

CITY OF ST. AUGUSTINE, FLORIDA

Regular Planning and Zoning Board Meeting
December 7, 2004

The Planning and Zoning Board met in formal session at 2:00 p.m., Tuesday, December 7, 2004, in The Alcazar Room at City Hall, St. Augustine, Florida. The meeting was called to order by Harvey Simms, Chairman, and the following were present.

1. ROLL CALL

Harvey Simms
Gerald Dixon
Matthew Baker
Leanna Freeman
Todd Grant
Roxanne Horvath
Deltra Long

City Staff:

James Wilson, Esq., City Attorney
Mark Knight, Director, Planning and Building Department
David Birchim, Planning Manager
James Whitehouse, Staff Attorney
Pam Halterman, Recording Secretary

2. APPROVAL OF MINUTES
(November 2, 2004 - regular meeting)

Minutes from the November 2, 2004 regular meeting were approved as presented.

Mr. Birchim advised that the applicant for Item 6b, 2004-1215, 21 Casanova Drive, had asked that his application be tabled until the January 4th, 2005 meeting.

See page 15 for motion and vote.

3. VARIANCES¹

Item 3(a) 2004-1134
Dipak and Arti Rajyaguru
87 Anastasia Lakes Drive
To exceed the maximum lot coverage for a residential addition.

Dipak Rajyaguru, 87 Anastasia Lakes Drive, was sworn in.

Mr. Birchim reported that the applicant had requested a variance to increase the maximum lot coverage for a residential addition. He noted that the property was zoned as a PUD which allowed forty percent lot coverage. He stated that the proposed addition would increase lot coverage to 41.5%. He explained that the property did not suffer from a unique physical hardship; therefore, the property did not qualify for a variance. He said, based on review of Section 28-29, staff found that the board could deny a variance at 87 Anastasia Lakes Drive.

Mr. Rajyaguru stated that they had moved to the subject property a few years earlier. He explained that they entertain many guests and desired to expand. He noted that they had asked their neighbors and the Neighborhood Council Association, who said they were not opposed to the application.

¹ Ms. Horvath arrived at 2:04 pm.

Mr. Simms noted that thirteen written response forms had been sent to surrounding property owners with three returned in favor and one returned in opposition to the application. He opened the hearing to public comment.

Jacqueline Avera, 972 Fish Island Place, was sworn in. She stated that she lived in the same subdivision and was the Chairperson of the Architectural Review Committee of the subdivision. She explained that the committee had approved the request and the addition would not obstruct anyone's view. She noted that the applicant intended to enclose an existing screened patio with glass. She suggested that the plan would enhance the property.

Mr. Simms closed the public hearing.

Ms. Long stated that the lot coverage increase was not significant.

Mr. Dixon noted that the existing enclosure had a screened roof; therefore, it would not be calculated in lot coverage. He stated that he could support the request because the room already existed as a screened room.

In response to an inquiry from Mr. Grant, Mr. Rajyaguru advised that the square footage of the house measured 1,996. He noted that the room would not be air-conditioned.

Mr. Grant stated that he could support the request.

MOTION

Mr. Dixon moved to approve the application as submitted. Ms. Long seconded.

MOTION CARRIED UNANIMOUSLY

Item 3(b) 2004-1165

John Valdes and Associates

Ms. Pat Reilly

58 Carrera Street

To exceed the maximum lot coverage and encroach into the required rear yard setback for a residential addition.

John Valdes, 1395 US 1 South, Suite 1A, was sworn in. He noted that the footprint of the house would not be expanded. He explained that the garage had been constructed during the 1930's or 1940's and had been removed with the HARB's approval and due to the condition of the structure. He stated that the remaining footprint of the garage was functionally obsolete. He said it was his clients' wish to enlarge the garage from twelve feet to twenty feet; however, the depth measurement and position of the garage would remain the same. He noted that they would add approximately one-hundred and sixty square feet to lot coverage. He stated that the increase equaled to approximately one percent, which would allow them to construct a functional garage, but remain in a similar style of the original garage. He showed a drawing of the original and proposed footprints of the garage to the board members.

In response to an inquiry from Ms. Freeman, Mr. Valdes stated that lot coverage would be one percent over what had been grandfathered in.

Ms. Freeman asked what the previous lot coverage measured.

Mr. Birchim noted that he would need a moment to calculate the figure.

Mr. Grant noted that he had previously visited the site as a potential purchaser. He said the lot was very large and the renovations had improved the property. He stated that the small lot coverage increase would not involve the height of the structure. He noted that the opposing residents lived on Almeria Street and their views would not be obstructed.

In response to an inquiry from Mr. Simms, Mr. Valdes affirmed that the plans did not involve an apartment dwelling on the site. He noted that the proposed structure would remain as a two-car garage.

Mr. Knight advised that staff had calculated the lot coverage increase at 1.9%.

Mr. Simms asked for staff's report.

Mr. Birchim reported that the applicant had requested a variance to exceed the maximum lot coverage and to encroach into the rear and side yard setbacks to construct a garage. He noted that the property was located in the RG-1 zoned area which allowed maximum lot coverage at 35%. He said the applicant proposed to increase lot coverage by 2% to a total of 39.9%. He noted that the rear setback was ten feet and the applicant proposed a one foot setback. He clarified that a garage might still remain on-site which had a one foot setback, but the variance involved the additional size of the

proposed constructed portion not grandfathered in. He stated that the property did not suffer from a physical hardship; therefore, it did not qualify for a variance because it was roughly the same size and shape as neighboring properties. He said, based on review of Section 28-29, staff found that the board could deny the request for a variance at 58 Carrera Street.

Mr. Simms questioned whether the applicant would need a variance if the proposed garage was constructed on the existing footprint.

Mr. Birchim affirmed that he would not.

Mr. Valdes suggested that the size of the house prevented one from constructing a functional garage on the property. He noted that they would need to remove part of the house structure in order to build a two-car garage.

Mr. Simms noted that twenty-three written response forms had been sent to surrounding property owners with four returned in favor and three returned in opposition to the application. He opened the public hearing but there was no response from the public.

In response to an inquiry from Ms. Horvath, Mr. Valdes affirmed that access to the property was located on Carrera Street. He clarified that access would be tight which the owner had recognized. He noted that the deck had been built eight feet less than depicted on the drawing and the sidewalk had been removed. He explained that pavers would be installed from the front of the site toward the left to join the coquina driveway. He affirmed that the garage

would have room to store other items for the owner.

Mr. Grant suggested that the hardship involved the current garage not being functional for modern size vehicles. He noted that houses located to the east and west were placed close to their property line. He said he could support the request.

