



Minutes
Regular Meeting of the St. Johns County
PONTE VEDRA ZONING AND ADJUSTMENT BOARD

Monday, May 1st, 2023 at 3:00:00 PM

The regularly scheduled public meeting of the Ponte Vedra Zoning and Adjustment Board was held on Monday, May 1st, 2023 at 3:00 p.m. in the County Auditorium at the St. Johns County Administrative Complex located at 500 San Sebastian View, St. Augustine, Florida.

MEMBERS PRESENT:

- Megan McKinley - Chair
- John Patton – Vice Chair
- Richard Ensslen
- Chip Greene
- Samuel Crozier

MEMBERS ABSENT:

- Jane Rollinson

STAFF PRESENT: Lex Taylor, Sr. Assistant Attorney; Christine Valliere, Assistant County Attorney; Teresa Bishop, AICP, Planning Division Manager; Dominique Wintons, Application Review Technician; Brandon Tirado, Planner; Debbie Willis, GIS Systems Analyst; Thomas Stallings, Communications Specialist; Marie Colee, Assistant Program Manager.

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- Megan McKinley, Chair called the meeting to order at 3:00PM.
 - Reading of the Public Notice statement by John Patton.
 - Megan McKinley mentioned that there is still a vacancy on the PVZAB. One person who was invited to join the Board decided not to. That the Board will be looking at the information for any future applicants. That for official action to be taken four of the existing five members need to vote in unison.

(04:10)

- Motioned by Patton, seconded by Crozier, carries 5/0 to approve meeting minutes for PVZAB 8/2/2021, 9/13/2021 and 11/1/2021.

(04:39)

- Public Comments:

Kitty Switkos (111 Ocean Course Drive, Ponte Vedra Beach, FL 32082)

Suggesting several items be considered at the next workshop:

1. Builder signs and warning signs. Recommending limiting to a one square foot sign, and just one per residential lot in the zoning district.

2. Rules are needed to address chain link fences and their aesthetics especially in the overlay district where they are not permitted.

3. Rules needed to address trend of roof top living. There is now a trend of turning attics into living space on top floor of homes that have 35 feet limits.

AGENDA ITEMS:

District 4

1. PLAT 2023-09 Eckstein Estate. The subject of this item is for the recommendation of Final Plat approval for Eckstein Estate(replat). The subject property is located east of Ponte Vedra Boulevard and south of the Duval/St. Johns County line. This plat includes 1.12 acres and 1 single-family lot. This project consists of re-platting Lot 5 of Block 62 within the plat of Ponte Vedra (Map Book 5, Page 48) to combine 10 feet of the adjacent lot and relocate the building restriction line. This project is not within a planned unit development and no roads are proposed. Additionally, the proposed lot will meet minimum lot requirement specified for R-1-B zoning and minimum Comprehensive Plan requirements for properties with a Residential-B future land use designation.

Staff: Kelly Schley, Application Review Supervisor

Ex parte communication declared by the Agency:

Ensslen: Drove by the property and walked around it.

Patton: Familiar with the property. Ms. Avery-Smith called to confirm if he had the packet. Had no questions.

McKinley: Spoke to Ms. Avery-Smith who answered all questions. Visited the site twice.

Crozier: Received a call from Ms. Avery-Smith. Wasn't able to connect. Visited the site.

Greene: Visited the site and spoke to Ms. Avery-Smith.

Presenter: Ellen Avery-Smith, Rogers Towers, P.A. (100 Whetstone Place, St Augustine) presented on behalf of the Ekstein Family.

Further discussion occurred between the Agency and the presenter.

(18:38)

Motion by Patton, seconded by Crozier to recommend approval of PLAT 2023-09 Eckstein Estate, based on five (5) findings of fact, as provided in the Staff Report.

