



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

**Monday, June 5th, 2023 at 3:00:00 PM**

The regularly scheduled public meeting of the Ponte Vedra Zoning and Adjustment Board was held on Monday, June 5th, 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
- Chip Greene
- Samuel Crozier

**MEMBERS ABSENT:**

- Jane Rollinson
- Richard Ensslen

**STAFF PRESENT:** Christine Valliere, Assistant County Attorney; Teresa Bishop, AICP, Planning Division Manager; Dominique Wintons, Application Review Technician; Brandon Tirado, Planner; Debbie Willis, GIS Systems Analyst; Jasmine Allen, GIS Technician; 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.
  - Public comment – None.

**AGENDA ITEMS:**

District 4

**1. PVZAR 2023-05 706 Ponte Vedra Blvd.** Request for a Zoning Variance to Section VIII.N.2 of the Ponte Vedra Zoning District Regulations to construct a new ten (10) foot high retaining wall, located one and a half feet from the existing retaining wall, in lieu of the required four (4) foot maximum height and forty (40) foot separation between retaining walls.

**Staff: Brandon Tirado,** Planner

Ex parte communication declared by the Agency:

**Patton:** Had visited the site and been in the home several times over the past 25 years. Did not speak with anyone about this request.

**McKinley:** Visited the site. Resident was not present.

**Crozier:** Visited the site. Did not speak with anyone.

**Greene:** Did not visit the site.

**Presenter: Brian Spahr,** (424 Paragon Court, Jacksonville Fl 32225) Authorized Agent presented the request and that they had received a letter of support from the neighbor to the south.

Further discussion occurred with the Agency and the applicant with regard to drainage and the location of the replacement wall.

Discussion also occurred with regard to whether or not the backyard was being expanded. It was confirmed that the yard would not be expanded and that the bulkhead was going to be vinyl construction.

(0:8:26)

**Motion by Patton, seconded by Crozier, carries 4/0, to approve PVZAR 2023-05 706 Ponte Vedra Blvd, 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 allows for the construction of a new ten (10) foot high retaining wall and an exemption from the forty (40) foot separation between retaining walls to allow for the additional cumulative height.

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

**2. PVZAR 2023-06 826 Ponte Vedra Blvd.** Request for a Zoning Variance to Section VIII.N.2 of the Ponte Vedra Zoning District Regulations to construct a new ten (10) foot high retaining wall, located one and a half feet from the existing retaining wall, in lieu of the required four (4) foot maximum height and forty (40) foot separation between retaining walls.

Ex parte communication declared by the Agency:

**Patton:** Familiar with the site. Did not speak with anyone.

**McKinley:** Visited the site and had a conversation with the owner.

**Crozier:** Did not visit the site.

**Greene:** Did not visit the site.

**Presenter: Brian Spahr,** (424 Paragon Court, Jacksonville Fl 32225) Authorized agent presented the request for the zoning variance.

Further discussion occurred between the applicant and the Agency with regard to the back yard. It was noted that the owners will not be impacting any wetlands. That they are not expanding the backyard. That the owners are only raising up the yard to ensure the yard can be used effectively.

**McKinley:** Advised the presenter that, as there are some oak trees in the back yard, the owner would need to obtain a tree permit as part of the building process to ensure the trees are not adversely affected. Wanted to take this opportunity to advise the presenter that language regarding protecting trees was added to the Ponte Vedra code a few years ago.

**Presenter (Spahr):** Confirmed that as part of the process of obtaining a building permit, the owners will need to have a tree survey. That their goal is to save as many trees as possible.

(0:15:40)

**Motion by Crozier, seconded by Patton, carries 4/0, to approve PVZAR 2023-06 826 Ponte Vedra Blvd, 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 allows for the construction of a new retaining wall, not to exceed ten (10) foot in height and an exemption from the forty (40) foot separation between retaining walls to allow for the additional cumulative height.