Ms. Freeman agreed that the current size of the garage was not functional and would validate a hardship.

Mr. Dixon stated that allowing the variance in increased lot coverage would help with off-street parking. He noted that the PZB had, at one time, asked the City Commission to increase lot coverage percentage by five percent; however, the City Commission denied the request and suggested that lot coverage increases be considered on a case-by-case basis.

Mr. Simms stated that it was a reasonably request and parking was being eliminated from the street.

MOTION

Ms. Freeman moved to approve the application as submitted based on the uniqueness of the property and the lack of function with the existing garage. Mr. Grant seconded.

Vote on the motion.

**In favor
Freeman
Grant**

**Opposed
Long***

* During the vote Ms. Long interjected that she was concerned because a disadvantage did not exist with the property size. She noted that the applicant had said the owner had only one vehicle.

Mr. Valdes stated that a vehicle could not fit in the existing garage. He suggested that it would be more cosmetically pleasing to park a vehicle in a garage instead of in the yard or in front of a house. He noted that the house was constructed in 1910, and to remain within lot coverage would require removal of a portion of the historic structure which was not desirable.

Ms. Horvath questioned whether they had considered rebuilding a functional single-car garage.

Mr. Valdes affirmed that it was possible; however, they would be asking for four feet instead of eight feet. He said storage problems would remain for the homeowner.

Continuation of the vote:

**In favor
Horvath
Baker
Dixon
Simms**

Opposed

Motion carried 6/1 with Ms. Long dissenting.

**Item 3(c) 2004-1169
Marc A. Rude
11 Cadiz Street**

To reduce the required main building separation for a commercial addition.

Jacqueline Harris Rude, 11 Cadiz Street, was sworn in.

Mr. Birchim reported that the applicant had requested a variance to reduce the required main building separation to construct an addition to the Bed and Breakfast Inn. He noted that the property was located in the HP-2 District which required a minimum twenty foot separation between main buildings. He stated that the proposed addition would bring the two main buildings within five feet of each other. He said a variance could be approved by the PZB if the HARB had approved the new construction and the PZB found that the variance would not be contrary to public interest. He noted that the proposed addition had been approved by the HARB and did not appear to be contrary to public interest. He said, based on review of Section 28-29, staff found that the board could approve a variance at 11 Cadiz Street.

Mr. Simms noted that sixteen written response forms had been sent to surrounding property owners with three returned in favor and none returned in opposition to the application. He opened the public hearing but there was no response from the public.

Frank Santoriello, 707 Viscaya Boulevard, was sworn in. He stated that the main issue for the property involved parking. He explained that four on-site parking spaces currently existed. He noted that the proposed addition would eliminate two existing parking spaces if moved twenty feet. He stated that the HARB had already approved the design of the structure.

Mr. Simms asked for the number of required parking spaces.

Mr. Birchim advised that the property was located in the HP District which did not require businesses to provide on-site parking.

In response to an inquiry from Mr. Simms, Ms. Rude advised that they currently had eight rooms and the addition would offer a total of ten rooms. She stated that their clients were informed that parking was first-come, first-served. She advised that they had contracted additional parking with the property owners of the Oldest House.

Mr. Baker noted that the plan had been approved by the HARB and density was appropriate in the area. He said it appeared to be an attractive addition.

Ms. Long concurred with Mr. Baker. She noted that she passed by the area daily and liked what had been completed thus far.

Mr. Simms said he was familiar with the property and it appeared as a positive plan.

MOTION

Ms. Long moved to approve the application as submitted. Mr. Baker seconded.

MOTION CARRIED UNANIMOUSLY

Item 3(d) 2004-1200
Antony and Marion Twyford
325 Minorca Avenue

To encroach into the required rear yard setback for a residential addition.

Antony Twyford, 325 Minorca Avenue, was sworn in. He stated that they had requested a variance for the rear yard setback to accommodate a screened pool enclosure. He explained that the property was triangular shaped and measured from four feet to zero feet. He noted that the corner of the lot was heavily wooded and they planned to add more trees and shrubs for privacy purposes.

Mr. Birchim reported that the applicant had requested a variance to encroach into the rear yard setback for a screened enclosure. He noted that the required rear setback was twenty feet but the applicant would like it reduced to sixteen feet. He stated that the property was unusual in shape and measured one-hundred and nineteen feet on the west side and one-hundred and fifteen feet on the east side. He said the difference in depth indicated that the property line tapered from a wide point on the west to a more narrow point on the east. He advised that the unusual property shape was a physical disadvantage associated with the property which was not created by the owner. He said, based on the unusual shape and review of Section 28-29, staff found that the board could approve a variance at 325 Minorca Avenue.

Mr. Simms noted that fourteen written response forms had been sent to surrounding property owners with three returned in favor and zero returned in opposition to the application. He opened the public hearing but there was no response from the public.

Ms. Horvath directed attention to a photograph and questioned whether the new work had already been completed.

Mr. Twyford affirmed that the work depicted in the photograph was not part of the variance request.

MOTION

Mr. Baker moved to approve the application as submitted based on the unusual shape of the property. Ms. Long seconded.

MOTION CARRIED UNANIMOUSLY

Item 3(e) 2004-1204

John and Diane Patchell

91 Cerro Street

To exceed the maximum lot coverage for a residential addition.

Diane and John Patchell, 91 Cerro Street, were sworn in.

Ms. Patchell explained that the house had an existing deck on the rear portion of the house which they would like to screen. She noted that the newly purchased utility shed had increased lot coverage which forced them to apply for a variance to increase lot coverage by five percent. She advised that they were not aware that the shed would be included in the lot coverage percentage when they purchased it.

Mr. Birchim reported that the applicant had requested a variance to exceed the maximum lot coverage to construct a residential addition. He advised that the maximum lot coverage was 30%; however, the applicant

desired to increase it to 35%. He stated that the property was non-conforming by size and measured less than 5,000 square feet. He noted that the property backed up to the Willie Galimore Recreation area which was a very large open space unique to properties found south of Cerro Street. He stated that the small size of the property and the large open space was not due to the actions of the owner and it appeared that the property qualified for a variance. He said, based on review of Section 28-29, staff found that the board could approve a variance at 91 Cerro Street.

Mr. Simms noted that eleven written response forms had been sent to surrounding property owners with two returned in favor and zero returned in opposition to the application. He opened the public hearing but there was no response from the public.

Mr. Baker noted that the property backed up to the Galimore Center and was unusual in size; therefore, he could support the request.

Ms. Long stated that she had no reservations regarding the application. She said the neighboring residents were not opposed to the application and the property qualified for the variance.