FINDINGS:

1. The Request was fully considered after public hearing with legal notice as required by law.
2. The Request is consistent with the applicable portions of the St. Johns County Comprehensive Plan, Ordinance 2010-38, as amended.
3. The request is consistent with the applicable portions of the Ponte Vedra Zoning District Regulations, Ordinance 2022-21, as amended.
4. The Request is consistent with the applicable portions of the St. Johns County Land Development Code, Ordinance 99-51, as amended.
5. The request does not adversely affect the public health, welfare or safety of the surrounding community.

2. PVZAR 2023-01 35 Marsh Dunes Place. Request for a Zoning Variance to Section III.B.1 of the PVZDR to allow for a second and third Front Yard setback of 30 feet in lieu of the 40-foot requirement in R-1-B zoning to accommodate construction of a singlefamily home.

Staff: Brandon Tirado, Planner

Ex parte communication was declared by the Agency.

Ensslen: Patton: Drove by the property. Did not speak to anyone.

McKinley: Visited the site. Had communication with the County with regard to a meeting in 2017 that referred to the platting of the entire area. At that point in time, the developers, in order to avoid having to pay for a bond during the development, requested that we approve their plat. As part of the conversation, during that meeting, it was discussed that if we did approve the plat, that the property would not be able to apply for any future variances. Spoke to the County attorney who said that language was not put into the final ruling. Yet, if you look at the meeting discussions, and in the Staff report, that was part of the conversation.

Crozier; Greene: Visited the site and did not speak to anyone.

Presenter: Hassan Hosseini, Owner (35 Marsh Dunes Place) presented reasons for the request for a set-back of 30 feet in lieu of a 40 foot requirement.

Further discussion occurred between the Agency and the presenter.

Question arose from the Agency as whether or not the set back is the same for a private road or a county public road.

Staff: (Valliere): Growth Management has indicated it is the same set back requirement for a private road and a public road.

(50:35)

Motion by Patton, seconded by Crozier, carries 4/1 (McKinley dissented), to approve PVZAR 2023-01 35 Marsh Dunes Place, based on four (4) findings of fact and subject to five (5) conditions as listed in the Staff Report.

FINDINGS:

1. The request is in compliance with Section 1 of the Ponte Vedra Zoning District Regulations defining a Variance. Competent and substantial evidence has been submitted to support a hardship, as defined by the Regulations.
2. The request is not contrary to the public interest and is not in conflict with the surrounding development.
3. The request meets the criteria established in Section XII.J.1 of the Ponte Vedra Zoning District Regulations pertaining to Zoning Variances.
4. The request is not in conflict with the Goals, Objectives, and Policies of the St. Johns County Comprehensive Plan.

CONDITIONS:

1. The Variance will be transferable and apply to the proposed site plan as submitted for this Variance. Should the property be conveyed, the requested relief will run with the property as commenced.
The specific Variance relief provides for a 30-foot front setback for the property's northern and western Front Yards.

2. Approval of the Variance is limited to relief from the specific requested provisions and does not release the project from compliance with all other relevant requirements of the Ponte Vedra Zoning District Regulations, St. Johns County Land Development Code, Comprehensive Land Use Plan and any other Agency having jurisdiction. All technical requirements will be reviewed for compliance prior to Clearance Sheet approval.
3. 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 right granted herein shall become null and void. Commencement shall be defined as issuance of a Clearance Sheet by the St. Johns County Growth Management Department allowable only by the approval of this zoning variance.
4. The Site Plan (Exhibit B), 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.
5. The applicant, at the public hearing, has stated no objections to the proposed conditions.

District 4

3. PVZAR 2023-04 Hodge Residence (1154 Ponte Vedra Blvd). Request for a Zoning Variance to Section VIII.N.2 of the Ponte Vedra Zoning Regulations to allow for a retaining wall to exceed the four (4) foot height requirement in R-1-B Zoning.

Ex parte communication declared by the Agency.

Ensslen; Patton; McKinley; Crozier; Greene: All visited the site, and did not speak to anyone.

Presenter: Thomas Plocharczyk (Marcus Allen Homes). Applicant presented the request for a zoning variance to protect two live oaks.

