



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, October 5, 2021 at 2:00 p.m.

Regular Agenda

- 1. Roll Call**
- 2. General Public Comments for Items Not on the Agenda**
- 3. Approval of Minutes**
 - a. Regular Meeting Minutes from August 10, 2021.
 - b. Regular Meeting Minutes from September 7, 2021.
- 4. Use by Exception**
 - a. 2021-0129 John Grapsas – Applicant/Owner
[172 Cordova Street Unit 4](#)
To approve one (1) parking space in the City parking garage for a short-term rental.
 - b. 2021-0131 Will Hensler – Applicant
Historic Frasier Properties Inc. – Owner
[11 St. George Street](#)
To approve a bar/tavern as a permissible use by exception.
- 5. Variance**
 - a. 2021-0125 Mat and Kim Harrod – Applicant/Owner
[40 Water Street](#)
To reduce the required primary front setback from 20' to 17' to extend the existing porch and steps to accommodate lifting the existing home. To reduce the secondary front setback from 8' to 6' for a new second story porch.

- b. 2021-0126 Patrick Crocetta – Applicant/Owner
[346 Charlotte Street](#)
To reduce the required front yard setback from 20’ to 4’ for a new porch on an existing accessory apartment.
- c. 2021-0130 Irene Forbes – Applicant
Phillip and Irene Forbes - Owner
[49 Valencia Street](#)
To reduce the required secondary front setback from 10’ to 5’ for an addition to a carport for an enclosed garage and storage room.

6. Conservation Overlay Zone Development

- a. 2021-0124 Ryan Carter – Applicant
James Stephen - Owner
[165 Inlet Drive](#)
To modify an existing dock and approve a new boat lift in Conservation Overlay Zone 1.
- b. 2021-0123 Peter Pena – Applicant
Peter and Dahlia Pena - Owner
[118 Spoonbill Point Court](#)
To remove two (2) significant trees (Cedar) in Conservation Overlay Zone 3.

7. Rezoning/Conservation Overlay Zone Development

- a. 2021-0108 Ellen Avery-Smith Esq.- Applicant
Flagler College, Inc.– Owner
[94 Cedar Street and 7 ML King Avenue – PID 201850-0000, 201860-0000 and 201860-0150](#)
To amend an existing Planned Unit Development (PUD) and to remove one (1) significant tree (Laurel Oak) in Conservation Overlay Zone 3.

8. Other Business

- a. Discussion and recommendation regarding an Ordinance to clarify Historic Architectural Review Board (HARB) demolition and partial demolition review applicability and procedures.
- b. Election of chair and vice chair.

9. Adjournment

Notices: In accordance with Florida Statute 286.0105: “If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.” In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body.

The materials prepared and presented are part of the City’s ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting August 10, 2021

The Planning and Zoning Board met in formal session Tuesday, August 10, 2021, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Jon DePreter, Chairperson and the following were present:

1. Roll Call:

Jon DePreter, Chairperson
Christina Opsahl, Vice-Chairperson
Grant Misterly
Sarah Ryan
Mike Davis
Carl Blow
William Masson

City Staff:

David Birchim, Director, Planning & Building Department
Isabelle Lopez, City Attorney
Elyse Anderson, Recording Secretary

2. General Public hearings for Items Not on the Agenda

- Laura Giber

3. Approval of Minutes

Ms. Lopez stated she gave the clerk some minor typographical corrections on the July 6, 2021, meeting minutes.

MOTION

Mr. Blow MOVED to APPROVED the June 16, 2021, minutes as presented. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Blow, DePreter, Masson, Davis, Ryan, Misterly, Opsahl

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Davis MOVED to APPROVED the July 6, 2021, minutes as presented. The motion was SECONDED by Ms. Opsahl

VOTE ON MOTION:

AYES: Davis, Opsahl, Masson, Blow, Ryan, Misterly, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Use by Exception

4. (a) 2021-0092 – John Grapsas– Applicant & Owner 172 Cordova Street, unit #4

To approve one (1) residential street parking permit on Cordova Street for a short-term rental.

Mr. Birchim read the staff report and said based on a review of City Policy and Section 28-2 & 28-151, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for the use of one (1) parking space in the reserved street parking spaces on Cordova Street, with a valid guest hang tag, for a short-term rental at 172 Cordova Street, unit #4.

Terry Grapsas presented the application.

Ex Parte Communication

(None)

36 certified notices were sent, 4 were returned in favor, and 1 had comments.

Public hearing was opened.

Arthur Neiber asked if the renter would receive the sticker from the owner or if they would receive something different.

Mr. Birchim stated it would be a hangtag that would go on the rear-view window of the vehicle received from the owner.

Mattie Rayford Harms spoke in opposition of the applicant as short-term rentals were businesses in a residential area and parking was an issue.

Melinda Rackancy asked how many spaces were available on Cordova Street and how many hang tags had been issued. She stated she wanted to make sure there were not more hangtags than spaces.

Mr. Birchim stated there were ten reserved parking spaces on Cordova Steet, and the City had issued fifteen parking stickers for the owners and twenty-one hangtags for visitors.

Ms. Rackancy recommended denial of the application because there was the parking was one the largest complaints when it came to short-term rentals.

Bruce McGuire encouraged the Board to deny since there were only ten spaces, and the residents were stressed to find parking and were lowest priority.

Public hearing was closed.

Ms. Grapsas stated the owners had a parking lot, and there was a parking space for each unit.

The Board discussed:

- Applicant had sticker and two hangtags
- Not providing an extra hangtag only converting one for the use of the rental
- Short-term rentals made it harder for residents to find parking
- Not supportive of parking on Cordova Street
- Could recommend parking at the municipal garage
- An abundance number of hangtags issued
- Not feasible with ten parking spots
- Applicant had other options available

Mr. Birchim stated there were commercial/institutional parking lots within 400 feet of the property; however, the application was not for that, but he wanted to provide other options.

Ms. Grapsas stated that the parking lots or the parking garage was an option. She said they needed the permit to have the rental, and this was the process she had to follow.

Ms. Opsahl asked since the application was for only one of the options, and several options were available, could the Board continue the application for revision or should it be denied.

Mr. Birchim replied that if the Board continued the application, the City would have to re-advertise the modified application; however, if the case were closed, the applicant could file a new application and the advertising cost would be at the applicants expense.

The Board and Ms. Grapsas discussion continued:

- Four parking lots identified within a 400 Sq. Ft. radius as an option
- Reserved parking for owners onsite

- Less parking for the short-term rental and the two hangtags were for the street parking
- Hangtags purchased from the City were for residential parking
- Parking was for the residential neighborhood from Bridge Street to St. Francis Street
- Not in favor of giving residential parking to short-term rentals

Mr. Masson asked for clarification about the hangtags and if the applicant had two hangtags for guest parking.

Mr. Birchim confirmed and stated the hangtags issued for guest included the language, "if to be used for short-term rentals must be approved by the Planning and Zoning Board Use by Exception".

MOTION

Ms. Opsahl MOVED to DENY use by exception application 2021-0092 to deny approval of one parking space on Cordova Street for short-term rental at 172 Cordova Street, unit #4; however, there were other options as presented by the Board. The motion was SECONDED by Ms. Ryan.

VOTE ON MOTION:

AYES: Opsahl, Ryan, Blow, Misterly, DePreter

NAYES: Masson, Davis

MOTION CARRIED 5/2

4. (b) 2021-0095- An Le – Applicant & Owner **5 Locust Street**

To approve three (3) parking spaces in the city parking garage for a short-term rental.

Mr. Birchim read the staff report and said based on a review of Section 28-29 and 28-151, and without the support of evidence to the contrary, staff finds that the Board can

APPROVE a use by exception for three (3) off-site parking spaces within the municipal parking garage for the short-term rental at 5 Locust Street.

An Le presented the application.

Ex Parte Communication:

(None)

20 certified notices were sent, 1 returned opposed and had comments. There were also one email attached.

Public hearing was opened.

Matty Rayford Harms asked if restaurants were able to reserve spaces in the parking garage.

Mr. Birchim replied they were able to purchase hunting passes but not specific parking spaces.

Ms. Harms stated the parking should be for visitors not investors. She said there were parking problems in the City and was not in favor of the application.

Mr. Misterly clarified hunting passes were first come first serve and not reserved.

Mr. Blow stated the City and the Task Force had to work within the Florida Statute.

Melinda Rackancy stated she was part of the Task Force they recommended that parking should be on site because of how many complaints they received; however, the Commission had approved the Use by Exception option. She said the Board should deny.

Public hearing was closed.

Mr. Blow asked if there was a reason the application could not be denied or would it create an issue for the City with the Florida statutes.

Ms. Lopez advised the City Commission created multiple options in its legislation to avoid litigation. She stated that PZB was able to deny one of the options, but they could not deny all the options, thereby creating potential litigation.

Mr. Blow stated the options were: find parking on site, find parking within 400 feet in another lot or in the parking garage.

Ms. Lopez said residential street parking if available.

Mr. Blow asked if the Board could deny the application if were able to identify another viable option for the applicant.

Ms. Lopez stated that in this case, her understand was there were no other options but the parking garage.

Ms. Opsahl asked if the hunting passes were paid for by the owner or were paid upon entry in the parking garage.

Mr. Birchim replied that the owners would pay a monthly fee.

The discussion continued:

- Options available were well defined but process of elimination left the parking garage
- Location of home was within six minutes of the garage

MOTION

Mr. Blow MOVED to APPROVE the use by exception 2021-0095. The motion was SECONDED by Mr. DePreter

VOTE ON MOTION:

AYES: Blow, DePreter, Masson, Davis, Ryan, Misterly, Opsahl

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Use by Exception/ Variance

5. (a) 2021-0093 – Veritas Private Classical School, Inc– Applicant **JLB Management Co., LLC– Owner** **169 Martin Luther King Avenue**

To approve off-site parking for a school as a permissible use by exception and a variance to the 400-foot distance requirement for this exception.

Mr. Birchim introduced the application and stated he would not be providing a recommendation because he was a resident of the neighborhood and would be available to answer any questions the Board may have.

Mike Davis recused himself¹.

Matt Baker presented the application.

The Board provided their ex parte communication.

40 certified notices were sent, 4 were returned in favor and 4 had comments. There were also one email attached.

Public hearing was opened.

BJ Kalaidi said the applicant knew the limitations for green space and parking. She said the site plan dated August 20, 2020, clearly showed the on-site parking. She said this school was not a short-term rental and using off-site parking 1,100 feet did not meet the need for a variance. She said the school could make use of 169 Dr., Martin Luther King Ave without a variance.

Lauren Giber spoke in opposition to the application because of excess traffic and the students could be transported by bus.