In response to an inquiry from Ms. Horvath, Ms. Patchell advised that the shed was located in the far southeast corner of the rear property and only measured one-hundred and sixty square feet.

MOTION

Ms. Freeman moved to approve the application as submitted based on the

comments made that day regarding the property's uniqueness. Ms. Long seconded.

MOTION CARRIED UNANIMOUSLY

Item 3(f) 2004-1206

Steven Schuyler

Marshall and Sherri Crews

29 Grant Street

To encroach into the required side yard setback and to exceed the maximum lot coverage for a residential addition.

Steve Schuyler, 1095 Anastasia Boulevard and Sherri Crews, 39101 Harbor Vista Circle, were sworn in.

Mr. Schuyler stated that his client wanted to place a small addition on the rear of the property. He explained that a smaller single-story addition would be removed from the back of the house and replaced with a larger and wider two-story addition. He noted that the property was small and non-conforming. He added that the building already exceeded the allowable lot coverage. He stated that lot coverage would be increased to 42%. He noted that enough room would remain between the house to the neighbors block wall in order to walk through and maintain the area.

Mr. Birchim reported that the applicant had requested a variance to encroach into the required side yard setback and to exceed the maximum lot coverage for a residential addition. He noted that the maximum lot coverage was 35%, the existing lot coverage was 36% and the applicant desired to increase lot coverage to 42%. He advised that the required side yard setback was four

feet and the applicant desired to reduce it to one foot. He stated that the property was non-conforming by width and area and rather small which constituted a unique physical disadvantage which was not created by the owner. He said, based on review of Section 28-29, staff found that the board could approve a variance for property located at 29 Grant Street.

Mr. Simms noted that thirteen written response forms had been sent to surrounding property owners with none returned in favor or in opposition to the application. He opened the public hearing but there was no response from the public.

Ms. Freeman asked if the property would be used for commercial purposes.

Mr. Schuyler affirmed that the property would be used for residential purposes only; however, the property was surrounded by commercial businesses which included a bank and gas station.

Mr. Simms suggested that the board allow the request because the property should remain residential.

Mr. Dixon stated that he did not agree with the side yard setback and suggested that one foot from the property line would be a difficult situation.

Mr. Schuyler said he had just received staff's report but did notice staff's indication of a remaining one foot area. He stated that they had measured approximately thirty-five feet between the south side setback and the width of the building. He noted that the lot terminated at an angle but measured only

about thirty-eight feet which would allow a three foot area between the building and the wall. He said the addition would remain in line with the existing building. He stated that the house was architecturally unique with a parapet and flat roof which sloped toward the rear; therefore, encroachment of an overhang did not exist in the setbacks.

MOTION

Mr. Baker moved to approve the application as submitted based on the small property size and by granting the variance it would not be in opposition to the intent and spirit of the Code. Mr. Simms seconded.

MOTION CARRIED UNANIMOUSLY

4. VARIANCE / EXCEPTION

Item 4(a) 2004-1087

Errol Jones & Michael Jefferson

First Baptist Church

89 St. Francis Street

To enlarge a church in a residential district and allow off site parking as a permissible use by exception. To exceed the maximum lot coverage and reduce the required number of parking spaces and parking dimensions and maneuverability.

Michael Jefferson, 133 Bren Mar Lane, Palm Coast, was sworn in. He explained that the church was in the process of constructing a new sanctuary which required additional parking spaces. He noted that the daycare would be moved to the parsonage which would offer additional parking spaces. He said they currently leased parking spaces on St. Benedict Street to

cover some of the parking requirement; however, they were reviewing additional property on Dumas Street for more parking spaces.

Mr. Birchim reported that the applicant had requested a use by exception to expand its facilities located in a residential district and for off-site parking along with variances to reduce the parking space size and maneuverability and to exceed the maximum lot coverage for a church addition. He noted that churches located in residential districts were a necessary and vital component to a healthy neighborhood. He said churches must be approved individually by the PZB if located in residential neighborhoods. He advised that the church and its associated manse predated the City Zoning Code and it was a unique physical characteristic of the property which qualified it for a variance. He said, based on review of Section 28-29, staff found that the board could approve the application as submitted. He advised that the church had reviewed the possibility of demolishing the manse to provide additional parking; however, they had chosen not to demolish the manse which was a beautiful historic building and an important historic property in Lincolnville.

Mr. Simms stated that he had visited the site and was impressed with the architecture.

Mr. Simms noted that fifty-one written response forms had been sent to surrounding property owners with one returned in favor and zero returned in opposition to the application. He opened the hearing to public comment.

Jason Fort, 68 Water Street, was sworn in. He stated that he owned property at 70, 72 and 74 Dumas Street. He said both sides of the street were full with parked vehicles and the street was not wide enough for a vehicle to drive down. He noted that the situation intensified on Sundays. He added that emergency vehicles would have a difficult time attempting to maneuver the street due to the parked vehicles. He noted that the church used a dirt lot at the corner of St. Francis and Dumas Streets, which he suggested was not organized or handled efficiently. He stated that additional parking on the street would eventually cause a life-threatening issue.

Mr. Simms asked Mr. Fort if he was aware that he could appeal to the City if he thought the street was not wide enough for parking on both sides.

Mr. Fort affirmed that he had spoken with the City, who had informed him that he would need to generate a petition through the neighborhood.

In response to an inquiry from Ms. Long, Mr. Fort noted that he had recently moved to Water Street from Dumas Street and planned to sell the property in the future.

Ms. Freeman asked for a percentage of the church's patrons who walked to the church.

Mr. Jefferson said approximately ten people walked to church but many of their patrons drove to the church.

Ms. Horvath noted that ninety-nine spaces were required but they only had nineteen spaces which included both off-site areas.

Mr. Jefferson affirmed that to be correct.

Ms. Horvath stated that she was concerned because the church lacked a total of eighty required parking spaces.

Mr. Birchim explained that on Sundays while the patrons from the three local churches in the area [First Baptist, AME Church and Catholic Church] finished their services, they congregated as a community and intermingled on the streets and caught up on events which were part of a culture that surrounded the three churches. He noted that he had not been approached about other problems in the area other than the issue Mr. Fort had voiced that day.

Ms. Long concurred with Mr. Birchim regarding the community of churches in the area. She acknowledged that she had not witnessed a parking problem on Sundays. Mr. Simms noted that all downtown churches had felt the same parking problem at one time.

In response to an inquiry from Ms. Horvath, Mr. Jefferson affirmed that the original church had room for 220 patrons, but the proposed increase would accommodate approximately 350 patrons.

Mr. Birchim noted that the submitted drawings had indicated 397 spaces.

Ms. Horvath noted that attendance would be increased by 177 seats.

