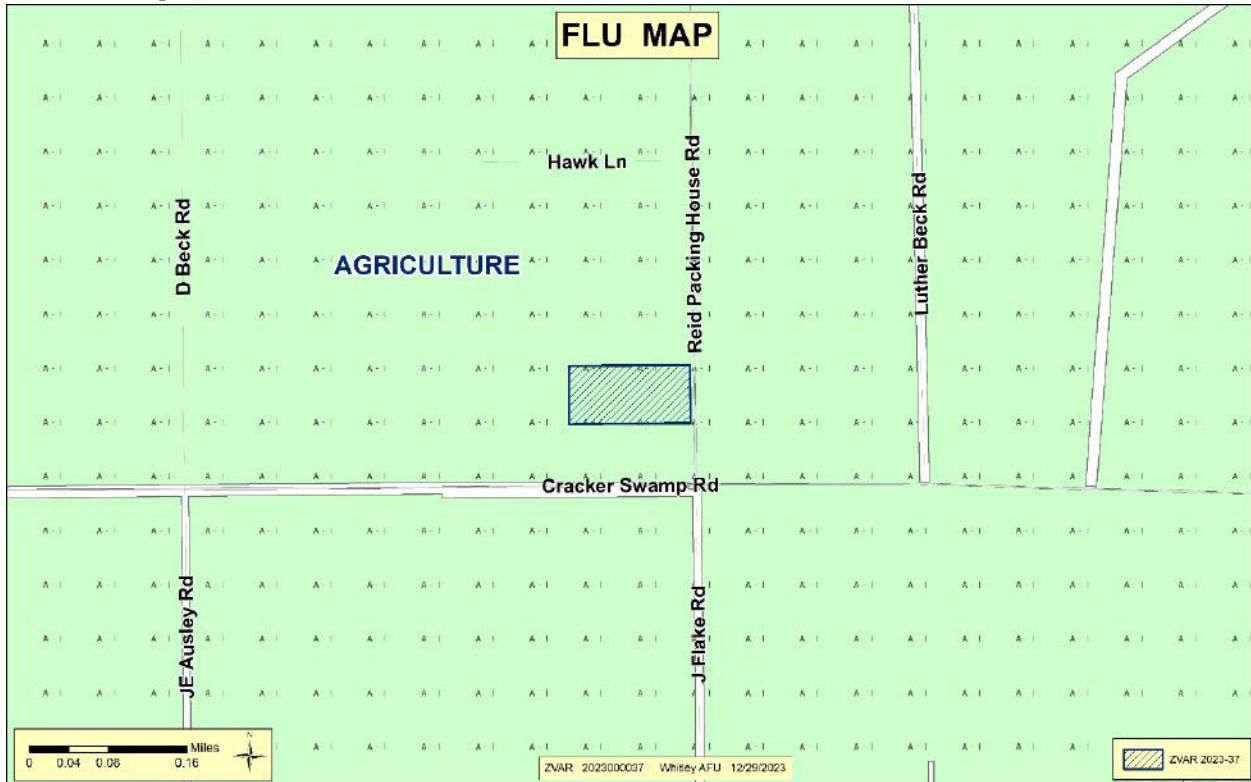
Location: The subject property is located on the northwest corner of Cracker Swamp Road and Reid Packing House Road.



