

4

**AGENDA ITEM
Planning & Zoning**

Meeting

2/15/2024

MEETING DATE

TO: Planning and Zoning Board Members

DATE: January 31, 2024

FROM: Keisha Fink, AICP, Principal Planner

PHONE: 904 209-0598

SUBJECT OR TITLE: ZVAR 2023-30 204 Duckwood Lane

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

PRESENTER: Lee Harris - Permier Pools and Spas

BACKGROUND INFORMATION:

Request for a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a reduced Second Front Yard setback in lieu of the required 25 feet for a Through Lot located in Residential General (RG-1) zoning to accommodate placement of a swimming pool.

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to recommend approval of ZVAR 2023-30 240 Duckwood Lane based on four (4) findings of fact, as provided in the Staff Report.

DENY: Motion to recommend denial of ZVAR 2023-30 240 Duckwood Lane based on five (5) findings of fact, as provided in the Staff Report.



Growth Management Department
Planning Division Report
Application for Zoning Variance
File Number: ZVAR 2023-30 204 Duckwood Lane

To: Planning and Zoning Agency

From: Keisha Fink, Principal Planner

Date: January 31, 2024

Subject: **ZVAR 2023-30 204 Duckwood Lane**, Request for a Zoning Variance to Section 6.01.03.C.3 of the Land Development Code to allow for a reduced Second Front Yard setback in lieu of the required 25 feet for a Through Lot located in Residential General (RG-1) zoning to accommodate placement of a swimming pool.

**Applicant/
Representative:** Lee Harris | Premier Pools and Spas-Pool and Screen Enclosure

Owner(s): Lee Kaplan and Tammy Kaplan

Hearing date(s): Planning and Zoning Agency – February 15, 2024

**Commissioner
District:** District 4 – Krista Joseph

SUGGESTED MOTION/RECCOMENDATION/ACTION:

APPROVE: Motion to recommend approval of **ZVAR 2023-30 204 Duckwood Lane** based on five (5) findings of fact and seven (7) conditions, as provided in the Staff Report.

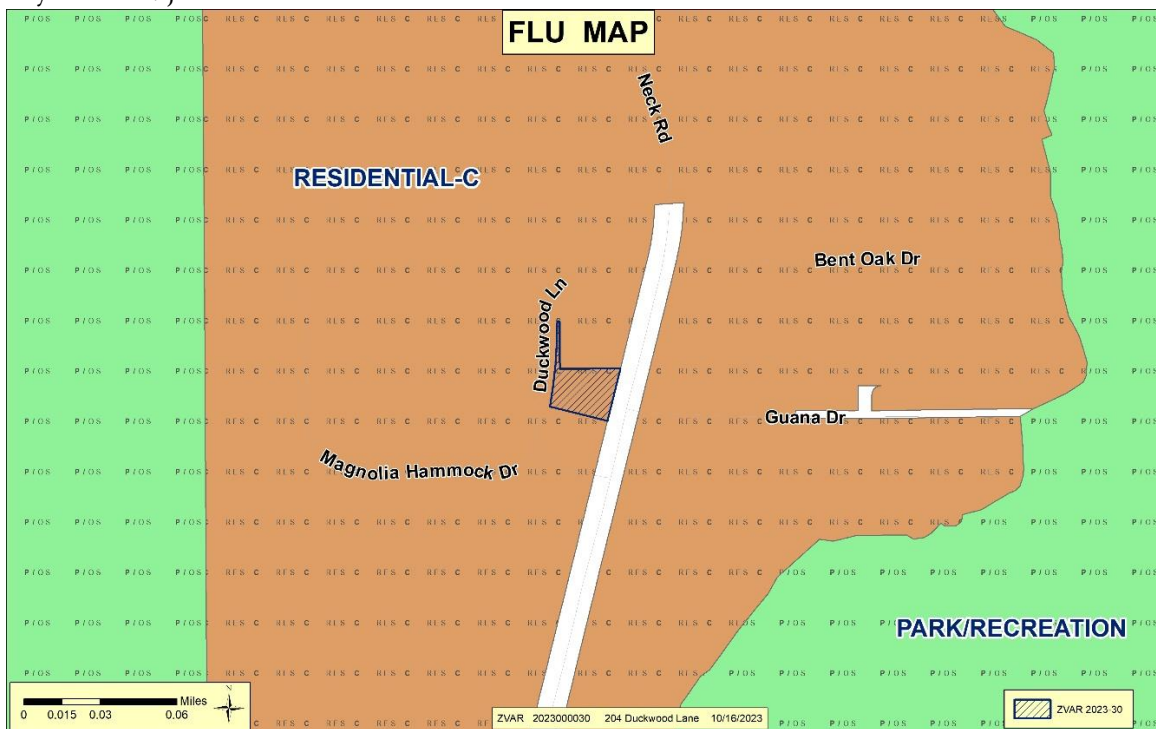
DENY: Motion to recommend denial of **ZVAR 2023-30 204 Duckwood Lane** based on four (4) findings of fact, as provided in the Staff Report.

MAP SERIES

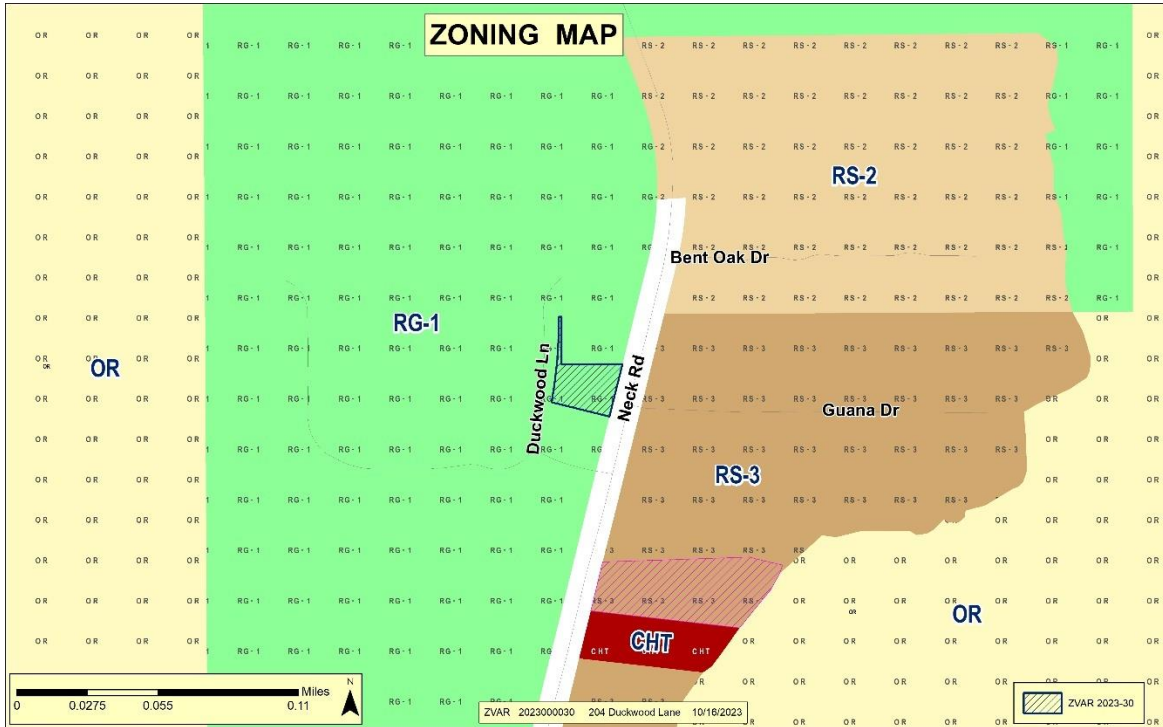
Location: The subject property is comprised of one (1) single-family lot located within the Magnolia Hammock subdivision. This lot is considered a through lot with two (2) fronts, located north of Magnolia Hammock Dr, between Duckwood Lane to the west and Neck Road to the east.