Mr. Jefferson noted that the daycare would be moved to the parsonage which would create an additional twenty-five parking

spaces when those two buildings were demolished. He stated that the daycare buildings were located on St. Benedict Street.

Ms. Horvath asked what other functions the church held.

Mr. Jefferson explained that the following events were held at the church:

Wednesday evenings – bible class
Thursday evenings – choir rehearsal
Saturday – choir rehearsal and counseling
Sunday – one service

In response to an inquiry from Ms. Freeman, Mr. Jefferson stated that the church had existed for 132 years.

Mr. Grant stated that the board had previously made a parking exception for the Presbyterian Church as well. He noted that the parking problem involved only one morning out of the week and most churches were not normally at attendance capacity.

The following citizens spoke in favor of the application:

- ◆ George A. Edwards, 96 St. Benedict Street
- ◆ Gene Motley, 18 S. Whitney Street
- ◆ Glen Wareing, 80 Park Place
- ◆ Mike Crocker, 93 M.L. King Avenue

Those citizens offered the following reasons for the board to approve the application:

- ◆ residents benefited from the church

- ◆ apartment tenants located nearby were allowed free use of the parking spaces during the week
- ◆ parking not an issue for neighboring residents
- ◆ neighborhood residents were in favor of the application

Mr. Simms closed the public hearing.

Ms. Horvath stated that some of the issues on Dumas Street could be addressed with a petition. She noted that the removal of the daycare would help ease the lack of parking spaces for the church.

Mr. Simms suggested that the board needed to be consistent with churches and their parking problems. He stated that churches were a positive element in neighborhoods.

MOTION

Mr. Simms moved to approve the application as submitted. Ms. Long seconded.

MOTION CARRIED UNANIMOUSLY²

5. CONSERVATION ZONE DEVELOPMENT

Item 5(a) 2004-0963

Doran Yelton

Dana Hunter

460 Altadena Drive

To install a dock and boatlift.

Mr. Simms asked if staff had received correspondence regarding the application.

² Ms. Long departed at 3:12 pm.

Mr. Birchim advised that submitted documents had been placed in front of each board member. He noted that the documents included an aerial photograph indicating the dimensional representation of two docks. He stated that he had spoken with Irene Arriola, who had been working with an adjacent property owner and she told him she had talked with the Army Corp. of Engineers regarding the permitting process which was currently a part of staff's file. He said it involved basic questions about the permitting process which resulted in the knowledge that the PZB had to make a decision on whether to move forward with the dock, but that the Corp. of Engineers would not claim or represent riparian rights just as the City would not. He noted that staff had also received a letter from Mr. Canaan, the southern adjacent property owner, who asked that the application be tabled because he was not available to attend the meeting. He advised that Mr. Canaan had made a formal written request to table the application.

Mr. Dixon voiced that Mr. Canaan was the most affected adjacent property owner.

In response to an inquiry from Mr. Dixon, Mr. Birchim advised that Mr. Canaan had said he had a personal conflict and would be out of state; therefore, he could not attend the meeting and asked that the matter be tabled.

Ms. Freeman suggested that everyone should have the opportunity to be heard.

Mr. Baker said he would not normally be in favor of tabling the application; however,

Mr. Canaan was the most affected adjacent property owner.

Dana Hunter, 460 Altadena Drive, was sworn in. He stated that he had spoken with Mr. Canaan and Wilton Rooks two weeks earlier, and at that time, Mr. Canaan had told him that he was going on a ski vacation. He said he had shown Mr. Canaan his new plan and told him he wanted to be a good neighbor. During the conversation, he said he mentioned that if Mr. Canaan had any concerns to call him and he would speak with him. He added that he had attempted to contact Mr. Canaan at his office; however, the telephone calls were never returned. He offered the new proposal to the board members. He explained that he had spoken with his northern adjacent neighbor, who was in favor of his proposal and application.

The board members agreed to allow Mr. Hunter the opportunity to voice his proposal.

Mr. Wilson clarified that the board had the right to allow testimony and could suspend the case until the following month.

Ms. Freeman questioned whether Mr. Hunter desired to wait until the following month to voice his case if the board ruled to allow Mr. Canaan's presentation in January.

Mr. Hunter affirmed that he would like to present his case that day and asked the board to make a decision if possible.

After some discussion, board members agreed to hear Mr. Hunter's presentation.

Mr. Birchim advised that the applicant planned to present the "nuts and bolts" of his new plan to the board members. He stated that the City did not make representation, claim or approval to any party regarding riparian rights.

Mr. Simms noted that five written response forms had been sent to surrounding property owners with one returned in favor and two returned in opposition to the application. He opened the public hearing but there was no response from the public.

Mr. Hunter advised that he was not able to contact his contractor, who he had asked to present the case to the board. He stated that the previously submitted plan was not the plan he had intended. He directed attention to his submitted documents and noted that page A showed the existing docks in the area. He noted that Mr. Canaan and Mr. Rooks had both exercised their riparian rights by installing docks. He advised that the area between the end of Mr. Rook's dock and Mr. Canaan's dock measured approximately one-hundred and sixty feet. He noted that Mr. Canaan had been concerned that not enough room existed in order to install two additional docks. He stated that he did not find a problem with either existing dock or their placement. He suggested that he should have the same access to water as his neighbors.

Mr. Hunter directed attention to page B which indicated his proposed dock. He noted that the dock would be placed in the middle of his waterfront property and extended two-hundred and thirty-two feet with a floating dock placed perpendicular to the channel. He advised that his proposed

dock's terminus end would not be closer than forty-five feet to Mr. Rooks' dock. He suggested that property owners at 450 Altadena Drive would also have enough room to be able to construct a dock that would not be closer than fifty feet from Mr. Canaan's dock which had been indicated on page C. He stated that his proposed plan would not impede anyone's right to access the water.

In response to an inquiry from Mr. Simms, Mr. Hunter affirmed that the boatlift would be placed at the permanent dock. He explained that he would place his sailboat at the floating dock which was the only boat he currently owned. He stated that they did not want to impede the view for his neighbors; therefore, he would install a low profile lift.

Ms. Freeman clarified that the submitted documents involved a new plan and was not part of the original application.

Mr. Hunter affirmed that to be correct. He added that his contractor had spoken with both adjacent property owners and had thought that everyone was in agreement over the dock; however, he said he felt the need to come before the board to explain his proposal. He said the recommendations from DEP had mentioned that when the properties measured less than seventy-five feet, the dock would be constructed at the middle of the property frontage.

Ms. Freeman asked if Mr. Hunter purposefully placed the floating dock perpendicular to the land.