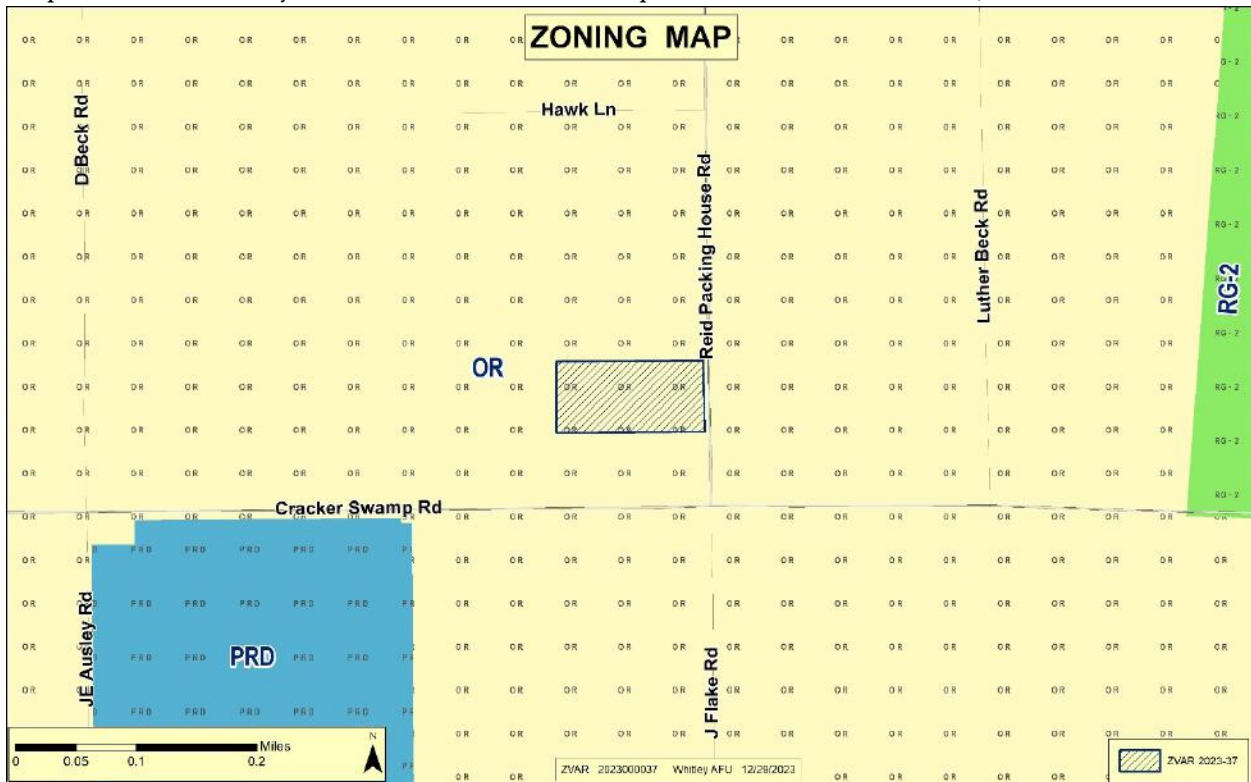
Aerial Imagery: The subject property is developed with a double wide mobile home, along with multiple accessory structures.



Future Land Use: The subject property and surrounding properties are designated Agriculture on the Future Land Use Map.



Zoning District: The subject property and adjacent properties on all sides are zoned Open Rural (OR). Properties in the vicinity include Planned Rural Development (PRD) and Residential, General (RG-2)



APPLICABLE REGULATIONS

LDC, Section 10.04.02, Zoning Variance:

The St. Johns County Planning and Zoning Agency (PZA) may grant Zoning Variances which are found to not be contrary to the public interest and owing to special conditions, a literal enforcement of this code will result in unnecessary and undue Hardship.

Art. 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.

LDC, Table 6.01, Schedule of Area, Height, Bulk and Placement Standards

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	Max Height of Structures
OR	100 feet	1 acre	35%	N/A	70%	25/10/10 feet	35 feet

LDC, Section 2.02.04 B.16

Accessory Family Unit shall be considered an allowable Accessory Use in all residential and OR zoning districts, subject to continual compliance with the following:

- a. An Accessory Family Unit is limited to Family members of the owner(s) of the main use Structure which has been declared and continues to be declared as homestead by the Property Appraiser.
- b. An Accessory Family Unit shall be non-rental and shall not be sold separately from the main use Structure.
- c. An Accessory Family Unit shall be located on the same Lot as the main use Structure and may not be subdivided onto a separate Lot.
- d. An Accessory Family Unit may not exceed the lesser of thirty five percent (35%) of the square footage of the main use Structure, up to two thousand (2,000) square feet of living quarters, except that the Accessory Family Unit may be at least eight hundred (800) square feet.
- e. An Accessory Family Unit shall meet the same required Yards as the main use Structure.
- f. If a Manufactured/Mobile Home is utilized as an Accessory Family Unit, the minimum Lot requirement shall be two (2) acres and shall only be allowed on the property that is properly zoned for the use of a Manufactured/Mobile Home.
- g. The Accessory Family Unit shall provide adequate parking as reasonably determined by the County Administrator.
- h. An Accessory Family Unity must comply with all other zoning and permitting requirements.
- i. An Accessory Family Unit shall not be considered a separate Dwelling Unit for purposes of the Land

Development Code and Comprehensive Plan provided all the above requirements are met and the Accessory Family Unit is in continual compliance. Discontinuance of the Use as an Accessory Family Unit will require compliance with all requirements of the Land Development Code and laws and regulations of the County.

j. When an Accessory Family Unit is contained within the main use Structure, it shall be constructed in such manner as to provide permanent interior accessibility from the main use portion for the Structure.