Charles Pappas spoke in favor of the application but the term 'golf cart' was incorrect as they were not allowed on the streets of St. Augustine by Florida law and

¹ Recusal form attached to original minutes.

should be called a 'low speed vehicle and licenses' (LSV) for the shuttle.

Melinda Rackancy said she was concerned with the excess traffic being brought into the neighborhood in the morning and afternoon and the growth of the school.

Scott Patrou stated based on previous comments people were not opposed to having the school but having the school parking on site. He said it was not about adding parking but maintaining the green space. He felt others had been off topic and wanted to refocus the discussion.

Gail Wisler stated she lived three doors down from the location of the school and was concerned with the traffic. She said if it were closer to King Street it might not be an issue, but it was at the end, and she thought the bus system might help elevate some of the traffic.

Scott Goedert spoke in favor of the application and felt the school had taken over a piece of property that had been abandoned. He stated the school was going out their way to pay for parking on another site for the teachers. He did not feel this would cause a traffic problem, but this was part of living in a tourist town.

Public hearing was closed.

The Board discussed with Mr. Baker:

- Project had been approved before
- Parking was approved and going to take place
- Parking not in neighborhood and would be on Riberia Street
- Safe walkable town
- Add an exception for 13 spaces only and the variance for over 400 feet for a particular number of spaces to avoid a growth problem
- If needed, more spaces would have to go back before the Board

- Have a condition to provide a shuttle service for the faculty (13 spaces) in inclement weather
- Unsure if school bus would be the right type of shuttle and would not want to stipulate the type of shuttle
- Against application previously with having unresolved green space
- Drainage issues on site liked that the area would stay porous
- Unsure if Board could add condition on for shuttle for students
- Proposal could provide less internal Lincolnville traffic
- Have a Low-Speed Vehicle and not the golf cart if relevant
- Distance from parking to school was close but shuttle would be beneficial
- Need to have rules to enforce who was allowed to use the parking
- Parking location better than destroying green space as it benefited the community
- Marina agreed to allow signage since the parking area would be used by both
- Parking to run with the applicant
- A denial would cause building parking lot on the site and would eliminate green space

MOTION

Ms. Ryan MOVED to APPROVE for Use by Exception application 2021-0093 limit to 13 spaces for off-site parking for school as presumable use by exception to use a street legal low speed vehicle which includes parking signage and the a Variance for 13 space over 400 feet away. The motion was SECONDED by Mr. Masson

VOTE ON MOTION:

AYES: Ryan, Masson, Blow, Misterly, Opsahl, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Conservation Zone Development

6. (a) 2021-0089 – Scott Patrou – Applicant **GP Salt Run, LLC – Owner** **435 Flagler Boulevard and 27 Comares Avenue**

To approve a structure in excess of 75 feet in width in Conservation Overlay Zone 2.

Mr. Birchim read the staff report and said Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can APPROVE the construction of a building exceeding 75 feet in width in Conservation Overlay Zone 2 and the removal of a 30" (dbh) southern red cedar tree located at 27 Comares Avenue and 435 Flagler Boulevard with the following condition:

The removal of the 30" (dbh) southern red cedar tree equates to 3 mitigation debits. The replanting requirement for this is 3 southern red cedar trees (between 3-7 inches dbh) or 1 southern red cedar tree (between 12-20 inches dbh) to be planted on the site.

Scott Patrou presented the application.

The Board provided their ex parte communication.

54 certified notices were sent, 1 was returned in favor, 18 returned opposed and 17 had comments. There were also several emails attached.

Public hearing was opened.

Clyde Murphree representative for the Corona Del Mar Condo Association, stated the association was not in favor of the application. He stated the applicant wanted to have as many units as possible on a small lot close to the water. He expressed concern that the proposed structure would block the view of the Lighthouse and Salt

Run for several of the units at Corona Del Mar.

There was Board consensus to allow Mr. Murphree to exceed the three-minute timed public comment as he was there as an individual and the representative for the Condo Association.

Mr. Murphree continued the proposed building would also tower over the Corona Del Mar swimming pool recreational area and would allow the occupants of the proposed building to view directly into their rear windows. He said the applicant did not show the setback to Corona Del Mar compared to the proposed setback from the water. He said the applicant wanted to build closer to the water compared to the adjacent primary structures, and felt the Ordinance was interpreted incorrectly because the adjacent primary structure was the Corona Del Mar building, not the swimming pool. He noted that 435 Flagler Boulevard was a vacant lot when the Corona Del Mar was built and it honored the Ordinance and did not build pass the home that was previously there. He said blocking the views would diminish the property values of their condos.²

Lauren Giber spoke in opposition of the application and felt the Board needed to preserve the City and keep the residents in the forefront and not the developers.

Public hearing was closed.

Mr. Patrou responded to public comment, noted that the side setback were in place because the property was a corner lot on Alaminos Avenue, which was not an open right-of-way. He said because of the way the coastline of Florida was shaped, the rule required review by the PZB. He presented a map of the property to the Board information was provided by the PZB. He presented a map of the property to the Board that showed where the coastline tapered. He

² Attached to Original Packet

noted that maps did not show the development that was occurring to the south; however, there was a building to the east of where there proposed building would be located. He said the reason it was setup this way was because the view would be towards the east. He stated there was one condo that would possibly have a view to the south. He said the code did not say they could not build in excess of 75 feet just that it had to be reviewed and approved by the PZB.³

The Board discussed with Mr. Patrou:

- 35-foot building included height for the elevators
- Any building constructed would comply with City Code
- Bulk heads on both building site
- Finish fill would be similar to the elevation height to the condominiums to the south
- Bulk heads previously approved would tie into the Cortez and then level out
- Degree of separation there by natural barriers, setback and 60-foot right-of-way that would not be impeded
- Only the northern most unit might have a view looking back toward the other condos
- Primary structure felt to be tying into the Cortez condos

Mr. Birchim provided clarification on the rule that stated, "the Planning and Building division, which was staff, could issue permits for primary structures if they are within 150-feet of an existing primary structure". He said this did not exclude him from getting closer to Salt Run but excluded staff from providing the approval. He said if was closer to Conservation Zone 1, it would have to be approved by the Board.

³ Attached to Original Packet

At the request of Mr. DePreter, Mr. Birchim explained the corner lot variance. He stated he spoke to Ms. Lopez and the applicant came before the City asking for the vacation of the Alaminos right-of-way. He said 435 Flagler Boulevard had two frontages, Flagler Boulevard and Alaminos Avenue, the applicant asked the City for Alaminos Avenue to be vacated to put the dock over an unopened right-a-way and the City Commission denied the vacation. He said it was still a public right-of-way which constituted a corner lot by the City's definition. He said there were now three frontages, Alaminos Avenue, Comares Avenue, and Flagler Boulevard.

There was a brief discussion regarding lot setbacks and the proposed structure location in relation to the adjacent structures.

Mr. DePreter asked about the storage shed and moving the building.

Mr. Patrou replied that if the storage shed were moved back, it would eliminate parking spaces. He stated the storage unit was not before the Board and that was still under consideration but could be built with or without Board approval because it was less than 75-feet if it followed building codes.

The discussion continued:

- Interrupted vista right-a-way and previously discussion of providing a public boat launch
- Understood not wanting to lose the view but 20 years ago the views had been taken away when building Corona Del Mar
- Cortez would drive the viewshed since was further south
- Applicant should be held to a standard, but standard should not change because the outcome was not liked

- On the street the section of where the building was located was in line with the other larger buildings
- Large structure for the property size
- Entire property when looking at the site plan was impervious between the building and parking lot
- The site was originally two properties with single family structures
- Both parcels were zoned RG-1 which allowed multi-family residents
- Intensity was sixteen units per acre
- RG-1 and RG-2 were prevalent zonings through Salt Run through Comares Avenue
- Zoning was placed to have multi-family housing on Salt Run
- Stormwater would be address by making use of pervious parking surfaces and on-site water retention

Mr. Patrou commented that the residents directly across from their location was also condo complex to the west. He said with the density, they were able to put fourteen units on the property but kept it to nine unit.

Mr. Blow stated regarding the sixteen criteria for review, they should be focused on number twelve which says, "impact of development on vistas and scenic opportunities by linear feet, height, mass, and percent of site". He said the issue of vistas was previously discussed and the public right-of-way was a scenic vista for the public. He felt the vista that would be impacted would be a public vista.

Ms. Lopez stated that the City did not protect private views, but the Code contemplated was scenic vistas for the public such as rights-of-way, park, or some other public property.

Mr. Blow suggested pulling the building back and eliminate the storage, in order to protect the public scenic vista from Alaminos Avenue.

The discussion continued:

- Tough site plan as the property was L shaped
- No issue with the width of the property
- Cortez had blocked the view already so hard to provide 360-degree or 180-degree scenic view from Salt Run
- Property zoned multi-family which allows apartments and condos
- Corona Del Mar had different use of site and provided view from pool area
- Not much different in distance from the water line to the building because of the contour of the land
- Concerned with the right-a-way being compromised
- Ample scenic opportunity for Corona Del Mar
- Not able to decide based on blocking view of Lighthouse and did not want to set a precedence
- Meets requirements for the code

Mr. Patrou said there was nothing to prevent the view from Alaminos Avenue. He stated Alaminos Avenue was east of the site; however, it was difficult to access because of the marsh and the mangrove growth.

Mr. Blow noted that there had been inquiries to obtain grant money to develop the City right-of-way land for boat or kayak launch.

Mr. DePreter understood Mr. Blow's point but thought the City would have to present their intentions for the land.

Mr. Masson felt that the scenic view would not be impeded.

Mr. Misterly stated he was not in support of the project and there was nothing unique or creative to justify exceeding what was in the Code because they maximized the footprint and went as far forward and wide as possible.

Mr. DePreter asked of the Board should provide comments relevant to the cedar tree and if a separate motion was required.

Mr. Birchim said the motions could be done either way, but it was one application. He said the cedar tree did not have an arborist report, but felt the tree was in good condition; however, it was in the proposed the footprint of the building.

Mr. Misterly stated he was also not in support of the tree removal since he felt the space was not creative thought out.

Mr. Blow stated that was a nice cedar tree but was located in the wrong spot in order to do this project. He said he was not in support the project because of the right-of-way not being vacated.

Ms. Ryan asked if that portion of the building was moved forward would Mr. Blow support the project.

Mr. Blow stated the Board was not supposed to help design the building; however, he had suggested to pulling the north third back but that would impact the storage building. He said his concern was protecting the public vista.

Ms. Opsahl pointed out that the public right-of-way was on the water, which had a better view than most other public areas.

Mr. Davis stated the project would not prohibit the City from providing public access to the water and currently the view was not accessible without walking through the vegetation and marsh.