Future Land Use: The subject property and surrounding lots are designated Residential-C (Coastal) on the Future Land Use Map. The Guana River Wildlife Management Area and Guana State Park are within close vicinity of the subject site.



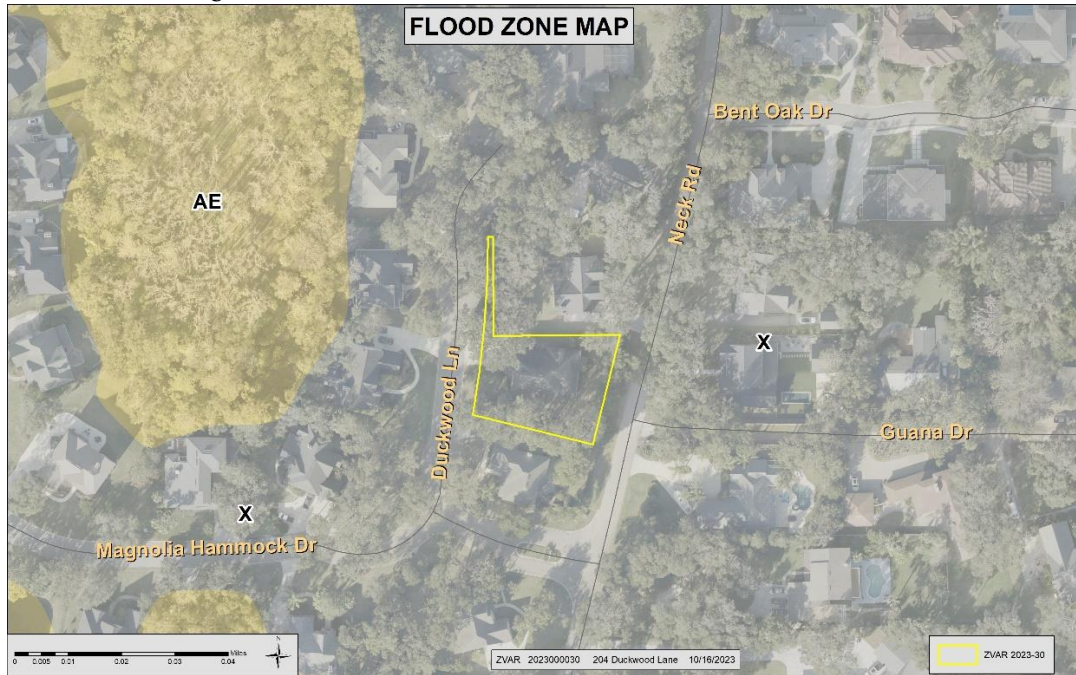
Zoning District: The subject property is zoned Residential, General (RG-1). Lands to the west, across Neck Road, are zoned Single Family Residential (RS-2), Single Family Residential (RS-3), Highway and Tourist Commercial (CHT) and Open Rural (OR). Lands to the west are zoned Open Rural (OR).



Aerial Imagery: According to St. Johns County Property appraiser, the subject property is currently a 0.29 ac improved Single Family lot, with an existing 2,975 sq. ft. Single Family home built in 2005. No other structures are reported to be located on site. The site is surrounded by similar type homes, typical to that of a traditional subdivision.



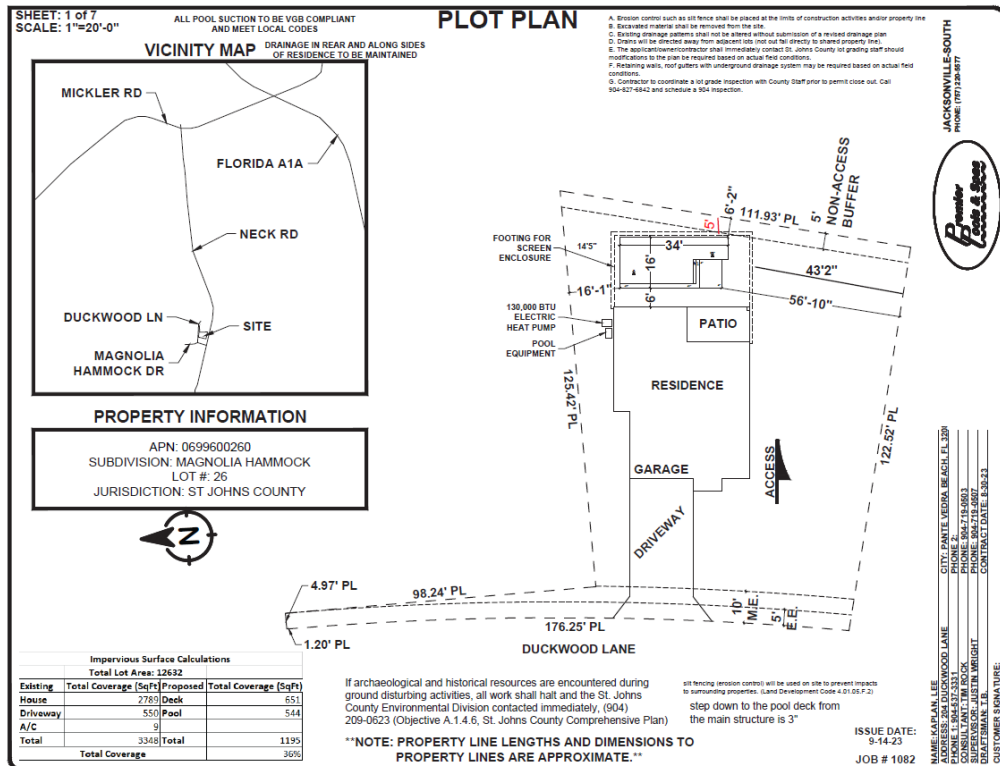
Flood Zone: The subject property is located in Flood Zone X. According to the Federal Emergency Management Agency (FEMA), homes located in Flood Zone X are considered to be at a relatively low to moderate risk for flooding.