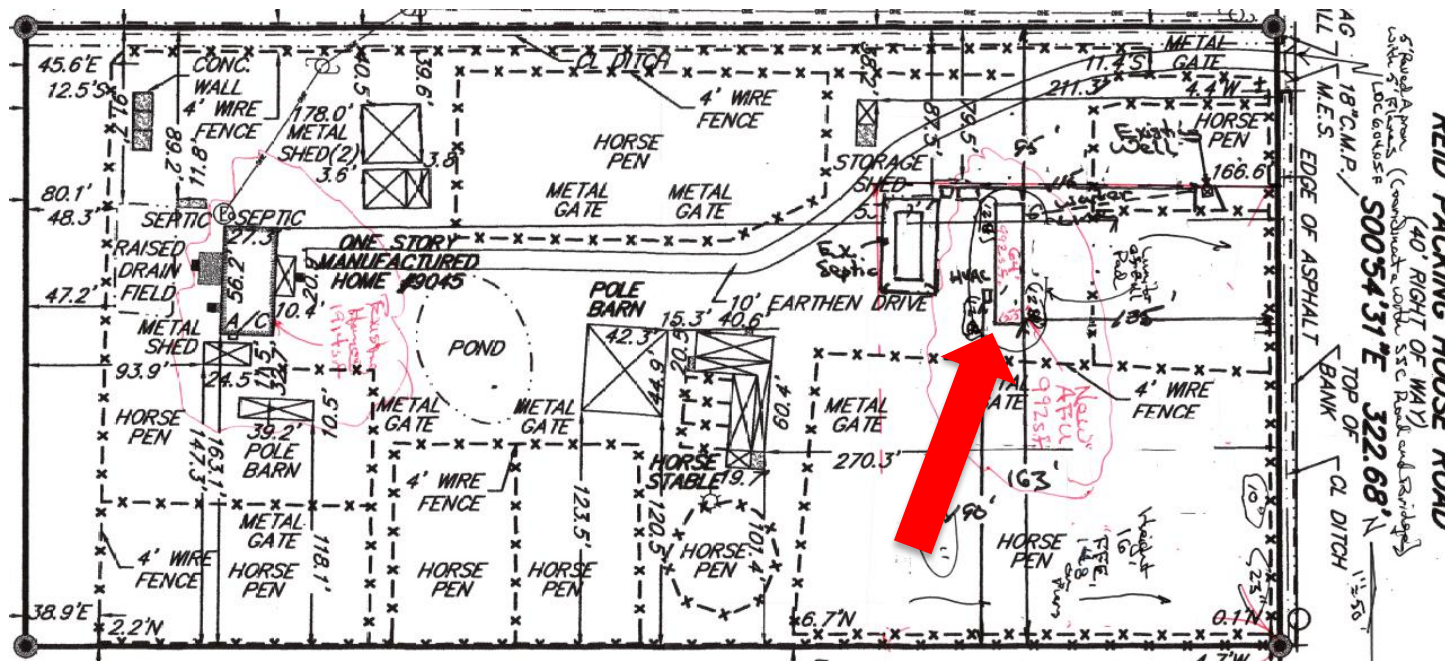
APPLICATION SUMMARY

The Applicant is requesting relief from Section 2.02.04(B)(16).(d.) of the Land Development Code (LDC) to allow for an Accessory Family Unit (AFU) to be (52%) of the square footage of the main use Structure which exceeds the maximum allowed thirty-five percent (35%) of the square footage of the main use Structure.

Based on the narrative and application materials, the applicant is proposing the AFU in order to live in close proximity to their mother, who has existing medical conditions. The full narrative can be found in **Application and Supporting Materials**.

The St. Johns County Property Appraiser’s website lists the square footage of the existing main use structure on the property as 1,914 sq. ft. The applicant is proposing to install a 992 sq. ft mobile home to be utilized as an Accessory Family Unit. Based on this information, the request to exceed 35% of the square footage requirement results in a request for an AFU of approximately 52% of the size of the main use structure.