MOTION

Ms. Opsahl MOVED to APPROVE Conservation Overlay Zone to development in agenda item 6. (a) 2021-0089 to approve a structure in excess of 75 feet in width and Conservation Overlay zone two and remove one significant tree the cedar and including

the mitigation for the tree. The motion was SECONDED by Mr. Davis

VOTE ON MOTION:

AYES: Opsahl, Davis, Masson, Ryan, DePreter

NAYES: Blow, Misterly

MOTION CARRIED 5/2⁴

6. (b) 2021-0097 – Herbert Vandermark–Applicant

Bruce Butler — Owner

917 Lew Boulevard

To approve a boatlift and floating dock on an existing dock.

Mr. Birchim read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can APPROVE a floating dock and boat lift, as submitted, for the joint use dock located at 917 Lew Boulevard.

Ryan Carter presented the application for Herbert Vandermark in his absents.

The Board provided their ex parte communication.

8 certified notices were sent, 1 returned opposed and had comments. There was also one email attached.

Public hearing was opened.

James Ferrell said he supported having a dock and floater, but not one that had been unauthorized and non-permitted. He felt the applicant should have to be in line with the rest of the people on Salt Run.

BJ Kalaidi stated she was opposed to the application because the project was unauthorized construction.

⁴ Break 4:26 p.m.- 4:45 p.m.

Bill Hutchinson felt that what Mr. Ferrell and stated the lift and dock would not be useable during low tide.

Public hearing was closed.

Mr. Carter stated he was unsure of the dock's depth, but the proposed footprint was what Mr. Butler wanted despite not always being able to use the dock. He said as it related to the gangway that existed, he would not want to protrude out into the channel and thought the angle was a compromise.

Public hearing was re-opened:

John Sebastyn said the angle of the dock that was shown was not the way it was positioned. He said he did not understand how they would put a boat in the water since there was not water there.

Public hearing was closed.

The Board discussed:

- Owner needed to have a permit before construction
- Not in favor for it being approved after-the -fact but not opposed to the dock
- Less intensive since it was shared dock
- Dock seemed to be minimal and not in deep water
- Layout seemed reasonable
- Joint dock was previously approved back in 2005
- Applicant was the new property owner
- Understood how mistake could have been made since previously two lifts were approved for prior owner
- Unique situation should not penalize for not obtaining a permit
- Deep water was off the end of the docks and did not find an issue with it
- Existing floating dock did not impede navigation

- No issue with proposed boat lift
- Urged residents of Lew Boulevard to ask City to extend permitting of the channel
- Grant funding available for that since there was Florida Legislation for boat access to State parks

Ms. Lopez asked Mr. Blow if his personal relationships would bias his decision on the application.

Mr. Blow stated it did not affect his decision on the application.

The discussion continued:

- Better design than extending into the channel
- Compact design
- Shared dock agreement had been established and the exact location may have changed but the intent was present
- Understood that further out in the channel could be a hazard

MOTION

Mr. DePreter MOVED to APPROVED Conservation Overlay Zone development application 2021-0097 to approve a boat lift and floating dock on an existing dock as it meets our sixteen criteria, not extending it out into the channel which could affect public safety and would not make a difference with affecting the scenic vista as it meets our criteria. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: DePreter, Davis, Masson, Blow, Ryan, Misterly, Opsahl

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Rezoning

7. (a) 2021-0085 – Gary B. Davenport, PA– Applicant 36 Granada Street, LLC – Owner 36 Granada Street

To rezone the property from Commercial Low-one (CL-1) to Planned Unit Development (PUD).

Mr. Birchim said Staff does not make recommendations concerning the rezoning of land. The Board is responsible for making a recommendation based on the following:

(1) The need and justification for the change.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the City Commission.

(3) Consistency with the Comprehensive Plan.

James McGarvey and Gary Davenport presented the application.

The Board provided their ex parte communication.

8 certified notices were sent, 1 were returned in favor, 0 returned opposed and 0 had comments. There were several emails attached.

Public hearing was opened.

Maddie Rayford Harms stated zoning was what protected the City's vision and zoning decisions were vital in protecting the Historic District. She said the Board should consider the location, intensity, density, and the effect it would have on the livability of the downtown residential areas. She said the buyer was aware of the zoning and was opposed to the change.

Melinda Rakoncay stated she was not in support of the PUD before the Board. She said the owner wanted to keep all the CL1 uses and the RGO zoning on parcel two for townhomes in the future. She stated there were no lots nearby that could accommodate the parking the restaurants require. She said both parcels should be rezoned into the PUD or keep the property as zoned

Lou Geanleas asked the Board to deny the application, and in section 280 28-86 of the City code it said, "a PUD must include an attached final development plan and project narrative with specified development conditions". He stated the applicant did not want to commit to a final plan.

Mr. McGuire opposed the application and said the applicant wanted to lease a property for parking. He said the legal description provided was wrong and the legal description for parcel two was incomplete. He said the applicant should have to fix this before moving forward.

Lauren Giber felt Mr. McGarvey should provide documentation that was clear and concise. She urged the Board hold off on the project because the residents and the neighborhood were most important.

Public hearing was closed.

Mr. McGarvey and Mr. Davenport responded to public comment stating this was the third presentation and during the last hearing, the Board provided eleven specific items that needed to be addressed and were included with the application. He said the legal description was new information but would be investigated since it was a serious issue and would be resolved before presenting to the City Commission. He said the property had not changed and asked the Board to not delay the project again as the description was not imperative to the Board's decision. He said they would have the final site plan with the two parcels connected before presenting to

the Commissions. He said the driveway between the two was in place but not on the site plan. He said the townhomes would replace the restaurant and it would only require nine parking spaces and was also consistent with the area.

The Board discussed:

- Revised PUD was provided which incorporate in the language of parcel two; the parking area
- Update the site plan before City Commission
- Unsure of including the five townhomes if parking area was not needed
- Purposed PUD was to provide public certainty, which project lacked
- Wanted to keep CL-1 uses
- Clean up townhome language
- Previous meeting items mostly addressed
- Comply with City stormwater requirements if parcel two was developed
- Public benefits listed were exclusion of amplified music and no large gatherings or events
- CL-1 uses did not present a risk to the City
- Not concerned with CL-1 zoning as owner had those property rights
- SRX liquor license included in PUD
- Parcel two townhomes language should be better defined
- Section 28-286 and 28-287 of the Code defined a PUD's certainty
- PUD was the only time the City could negotiate zoning
- Developer wanted flexibility but that was not the intent of a PUD
- Should be clearly defined before presenting to the City Commission
- No final plan or narrative provided
- Would be a benefit to the community
- Connection to Granada Street should remain
- Connect back and front lots and add connect to DeSoto Place lot

- City Commission did not appreciate receiving underdeveloped PUD's
- PUD should be tied to the coffee shop and restaurant
- Should not phrase a PUD to contemplate the future
- Should be tied to the plan, elevation and exactly what the community would receive
- Construction times should be made shorter
- Define uses of both parcels and keep separate
- Second parcel was owned by several owners

Ms. Opshal stated that if the parking was not available the applicant would have to come back to the PZB and amend it or find other parking or operate with a certain capacity.

Mr. Birchim said with nine parking spaces it could not realistically operate.

The discussion continued:

- Intensity and density were consistent with what was proposed in the buildings existing footprint
- More beneficial to leave parcels separate to avoid having to change zoning
- Not in favor of automatic approval of the townhomes if the restaurant dissolved
- Would be persuaded to approve with removal of townhome language
- More inclined to approve being a PUD than CL-2
- Able to amend PUD in the future if needed
- Specificity was important to the PUD for public security
- Not concerned with timeframe but sooner was better
- Would need to comply with stormwater requirements
- Legal description would be resolved
- Small-scaled PUD

- Unable to know parking spaces allowed since stormwater retention had not assessed

Mr. Birchim stated that if the 8 Desoto Place property was included in the PUD and the PUD kept the uses of CL-1, the parking lot property would also have the CL-1 uses including the five townhouses and the density for CL-1 was the same as RG-1. He stated the clause for 8 DeSoto Place was not necessary as they were already entitled to five townhouses, and per the PUD, would have to comply with the parking requirements.

Mr. Misterly stated the PUD also included a site plan that did not identify the townhouses.

Mr. Birchim said they did not need to have approval for the townhomes as they had that entitlement, but the Board could cross reference the previously approved preliminary plat.

Mr. DePreter asked when it expired.

Mr. Birchim answered that the previous owner had acted upon it within the one-year timeframe, and the removal of the trees had been approved and completed. He stated if he wanted to change the site development plan to include the townhouses there could be a condition that stipulated, they had to return before the Board for the change, or it could be done by cross referencing what had been previously approved.

Mr. McGarvey said he agreed to twelve months to start and two years to finish the project for a total of three years.

The Board discussed:

- If added must have the required amount of parking for the restaurant
- On-site parking lot would dictate the number of tables allowed

- To avoid thru traffic in neighborhood should have access from Granada Street and connection of other parcels

Mr. Davis stated the recommendation to the Commission from PZB would state 'will have access from Granada Steet to both parking lots and would be tied together, and the number of parking spaces would determine the number of seats allowed in the restaurant'.

Mr. Davenport referenced page four in the application which stated, "permitted uses including available seating in restaurants would be limited by the available parking in compliance with the City parking code".

Mr. Misterly asked asked if the language could be revised to say 'on-site parking' because the current language allowed for off-site leases.

Mr. Davenport answered in the affirmative.

Mr. Davis asked for staff recommendation concerning the five townhomes.

Mr. Birchim said there was two options:

- Reference the approved plat for the five townhouse and add the BDAC number of the townhouse development that was approved previously approved on said date
- Acknowledge they can have townhouses but would have to return to the PZB for an amendment to the Site Development Plan

Mr. Misterly stated option three which was to not include the townhomes because new PUD's would want every additional option to preserve development rights.

Mr. Blow agreed a PUD was about being certain, and the Board needed to refer to the Code.

Mr. Misterly said if the Board eliminated the reference to the townhomes, the applicant had CL-1 zoning and an approved site plan for the parcels, but to alter the PUD they would need to return to the Board.

Mr. Masson stated he thought this was a way to avoid setting a precedence and it provided the applicant all the uses for CL-1.

Ms. Opsahl said the clause limited the applicant to townhomes that were previously reviewed and approved. She said by leaving the CL-1 the applicant had the right to all the uses.

Mr. DePreter questioned the current zoning on the DeSoto Place lot.

Mr. Birchim responded it was RG-1 zoning.

Mr. Davis asked if Mr. McGarvey would be willing to eliminate the townhomes from the PUD.