APPLICATION SUMMARY

The applicant is requesting a zoning variance for 204 Duckwood Lane, which is considered a through lot with two (2) front yards, to reduce the 25-foot second front yard setback to a five (5) foot rear yard setback, for the construction of a swimming pool and screen enclosure.

Conceptual Site Plan: Provided below is the proposed site plan for the pool and screen enclosure.



APPLICABLE REGULATIONS

LDC, Section 2.02.04.A Accessory Uses, Generally (provided in part)

- 3. Accessory Uses and Structures shall not be located in required Front and Side Yards, in any residential district except as follows:
 - a. On double frontage Lots, through Lots and Corner Lots, Accessory Uses and Structures may be located in any required Side Yard

LDC, Section 2.02.04.B Permitted Accessory Uses, Residential Districts (provided in part)

Each of the following Uses is considered to be a customary Accessory Use, and as such, may be situated on the same Lot with, but detached from, the principal Use with which it is associated.

- 8. Private swimming pools, spas, as regulated herein, shall be any pool, pond, lake or open tank located either above or below the existing finished grade of the site, not located within a completely enclosed Building, and exceeding 150 square feet in surface area and 2 feet in depth, designed, used or intended to be used for swimming or bath purposes. A private swimming pool shall be allowed in a residential district as an Accessory Use only if it fully complies with the following conditions:
 - a. The pool is intended and is to be used solely for the enjoyment of the occupants or bona fide guests.
 - b. The pool meets the minimum Yard requirements of the zoning district in which it is located.
 - c. The pool shall be enclosed by a retaining wall, fence or other Structure having a minimum height of 4 feet and so constructed or installed as to obstruct access thereto by persons other than the owners or occupants of the premises on which such swimming pool is located.

LDC, Section 6.01.01 Schedule of District Area, Height, Bulk, and Placement Regulations

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
RG-1	75 feet	7,500 square feet	25%	N/A	70%	25/8/10 feet ✦	35 feet

✦ For Lots or parcels that are platted prior to July 29, 1999, the minimum Yard requirements will be determined by the Building Restriction Lines, if any, shown on the plat. For Said Lots or Parcels not having Building Restriction Lines recorded on the applicable plat, the Yard requirements will be determined by Article VI Table 6.01.

LDC, Section 6.01.03 Lot Width Area and Yard Requirements (provided in part)

H. Permitted Projections Into Required Yards

- 3. Covered Patios and Covered Pools

Through Lots

Covered Patios, Covered Pools, and similar Structures, as defined in Article XII, may project into the required Front Yard which functions as a Rear Yard and has no access to a Street but shall not be located within ten (10) of any Lot.

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:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. Please fully address each of the issues raised by Staff. Following the Applicant's response, this Office will provide further legal review.

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, regional, and local regulations.

Planning & Zoning Division Review:

The subject parcel located at 204 Duckwood Lane has an existing Single-Family house built in 2005 within the Magnolia Hammock subdivision. The lot is approximately 0.29 acres, or 12,632 square feet and has a Future Land Use designation of Residential-C (Coastal) and is zoned Residential, General RG-1. The lot is considered a through lot, because it is not a corner lot, but has two (2) front yards along right-of-way: the primary front along Duckwood Lane and the secondary front in the rear along Neck Road. The property has no vehicular access to Neck Road; therefore Sec. 6.01.03.H (3) considers the second front yard to function as a rear yard and have a 10-foot setback. The applicant is requesting a variance for a reduction of the 10-foot rear yard setback to five (5) feet to construct a new 16' x 34' swimming pool, 651 sq. ft. of associated pool decking and pool enclosure.

Considering that the existing parcel being a through lot, with Neck Road in the rear, and the existing single-family dwelling. The applicant may consider a reduction in the size of the pool or reconfiguration of the proposed pool and pool enclosure to conform to the required rear yard setback. It should be noted that the propose swimming pool and pool structure will be within five (5) of a public right-of-way which serves as a collector road for the surrounding neighborhood.

In the submittal documents, the applicant provided the following responses to the Variance criteria outlined in LDC Article 12:

Variance Criteria:**I.) Such Variance will not be contrary to the public interest, and where;**

The proposed variance allowing a reduced setback for the swimming pool and screen enclosure is not contrary to the public interest. It enhances the use of the property in a manner that is both reasonable and aesthetically pleasing, without obstructing the views of neighboring properties.

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;

The exceptional narrowness and unique shape of the lot at 204 Duckwood Lane make strict adherence to the current setback requirements impractical. The limited space between the edge of the house and the 10-foot building line creates a practical hardship for installing an average-sized swimming pool while complying with the existing code.

III.) The literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code;

Strict adherence to the 10-foot setback requirement would result in undue hardship for the property owner, limiting their ability to enjoy a swimming pool on their premises. Relaxing the setback to 5 feet is essential to carry out the spirit and purpose of the code, allowing for a reasonable use of the property without compromising safety or aesthetic considerations.

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 proposed variance aligns with the spirit and purpose of the code, promoting responsible development that respects the unique features of each property. The reduced setback does not pose any adverse effects on neighboring properties, as there are no houses behind 204 Duckwood Lane, and the variance would not obstruct views or compromise the character of the

community.

We understand the importance of maintaining the integrity of zoning regulations while acknowledging that certain situations call for adjustments to accommodate the specific characteristics of a property. In this case, the relaxation of the setback requirement is a reasonable and justifiable measure to ensure that the property owner at 204 Duckwood Lane can fully enjoy their space without infringing upon the rights or views of neighboring properties.

We kindly request a hearing to present our case in further detail and provide any additional information necessary for a comprehensive evaluation of our variance request.

Street view from the Property Appraiser (11/21/22)



CORRESPONDENCE/PHONE CALLS

As of the writing of this staff report, Staff has not received any correspondence regarding this application.