Proposed Site Plan (AFU location depicted with arrow):



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:

There was an existing single wide mobile home on the property that was utilized as an AFU that is intended to be replaced with this Zoning Variance / Accessory Family Unit application. This mobile home has been removed within the past few years, per the applicant. The property owner states in their narrative (**Application and Supporting Documents**) that the existing single wide mobile home was in poor enough shape that it warranted being replaced instead of repaired. The property owner further states that although

the size will increase (from 816 sq ft to 992 sq ft), the number of bedrooms will decrease (3 to 2), and ultimately the request wouldn't be contrary to public interest.

Both the existing and proposed structures appear to meet the placement standards of LDC Table 6.01 for Open Rural Zoning. The proposed mobile home, which would be utilized as the Accessory Family Unit, appears to be over 100' from the front property line, and over 95' feet from the closest side property line.

The proposal appears to adhere to all ten AFU criteria outlined in 2.02.04.16.B, with the exception of exceeding 35% of the size of the main use structure for which the Variance is being requested for (2.02.04.B.16.d). There have been other instances of Zoning Variances for AFUs to exceed the maximum size limit that have been approved by this Agency within the past couple years (ZVAR 2022-01, ZVAR 2022-22, ZVAR 2023-03).

2023 Aerial Imagery with proposed AFU location in red:



Staff review of the general area shows that there are numerous examples of properties with multiple dwellings situated on them, most of which are mobile home that have existed prior to adoption of the Land Development Code in 1999 and/or the Comprehensive Plan in 1990. The Variance appears to be consistent with the character of the area and previous Zoning Variance approvals; however, each application is decided upon based on its own merits.

CORRESPONDENCE/PHONE CALLS

As of the writing of this staff report, Staff has received no correspondence or phone calls regarding this request.

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 2023-37 Whitley AFU**, a request for a Zoning Variance to Section 2.02.04.B.16.d of the Land Development Code to allow for an Accessory Family Unit to be (52%) of the square footage of the main use Structure which exceeds the existing thirty five percent (35%) allowable square footage, located at 9045 Reid Packing House Road, 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 Variance shall allow for An Accessory Family Unit not to exceed up to 52% of the main use structure.
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 Agriculture-Intensive.

(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 2023-37 Whitley AFU**, a request for a Zoning Variance to Section 2.02.04.B.16.d of the Land Development Code to allow for an Accessory Family Unit to be (52%) of the square footage of the main use Structure which exceeds the existing thirty five percent (35%) allowable square footage, located at 9045 Reid Packing House Road:

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 Agriculture-Intensive.

(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: 9041 Reid Packing House Rd, Hastings, FL 32145

Date: December 27, 2023 Property Tax ID No: 0494000010

Project Name: Accessory Family Unit Variance

Property Owner(s): Chris & Lisa Whitley Phone Number: 904-295-6130

Address: 9045 Reid Packing House Road Fax Number:

City: Hastings State: FL Zip Code: 32145 e-mail: lwhitley@firstcoastaccounting.com

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

Applicant/Representative: Geoffrey C Batteiger RS Phone Number: 386-937-3178

Address: PO Box 988 Fax Number:

City: East Palatka State: FL Zip Code: 32131 e-mail: percman2@gmail.com

Property Location: 9041 & 9045 Reid Packing House Rd, Hastings, FL 32145

Major Access: County Rd 13 Size of Property: 4.88 Ac Cleared Acres (if applicable): 4.88

Zoning Class: Open Rural No. of lots (if applicable): 1 Overlay District (if applicable): n/a

Water & Sewer Provider: Well and Septic Future Land Use Designation: AI

Present Use of Property: Residential Proposed Bldg. S.F.: 992

Project Description (use separate sheet if necessary)

Replace current 812 square foot mobile home with a new 992 Square Foot mobile home to be used as Accessory Family Unit for father of Chris Whitley.

The existing primary residence has 1914 total square feet. 35 % of that is 670 square feet-the AFU rule provides for a minimum AFU of 800 square feet. This variance is to allow for a 992 square foot AFU.

"Request for a Zoning Variance to Section 2.02.04.B.16.d of the Land Development Code to allow for an Accessory Family Unit to exceed thirty five percent (35%) of the square footage of the main use Structure."