Mr. McGarvey stated he would eliminate the townhomes in the PUD but asked if he could keep the wording "previous zoning for the DeSoto Place parcel as approved on this date were five townhomes".

Mr. Misterly stated he had no issues with leaving the history for the parcels.

Mr. McGarvey stated he would be willing to accept keeping the wording in the front as a narrative.

Mr. Blow stated there was not an updated sight plan and a plan with multiple changes. He said he was unable to make a recommendation to the Commission and thought the City Commission expected the Board to follow the Code and PUD's that had certainty, a final plan, and a narrative on what was decided upon.

Mr. DePreter stated the PUD narrative was specific and had been amended to the following:

- Exclude amplified music
- To include a ride share program for restaurant employees
- Exclude large gatherings and events
- Remove the language that exempts the property from the concurrency
- Remove any language that exempts the property from any HARB review certificate
- Agreed to complete and verify the legal description
- Remove that section that allowed for off-site parking
- Narrative would state "will comply with all City parking requirements"
- Identify the DeSoto Place parking lot as off-site parking
- Identify there will be access from Granada Street into DeSoto Place
- Amended to identify State of Florida Special Restaurant Alcohol License
- Amended to clarify there was no limitation on the number of restaurant seats subject to all applicable City requirements

Mr. Blow asked if they could continue the application and have the applicant return with an updated site plan and revised narrative before making a recommendation to the Commission.

Mr. Masson stated they were providing the Commission with a recommendation predicated on the changes the Board was had agreed upon.

Mr. Blow stated he wanted the applicant to present a final site plan to the Board and the public to obtain certainty before presenting to the Commission.

Ms. Ryan stated the City Commission was frustrated with receiving incomplete PUD's and asked staff what should be done next.

Mr. Birchim stated it was a cleaner application; however, it would make the applicant wait another month.

Mr. Misterly stated it was straight forward and the changes were clearly stated. He pointed out that the application had two more readings and it seemed reasonable to send it to the Commission with the changes outlined.

Mr. Masson noted that if the Commission was not satisfied with the PUD recommendation, they were able to make changes or send it back. He said if the Commission received the application without the proposed changes completed that would not reflect on the Board, but if the applicant addressed the issues, then the application was complete.

Mr. DePreter stated before the application was presented to the Commission the Board wanted the map to reflect the access from Granada Street to the Desoto Place parking lot and eliminate the townhome clause.

Mr. Birchim stated the other changes were change the commencement, change the completion dates, and remove the storm water language.

MOTION

Mr. Davis MOVED to APPROVE rezoning 2021-0085 for 36 Granada Street to rezone from Commercial Low (CL1) to Planned Unit Development (PUD) and include all the changes the Board had, to include townhomes eliminated but able to be in the previous narrative on the history of the project but not an allowed use, the length of time is one year from approval and two years after that to complete, the removal of exemption of stormwater in the parking lot and the site plan that shows access from Granada Street and that the restaurant seating will be based on the number of parking spaces on the on-site parking plan and no off-site parking is allowed and subject to the prior eleven amendments that had been made. The motion was SECONDED by Ms. Opsahl.

Mr. Blow said the applicant would produce an updated narrative and site plan for the City Commission; however, the Board would never review the documents.

Mr. Birchim answered in the affirmative.

Mr. Blow said his issue was he felt the City Commission expected the Board to review the final documents and have the applicant comeback to the Board one more time. He said that allows the public to view it and he thought the City Commission did not like receiving applications that were not clear.

VOTE ON MOTION:

AYES: Davis, Opsahl, Masson, Ryan, Misterly, DePreter

NAYES: Blow

MOTION 6/1⁵

8. Rezoning/Conservation Overlay Zone Development

8. (a) 2021-0094 – Ellen Avery-Smith, Esq.– Applicant
SA Marina Holdings, LLC– Owner
159 King Street (PID#203350 0030, 203470 0000)

To rezone the property from Planned Unit Development (PUD) to Residential General Office (RGO) and to approve a structure in excess of 75 feet in width in Conservation Overlay Zone 2.

Mr. Birchim stated staff does not make recommendations concerning the rezoning of land. The Board is responsible for making a recommendation based on the following:

(1) The need and justification for the change.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the City Commission.

⁵ Break 6:45p.m.- 6:58p.m.

(3) Consistency with the Comprehensive Plan.

Ellen Avery-Smith and Gavin Cane presented the application.⁶

The Board provided their ex parte communication.

48 certified notices were sent, 2 returned opposed and had comments. There were several emails attached.

Public hearing was opened.

Lauren Giber stated she sent a letter on August 5, 2021, which she read into the record.⁷

Melinda Rakoncay spoke opposed to the application stating it had been rejected by the City Commission earlier this year and they had not followed the Commission's instructions to rework the application and amend the PUD. She stated the site plan for 159 King Street did not show how the hotel and parking garage entrances would be accessed without crossing the 157 King Street property. She asked the Board to deny the project.

Mr. Misterly stated for clarification purposes his understanding of the site plan was the City Commission continued it and did not deny.

Mr. Birchim stated that was correct.

Judith Liphardt asked the Board to deny the application to protect the scenic vista for the residents in St. Augustine as part of the Comprehensive Plan. She said this project should not be considered when looking at the size and said the vista was very important to our way of life in Florida.⁸

⁶ Attached to original packet

⁷ Attached to original packet

⁸ Attached to original packet

Lou Geanleas stated the hotel was massive and would impact the vistas. He said Ms. Avery-Smith stated there were no differences; however, there but there was a huge difference from the PUD than what was being asked for in the RGO. He stated the public was not receiving any benefits and in return the applicant was constructing a massive hotel on the San Sebastian River and the historic waterfront was important to the City of St. Augustine. He stated the Board was justified in denying the application in accordance with the Comprehensive Plan.

Gail Wistler stated there were numerous concerns expressed by residents about the guaranteed increase to traffic and the negative impact on the waterways. She said the development was on the table again with no public benefit and the residents mostly impacted was the residents in Lincolnville.

Bruce McGuire said he was opposed to the applicant and stated the intensity and density would impact the residents south of King Street but there was an incomplete site plan with no specifics. He said the zoning change to RGO may not be able to be denied but the Board had the right to protect the people who lived south of King Street.

Public hearing was closed.

Ms. Avery-Smith and Gavin Cane responded to the public comment.

Ms. Avery-Smith stated Florida Law was clear that any property owner was able to ask for rezoning of property and subject to a public hearing process. She said the Law and the Code were clear that on zoning category like RGO things like building height, density and intensity, parking, stormwater was governed by the City Code or Florida Law. She said with respect to the site plan approved by the Board had an entire section related to the Conversation Overlay zone criteria and use the same analysis from the prior PUD from January.

She said the site plan with the Conservation overlay zone was identical as previously shown but with an added ten feet side yard setback that was adjacent to Seavin, Inc Property. She added the scenic vistas as they were measured from public land and rights-of-ways and there were no residents that lived adjacent to the property. She stated the staff report pointed out the Winery was being slightly blocked, but they had preserved the scenic vista from the public rights-of-ways. She stated the City Commission had previously provided comments; however, they were not able to come to a resolution; therefore, decided to amend the application from PUD to RGO zoning.

Mr. Cane stated in the staff report on page six number twelve that said, "the structures would not impact vistas and scenic opportunities of the San Sebastian River from the King Street bridge" and then "the current vista of the San Sebastian River from the Sebastian Harbor Drive was marginal from the street and sidewalk". He said from the plan presented they tried to create to maintain the view to the river. He said additionally the large space created in front of the resort was made to be a park space with the viewshed. He pointed out the additional canopy would enhance the streetscape on Sebastian Harbor Drive.

Mr. Blow questioned if the property was sold, and they wanted to change the site plan they would have to reapply to PZB.

Ms. Lopez said they would not for the zoning but would for any changes to the Conservation Overlay Zone.

The Board discussed:

- Seemed to be scaled back version of project that was previously approved
- No choice but to recommend for rezoning change to RGO
- Concerned with what would happen in the future with the excess of 75-

feet for the Conservation Overlay Zone

- Not in favor site plan from the previous PUD
- Being broken up would be more beneficial to everyone
- Massive hotels being established across the river was discouraging
- Potential proposed market would be the focus and that will have architectural detail and control with being on a corner and would block this building
- Beneficial being on a radius
- Not sure if separating and allowing more height would be beneficial
- Supportive of RGO per the legal precedent
- Based on the staff report Conservation Overlay Zone supported since it avoided damage to saltmarsh and vegetation
- Applicant to provide as much green space, park area and waterway access as possible and scenic views
- Supportive of RGO change due to lot coverage, usages, building heights, and land use was the same
- Accurate waterline calculations were difficult to establish
- Possibly add a Riverwalk as a condition from the previously approved PUD and would mitigate some concerns with scenic view loss
- Hard to develop site when no plan presented was accepted by the public
- Past industrial location, but would not be allowed today
- Had more control over site when was a PUD
- PUD provided certainty, allowed for cohesiveness for the development over time, public input, ability to negotiate and provide benefits to the community
- Developer now wanted an easier path with RGO zoning
- City had visions for area to be an anchor of the St. Augustine

Ms. Avery- Smith stated the parking garage was attached to the hotel next the winery. She stated there would be access for the public to be near the waterfront.

Mr. DePreter asked what type of hardscape would be along the water because the PUD included a boardwalk that went along the waterfront into Lincolnville.

Ms. Avery-Smith stated the graphic shown was where the public could view the waterfront.

There was a brief discussion regarding public access along the river and Ms. Avery- Smith stated there would be access on the corridor but could not guarantee a continuous Riverwalk along the entire site.

Mr. DePreter stated it would be something he would like to have on the site. He said there was a connection between the Conservation Overlay Zone and the walkway.

Ms. Avery-Smith stated this was an RGO zoning within a Conservation Overlay area and would ask for the Board to apply the Code. She said there would be several locations that had access along the waterway.

Mr. Blow stated he was under the impression there could not be conditions added; however, thought the Chair was speaking about a permeant easement.

Ms. Opahl stated the public access that was not available was in front of the hotel and understood it could be a hindrance if there was 24-hour foot traffic.

Mr. Blow asked if the Board was able to make a recommendation on the RGO zoning and continue the Conservation Overlay Zone for further consideration.

Mr. Birchim stated the Conservation Overlay zone was contingent upon the rezoning. He stated the Board was providing a recommendation and the applicant could only be approved by the City Commission.

MOTION

Mr. Blow MOVED to RECOMMENDED APPROLVAL based on case law that the PUD be rezoned to RGO. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

AYES: Blow, Opsahl, Masson, Davis, Ryan, Misterly, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Motion

Mr. Masson MOVED to APPROVE the Conservation Overlay Zone Development 2021-0094 for a structure within excess of 75-feet in Conservation Overlay Zone Two contingent on the rezoning and the vistas as depicted on the slides presented by the applicant The motion was SECONDED by Mr. Davis.