Mr. Hunter stated that he was attempting to avoid any riparian rights issue. He noted

that Florida courts usually divided riparian right equally if an issue surfaced between two parties and all parties were allowed access to deep water.

Ms. Freeman noted that the applicant was stuck between the two theories of where to place the dock. She questioned whether Mr. Hunters' dock should be constructed more northerly.

Mr. Dixon noted that the board would hear from Mr. Canaan at the following meeting; therefore, the board should not continue with the questioning. He said the proposed design appeared closer to a solution than the previously submitted design.

Mr. Grant advised that he would not be attending the meeting in January. He suggested that Mr. Hunter was being very generous with his proposed plan which would not impede anyone's access to the water. He said the applicant had the same right to the water as other neighboring residents. He suggested that Mr. Hunter had gone beyond what was required and had been extremely generous to his neighbors.

Mr. Simms concurred with Mr. Grant; however, he said he would like to hear from Mr. Canaan.

Mr. Grant said he would vote in favor of the applicant even if Mr. Canaan objected to the proposed plan.

Mr. Hunter said Mr. Canaan had ample time to present his objections of the new plan or furnish representation at the hearing; however, he had chosen to go on a vacation. He suggested that it was not fair to table the

application when both parties had ample opportunity to make their presentations and the board had enough information to make an informed decision.

Mr. Dixon noted that many trips were planned and scheduled months in advance.

Mr. Simms stated that Mr. Hunters' presentation was good but the board needed to be fair and allow all parties to voice their opinions.

Mr. Hunter asked if further information was needed at the next meeting.

Mr. Dixon noted that the board preferred to view an aerial photograph with an accurate layout of the docks.

MOTION

Mr. Simms moved to table the application until the January 4, 2005 meeting. Ms. Horvath seconded.

Vote on the motion.

In favor
Simms
Horvath
Freeman
Baker
Dixon

Opposed
Grant

Motion carried 5/1.

6. SUBDIVISION PLAT
APPROVAL

Item 6(a) 2004-1164
Beth and Tony Segers

34 Beacon Street

To subdivide the property into two lots.

Beth Segers, 34 Beacon Street, was sworn in. She stated that she had owned the lot for twenty-five years but desired to divide it. She noted that the lot was located at the corner of Cross and Beacon Streets and adjacent to the marsh. She said she planned to build on the portion of the lot closest to the street intersection which lacked any trees. She advised that she had maintained the lot for twenty-five years.

Mr. Birchim reported that the applicant had requested to subdivide a lot and a portion into two, full buildable lots. He explained that the subdivision of land must follow the State and City guidelines and must be reviewed and approved by the PZB. He advised that the PZB must ensure that lot size would meet the minimum dimensional requirements according to the Zoning Code. He stated that both lots had met the minimum requirements, and based on review of Chapter 23 of the Municipal Code, staff found that the board could approve a subdivision of the property as submitted.

Mr. Simms noted that ten written response forms had been sent to surrounding property owners with zero returned in favor and two returned in opposition to the application. He opened the public hearing but there was no response from the public.

Mr. Simms questioned whether the Aggregation Task Force issue would be involved with subdividing the lot.

Mr. Dixon stated that the subject application did not enter into that issue because the applicant had proposed to create two buildable lots.

Mr. Grant questioned why the applicant included the small strip of land with the subdivision.

Ms. Segers affirmed that it was necessary to include the small strip of land in order to obtain the required square footage.

In response to an inquiry from Ms. Freeman, Mr. Birchim clarified that one lot measured 5,698 square feet and the lot with the house measured 8,426 square feet. He noted that a minimum lot measured 5,450 square feet; therefore, both proposed lots would meet the size requirements. He added that lot width requirements had also been met. He reiterated that if the strip of land was not included, the lots would not have met the minimum requirements.

Ms. Horvath noted that one lot would have access to the water.

MOTION

Mr. Grant moved to recommend approval of the preliminary subdivision plat to the City Commission. Mr. Baker seconded.

MOTION CARRIED UNANIMOUSLY

Item 6(b) 2004-1215

Craig Greiner

Susan Neely

21 Casanova Drive

To subdivide the property into five lots.

MOTION

Mr. Grant moved to table the application until the January 4, 2005 meeting. Mr. Baker seconded.

**MOTION CARRIED UNANIMOUSLY
BY VOICE VOTE**

**7. REZONING / LAND USE PLAN
AMENDMENT /
CONSERVATION ZONE
DEVELOPMENT**

Item 7(a) 2004-2275

Philip B. Genovar and J. Pellicer

Sonya Genovar Jenson

Nix Boatyard Road

**PID#134830 0000, 134833 0000, 134900
0011**

To rezone the property from county designation to City Planned Unit Development (PUD) and to amend the land use to City Marine Industrial to construct a marina and boat storage facility.

Ron Brown, 66 Cuna Street, stated that he represented Phil Genovar, Sonya Genovar Jenson and Mr. Pellicer. He noted that the parcel of land was located at the east end of Nix Boatyard Road and northeast of the Home Depot property. He stated that the property was also adjacent to the homestead of Phil Genovar, Sonya Genovar Jenson and Roger Genovar and a trailer park owned by D. L. Pellicer. He explained that the most recent property use involved a boat building operation; however, those buildings were found to be in a dilapidated state. He noted

that the County had classified the property under the Future Land Use map as Mixed Use development and the property had previously been designated for marine use purposes. He stated that the County would consider the property as a nine acre PUD. He acknowledged that one of the proposed structures involved a height of fifty feet to be used for a boat storage facility with capacity of storing one-hundred and ninety-two boats. He suggested that the demand for such a facility in the area was high. He advised that the proposal involved a storage facility with a marine sales office, bulkhead, regraded shoreline and pier for dockage. He explained that the Genovar family had enjoyed a good relationship with the City and staff and desired to continue that relationship with the proposed annexation. He suggested that the proposed development would fit well with the current construction in the area. He noted that the Home Depot property had been annexed into the City by the Genovar family prior to the purchase by that company.

Mr. Brown explained that one letter had been received in opposition to the application. He noted that the letter came from Philip Roger Genovar who was the third member of the Genovar family. He acknowledged that Phil Genovar lived on thirty-six acres, Sonya Genovar Jenson lived on two acres and Roger Genovar also lived on two acres all adjacent to the subject property. He noted that the property was not currently generating any economic benefits for the owners. He stated that the development would generate jobs to help with the functional aspect of the facility. He reiterated that it was a commercial area and the proposed development was appropriate.

He said they planned to abide by all regulations required by the City or other agencies for Conservation zoned areas.