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

Printed or typed name(s): Chris Whitley



Prepared by:
Jalene Paje
Land Title of America, Inc.
2495 US Highway 1 South
Saint Augustine, FL 32086
File Number: 22-1107-CB

Parcel ID: 049400-0010

Warranty Deed

This Indenture made this 15th day of July, 2022 BETWEEN Gary P. Monsour, Individually and as Trustee of Gary P. Monsour Revocable Trust, conveying his non-homestead property, GRANTOR*, whose post office address is 5241 Don Manuel Road, Elkton, FL 32033, and Lisa Whitley and Chris Whitley, wife and husband, GRANTEE*, whose post office address is 9045 Reid Packing House Road, Hastings, FL 32145.

Witnesseth, that said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's heirs forever the following described land located in the County of St. Johns, State of Florida, to-wit:

The North 1/2 of the Southeast 1/4 of Lot 12, Estes & Erwin Subdivision, according to the Map thereof, recorded in Map Book 1, Page(s) 106, of the Public Records of Saint Johns County, Florida.

TOGETHER WITH that certain Year: 2006, Make: Homes of Merit, Size: double-wide mobile home, VIN Number(s) FLHML3F163730213A and FLHML3F163730213B, with title numbers: 94836215 and 94836069, which is permanently affixed hereto.

Subject to Covenants, Restrictions, Easements and Reservations of record, if any; However, this reference does not operate to reimpose same; Subject to Zoning Ordinances that may affect subject property; Subject to Taxes for the year 2022 and Subsequent Years.

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

*Singular and plural are interchangeable, as context requires.

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

Gary P. Monsour Revocable Trust

Gary P. Monsour
Gary P. Monsour, Trustee

WITNESSES

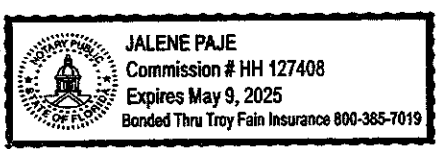
Jalene Paje
Witness: Jalene Paje

Cindy Brown
Witness: Cindy Brown

State of Florida
County of Saint Johns

THE FOREGOING INSTRUMENT was acknowledged before me by means of physical presence or online notarization on **July 14, 2022** by **Gary P. Monsour, Trustee of Gary P. Monsour Revocable Trust** who is or are personally known to me or has or have produced Driver's License(s) as identification.

[Seal]



Jalene Paje
Notary Public: Jalene Paje
My commission expires: May 9, 2025



Owner's Authorization Form

Geoffrey C Batteiger RS

is hereby authorized TO ACT ON BEHALF OF

Chris and Lisa Whitley

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:

Accessory Family Unit

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

Chris Whitley

Print Name

Chris Whitley

Signature of Owner

Lisa Whitley

Print Name

Lisa Whitley

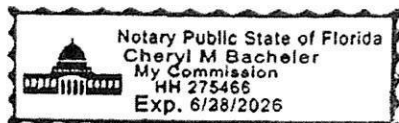
Telephone Number

904-295-6130

STATE OF FLORIDA

COUNTY OF St Johns

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 27th day of December, 2023, by Known as Lisa + Chris Whitley



Cheryl Bachele
Notary Public, State of Florida
Name: Cheryl Bachele
My Commission Expires: 6-28-2026
My Commission Number is: HH275466

Personally Known X OR Produced Identification

Type of Identification Produced 20-6

Saint Johns County Planning and Zoning

To Whom it may concern:

We are writing to provide the reasoning and justification for the Zoning Variance request. We purchased this property in 2022 because it had already been approved by the county for multiple residences. The fact that it already contained two homes made it the perfect property since we planned to move Chris Whitley's father into the second home.

The existing single wide mobile home was not in good shape so we decided to replace instead of repair it. While shopping for the replacement we researched SJC code and found no language stating a maximum size requirement. The new mobile home is slightly larger than the old unit in square feet but it is smaller because it is two bedrooms instead of three making it suitable for fewer inhabitants.

Approval of this variance request will not be contrary to public interest because we have almost five acres and are simply replacing an old unit with a new unit. The new unit will be placed beyond one hundred feet from the road, it will use the existing driveway, power pole, septic system, and well. The new mobile home will be used to house an immediate family member which is in line with the existing Accessory Family Unit approval.