Ms. Ryan stated if the boardwalk was not being utilized would the structure be removed.

Ms. Avery- Smith was unaware if there were pilings.

Mr. Blow stated there were pilings but it there was no decking.

Mr. DePreter stated he would like to see the boardwalk added as it was not an unreasonable request considering that it was a mitigating factor for the last PUD and was an enticing feature.

VOTE ON MOTION:

AYES: Masson, Davis, Misterly, Opsahl

NAYES: Blow, Ryan, DePreter

Motion Carried 4/3

8. (b)2021-0099 – Cynthia M. Montgomery, Esq– Applicant Seavin, Inc– Owner 157 King Street (PID#203350 0000, 203350 0010)

To rezone the property from Planned Unit Development (PUD) to Residential General Office (RGO) and to approve a structure in excess of 75 feet in width in Conservation Overlay Zone 2

Mr. Birchim stated staff does not make recommendations concerning the rezoning of land. The Board is responsible for making a recommendation based on the following;

(1) The need and justification for the change.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the City Commission.

(3) Consistency with the Comprehensive Plan.

Charles Cox and Cynthia Montgomery presented the application.

The Board provided their ex parte communication.

14 certified notices were sent, 1 were returned in favor, 9 returned opposed 9 emails sent in opposed.

Public hearing was opened.

Melinda Rakoncay stated she had concerns with the two properties being separated and with the parking accommodations for the property businesses.

Public hearing was closed.

Mr. Blow asked how the parking would be handled when rezoning to an RGO.

Mr. Birchim stated the parking would need to on-site or a Use by Exception for off-site parking.

The Board discussed:

- Application had to be approved by the Corridor Review Committee (CRC)
- Public access to be provided along the riverfront
- Per case law would recommend approval to RGO
- Add same condition that excess of 75-foot was dependent on the rezoning and viewshed
- Would want pedestrian access from King Street

Ms. Montgomery stated the parking would likely be in the parking garage or some on-site but would comply with the parking requirements per RGO and those details would be available when the site plan was submitted. She stated regarding the walkway at the water, the structure was there and would be willing to add the decking in front of the marketplace. She stated she was unable to address access from King Street since FDOT was working on a bridge project.

Mr. Birchim stated FDOT took nine feet of land adject to King Street on the south side for a drainage pipe connecting to the river and that would need to be crossed for connectivity which was outside the applicant's control.

Ms. Lopez asked could it go north from the viewshed to have connectivity internally.

Mr. Birchim stated they could not commit to connecting to the sidewalk when there was an easement between.

Mr. DePreter stated that the applicant had agreed to lay the decking and it would be open reasonable hours for public access.

Ms. Montgomery stated they would agree to laying the decking and not restrict public access but as far as public easement or liability, or obtaining insurance that would not be part of the agreement. She stated they did not want to encourage fishing in front of the business.

MOTION

Ms. Opsahl MOVED to RECOMMEND APPROVAL to rezone the property from PUD to Residential General Office (RGO) in 2021-0099. The motion was seconded by Mr. Masson

VOTE ON MOTION:

AYES: Opsahl, Masson, Blow, Davis, Ryan, Misterly, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

MOTION

Ms. Opsahl MOVED to APPROVE a structure in application 2021-0099 to approve a structure in excess of 75-feet in width and Conservation Overlay Zone Two subject to the requirement to provide the viewshed as shown in the slides and that is subject to the rezoning no restriction to the public as submitted with adding the Riverwalk platform. The motion was SECONDED by Mr. Masson.

Mr. Blow stated this applicant differed from the last application for several reasons as it would be reviewed by the entrance corridor guidelines and the applicant agreed to the Riverwalk.

VOTE ON MOTION:

AYES: Opsahl, Masson, Blow, Davis, Ryan, Misterly, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

9. Other Business

9. (a) Discussion and Recommendation for an Ordinance to define Craft Alcohol Industry, place Craft Alcohol Industry in certain zoning districts.

Ms. Lopez presented the two companion Ordinances stating one created a definition for craft alcohol industry and the other placed that use in various zoning districts within the City. She stated they were asking for recommendations from the Board.

MOTION

Mr. Blow MOVED to RECOMMEND Ordinance 2021-17. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Blow, Davis, Masoon, Ryan, Misterly, Opsahl, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

MOTION

Mr. Davis MOVED to Recommend Ordinance 2021-16. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

AYES: Davis, Masson, Blow, Ryan, Misterly, Opsahl, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

Mr. DePreter commended the City on the e-Bike program and encouraged others to use it to move about the City.

10. Adjournment

Having no further business, Mr. DePreter adjourned the meeting at 9:00 P.M.⁹

Jon DePreter, Chairperson

⁹ Transcribed by Elyse Anderson

CITY OF ST. AUGUSTINE

Planning and Zoning Board Regular Meeting September 7, 2021

The Planning and Zoning Board met in formal session Tuesday, September 7, 2021, at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Jon DePreter, Chairperson and the following were present:

1. Roll Call:

Jon DePreter, Chairperson
Christina Opsahl, Vice-Chairperson
Sarah Ryan
Mike Davis
Carl Blow
William Masson

Absent: Grant Misterly, excused

City Staff:

David Birchim, Director, Planning & Building Department
Jacob Fredriksson, Senior Planner
Amy Skinner,
Isabelle Lopez, City Attorney
Elyse Anderson, Recording Secretary

2. General Public hearings for Items Not on the Agenda

- Mattie Rayford Harms

3. Approval of Minutes

(None)

4. Use by Exception

4. (a) 2021-0115 – Lolo Properties, LLC – Applicant **K Dawn, LLC – Owner** **31 San Marco Avenue**

To approve off street parking within 400 feet of the premises.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE a use by exception for one (1)

offsite parking space for 31 San Marco Avenue at 27 San Marco Avenue / PID 194630-0000.

Nameer Jazrawi reviewed the application.

Ex Parte Communication:

(None)

12 certified notices were sent, 0 were returned.

Public hearing was opened.

Mattie Rayford Harms spoke in opposition of the application and thought short-term rentals were being rewarded. She stated that traffic and congestion were a concern. She said the public needed to have access to the parking and urged the Board to take that into consideration.

Alejandro Sanheza was opposed to the application. He said parking was not

available in the area, and the two spaces near the home were mainly used by delivery drivers and there was not enough parking in the area for the exception.

Public hearing was closed.

Mr. Jazrawi said there was plenty of parking in the trolley lot and he wanted to obtain one parking space from them. He said this was to help the guest feel welcome and enjoy the City's attractions and history.

Mr. Birchim clarified the applicant was not applying for street parking, or the City parking garage but for parking in a commercial lot to the south that was owned by Old Town Trolley.

The Board discussed:

- New owner needed an exception to be approved
- Previous owner had a parking space approved by the Board
- Not a short-term rental but a hotel room
- Could apply for off-site parking at the garage but wanted to stick with what had been previously used
- Could potentially make situation worse if denied
- Signage should be added to the space to identify that it was reserved
- Preferred this option rather than the City's parking garage
-

MOTION

Mr. Masson MOVED to APPROVE application 2021-0115 one required parking space be located off-site at 27 San Marco Avenue with the caveat that it would be pursuant to the agreement with Old Town Trolley previously referenced to space twelve and the space be appropriately marked. The motion was SECONDED by Mr. DePreter.

VOTE ON MOTION:

AYES: Masson, DePreter, Blow, Davis, Ryan, Opsahl

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

5. Variance

5. (a) 20121-0110 – Stephanie and Lewis Burge– Applicant and Owner **18 Solano Avenue**

To reduce the required side yard setback from 15' to 12' and the rear setback from 20' to 18' for a guesthouse.

Mr. Fredriksson read the staff report and said based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to APPROVE a variance to the required front and side yard setbacks in Residential, single-family-two (RS-1) zoning at 18 Solano Avenue / PIN 220770-0000

Lewis Burge reviewed the application.

The Board provided their ex parte communication.

17 certified notices were sent, 1 returned opposed, 1 had comments, and three additional emails were received.

Public hearing was opened.

Leanna Freeman spoke in favor of the application and thought the request was very minor to make use of the property as it was built several years ago.

Public hearing was closed.

The Board discussed

- Good use of a variance to help save the red cedar tree
- Was a minor setback
- Had support from the neighbors

- The disadvantage for the variance was it the size, shape, or typography
- Application met the criteria
- Location of the cedar tree was not depicted

Mr. Burge showed a map to the Board and the exact location of the cedar tree was near a deck that had been built several years prior.¹

MOTION

Ms. Opsahl MOVED to APPROVE Variance 2021-0110 agenda item 5. (a) to approve a variance to the required rear and side yard setbacks within Residential Single Family 1 zoning district at 18 Solano Avenue as applied for. The motion was SECONDED by Mr. Davis.

VOTE ON MOTION:

AYES: Opsahl, Davis, Masson, Blow, Ryan, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. Conservation Zone Development

6. (a) 2021-0107 – Jennifer Coffindaffer – Applicant and Owner 87 Dolphin Drive

To modify an existing dock, approve a new boat lift and a new floating dock in Conservation Overlay Zone 1.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE the construction of 881 new square foot of dock within Conservation Overlay Zone 1 at 87 Dolphin Drive / PIN 219920-0000. By approval of this application, the City does not make representation, approval, or claim to riparian rights to any party.

¹ Map attached to packet

Brian Spahr, the agent for the property reviewed the application.

The Board provided their ex parte communication.

25 certified notices were sent, 3 were returned in favor, and 2 had comments.

Public hearing was opened; however, there was none.

The Board discussed:

- Not an issue as it was a rebuild to the original dock
- Would improve the waterway
- Measurements were under the specs for the State permit rights

MOTION

Ms. Ryan MOVED to APPROVE agenda item 6. (a) 87 Dolphin Drive to approve Conservation Overlay Zone 1 approval to rebuild the modified dock. The motion was SECONDED by Ms. Opsahl.

VOTE ON MOTION:

AYES: Ryan, Opsahl, Masson, Blow, Davis, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (b) 2021-0111 – Ryan Carter– Applicant Kimberly Hartwick– Owner 228 Riberia Street

To approve a retaining wall in Conservation Overlay Zone 1.

Mr. Fredriksson read the staff report and said based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the Board can APPROVE a 128' seawall at 228 Riberia Street PID 213280-0000.

Mr. Carter reviewed the application.

Ex Parte Communication:

(None)

16 certified notices were sent, 1 was returned in favor, 1 returned opposed, and 0 had comments.

Public hearing was opened.