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. Recommendation to the Board of County Commissioners for Ponte Vedra Zoning and Adjustment Board (PVZAB) Member Appointments.** Ms. Cynthia Ware was appointed to the PVZAB on March 7, 2023 and declined her appointment on March 30 2023, leaving the PVZAB with a vacancy. This vacancy was advertised for the required thirty (30) days with the following applications meeting the minimum criteria for consideration. PVZAB members serve at the pleasure of the Board of County Commissioners as the local planning agency for St. Johns County for the Ponte Vedra Zoning District and fulfill any other duties and responsibilities as determined by Part 8.01.00. The County received five applications to consider; however, after review by staff it was determined that only two of the potential candidates resided within the Ponte Vedra Zoning District. Those two applications are; Anthony Peduto (District4) and Pam Shore (District 4). These two applications are included in this agenda package for your consideration and recommendation to the Board of County Commissioners.

**Staff: Teresa Bishop**, AICP, Planning Division Manager

**Presenter: Brandon Tirado**, Planner

**McKinley:** Advised the meeting that Ms. Cynthia Ware was appointed to the PVZAB on March 7, 2023 and declined her appointment. Gave opportunity to the two applicants to attend a meeting if they desired to make comments. Learnt that Ms. Pam Shore is unable, at this time, to serve on the PVZAB. Spoke to Mr. Anthony Peduto who is still available to serve.

(0:17:35)

**Motion by Greene, seconded by Patton, carries 4/0, to recommend the appointment of Mr. Anthony Peduto to the Ponte Vedra Zoning and Adjustment Board for a four (4) year term.**

**Staff (Valliere):** Confirmed that this vote for Mr. Anthony Peduto is a recommendation to go to the Board of County Commissioners for their final approval. That there will be a recommendation letter for Ms. McKinley to sign.

**Board Report:**

**McKinley:**

Advised the Agency that Staff have offered to set up one-on-one meetings to educate members on PUD's.

Various discussion occurred between Staff and the Agency with regard to a workshop public meeting versus a one-on-one educational meeting. In particular the need to understand the terminology and vocabulary used when considering a PUD request.

**Staff (Valliere):** *A few months ago, at the end of a PVZAB meeting, we handed out the template for a PUD Master Development Plan, and walked through that. Is that something you want to go over again? We want to be responsive to what your needs are.*

Further discussion occurred. It was agreed by the Agency members to accept a one-on-one educational meeting with Staff on PUD's. This will help members to better understand the processes required by Staff before PUD's are submitted to the Agency for consideration. It was agreed that one-on-one meetings would be undertaken in July, before the next PUD is expected on the Agenda in August.

**McKinley:**

Recommended the Agency add two extra items for discussion at the next meeting:

1. Construction signs and construction fences.
2. Roof top entertainment rooms. Need to clarify if they are a permitted third story.

**McKinley:**

Brought up the need to find qualified members to serve for various boards in the Ponte Vedra district. Some boards, such as the ARC Board, had members who had served many more years than they should because of a lack of qualified applicants. Hence ARC needed new board members to replace them. Asked if it was feasible to consolidate boards.

Further discussion ensued between the Agency and Staff with regard to number of members on each board and their qualifying requirements.

**Staff (Valliere):** Agreed to look at the Special Act and LDC with the ARC Overlay and provide a White Paper to identify the potential options of whether or not it is feasible to consolidate Boards.


**Staff Report:**

Discussion occurred between the Staff and the Agency with regard to various items planned to go onto the August and September meetings, as the July PVZAB meeting had been cancelled.

(0:51:01)

- **Motion by Patton , seconded by Crosier, carries 4/0, to adjourned meeting at 3:52 PM.**

Minutes approved on the 3<sup>th</sup> day of January 2024.

  
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Chair/Vice-Chair SAMUEL CROZIER  
Ponte Vedra and Zoning Adjustment Board

  
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Clerk, Growth Management