FINDINGS OF FACT/ACTION

Staff has provided the Agency with Five (5) Findings of Fact and seven (7) Conditions of to recommend approval of this request. Four (4) Findings of Fact have been provided to recommend denial of the rezoning. These findings may be subject to other competent substantial evidence received at the quasi-judicial public hearing.

ATTACHMENTS

1. Recorded Documents Section
2. Application and Supporting Documents

SUGGESTED MOTION / FINDINGS / CONDITIONS TO APPROVE REQUEST

Motion to approve **ZVAR 2023-30 204 Duckwood Lane Pool & Screen**, request for a Zoning Variance to Sections 2.02.04.A.3, 2.02.04.B.8 and 6.01.03.H.(3) of the Land Development Code to allow for a 2nd Front Yard setback of five (5) feet for a pool, pool decking and screen enclosure in lieu of the 10' requirement in Residential, General (RG-1) zoning, located at 204 Duckwood Lane, subject to the following findings and conditions:

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 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.

SUGGESTED CONDITIONS

1. The Variance will be transferable and apply only to the proposed pool with enclosure as submitted for this approval. Should the property be conveyed, the requested relief will run with the property.
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. Development of the Pool and Screen Enclosure shall be consistent with improvements depicted on the site plan labeled **Exhibit B** submitted by the applicant and made part of this Order.
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 rights granted herein shall become null and void.
5. 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.
6. 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.
7. 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 MOTION / FINDINGS TO DENY REQUEST

Motion to deny **ZVAR 2023-30 204 Duckwood Lane Pool & Screen**, request for a Zoning Variance to Sections 2.02.04.A.3, 2.02.04.B.8 and 6.01.03.H.(3) of the Land Development Code to allow for a 2nd Front Yard setback of five (5) feet for a swimming pool and screen enclosure in lieu of the 10' requirement in Residential, General (RG-1) zoning, located at 204 Duckwood Lane, subject to the following findings:

SUGGESTED FINDINGS

1. The Variance request 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 Residential-C.

(The Board 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: 10/5/2023 Property Tax ID No: 0699600260

Project Name: Premier Pools and Spas- Pool and Screen Enclosure

Property Owner(s): Lee Kaplan Phone Number: 904-315-7994

Address: 204 Duckwood Ln Fax Number:

City: Ponte Vedra Beach State: FL Zip Code: 32082 e-mail: leekaplan01@yahoo.com

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

Applicant/Representative: Lee Harris/Owner Agent Phone Number: 804-432-7869

Address: 3728 Philips Hwy, Ste 4 Fax Number:

City: Jacksonville State: FL Zip Code: 32207 e-mail: lharris@ppas.com

Property Location: 204 Duckwood Ln Ponte Vedra Beach, FL 32082

Major Access: Neck Rd Size of Property: .29 acres Cleared Acres (if applicable):

Zoning Class: 0100 No. of lots (if applicable): 1 Overlay District (if applicable):

Water & Sewer Provider: St Johns Future Land Use Designation: Single Family Residence

Present Use of Property: Single Family Residence Proposed Bldg. S.F.: n/a

Project Description (use separate sheet if necessary)

New Pool and Screen Enclosure Build

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:

Building Permit- R2004-001998*001

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:

DocuSigned by: [Signature] EEB4B914719444F...

Printed or typed name(s): Lee Kaplan

Application for Variance: Relaxation of Pool Setback Requirement

Date: 12/4/2023

To: [Zoning Board or relevant authority]

Subject: Request for Variance - 204 Duckwood Lane

Dear [Zoning Board or relevant authority],

I am writing to formally request a variance for 204 Duckwood Lane in accordance with the zoning code. The variance is sought to permit the installation of a swimming pool and screen enclosure with a reduced setback, specifically requesting a relaxation from the current 10-foot requirement to 5 feet.

Our proposal aligns with the criteria outlined in the zoning regulations, and we believe that the requested variance is justified based on the following considerations:

i.) Not Contrary to Public Interest:

The proposed variance allowing a reduced setback for the swimming pool and screen enclosure is not contrary to the public interest. It enhances the use of the property in a manner that is both reasonable and aesthetically pleasing, without obstructing the views of neighboring properties.

ii.) Exceptional Narrowness, Shallowness, or Unusual Shape:

The exceptional narrowness and unique shape of the lot at 204 Duckwood Lane make strict adherence to the current setback requirements impractical. The limited space between the edge of the house and the 10-foot building line creates a practical hardship for installing an average-sized swimming pool while complying with the existing code.

iii.) Undue Hardship to Carry Out the Spirit and Purpose:

Strict adherence to the 10-foot setback requirement would result in undue hardship for the property owner, limiting their ability to enjoy a swimming pool on their premises. Relaxing the setback to 5 feet is essential to carry out the spirit and purpose of the code, allowing for a reasonable use of the property without compromising safety or aesthetic considerations.

iv.) Not Contrary to the Spirit and Purpose of the Code:

The proposed variance aligns with the spirit and purpose of the code, promoting responsible development that respects the unique features of each property. The reduced setback does not pose any adverse effects on neighboring properties, as there are no houses behind 204 Duckwood Lane, and the variance would not obstruct views or compromise the character of the community.

We understand the importance of maintaining the integrity of zoning regulations while acknowledging that certain situations call for adjustments to accommodate the specific characteristics of a property. In this case, the relaxation of the setback requirement is a reasonable and justifiable measure to ensure that the property owner at 204 Duckwood Lane can fully enjoy their space without infringing upon the rights or views of neighboring properties.

We kindly request a hearing to present our case in further detail and provide any additional information necessary for a comprehensive evaluation of our variance request.