Lauren Giber spoke in favor of the retaining wall but asked for her neighbor to coordinate with the contractor and to be courteous to everyone in the neighborhood by not blocking the street.

Kevin Priester was opposed to the application and referred to an article about erosion to the shoreline being caused by bulkheads. He felt this would cause flooding for the neighbors in the area due to the harden shoreline.

Public hearing was closed.

Mr. Carter responded to public comment stating this would secure the property in the event of a storm and a reasonable request to secure the shoreline. He said there could be a coordinated effort with the contractors when the construction took place.

The Board discussed:

- Wetland line was determined by the Florida Administration Code 62-340
- Wetland line was based on two of the three criteria: vegetation, soil, and water or evidence of water
- No other bulkheads in the area
- Older armors to the south of the property
- Towards the north, there were berms to armor the shoreline
- Bulkhead elevation was at five
- Fence may be needed if over 30-inches
- Application was a reasonable ask
- Thought concerns from public comment were valid but it was within State law
- All activity was in the uplands

- Purpose was to protect the property
- Natural marsh would be in front of the wall
- There would be eighteen inches of uplands that would erode overtime
- Overtime it would potentially become a bulkhead
- Need for the wall was preemptive
- People wanted to protect their property in order to not lose any
- Regarding criteria thirteen only smaller brush would be taken out, no protected, or specimen trees would be removed

MOTION

Mr. Blow MOVED to APPROVE Conservation Overlay Zone Development application 2021-0111. The motion was SECONDED by Mr. Masson.

Mr. DePreter stated in the future there would be a more comprehensive look into the wetlands that would provide more guidance but thought in this case he was in support of the application.

VOTE ON MOTION:

AYES: Blow, Masson, Davis, Ryan, Opsahl, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

6. (c) 2021-0114 – Mary Beth Marek–Applicant and Owner
19 Davis Street

To remove one (1) significant tree (Hackberry) in Conservation Overlay Zone 3.

Item heard prior to 6. (b).

Mr. Fredriksson read the staff report and said Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE removal of one (1) significant Hackberry tree at the subject property within

Conservation Overlay Zone 3 located at 19 Davis Street/PID 119920-0000 with the condition that mitigation of 2 deficits (equal to 4" diameter in tree replanting) is completed on site.

Mary Beth Marek reviewed the application.

The Board provided their ex parte communication.

24 certified notices were sent, 2 were returned in favor, and 2 had comments.

Public hearing was opened.

Amy Secol spoke in opposition of the application and was concerned with the removing the tree. She stated a Hackberry was strong and provided shade, promoted wildlife in the neighborhood, and cleaner air. She stated if it was not a damaged tree it should not be removed. She stated there had been a Code Enforcement Officer that wanted to monitor some of the trees for over trimming.

BJ Kalaidi was opposed to the application and thought there was over building on Davis Street and questioned if the tree was damaged. She asked the Board if they had received a certified arborist report. She said if the Hackberry was a danger to the applicant's home it should be removed. She urged the Board to proceed with caution because the canopy was important.

Lauren Giber was opposed to the application as this was supposed to be the City of trees but the trees were being removed. She said trees should be taken care of and pruned correctly and questioned the Board about receiving a certified arborist report.

Michael Cubero was in favor of the application as he stated the tree was split and was on the property line about six feet from the applicant's home. He said the location and the condition of the tree was a hazard. He said there were other trees on

the property that the applicant wanted to preserve.²

Public hearing was closed.

Mr. DePreter stated that the public had asked for an arborist report, and he did not see a certified arborist report but did have an estimate for removal of the tree.

Ms. Marek stated she bought the home in 2019 and the home was canopied by an old oak tree, and when she spoke to the tree removal company she was under the impression, the tree company sent an arborist.

The Board discussed:

- Tree was on property when home was built
- Did not want to set a precedence with removing trees
- State could issue letter for removal if tree was dangerous to persons or property with an arborist report without approval from local government, permitting or mitigation
- Did not receive a certified arborist report
- City did not look at the entire lot for a tree count
- Would not support without an arborist report
- Would want to see tree trimming code violation if available
- Could use other option and handle at a State level

MOTION

Ms. Opsahl MOVED to DENY Conservation Overlay Zone Development 2021-0114 item 6. (c) to deny the removal of one significant tree a Hackberry tree in Conservation Overlay Zone 3 and RS1 zoning. The motion was SECONDED by Mr. Masson.

² Showed picture to Board attached to packet

VOTE ON MOTION:

AYES: Opsahl, Masson, Blow, Davis, Ryan, DePreter

NAYES: NONE

MOTION CARRIED UNANIMOUSLY³

7.Rezoning/Conservation Overlay Zone Development

7. (a) 2021-0108 – Ellen Avery-Smith Esq– Applicant
Flagler College, Inc- Owner
94 Cedar Street and 7 ML King Avenue –
PID 201850-0000, 201860-0000 and
201860-0150

To amend an existing Planned Unit Development (PUD) and to remove one (1) significant tree (Laurel Oak) in Conservation Overlay Zone 3.

Mr. Birchim read the staff report and said Staff does not make recommendations concerning the rezoning of land. The Board is responsible for making a recommendation based on the following;

(1) The need and justification for the change.

(2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.

(3) Consistency with the Comprehensive Plan.

Mr. Birchim read the staff report and said based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can APPROVE removal of one (1) significant tree at the subject property within Conservation Overlay Zone 3 located at 7 ML King Avenue, PIO 201850-0000.

³ Break from 3:24 p.m. – 3:40 p.m.

Ellen Avery- Smith presented the power point presentation for the Board and reviewed the application.⁴

The Board provided their ex parte communication.

19 certified notices were sent, 4 were returned in favor, 2 returned opposed and 2 had comments. There were 2 emails attached.

Public hearing was opened.

Leanna Freeman spoke in opposition of the application. She stated the City had lost residents and the sense of community. She said her parent's home was the only home left on the north side of Cedar Street. She noted the current PUD for Flagler College housed 104 beds on an acre lot and the proposed PUD modification was to add an additional 100 beds on 0.2 of an acre. She stated there would not be enough parking to accommodate the students and this would increase the parking problems. She stated the only way to resolve this was to scale the project back.

Lauren Giber stated she was opposed to the application and did not want the college to invade anymore of Lincolnville and suggested building somewhere else within the County and transport their students to and from campus. She stated the parking was not sufficient to the college and the college did not provide anything to the community.

BJ Kalaidi spoke in opposition of the application and said that people were destroying the City and there was nothing wrong with the home they wanted to demolish. She told the Board to pay attention as the downtown area because it was being destroyed.

Maddy Rayford Harms stated there was a lack of faith in the College as a partner to

⁴ Attached to packet

the City's residents. She was opposed to the application.

Public hearing was closed.

Ms. Avery-Smith said the evolution over the last few years had changed but Flagler College was a beacon in the town, and it had brought many people to the City. She said the building was being used for administrative purposes and had been owned by the College for several years. She said the application was to add on to an existing PUD for an additional 100 beds and the parking was being provided in the other lots already established.

Dave Carson, CFO at Flagler College, spoke regarding the parking accommodations for the students, faculty, and guest. He stated they had decreased the student count by 300 but added around 600 parking spaces.

Mr. Blow asked if the project were approved how would the stormwater be addressed.

Rob Matthews, from Matthews Design Group, stated all stormwater would be contained on site with an under-ground chamber system under the parking lot.

The Board discussed:

- College was a good partner with the community
- Conflict in the parking numbers compared to real time parking
- PUD provided parking space information; Cedar southside lot for the existing PUD and 4 MLK Ave, 54 spaces and College gym/Auditorium, 79 spaces
- Timeframe was two years for construction and commencement within the next ten years
- Timeframe was to safeguard the college

- Would need to be opened by August 1st but with cost of materials, would wait until affordable
- Unsure of the need and justification since not expected to increase enrollment
- Living on campus increased graduation rates and retention and more educational value was provided to the students
- Off campus housing was not affordable or readily available
- Freshman were required to live on campus unless within a 30-mile radius and living with parents
- Parking would be an issue
- Flagler monitored the parking lots to assist students with parking assurance
- Parking lots named in PUD provided ample parking which met code
- Parking garage was not always open for students to use
- Dorm signage needed to be visible for parking
- Faculty, staff, commuter, and resident, and general (all students) parking lots were identified with signage
- Occupancy was at 92% to accommodate extenuating circumstances
- Wanted to avoid students hunting for parking spaces
- Provide a larger site plan to the Board with lots and spaces listed
- Students would need to buy a parking pass
- Parking spaces were based on students who bought parking permits
- Board consensus that a separate parking map needed to be provided
- Unless enrollment were to increase did not see need or justification for amendment
- At present time 1100/1200 beds and were not at full capacity
- Unsure if the parking lots would be able to provide the spaces needed for the additional beds

- Livability for residents was a concern in the neighborhood near the college
- Project might be too big of an ask if not able to fit on site
- Neighborhood would not be affected since using property owned by Flagler
- Was increasing the intensity and density
- Goal was to move more students out of the Model Land and Lincolnville area and back to the campus
- Rental rates increasing within the City making it difficult for students to find housing provided justification and need
- If left as CL-1 zoning, uses could cause more issues than a dorm
- People living on campus/downtown might not need as much parking
- Only around 1500 sq. ft. difference in the existing dorm and the proposed
- Buildings would be similar in size
- Rooms would be singles beds and a common space
- Would use laundry and storage in the existing building
- Applicant should modify the number of beds to what was realistic
- PUD should be clear and specific
- Parking permits were limited to number of spaces available
- No shuttle as campus was small and walkable
- Able to support as it followed the Comprehensive Plan
- Identify how many parking permits were distributed to the 104 students
- Students wanted to have single bedrooms
- Out of 2,360 students, 1,160 live on campus
- Timeframe was not feasible as a lot could change in ten years

Mr. DePreter provided a list of items from the Board that needed to be addressed:

- More specific parking map
- More specific occupancy rate in terms of rooms
- Six-year timeframe
- Provide parking process

Ms. Avery-Smith clarified that if more information about parking was provided that would not reflect the PUD as the PUD was not about parking campus wide but only the dorm. She said the PUD amendment was only for this particular property.

MOTION

Mr. DePreter MOVED to CONTINUE application Rezoning Conservation Overlay Zone Development 2021-0108 to the October 5, 2021, meeting to discuss the development window, more specific parking map, and more specific number of bedrooms in the facility. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

AYES: DePreter, Masson, Blow, Davis, Ryan, Opsahl

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

8. Other Business

8. (a) Discussion and recommendation regarding an Ordinance to establish an Impervious Surface Ratio (ISR) in residential zoning districts.

Amy Skinner, Deputy Director Planning and Building, presented the topic to the Board.