Mr. Birchim reported that the applicant had requested to rezone the property from County Commercial Highway and Tourist to a City PUD and to amend the land use from County Mixed development to City Marine Industrial use in conjunction with the annexation of the property into the city limits. He advised that the owners planned to develop the property as a marina and boat storage facility with associated marine uses. He noted that the application was complete and included Conservation Zone development for dredging of the basin, construction of dockage and construction adjacent to the marsh. He voiced that rezoning was a legislative act by the City Commission with a formal recommendation by the PZB, and City staff did not make recommendations concerning legislative acts. He advised that staff found that the board could approve the Conservation Zone development portion of the project with the condition that all applicable Federal, State and City permits were obtained prior to construction.

Mr. Simms asked for the height limitation if the property were to be rezoned.

Mr. Birchim affirmed that the applicant had requested a fifty foot height limit.

Mr. Knight advised that the land use category allowed eighty percent lot coverage and thirty-five feet building heights, or allowed, through a PUD development, fifty foot building heights and fifty percent lot coverage. He clarified that the applicant had

requested the fifty foot height limit with fifty percent lot coverage.

Ms. Horvath questioned whether the fifty feet would measure from grade or the flood plain.

Mr. Knight advised that it would measure from the flood plain.

Ms. Horvath asked for the elevation of the property.

Neither staff nor the applicant knew the elevation of the property.

Mr. Dixon noted that Code specified that an unoccupied or uninhabited building could be construction at grade elevation.

Ms. Horvath concurred with Mr. Dixon. She said she wanted to get the fifty foot elevation from grade on the record.

Mr. Knight affirmed that to be correct. He said the interior details were not included in the application; however, an interior office would require a base flood elevation.

Mr. Brown advised that for the building to contain four boat racks for economic feasibility it must measure fifty feet high. He suggested that FEMA flood elevation requirements did not apply to commercial structures.

Mr. Dixon affirmed that to be correct if the building was unoccupied.

Mr. Knight acknowledged that the board wanted to measure the fifty feet from the existing grade. He noted that if a problem

existed, due to the flood elevation heights, fill might be required.

Mr. Brown noted that a structure with a concrete pad currently existed on the site.

Mr. Simms noted that four written response forms had been sent to surrounding property owner with none returned in favor and one returned in opposition to the application. He stated that Mr. (Philip Roger) Genovar's response noted that he was concerned about the future sale of alcohol on the property.

Mr. Brown stated that a tackle shop was planned with the development; however, no alcoholic beverage would be served.

Mr. Simms asked for the number of boat slips involved in the development.

Sonya Genovar Jenson, 320 SR 312, was sworn in. She stated that floating docks would be construction; however, no rental slips would be available. She noted that staging areas would be developed which would fit approximately seven boats at one time. She affirmed that eighty-three parking spaces would be available on the property. She indicated that one dock would be stationary which was more difficult to use.

Mr. Simms opened the hearing to public comment.

John Valdes, 1395 US 1 South, stated that much pressure existed for more boat ramps in the area. He noted that one-hundred and ninety-six boats would be eliminated from yards in the area. He asked that the board consider giving their approval due to the need for enclosed boat storage facilities.

Mr. Simms closed the public hearing.

In response to an inquiry from Ms. Horvath, Ms. Jenson advised that the trailer park would remain on the property.

Mr. Simms questioned whether the fifty foot high structure could be seen from the water.

Ms. Jenson affirmed that a very small top portion of the structure could be seen from the water.

Mr. Baker stated that he could support the application. He agreed that a need existed for the type of facility planned. He noted that the property location had a history of marine use.

Mr. Dixon concurred with Mr. Baker about the appropriateness of the location.

Mr. Simms asked if the applicant planned to build a restaurant at the location in the future.

Ms. Jenson advised that a snack shop was planned but it did not include a bar. She indicated that, in the future, she would like to construct a full size restaurant.

Mr. Birchim advised that any change to the PUD site plan would need approval from the PZB.

Mr. Simms stated that he did not have a problem with a bait and tackle shop; however, a full restaurant would be another matter.

MOTION

Mr. Baker moved to recommend to the City Commission that the application be approved as submitted. Mr. Dixon seconded.

MOTION CARRIED UNANIMOUSLY

8. REZONING / SUBDIVISION PLAT APPROVAL

Item 8(a) 2004-1208

Leslie J. Weinstein

36 May Street

To rezone the property from Residential Single Family One (RS-1) and Open Land (OL) to Planned Unit Development (PUD) and to subdivide the property into five lots.

George McClure, 170 Malaga Street, stated that he represented Leslie Weinstein, who owned the property at 36 May Street which was located at the end site on the left toward the Vilano Beach bridge. He noted that Mr. Weinstein grew up in the house that had been constructed on the property. He submitted an aerial photograph and said the site had proved to be a challenge. He noted that the property had an older 1950's ranch style concrete block home. He suggested that the property did not market well for a single family residence. He advised that the location was noted for traffic congestion and across the street was the Miramar Subdivision with lots being marketed as grandfathered individual lots that measured 3,400 square feet and fifty feet wide by sixty-eight feet deep. He affirmed that the

RS-1 classification allowed lots measuring 10,580 square feet, and enough property existed to create five lots based on the RS-1 zoning, but they needed to be designed as fan-shaped lots due to the requirement of a seventy-five foot frontage for each building. He said it would have created an odd configuration and resulted in vehicles exiting directly onto May Street.

Mr. McClure advised that the proposed plan involved five lots with a common driveway that would eliminate the need to back onto May Street by using the common driveway to safely enter the congested street. He noted that the footprint would allow construction of a reasonably sized home on each lot. He stated that the minimum lot size measured 5,400 square feet which was approximately 2,000 square feet in excess of the lots located across the street. He noted that the construction would be limited to detached, single-family residences. He suggested that the design of the site allowed a nice view of the marsh and water of Hospital Creek. He explained that a portion of the lot had been bifurcated and designated as Open Land (OL) which permitted such uses as commercial recreation facilities, marinas, restaurants and housing for the elderly; therefore, a potential existed to market the end lot as a small marina, real estate office, etc. However, he said Mr. Weinstein desired to retain the property only as single family residential lots. He noted that the PUD contained the provisions for setbacks, lot coverage and other items that would control the quality and configuration of the development.

Mr. Birchim added that staff did not make formal recommendations regarding rezoned

property and the PZB was the recommending body to the City Commission on such matters.

Mr. Simms noted that eight written response forms had been sent to surrounding property owners with two returned in favor and four returned in opposition to the application. He opened the hearing to public comment.

All members of the board disclosed ex-parte communications with Ms. Rakoncay, who had sent a detailed letter to each member.