ALL POOL SUCTION TO BE VGB COMPLIANT
AND MEET LOCAL CODES

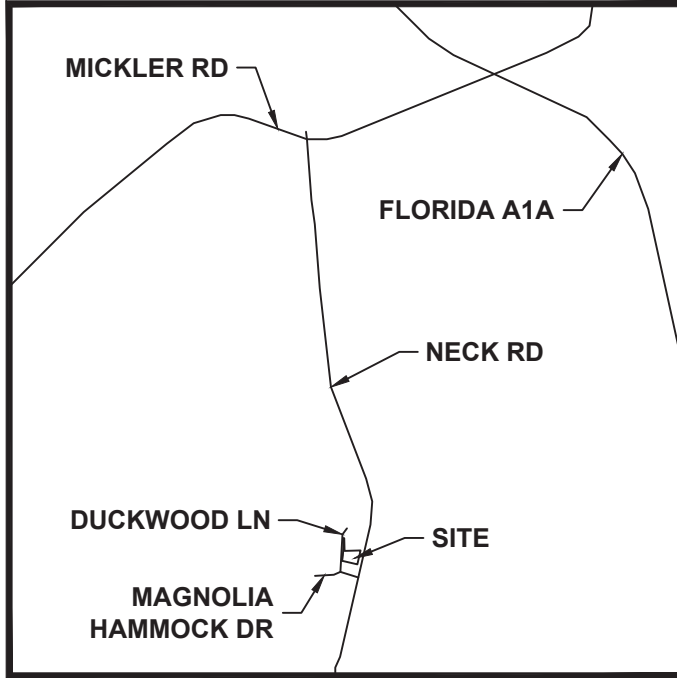
PLOT PLAN

- A. Erosion control such as silt fence shall be placed at the limits of construction activities and/or property line
- B. Excavated material shall be removed from the site.
- C. Existing drainage patterns shall not be altered without submission of a revised drainage plan
- D. Drains will be directed away from adjacent lots (not out fall directly to shared property line).
- E. The applicant/owner/contractor shall immediately contact St. Johns County lot grading staff should modifications to the plan be required based on actual field conditions.
- F. Retaining walls, roof gutters with underground drainage system may be required based on actual field conditions.
- G. Contractor to coordinate a lot grade inspection with County Staff prior to permit close out. Call 904-827-6842 and schedule a 904 inspection.

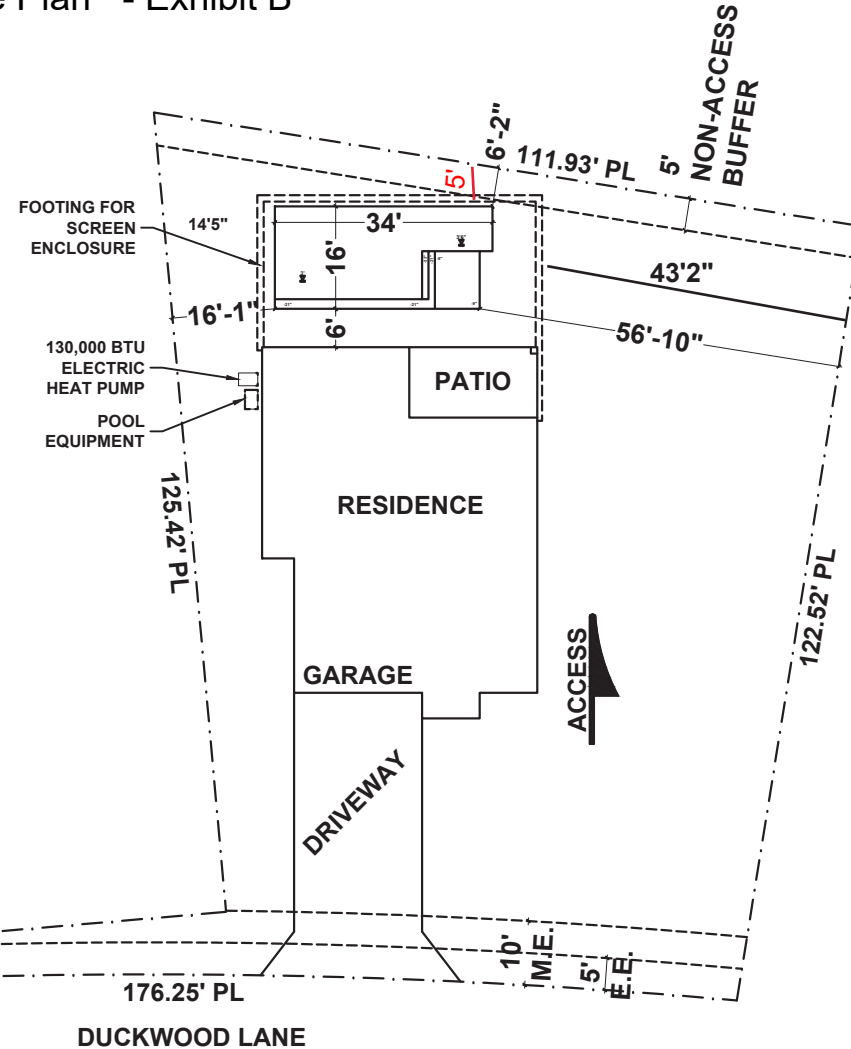
JACKSONVILLE-SOUTH
PHONE: (757) 220-5577

VICINITY MAP

DRAINAGE IN REAR AND ALONG SIDES
OF RESIDENCE TO BE MAINTAINED



Site Plan - Exhibit B



PROPERTY INFORMATION

APN: 0699600260
SUBDIVISION: MAGNOLIA HAMMOCK
LOT #: 26
JURISDICTION: ST JOHNS COUNTY



Impervious Surface Calculations			
Total Lot Area: 12632			
Existing	Total Coverage (SqFt)	Proposed	Total Coverage (SqFt)
House	2789	Deck	651
Driveway	550	Pool	544
A/C	9		
Total	3348	Total	1195
Total Coverage			36%

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

silt fencing (erosion control) will be used on site to prevent impacts to surrounding properties. (Land Development Code 4.01.05.F.2)

step down to the pool deck from the main structure is 3"