Board discussion:

- Master Plans communities were not included to meet the impervious ratio
- Those communities had master Stormwater plans
- Was there an exception if an existing property exceeded the maximum and were damaged could they

rebuild without losing property rights or became a zoning issue

- In the non-conforming section, owners were able to rebuild within the footprint if damaged
- Able to replace within one year
- Current properties would be grandfathered in even if over the 70% ISR
- Could apply for a Variance if needed
- Applied to any zoning district

MOTION

Mr. Blow MOVED to RECOMMEND Impervious Surface Ratio (ISR) for single family construction within any allowable zoning district and the Historic Preservation (HP) Districts 1,2, and 3 at 80% and HP 5 would be at 70%. The motion was SECONDED by Mr. Davis

VOTE ON MOTION:

AYES: Blow, Davis, Masson, Ryan, Opsahl, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

8. (b) Discussion and recommendation regarding an Ordinance to update the Zoning Code, Chapter 28 Definitions section for Small- and Large-Scale Land Use Plan Amendments to refer to the Florida Statute definition, as amended from time to time.

Ms. Skinner presented the topic to the Board and said she recommended that instead of the 50 acers it would say 'to meet the Florida Statutes'.

Mr. Blow clarified on page three strike the 50 acers and add in to meet the Florida Statutes.

Ms. Skinner answered in the affirmative.

MOTION

Mr. Davis MOVED to RECOMMEND Ordinance 2021-XX to the City Commission. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

AYES: Davis, Masson, Blow, Ryan, Opsahl, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

8. (c) Discussion and recommendation related to a new statutory requirement to include a Property Rights Element in the City's Comprehensive Plan.

Ms. Skinner presented the topic to the Board and noted the City wanted to move forward with just the statutory language requirement.

MOTION

Ms. Blow MOVED to RECOMMEND using the language submitted by staff. The motion was SECONDED by Mr. Masson.

VOTE ON MOTION:

AYES: Blow, Masson, Davis, Ryan, Opsahl, DePreter
NAYES: NONE
MOTION CARRIED UNANIMOUSLY

9. Adjournment

Having no further business, Mr. DePreter adjourned the meeting at 5:45 P.M.⁵

Jon DePreter, Chairperson

⁵ Transcribed by Elyes Anderson

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 5, 2021

RE: **USE BY EXCEPTION– 2021-0129**

AGENDA ITEM 4(a)

APPLICANT & OWNER John Grapsas

LOCATION 172 Cordova Street Unit 4 / PID 199990-0104

REQUEST To approve a use by exception for one (1) short term rental for off-site parking in the municipal parking garage.

LAND USE Residential Medium Density

ZONING Residential, general-one (RG-1)

APPLICABLE CODES/ORDINANCES

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter (see section 28-2, Exception).

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-151 Parking [for short term rentals]

(i) Each vacation rental, except as provided in subparagraph (iii) below, will provide at least one (1) stabilized parking space per bedroom offered for rent.

- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass. For the purposes of this Division, stabilized parking shall be defined as a space that is covered and graded by semi-permeable or impervious materials such as asphalt, concrete, pavers, gravel, or a similar material.
- (iii) Vacation rentals in all zoning districts that otherwise have on-site parking requirements will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the Planning and Zoning Board for a use by exception for offsite parking. The application to the Planning and Zoning Board for a use by exception for offsite parking may include in the alternative, parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to City regulations, residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

STAFF SUMMARY AND ANALYSIS

Use By exception - Off-site Parking within the Municipal parking garage for Short Term Rentals.

City code requires a use by exception when on-site, stabilized parking is not available, per LDC Sec 28-151(iii). The approval of short-term rental registrations is contingent upon being able to provide parking at a rate of one stabilized parking space per bedroom.

The annual registration renewal will require the applicant provide proof of current, valid parking passes to the city parking garage. If the applicant fails to renew parking permits, they will be out of compliance with City Code requirements for short term rentals, and subject to code enforcement action.

Information Only: As of the date of this report, the Planning & Zoning Board has approved 17 offsite parking spaces within the municipal parking garage, this application, if approved, would result in a total of 18.

STAFF RECOMMENDATION

Based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for one (1) short term rental for offsite parking in the municipal parking garage for 172 Cordova Street Unit 4 / PID 199990-0104.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2021-0129
 Receipt Number: 2195059 Meeting Date: Oct. 5, 2021
 Advertising Costs: \$ 207.⁹³ Paid On: 9/21/21 Receipt Number: 2203406

1. NAME OF APPLICANT: John Grapsas Contact Number: 505-263-0330
 Business (if applicable): _____
 Address: 7 16th St City: St Augustine State: FL Zip: 32080
 E-Mail Address: grapsas.john@gmail.com

2. NAME OF PROPERTY OWNER: (same as above) Contact Number: _____
 Business (if applicable): _____
 Address: _____ City: _____ State: _____ Zip: _____
 E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: _____ Block: _____
 Subdivision: Lakeview Condominiums Parcel Number: 199990-0104

4. PROJECT STREET ADDRESS: 172 Cordova #4 St Augustine FL 32084

5. SPECIFIC PROPOSED USE: Short Term Rental

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Request permission to use the City's public parking garage as the designated second parking spot required for our 2 bedroom condo.

8. JUSTIFICATION FOR ACTION REQUESTED: We have one designated parking spot on site.
We have contacted or attempted to contact the 4 recommended commercial/institutions
lots the staff report dated Aug 10, 2021. However, we were either denied permission
or did not receive a call back.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: Our property has limited available spaces to

parking

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: Yes, without a designated second parking spot, we would not be able to rent our unit out to its fullest potential.

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: Yes, we purchased this unit with the understanding that we were allowed to use a temporary residential parking permit for a second parking space as needed. However the P&Z Board denied that request.

However this request was denied by the P&Z board on August 10, 2021

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: Yes, using the Parking garage across town will not affect our neighborhood

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☒ Yes ☐ No If yes, please give date and final disposition below.

August 10 2021. Denied use of permit for designated residential parking

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Signature of Applicant

Date

9-9-21

Signature of Property Owner

Date

9-9-21

04/18/2019



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

John Grapsas

Print name of applicant



Signature of applicant

Sept 9 2021

Date

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2017-42 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater. \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Conservation Overlay Zone Development: Docks	\$330.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Preliminary Plat Approval	\$275.00 + ads & notices

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other-than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 172 Cordova #4 St Augustine, FL 32084

Applicant's Name: John Grapsas Applicant's Signature: 

Owner's Name: John Grapsas Owner's Signature: 



St. Johns County, FL

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	1999900104
Location Address	172 CORDOVA ST UNIT 4 SAINT AUGUSTINE 32084-0000
Neighborhood	Lakeview Condo (610.29)
Tax Description*	LAKEVIEW CONDO (OR2450/607) UNIT 4 OR5288/216 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Condos (0400)
Subdivision	LAKEVIEW BLDG
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.000
Homestead	N

Owner Information

Owner Name	Grapsas John 100%
Mailing Address	7 16TH ST SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2021
Building Value	\$225,000
Extra Features Value	\$0
Total Land Value	\$0
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$225,000
Total Deferred	\$36,900
Assessed Value	\$188,100
Total Exemptions	\$0
Taxable Value	\$188,100

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$171,000	\$0	\$0	\$0	\$0	\$171,000	\$171,000	\$0	\$171,000
2019	\$163,000	\$0	\$0	\$0	\$0	\$163,000	\$163,000	\$0	\$163,000
2018	\$163,000	\$0	\$0	\$0	\$0	\$163,000	\$163,000	\$0	\$163,000
2017	\$158,000	\$0	\$0	\$0	\$0	\$158,000	\$158,000	\$0	\$158,000
2016	\$158,000	\$0	\$0	\$0	\$0	\$158,000	\$154,000	\$4,000	\$154,000
2015	\$140,000	\$0	\$0	\$0	\$0	\$140,000	\$140,000	\$0	\$140,000
2014	\$130,000	\$0	\$0	\$0	\$0	\$130,000	\$130,000	\$0	\$130,000
2013	\$120,500	\$0	\$0	\$0	\$0	\$120,500	\$120,500	\$0	\$120,500
2012	\$117,500	\$0	\$0	\$0	\$0	\$117,500	\$117,500	\$0	\$117,500
2011	\$117,500	\$0	\$0	\$0	\$0	\$117,500	\$117,500	\$0	\$117,500
2010	\$123,750	\$0	\$0	\$0	\$0	\$123,750	\$123,750	\$0	\$123,750

Building Information

Building 1
 Actual Area 1001
 Conditioned Area 1001
 Actual Year Built 1935
 Use Condos
 Style 08
 Class N
 Exterior Wall
 Roof Structure

Roof Structure
 Roof Cover
 Interior Flooring
 Interior Wall
 Heating Type
 Air Conditioning
 Bedrooms
 Baths

Description	Conditioned Area	Actual Area
BASE AREA - FORCED	1001	1001
Total SqFt	1001	1001

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/9/2021	6/9/2021	\$368,600.00	WARRANTY DEED	5288	216	Q	I	CAREY MELODY	GRAPSAS JOHN
	12/31/2009	\$160,000.00	WARRANTY DEED	3275	1769	U	I	ROSSWORN ROBERT,JACKIE A	CAREY MELODY
	3/29/2009	\$0.00	LIS PENDENS	3180	551	U	I	DEUTSCHE TRUSTEE CO LTD TRUSTEE HARBORVIEW 2006-8	ROSSWORN ROBERT,JACKIE A
	9/30/2005	\$350,000.00	WARRANTY DEED	2558	44	Q	I	FARBER FAMILY PARTNERSHIP	ROSSWORN ROBERT,JACKIE A

Sketch Information

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No data available for the following modules: Exemption Information, Extra Feature Information, Land Information.