ATTACHMENT 2
DRAFT FINAL ORDERS
APPROVAL/DENIAL



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Geoffrey C. Batteiger
PO Box 988
East Palatka, FL 32131

FILE NUMBER: ZVAR 2023-37

LEGAL: Exhibit A

SITE PLAN: Exhibit B

PARCEL ID: 049400-0010

DATE OF HEARING: February 1st, 2024

ORDER GRANTING ZONING VARIANCE REQUEST

The above referenced application for a Zoning Variance to Section 2.02.04.B.16.d of the Land Development Code to allow for an Accessory Family Unit to be (52%) of the square footage of the main use Structure which exceeds the existing thirty five percent (35%) allowable square footage, located at 9045 Reid Packing House Road, came before the Planning & Zoning Agency for public hearing on February 1st, 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 Agriculture-Intensive.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the request for a Zoning Variance to Section 2.02.04.B.16.d of the Land Development Code to allow for an Accessory Family Unit to be (52%) of the square footage of the main use Structure which exceeds the existing thirty five percent (35%) allowable square footage, located at 9045 Reid Packing House Road, 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 Variance shall allow for An Accessory Family Unit not to exceed up to 52% of the main use structure.
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

The North 1/2 of the Southeast 1/4 of Lot 12, Estes & Erwin Subdivision, according to the Map thereof, recorded in Map Book 1, Page(s) 106, of the Public Records of Saint Johns County, Florida.

REID PACKING HOUSE ROAD

(40' RIGHT OF WAY)

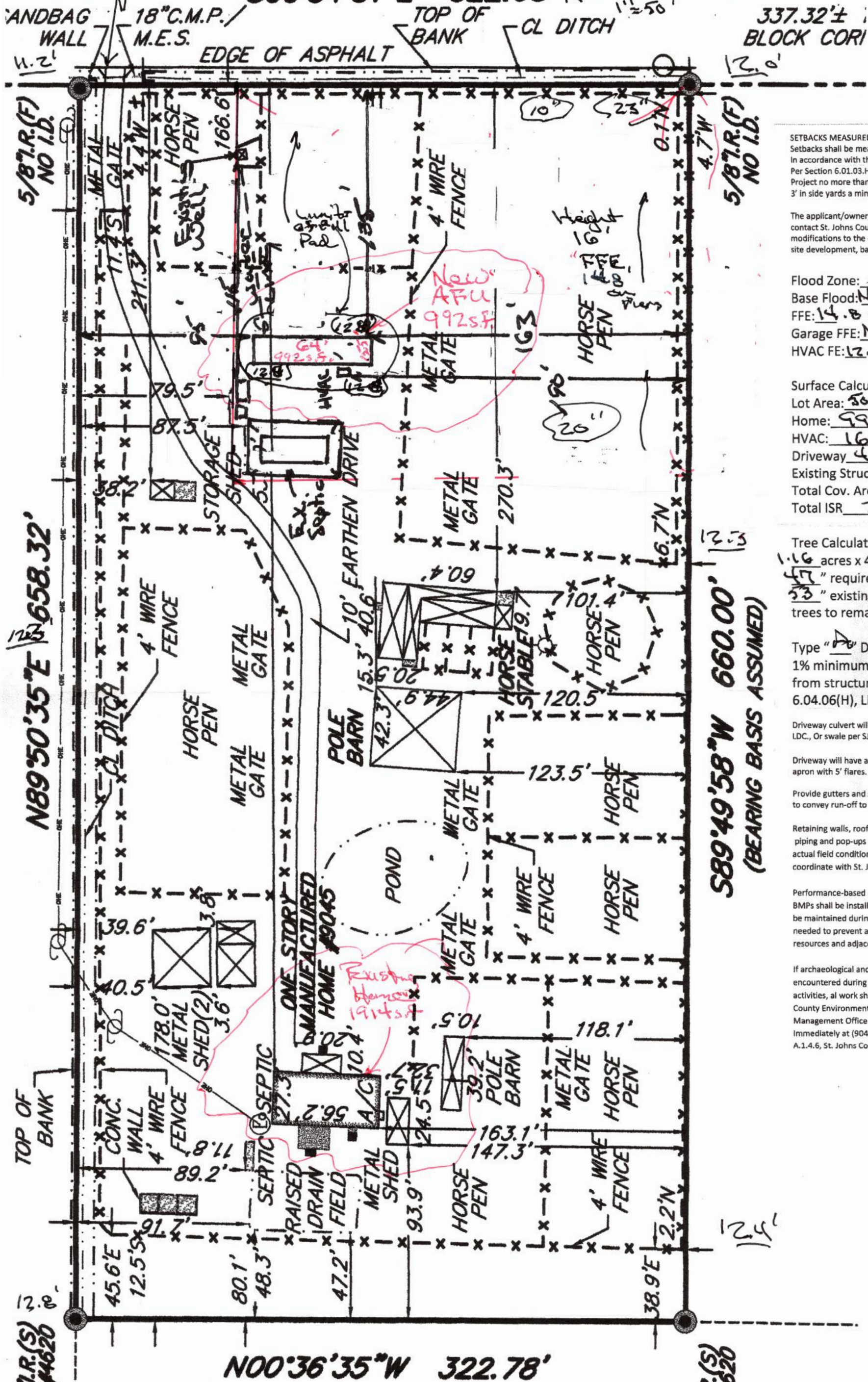
5' Paved Apron with 5' Flares (Coordinate with SSC Road and Bridge)