****NOTE: PROPERTY LINE LENGTHS AND DIMENSIONS TO PROPERTY LINES ARE APPROXIMATE.****

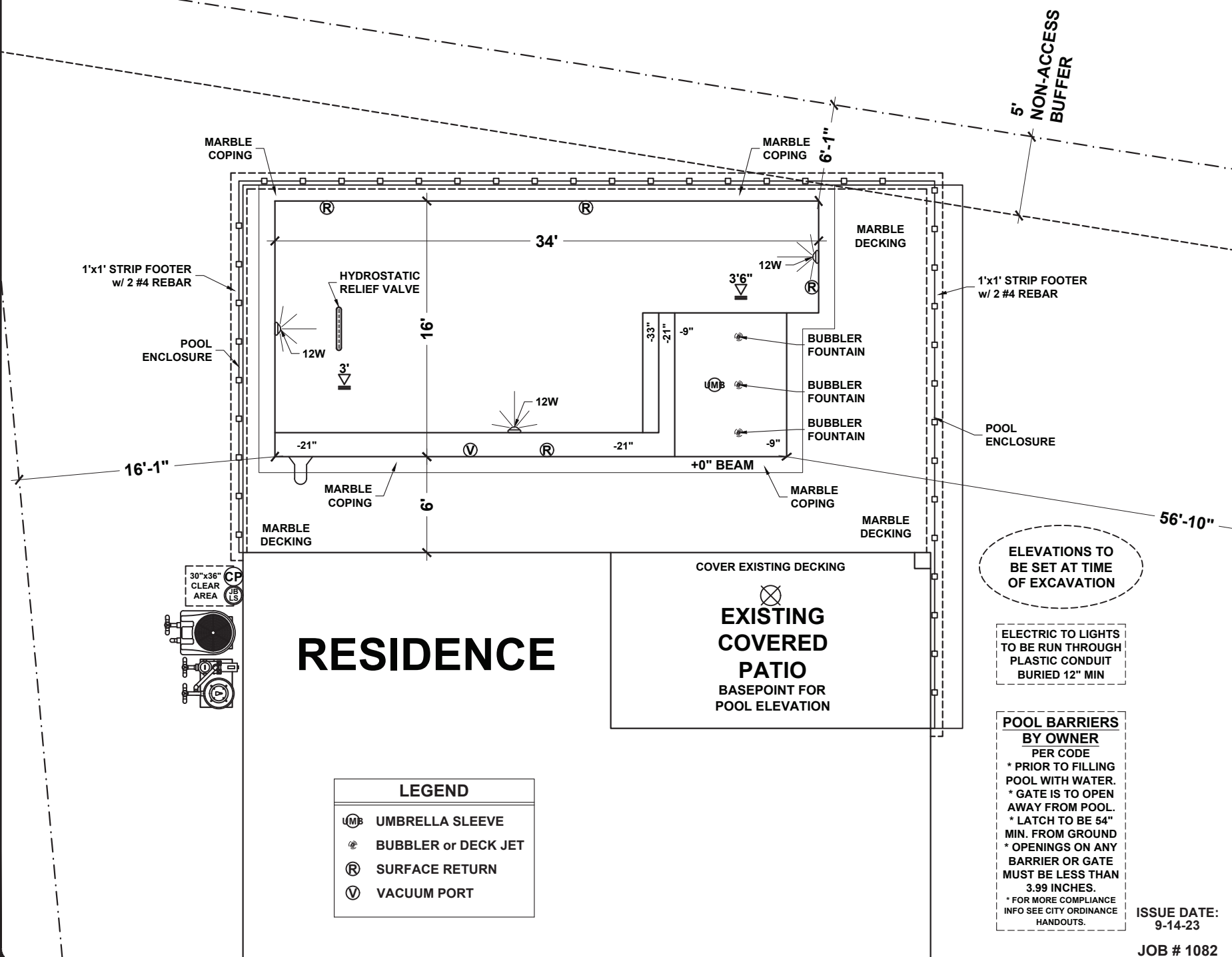
ISSUE DATE:
9-14-23

JOB # 1082

NAME: KAPLAN, LEE
ADDRESS: 204 DUCKWOOD LANE
CITY: PANTE VEDRA BEACH, FL 3201
PHONE 1: 904-537-3331
PHONE 2:
CONSULTANT: TIM ROCK
PHONE: 904-719-0503
SUPERVISOR: JUSTIN WRIGHT
PHONE: 904-719-0507
DRAFTSMAN: T.B.
CONTRACT DATE: 8-30-23
CUSTOMER SIGNATURE:

SITE PLAN

JACKSONVILLE-SOUTH
PHONE: (757) 220-6577



RESIDENCE

COVER EXISTING DECKING
EXISTING COVERED PATIO
BASEPOINT FOR POOL ELEVATION

LEGEND	
UMB	UMBRELLA SLEEVE
⊙	BUBBLER or DECK JET
Ⓡ	SURFACE RETURN
Ⓥ	VACUUM PORT

ELEVATIONS TO BE SET AT TIME OF EXCAVATION

ELECTRIC TO LIGHTS TO BE RUN THROUGH PLASTIC CONDUIT BURIED 12" MIN

POOL BARRIERS BY OWNER
PER CODE
* PRIOR TO FILLING POOL WITH WATER.
* GATE IS TO OPEN AWAY FROM POOL.
* LATCH TO BE 54" MIN. FROM GROUND
* OPENINGS ON ANY BARRIER OR GATE MUST BE LESS THAN 3.99 INCHES.
* FOR MORE COMPLIANCE INFO SEE CITY ORDINANCE HANDOUTS.

ISSUE DATE:
9-14-23

JOB # 1082

NAME: KAPLAN, LEE
ADDRESS: 204 DUCKWOOD LANE
PHONE 1: 904-637-3331
PHONE 2:
CONSULTANT: TIM ROCK
PHONE: 904-719-0503
SUPERVISOR: JUSTIN WRIGHT
PHONE: 904-719-0507
DRAFTSMAN: T.B.
CONTRACT DATE: 8-30-23
CUSTOMER SIGNATURE:

**BEGIN DOCUMENTS
TO BE RECORDED**



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Lee Kaplan and Tammy Kaplan
204 Duckwood Lane
Ponte Vedra Beach, FL 32082

FILE NUMBER: ZVAR 2023-30

LEGAL: Exhibit A

SITE PLAN: Exhibit B

PARCEL ID: 069960-0260

DATE OF HEARING: February 15, 2024

ORDER GRANTING ZONING VARIANCE REQUEST

The above referenced application for a Zoning Variance to Sections 2.02.04.A.3, 2.02.04.B.8 and 6.01.03.H.(3) of the Land Development Code to allow for a 2nd Front Yard setback of five (5) feet for a swimming pool and screen enclosure in lieu of the 10' requirement in Residential, General (RG-1) zoning, located at 204 Duckwood Lane, came before the Planning & Zoning Agency for public hearing on February 15, 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.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the request for a Zoning Variance to Sections 2.02.04.A.3, 2.02.04.B.8 and 6.01.03.H.(3) of the Land Development Code to allow for a 2nd Front Yard setback of five (5) feet for a swimming pool and screen enclosure in lieu of the 10' requirement in Residential, General (RG-1) zoning, located at 204 Duckwood Lane, subject to the following conditions:

1. The Variance will be transferable and apply only to the proposed pool with enclosure as submitted for this approval. Should the property be conveyed, the requested relief will run with the property.
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. Development of the Pool and Screen Enclosure shall be consistent with improvements depicted on the site plan labeled **Exhibit B** submitted by the applicant and made part of this Order.
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 rights granted herein shall become null and void.
5. 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.
6. 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.
7. 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

Legal Description - Exhibit A

Lot 26, REPLAT OF MAGNOLIA HAMMOCK, according to plat thereof as recorded in Map Book 32, page 75.76.77 and 78 of the public records of St. Johns County, Florida.

