



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

**Monday, August 7, 2023 at 3:00:00 PM**

The regularly scheduled public meeting of the Ponte Vedra Zoning and Adjustment Board was held on Monday, August 7th, 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
- Richard Ensslen
- Anthony Peduto

**MEMBERS ABSENT:**

- Samuel Crozier
- Jane Rollinson

**STAFF PRESENT:** Christine Valliere, Assistant County Attorney; Teresa Bishop, AICP, Planning Division Manager; Brandon Tirado, Planner; 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.

(2:50)

- **McKinley:** Advised the meeting that the PUD for the Ponte Vedra Resort will not be heard at today's meeting. Currently the schedule for the PUD hearing at County Boards are:
  - PZA August 17, 2023** no earlier than 3pm at the County Auditorium (this building)
  - Ponte Vedra ARC September 6, 2023** at 5pm at Saw Grass Marriott
  - PVZAB September 11, 2023** at 11 am at the County AuditoriumHearing dates are subject to change as the project moves through the review process. If the community wants to know of future dates they may go to the County Website.

**Staff (Tirado):** Advised the meeting that Growth Management keeps track of all the meeting dates. Residents may phone 904 209 0675 or email [plandept@sjcfl.us](mailto:plandept@sjcfl.us)

- Public comment – None.

**AGENDA ITEMS:**

District 4

**1. PVZVAR 2023-07 524 Ponte Vedra Blvd Variance.** Request for a Zoning Variance to Section VIII.D & L.1. of the Ponte Vedra Zoning District Regulations to allow for a detached garage to exceed the platted Building Restriction Line.

**Staff: Brandon Tirado,** Planner

Ex parte communication declared by the Agency.

**Ensslen; Patton; McKinley; Croiser; Peduto:** Visited the site but not spoken to anyone.

**Presenter: Beth Moore,** (Sodl & Ingram Law Firm, 1617 San Marco Blvd, Jacksonville FL 32207) **Adam Smythers,** McKinney Builders presented the request for a zoning variance. Explained that the home was built in 1958.

**McKinley:** Requested a copy to be shown on the overhead of the three (3) support letters from neighbors.

**Staff (Tirado):** Apologized that the support letters came in late yesterday. Hence was unable to include them in the Agency members packets.

Copies of the letters were given to the Clerk to record.

Further discussion occurred between the applicant and the Agency with regard to the size of the garage (29 ft x 26 ft) and that there would be an office above with a half bath as the applicant has the ability to work from home.

Various discussion occurred between the Agency and the Applicant regarding the pool that had been installed in the back yard first and that it was located so the trees could be preserved. Discussion occurred between the Agency and the applicant with regard to whether or not there was a hardship in asking for this variance as a similar prior application that had been approved by this board was not approved by the Board of County Commissioners.

Further discussion occurred between Agency members with regard to the setback in relation to other homes in the area.

( 32:54 )

**Motion by Greene, seconded by Patton, carries 4/1 (dissent McKinley) to approve PVZVAR 2023-07 524 Ponte Vedra Blvd Variance, 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 detached garage to exceed the platted Front Building Restriction Line, by approximately 14 feet. Resulting in the front facer of the proposed detached garage being located approximately 84 feet from the Front Property Line.
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 rights 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. PVZVAR 2023-08 Kansler Variance.** Request for a Zoning Variance to Section VIII.L of the Ponte Vedra Zoning District Regulations to allow for an encroachment into the 40-foot Building Restriction Line to accommodate placement of a screened pool enclosure, located at 216 Sea Glass Way.

Ex parte communication declared by the Agency:

**Ensslen; Patton; Peduto:** Drove by, did not speak to anyone.

**Croiser:** Did not drive by and did not speak to anyone.

**McKinley:** Drove to the site. Was shown through the house by one of the construction workers.

**Presenter: Brad Wester** (Driver, McAfee, Hawthorn and Deibenow, PLLC, 1 Independent Drive, Suite 1200, Jacksonville Florida 32202) presented the requested for a zoning variance.

**Staff (Valliere):** Mentioned the slide that shows the criteria. Asked the presenter if they are citing for the criteria as a non-variance and not a hardship variance.

Various discussion occurred with the Agency and the presenter with regard to the setbacks, the property line, the screen height and the wetlands location.

( 56:30 )

**Motioned by Greene, seconded by Peduto, carries 5/0, to approve PVZVAR 2023-08 Kansler Variance, based on four (4) findings of fact and subject to five (5) conditions as listed in the Staff Report.**

**FINDINGS:**

1. The request is not 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 contrary to the public interest and is in conflict with the surrounding development.
3. The request does not meet the criteria established in Section XII.J.1 of the Ponte Vedra Zoning District Regulations pertaining to Zoning Variances.
4. The request is in conflict with the Goals, Objectives, and Policies of the St. Johns County Comprehensive Plan.

**McKinley:** Asked that Agency members refer to the handout that contains the language in the Ponte Vedra Zoning manual on the rezoning of land, since the Planned Unit Development is coming before the Agency. Suggested that members read the paragraphs and look at the methodology by which our Board would make recommendations and findings to the Board of County Commissioners.

**Staff (Valliere):** Advised that in the Staff Reports there is a section on suggested findings. If there are any changes the board wants to make, to what staff are suggesting, then that would be addressed in the motion. If any of the members wanted to add something it would be mentioned at the end of the PUD hearing and it would be part of the motion for the recommendation. It would be stated on the record that there would be an additional finding that would be a consensus of the board. That would have to be voted on.

**Patton:** Mentioned that if we refer to item number H, page 67, we can make recommendations for PUD's and we can expand those recommendations.

- **Agency Reports:**

**McKinley:** Mentioned that two board members terms expire mid-September. That Mr. John Patton had served his full two terms.

**Patton:** Advised he is available to continue to assist until a replacement is found, except he is not available for the October meeting.

- **Staff Reports:**

**Staff (Tirado):** Advised he will check to see if any applications have been submitted to the County for serving on the PVZAB.

**Staff (Valliere):** Advised that Ms. Megan McKinley has submitted to continue for another term. Growth Management will co-ordinate with the Commissioner's office to advertise the positions. That a current member can carry on their term while a new replacement is confirmed if they are agreeable to that, to maintain consistency for items being heard.


**\*\*\* The public hearing for PUD 2023-02 Ponte Vedra Resort is being continued to a date uncertain. The application will be re-advertised and noticed once a hearing date is scheduled. \*\*\***

(1:04:30)

- **Motion by Patton, carries 5/0, to adjourned meeting at 4:05 PM.**

Minutes approved on the 8<sup>th</sup> day of January 2024.

  
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Chair/ Vice-Chair  
Ponte Vedra and Zoning Adjustment Board

  
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Clerk, Growth Management

\*For more detailed Minutes, please visit the St. Johns County GTV video recording:  
<http://www.sjcfl.us/GTV/WatchGTV.aspx>