Various discussion occurred between the Agency and the presenter.

(1:26:50)

Motion by Patton, seconded by Crozier, carries 5/0, to approve PVZAR 2023-04 Hodge Residence (1154 Ponte Vedra Blvd), based on four (4) findings of fact and subject to five (5) conditions as listed in the Staff Report. Added to that, the retaining wall will be a maximum of 10 feet in height for approximately 25 feet in length, and tapered down on either side, for approximately 30 feet on either side. And provide efforts to have screening from A1A, landscaping or otherwise.

FINDINGS:

1. The request is in compliance with Section 1 of the Ponte Vedra Zoning District Regulations defining a Variance. Competent and substantial evidence has been submitted to support a hardship, as defined by the Regulations.
2. The request is not contrary to the public interest and is not in conflict with the surrounding development.
3. The request meets the criteria established in Section XII.J.1 of the Ponte Vedra Zoning District Regulations pertaining to Zoning Variances.
4. The request is not in conflict with the Goals, Objectives, and Policies of the St. Johns County Comprehensive Plan.

CONDITIONS:

1. The Variance will be transferable and apply to the proposed site plan as submitted for this Variance. Should the property be conveyed, the requested relief will run with the property as commenced.
2. Approval of the Variance is limited to relief from PVZDR Section VIII.N.2, to allow a retaining wall be constructed at a maximum of ten (10) feet in height for approximately Twenty-five (25) feet in length and taper down on either side for approximately thirty (30) feet on either side , as depicted on the site plan, and does not release the project from compliance with all other relevant requirements of the Ponte Vedra Zoning District Regulations, St. Johns County Land Development Code, Comprehensive Land Use Plan and any other Agency having jurisdiction. All technical requirements will be reviewed for compliance prior to Clearance Sheet approval.
3. The Applicant, and successors in interest, are required to install and maintain landscaping along the exposed areas of the retaining wall visible from A1A.
4. 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 right granted herein shall become null and void. Commencement shall be defined as issuance of a Clearance Sheet by the St. Johns County Growth Management Department allowable only by the approval of this zoning variance.
5. The Site Plan (Exhibit B), 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.
6. The applicant, at the public hearing, has stated no objections to the proposed conditions.

(1:28:00)

• **STAFF REPORT:**

Brandon Tirado, Planner: The advertisement for the new Ponte Vedra Zoning and adjustment Board member has been taken down. Applicants information will be handed out to the Agency after the meeting.

Discussion occurred between the Board and the Staff regarding moving July 3rd meeting to a July 10th meeting if there were Agenda Items that needed to be discussed.

• **AGENCY REPORT:**

McKinley: Requested Agency members to make a list of possible workshop items to be discussed at an Agency meeting with few agenda items. That would give the Agency time to make sure these items are included in a community workshop discussion at a later date.

A potential PUD Gate Hospitality meeting was discussed.

Speaker: Kitty Switkos advised that the Ponte Vedra Club will be presenting at a MSD meeting on Monday May 8th at 5.30pm at the library. The first item will be the Gate Hospitality project.

Various discussion occurred between the agency, the speaker and staff, with regard to the information that goes onto the Clearance sheets that the builder has to sign off on.

Discussion also occurred around unanswered questions on a PUD application.

Staff (Valliere): Advised if there are various unanswered questions arising around a PUD application that the Agency can always continue the hearing to a later meeting. Advised that staff will provide the Agency with the documents relating to the PUD.

Staff (Bishop): Advised that Staff will provide the Agency with a link to a special website for the members to read the PUD document as it is too large to email.

(1:52:20)

Motion by Patton, and seconded by Crozier, carries 5/0, to cancel the PVZAB July meeting due to scheduled conflicts.

(1:52:49)

- **Motion by Patton, seconded by Crozier, carries 5/0, to adjourned meeting at 4:53 PM.**

Minutes approved on the 8th day of January 2024.


Chair/Vice-Chair
Ponte Vedra and Zoning Adjustment Board


Clerk, Growth Management