ALL POOL SUCTION TO BE VGB COMPLIANT
AND MEET LOCAL CODES

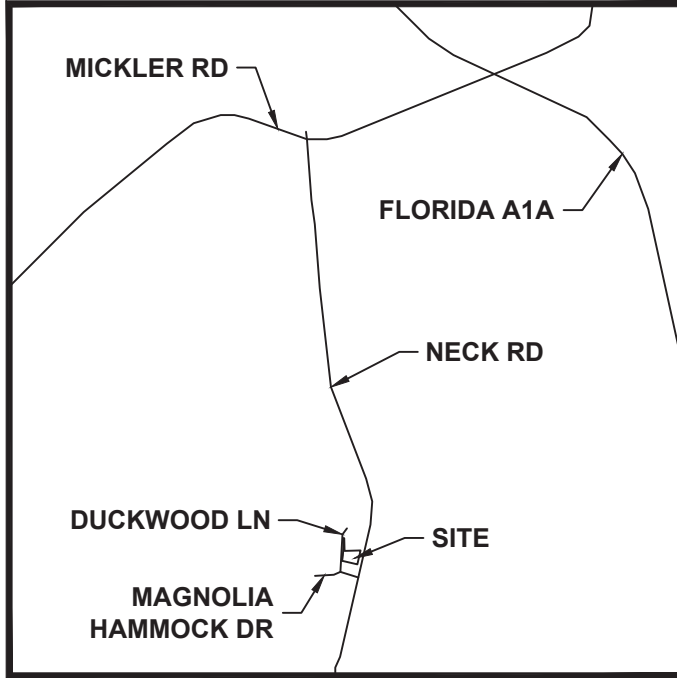
PLOT PLAN

- A. Erosion control such as silt fence shall be placed at the limits of construction activities and/or property line
- B. Excavated material shall be removed from the site.
- C. Existing drainage patterns shall not be altered without submission of a revised drainage plan
- D. Drains will be directed away from adjacent lots (not out fall directly to shared property line).
- E. The applicant/owner/contractor shall immediately contact St. Johns County lot grading staff should modifications to the plan be required based on actual field conditions.
- F. Retaining walls, roof gutters with underground drainage system may be required based on actual field conditions.
- G. Contractor to coordinate a lot grade inspection with County Staff prior to permit close out. Call 904-827-6842 and schedule a 904 inspection.

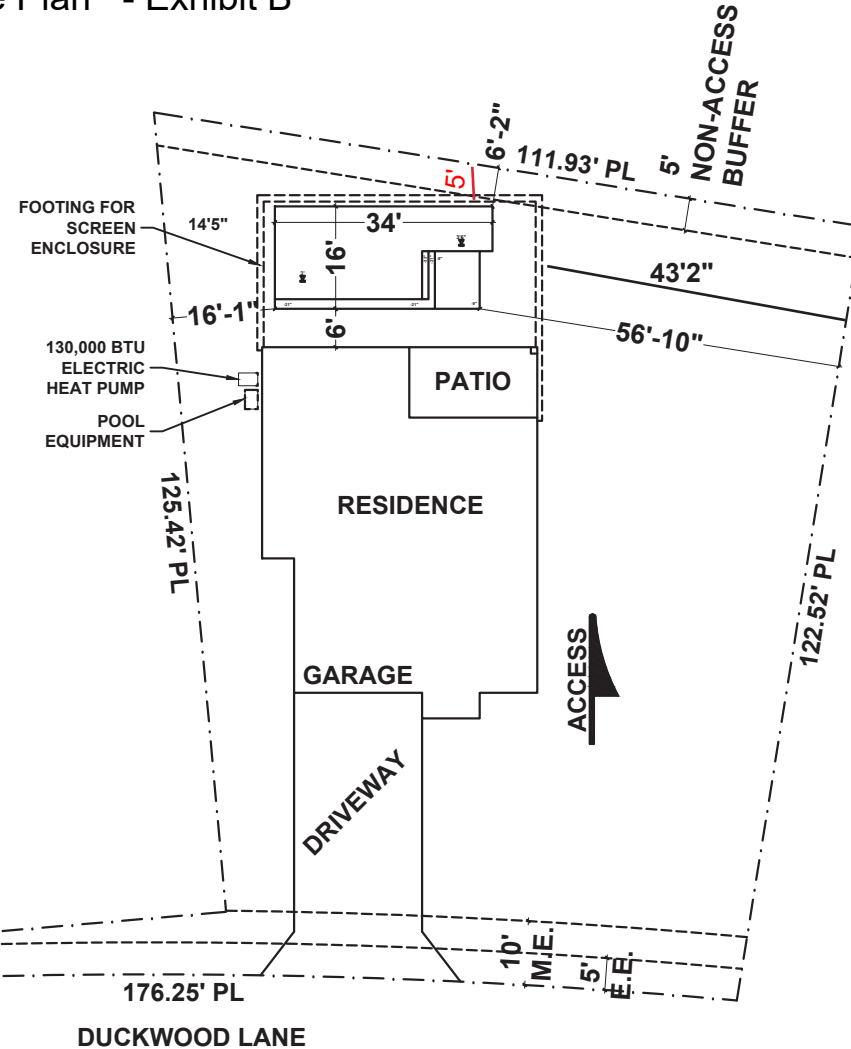
JACKSONVILLE-SOUTH
PHONE: (757) 220-5577

VICINITY MAP

DRAINAGE IN REAR AND ALONG SIDES
OF RESIDENCE TO BE MAINTAINED



Site Plan - Exhibit B



PROPERTY INFORMATION

APN: 0699600260
SUBDIVISION: MAGNOLIA HAMMOCK
LOT #: 26
JURISDICTION: ST JOHNS COUNTY



Impervious Surface Calculations			
Total Lot Area: 12632			
Existing	Total Coverage (SqFt)	Proposed	Total Coverage (SqFt)
House	2789	Deck	651
Driveway	550	Pool	544
A/C	9		
Total	3348	Total	1195
Total Coverage			36%

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

silt fencing (erosion control) will be used on site to prevent impacts to surrounding properties. (Land Development Code 4.01.05.F.2)

step down to the pool deck from the main structure is 3"