The following people spoke against the application:

- ◆ Isabelle Russell, 61 Magnolia Avenue
- ◆ Burt Hodge, 81 Magnolia Avenue
- ◆ Irene Arriola, 81 Magnolia Avenue
- ◆ Eloise Herndon, 14 May Street
- ◆ Walter Sauls, 65 Magnolia Avenue
- ◆ Barbara Blonder, 8 Milton Street
- ◆ Mary Dunlap, 4 Milton Street
- ◆ Jo Sinclair, 10 Milton Street
- ◆ Tom Tibbitts, 17 May Street
- ◆ Melinda Rakoncay, 86 Magnolia Avenue

Those citizens offered the following reasons for the board to deny the application:

- ◆ removal of beautiful mature trees
- ◆ inappropriate sized lots
- ◆ traffic congestion already existed in the area and five new homes would generate additional traffic problems
- ◆ dangerous intersection of May Street and Magnolia Avenue had resulted in numerous traffic fatalities

- ◆ speed of vehicles, poor visibility and congestion contributed to the already unsafe intersection
- ◆ increased density initiated the decline of the quality of life in the City
- ◆ site lacked sufficient land to create five single family lots
- ◆ City Code strictly prohibited including Open Land zoned property to create a subdivision
- ◆ Lots across the street involved very small lots; however, those lots were non-conforming lots on record and should not be compared to the proposed development
- ◆ PUD's had become the zoning of choice for developers, who had no interest in living within the City
- ◆ A limit of three single-family houses could be designed on the property
- ◆ Developer should remain within the allowed zoning while creating a development and not ask for special concessions
- ◆ The proposed 5 x 10 sign announcing the proposed gated community was not appropriate
- ◆ Entire property site not owned by applicant
- ◆ No survey of the property had been provided
- ◆ Illegal land fill was placed on the property prior to being granted to Weinstein on February 25, 2002
- ◆ Thirty feet of marsh frontage was dividedly owned by lots 36, 35, 51A, 51, 67, 83 and 85
- ◆ The creation of McMansions on the site was inappropriate for the area

- ◆ Neighborhood property owners had followed Code with construction or renovations to their homes
- ◆ New structures would block the sunlight and eliminate the scenic view of the marsh
- ◆ Enough room existed for the construction of McMansions north and south of the City
- ◆ Proposed development would destroy the character of the neighborhood
- ◆ Land boundaries questionable
- ◆ Proposed development created a new use on the property
- ◆ Proposed development did not appear to be compatible with the neighborhood
- ◆ Parking availability did not allow for visitors, large vehicles or emergency vehicles
- ◆ Gated community not compatible with neighborhood
- ◆ Drainage an issue in the area
- ◆ Street a major evacuation route
- ◆ Developer had not met with the neighborhood association
- ◆ Code specified that residential, commercial and industrial development shall not be permitted in Open Land zoned areas

Mr. Simms closed the public hearing.

Mr. McClure responded that the public way located by the marsh was dedicated with the original plat of Nelmar Terrance in 1912 which had been considered a pedestrian walkway. He explained that the City had vacated their interest in the walkway sometime between the 1940's or 1950's to the Collins family, who owned a lot north of

the FSDB property. He stated that Nelmar Terrace was a very large subdivision which contained many types of properties such as an apartment complex, nursing home, plumbing supply company, church and single-family homes. He reiterated that the area included multi-family and commercial business properties. He stated that if one drove down the streets in that subdivision they would not find a single lot in which very expensive larger homes would qualify under the City zoning requirements because the lots were simply not large enough. He affirmed that the entire property was not zoned RS-1 but also included a small portion as Open Land.

Mr. McClure explained that the questionable fill had been placed on the site many years earlier by City street sweepers, who were allowed to dump the material from the trucks which came from city streets and construction sites. He affirmed that they could develop the site with two lots in the RS-1 portion and one lot in the OL zoned area without the board's approval. He agreed that Ms. Arriola's suggestion of three residences was an appropriate number for the site; however, it would involve a more difficult configuration and all driveways would be placed directly on May Street. He stated that they desired an adequate lot size with significant value of the proposed homes. He noted that the 5,400 square foot minimum lot size was not unusual in the City and they were entitled to the thirty-five feet building height limit just as the neighboring property owners currently had on their lots. He noted that the proposal represented only an increase of two residences above what they currently were allowed and it represented an improvement

of traffic circulation onto the road and how the lots were defined and oriented in order to make more sense and provide a better environment. He suggested that the proposal was reasonable and represented an appropriate development of the site and location.

Ms. Horvath stated that the opposition had voiced some valid points with regards to density and serviceability issues. She suggested that the proposed development would intensify the existing problems at the base of the Vilano Bridge. She said the proposal was too intense and she remained concerned with the way the development had been designed.

Mr. Grant noted that lot 5 appeared to be over the tidal portion of the creek and marsh areas and questioned whether that portion would need to be filled. He stated that questions remained regarding retention of stormwater on-site. He suggested that the proposed six foot high perimeter fence would obstruct the view of owners attempting to enter May Street. He said the proposal was extremely dense which he could not support. He stated that Mr. McClure had mentioned what could be placed on the site but it was unlikely that someone would place a gas station or other such development at that location. He noted that the applicant had the right to place three residences on the property, and he suggested that was what they should do.

Ms. Freeman suggested that the PUD was not appropriate and said she could not support the proposed plan.

Mr. Baker stated that each time he had visited the site and reviewed the plan, it appeared as a small portion of the Lions Gate subdivision was being tacked on to the end of May Street. He agreed that the three residential lots currently allowed under the Code would be more appropriate for the site.

Mr. Dixon suggested that the style of architecture was not in keeping with the character of the neighborhood. He noted that three feet of fill would need to be placed on the site which would kill many of the trees. He agreed that the proposal was too dense. He questioned whether a twenty-five foot setback from the marsh was required.

Mr. Knight advised that the shoreline had rip-rap and fill material; therefore, it was not considered a natural shoreline.

MOTION

Mr. Simms moved to recommend that the City Commission deny the PUD application. Mr. Grant seconded.

MOTION CARRIED UNANIMOUSLY³

9. REZONING / LAND USE PLAN AMENDMENT / SUBDIVISION PLAT APPROVAL

**Item 9(a) 2004-2232
Fitzgerald and Tesdorpf Investments, Inc.
Prado Avenue and Rambla Street
PID# 164340 0000**

³ Mr. Simms called a break at 5:17 and reconvened at 5:27 pm.

To rezone the property from Open Land (OL) to Residential Single Family Two (RS-2) and to amend the land use from Open Land to Residential Low Density and to subdivide the property into eight lots.