LDC 6.04.05F

S00°54'31"E 322.68' N

049 400 0010

EXHIBIT B



SETBACKS MEASURED TO FURTHEST PROJECTION
Setbacks shall be measured per SJC 6.01.00, LDC and in accordance with the definition of "yard" (Article XII). Per Section 6.01.03.H.1 certain architectural features Project no more than 3' in front and rear yards and 3' in side yards a minimum of 8' in width.

The applicant/owner/contractor shall immediately contact St. Johns County lot grading staff should modifications to the drainage plan be required during site development, based on actual field conditions.

Flood Zone: **X**
Base Flood: **NA** NAVD 88
FFE: **14.8 on Piers**
Garage FFE: **NA**
HVAC FE: **12.8**

Surface Calculations:
Lot Area: **56,400** s.f. *Remain from*
Home: **992** s.f. **2%**
HVAC: **16** s.f.
Driveway: **400** s.f.
Existing Structures: **NA** s.f.
Total Cov. Area: **1408** s.f.
Total ISR: **3%**

Tree Calculations:
1.16 acres x 40' Developed Area
57" required
33" existing trees to remain

Type **A** Drainage
1% minimum slope from structure per 6.04.06(H), LDC

Driveway culvert will be installed per 6.04.07.L.3, LDC, Or swale per SJC Road & Bridge.

Driveway will have a minimum 5' paved apron with 5' flares.

Provide gutters and swales as necessary to convey run-off to right-of-way.

Retaining walls, roof gutters with underground piping and pop-ups may be required based on actual field conditions, the contractor should coordinate with St. Johns County Lot Grading Staff.

Performance-based erosion and sediment control BMPs shall be installed immediately prior to, and be maintained during and after construction as needed to prevent adverse impacts to the water resources and adjacent lands.

If archaeological and historical resources are encountered during ground disturbing activities, all work shall halt and the St. Johns County Environmental Division, Historic Resource Management Office shall be contacted immediately at (904) 209-0623, Objective A.1.4.6, St. Johns County Comp Plan

S89°49'58"W 660.00'
(BEARING BASIS ASSUMED)

N89°50'35"E 658.32'

N00°36'35"W 322.78'

5/87.R.(S) PSM#4620

5/87.R.(S) PSM#4620



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Geoffrey C. Batteiger
PO Box 988
East Palatka, FL 32131

FILE NUMBER: ZVAR 2023-37

LEGAL: Exhibit A

SITE PLAN: Exhibit B

PARCEL ID: 049400-0010

DATE OF HEARING: February 1st, 2024

ORDER DENYING SPECIAL USE APPROVAL

The above referenced application for a Zoning Variance to Section 2.02.04.B.16.d of the Land Development Code to allow for an Accessory Family Unit to be (52%) of the square footage of the main use Structure which exceeds the existing thirty five percent (35%) allowable square footage, located at 9045 Reid Packing House Road, came before the Planning & Zoning Agency for public hearing on February 1st, 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 in 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 Agriculture-Intensive.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby denies the Zoning Variance to Section 2.02.04.B.16.d of the Land Development Code to allow for an Accessory Family Unit to be (52%) of the square footage of the main use Structure which exceeds the existing thirty five percent (35%) allowable square footage, located at 9045 Reid Packing House Road.

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

The North 1/2 of the Southeast 1/4 of Lot 12, Estes & Erwin Subdivision, according to the Map thereof, recorded in Map Book 1, Page(s) 106, of the Public Records of Saint Johns County, Florida.