****NOTE: PROPERTY LINE LENGTHS AND DIMENSIONS TO PROPERTY LINES ARE APPROXIMATE.****

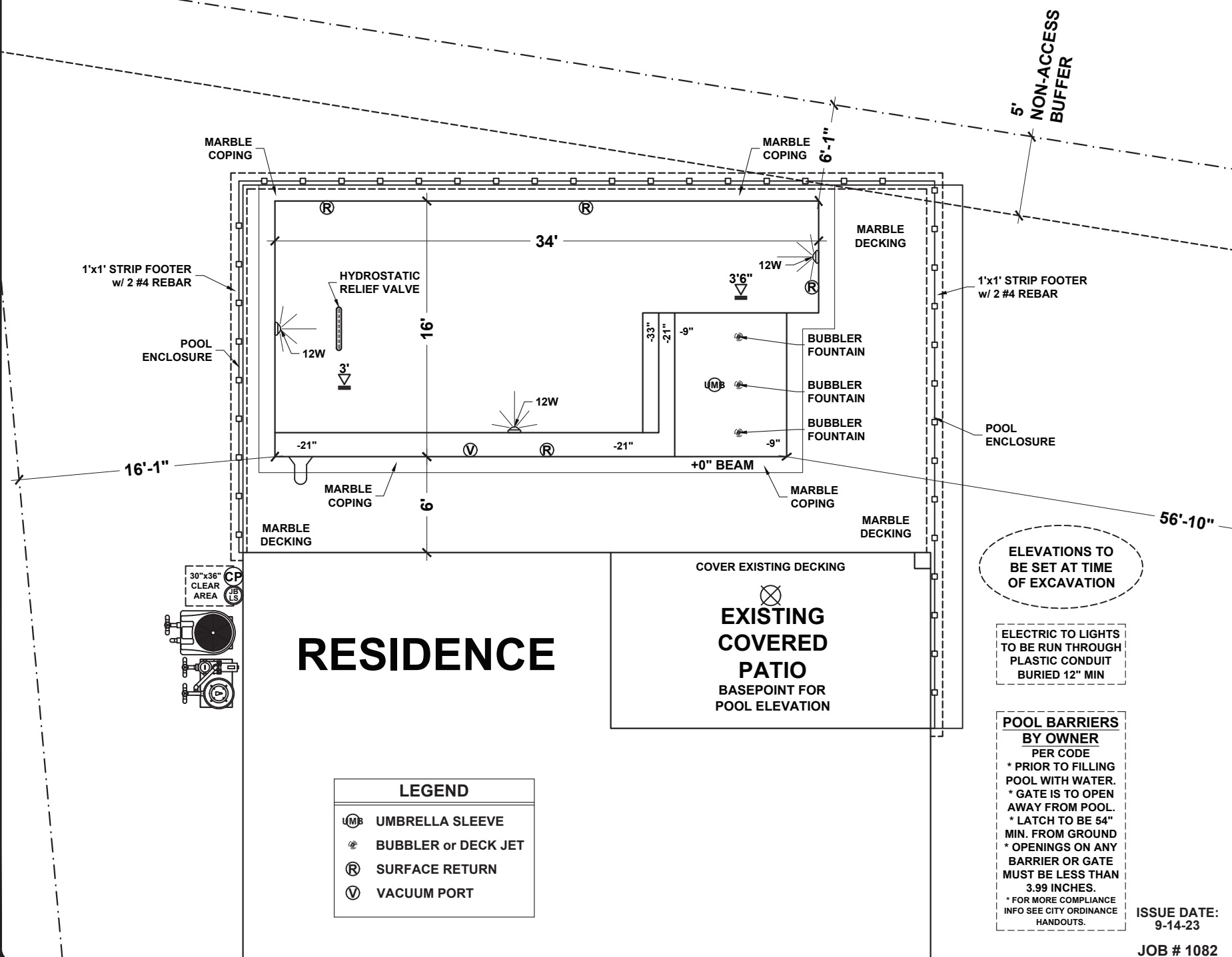
ISSUE DATE:
9-14-23

JOB # 1082

NAME: KAPLAN, LEE
ADDRESS: 204 DUCKWOOD LANE
CITY: PANTE VEDRA BEACH, FL 3201
PHONE 1: 904-537-3331
PHONE 2:
CONSULTANT: TIM ROCK
PHONE: 904-719-0503
SUPERVISOR: JUSTIN WRIGHT
PHONE: 904-719-0507
DRAFTSMAN: T.B.
CONTRACT DATE: 8-30-23
CUSTOMER SIGNATURE:

SITE PLAN

JACKSONVILLE-SOUTH
PHONE: (757) 220-6577



ELEVATIONS TO BE SET AT TIME OF EXCAVATION

ELECTRIC TO LIGHTS TO BE RUN THROUGH PLASTIC CONDUIT BURIED 12" MIN

POOL BARRIERS BY OWNER PER CODE
 * PRIOR TO FILLING POOL WITH WATER.
 * GATE IS TO OPEN AWAY FROM POOL.
 * LATCH TO BE 54" MIN. FROM GROUND
 * OPENINGS ON ANY BARRIER OR GATE MUST BE LESS THAN 3.99 INCHES.
 * FOR MORE COMPLIANCE INFO SEE CITY ORDINANCE HANDOUTS.

RESIDENCE

LEGEND	
UMB	UMBRELLA SLEEVE
⊙	BUBBLER or DECK JET
Ⓡ	SURFACE RETURN
∇	VACUUM PORT

ISSUE DATE:
9-14-23

JOB # 1082

NAME: KAPLAN, LEE
 ADDRESS: 204 DUCKWOOD LANE
 CITY: PANTE VEDRA BEACH, FL 32011
 PHONE 1: 904-637-3331
 PHONE 2:
 CONSULTANT: TIM ROCK
 PHONE: 904-719-0503
 SUPERVISOR: JUSTIN WRIGHT
 PHONE: 904-719-0507
 DRAFTSMAN: T.B.
 CONTRACT DATE: 8-30-23
 CUSTOMER SIGNATURE:



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Lee Kaplan and Tammy Kaplan
204 Duckwood Lane
Ponte Vedra Beach., FL 32082

FILE NUMBER: ZVAR 2023-30

LEGAL: Exhibit B

PARCEL ID: 069960-0260

DATE OF HEARING: February 15, 2024

ORDER DENYING ZONING VARIANCE REQUEST

The above referenced application for a Zoning Variance to Sections 2.02.04.A.3, 2.02.04.B.8 and 6.01.03.H.(3) of the Land Development Code to allow for a 2nd Front Yard setback of five (5) feet for a swimming pool and screen enclosure in lieu of the 10' requirement in Residential, General (RG-1) zoning, located at 204 Duckwood Lane, came before the Planning & Zoning Agency for public hearing on February 15, 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.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the request for a Zoning Variance to Sections 2.02.04.A.3, 2.02.04.B.8 and 6.01.03.H.(3) of the Land Development Code to allow for a

2nd Front Yard setback of five (5) feet for a swimming pool and screen enclosure in lieu of the 10' requirement in Residential, General (RG-1) zoning, located at 204 Duckwood Lane.

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