John Tesdorpf, 515 Carcaba Road, Vilano Beach, was sworn in. He stated that he was co-owner of the property with Ricky Fitzgerald. He noted that the property was located behind the Super 8 motel on North US 1. He stated that they would like the property rezoned from Open Land to RS-2 and to amend the land use from Open Land to Residential Low Density and to subdivide the property into eight lots. He submitted a document to the board members.

Mr. Baker, Mr. Dixon, Ms. Horvath and Ms. Freeman disclosed ex-parte communications with Mr. Tesdorpf.

Mr. Birchim reported that the applicant had requested to rezone the property located near Prado and Rambla Streets from Open Land to RS-2 and the accompany land use plan amendment, and to approve the preliminary subdivision plat to subdivide the property into eight lots. He noted that the Open Land zoning category did not allow for subdivision of the property into single-family residences; therefore, a rezoning was necessary. He advised that the rezoning process was a legislative act by the City Commission on recommendation by the PZB, and staff did not make recommendations concerning legislative acts.

Mr. Simms noted that seven written response forms had been sent to surrounding

property owners with one returned in favor and zero returned in opposition to the application. He opened the public hearing but there was no response from the public.

Mr. Grant asked why the application had been previously tabled.

Mr. Dixon responded that a request had been received from the applicant.

Mr. Baker suggested that the property location was appropriate for the development.

Mr. Dixon questioned whether a bulkhead existed at the site.

Mr. Tesdorpf stated that no bulkhead existed on the property. He noted that the property to the south, formerly known as Bella Vista, had a bulkhead but the north property had been issued an active bulkhead permit. He affirmed that the lot would need to comply with Code; therefore, they were not asking for a setback variance.

Ms. Freeman suggested that the proposed plan would be a good use for the property and said she could support the application.

Mr. Grant asked about the averaging buffer request.

Mr. Tesdorpf said they understood that it was just wishful thinking on their part.

MOTION

Mr. Baker moved to recommend approval of the application to the City Commission. Mr. Grant seconded.

Mr. Knight clarified that the approval was contingent upon the vacation approval of a portion of Prado Avenue.

MOTION CARRIED UNANIMOUSLY

10. OTHER BUSINESS

10.a. Building Height

Mr. Simms noted that Robert Hall would like to speak with the board members regarding building height limits.

Robert Hall stated that building height limits were an extremely important issue for the City. He explained that it had affected the HP Districts for many years. He suggested that people had placed extra stories on their vernacular style homes. He asked that the board revisit the issue of limiting the building height to twenty-seven feet. He said twenty-seven feet was a reasonable height limit.

Mr. Dixon said he disagreed with Mr. Hall. He explained that the Bed & Breakfast structure located on Cuna Street was deplorable because of the height and said he shared Mr. Hall's displeasure of the development. He stated that one was required to construct Second Spanish Period style homes in the HP 2 and 3 Districts. He suggested that the thirty-five foot building height limit had worked well.

Mr. Hall asked that the board limit the height to twenty-seven feet in the HP-3 District which was the prime historic area. He suggested that unique structures were being eliminated for the historic town.

Mr. Knight noted that the PZB and the HARB had conducted a workshop; however, it was determined that the height issue would be dealt with on a case-by-case basis and not to move forward with an amendment to the Code. He noted that a thirty-five foot high building could include such items as chimneys and copulas which could be placed above the thirty-five foot limit. He said the Code specified “or other building accessories” and “or other building appurtenances”; therefore, he suggested that it was clear what a chimney or a copula was but it was unclear what should be considered an “accessory or pertinence”. He explained that the issue was brought forward by a situation that had occurred at 92 Washington Street which currently exceeded the height limit of thirty-five feet. He stated that a roof deck had been added which brought the height to forty-eight feet that resulted in a building well above the building height limit. He asked what the board would consider as “building accessories and building appurtenances”. He noted that Flagler College had just constructed a student dormitory at a height of thirty-five feet on Cedar Street which included a staircase and elevator tower to access the roof that housed mechanical equipment but not for viewing. He noted that a single-family owner could construct the same element but make it a viewing deck. He stated that staff had allowed roof decks at the maximum height only if the building had a stairwell to access the roof. He noted that, technically, building appurtenances could be as high as fifty-five feet. He asked that the board offer feedback on the issue.

Mr. Simms suggested that the issue could be involved in the development of the San Sebastian property.

Mr. Grant said, although not intentional, it appeared as if a loophole existed in the Code. He questioned whether the Code could specifically include viewing towers or platforms.

Mr. Knight advised that roof decks could be prohibited. He offered examples of roof decks:

- ◆ Flagler College – mechanical purposes
- ◆ VIC Parking Garage – vehicles would be parked on the top deck
- ◆ Lions Building – not only exceeded the thirty-five foot building limit but exceed the fifty-five foot limit with a roof deck being used for parties, viewing, etc.

Ms. Horvath noted that the Lions building height had been grandfathered in.

Mr. Dixon noted that a flat roof with a parapet would be considered part of an architectural feature of a building; however, a handrail installed above the thirty-five foot limit should not be allowed.

Ms. Horvath noted that the parapet on the Washington Street building could act as a rail and allowed to remain; however, they installed housing for the stairs with a handrail system.

Mr. Dixon affirmed that they had added a use to the top of the building which was not incidental.

Mr. Grant suggested that the description of “viewing tower” could be eliminated.

Mr. Wilson advised that it would be difficult for the City to prevent someone from entering their roof to view the space shuttle. He noted that the Code specified that occupied spaces were not allowed. He said he had discussed the matter with staff and suggested that items not considered architectural features could be prohibited. He advised that staff could write changes to better define the Code.

After some discussion between board members and staff, it was determined that staff would create language for the board’s review.

10.b. Minor amendment to PUD’s.

Mr. Knight advised that Commissioner Burk questioned whether minor amendments to a PUD should be presented to the City Commission. He noted that less than ten minor amendments had come before the PZB over the past three years.

Mr. Simms and Mr. Dixon suggested that amendments should be presented to the PZB first with final decisions made by the City Commission.

Mr. Knight clarified that the PZB made the final determinations on PUD minor amendments and final development plans.

Mr. Dixon suggested that the City Commission should be involved in minor amendment decisions.

Mr. Simms noted that many times the City Commission would not agree with what the PZB had determined.

The board agreed that the City Commission should have the final decision regarding minor amendments to a PUD.

11. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

a) Matthew Baker – 161 Marine Street

Mr. Baker noted that the St. Johns County Welfare Federation was a business client.

b) Leanna Freeman – 92 Cedar Street

Ms. Freeman noted that the application involved her family’s property.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:55 PM.

Harvey Simms, Chairman

Pam Halterman, Recording Secretary