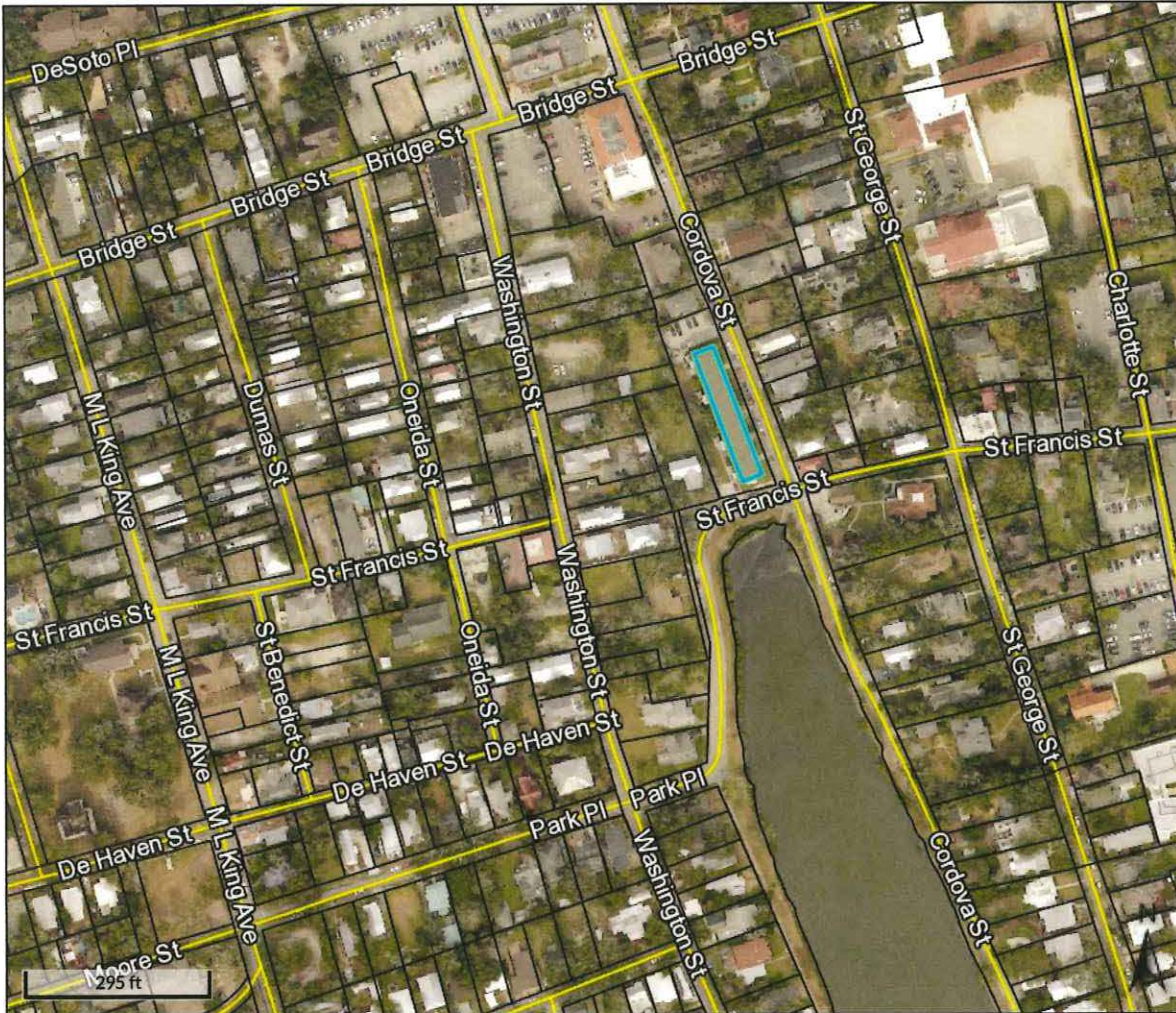
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Overview



Legend

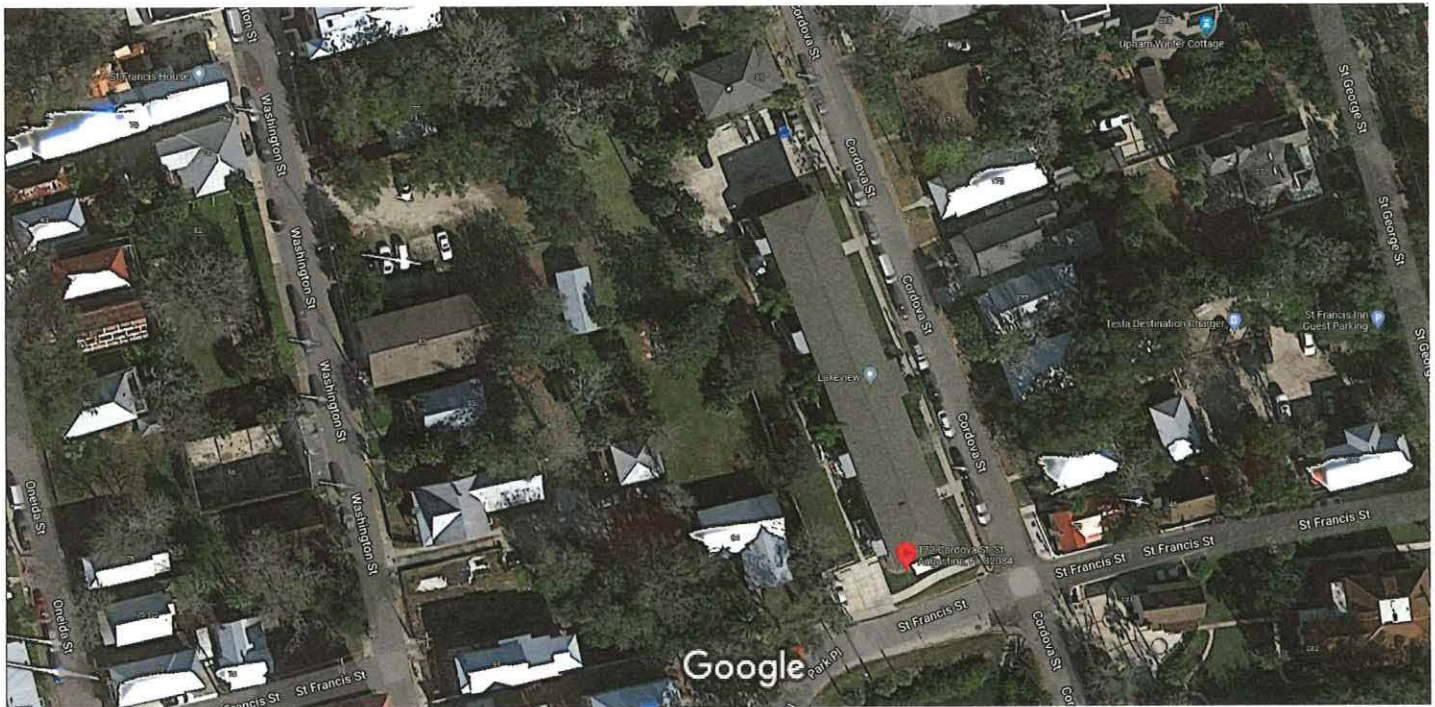
□ Parcels

Parcel ID	1999900099	Physical Address	172 CORDOVA ST	Building Value	N/A	Last 2 Sales			
Property Class	0902		SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Mailing Address	LAKEVIEW CONDO	Total Land Value	N/A	n/a	0	n/a	n/a
Acres	0.15		-	Just Value	N/A	n/a	0	n/a	n/a
				Total Deferred	N/A				
				Assessed Value	N/A				
				Total Exemptions	N/A				
				Taxable Value	N/A				

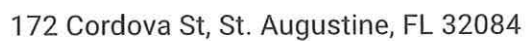
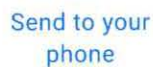
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GEOSPATIAL



Building



<https://www.google.com/maps/place/172+Cordova+St,+St.+Augustine,+FL+32084/@29.8880645,-81.3126595,121m/data=!3m1!1e3!4m13!1m13m6!1...>

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 5, 2021

RE: **USE BY EXCEPTION #2021-0131**

AGENDA ITEM	4(b)
APPLICANT	Will Hensler
OWNER	Historic Frasier Properties Inc.
LOCATION	11 St. George Street
REQUEST	To approve a bar/tavern as a permissible use by exception.
LAND USE	Historic Preservation
ZONING	Historic Preservation District (HP-3)
SURROUNDING USES	Retail and Restaurants

APPLICABLE CODES/ORDINANCES

Sec. 28-2 Definitions

Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as exceptions, if specific provision for such exception is made in the district regulations of this chapter.

Sec. 28-29. Zoning exceptions, variances and appeals.

(a) Zoning exceptions:

(1) In general. In the granting of zoning exceptions, the planning and zoning board may provide such conditions and safeguards as may be appropriate of this chapter.

(2) Written applications. All applications for an exception under this chapter shall be in writing in such form as may be prescribed by the board.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

(3) Public hearing. Unless a longer time shall be agreed upon by the applicant and the board in the particular case, a public hearing shall be held by the board to consider any application for a zoning exception within not more than thirty (30) days from the date of filing of the completed application. Notice of public hearing shall be made as provided in section 28-59(a) and (b), and any party shall be heard in person or by agent or attorney.

(4) Violations of exceptions. The violation of the terms of an exception, including any conditions and safeguards which may be made a part thereof, shall be deemed a violation of this chapter and punishable as provided in this chapter.

Sec. 28-185. Historic preservation district: HP-3.

Intent. This district is intended to provide a mix of commercial and residential uses that will encourage the restoration and reproduction of historic structures and maintain the historic and pedestrian scale of the neighborhood.

- (3) Permitted uses by exception:
b. Cocktail lounges, taverns.

General Zoning Standards

Sec. 28-181. - Purpose.

The historical heritage of the city is one of its most valued and important assets. It is therefore the purpose of the historic district regulations:

- (1) To safeguard the heritage of the city by preserving the district(s) which reflect noteworthy elements of the cultural, educational, social, economic, political and/or architectural history.
- (2) To educate the citizen to realize, understand, and appreciate the city's rich heritage.
- (3) To stimulate a greater awareness and sense of pride in the founding of the city and the contributions it has made to the state and nation.
- (4) To develop an atmosphere and feeling of old, historic St. Augustine by encouraging the preservation and restoration of historic structures within the districts.
- (5) To improve the environmental quality and overall livability of the historic section of St. Augustine.
- (6) To stabilize and improve property values in the district and to allow uses that encourage the restoration and conservation of historic sites and structures.
- (7) To promote the use and preservation of the district for the education, welfare and pleasure of residents of St. Augustine and St. Johns County, and of the state and nation as well.
- (8) That these aforementioned goals and objectives of the historic district be achieved and implemented through the establishment of and enforcement of the general district guidelines and specific district regulations.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF SUMMARY AND ANALYSIS

The applicant does not intend to operate like a “bar” but rather offer sales to tourists who visit the distillery and want to enjoy cocktails in the surrounding courtyard or in the distillery. The applicant also does not intend to have any amplified or live music as part of the operations.

The applicant also states that hours of operation will conclude at 10 p.m. due to the request of their neighbor Irving Kass at the St. George Inn.

Sec. 28-2 Exception

Sec. 28-2 "a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location or relation to the neighborhood"

There are over 61 businesses that have alcohol licenses in the downtown historic districts, which include restaurants, bars and cigar bars. (number)

11 St. George Street is in an area dominated by tourism oriented commercial uses including many bars. (area)

The specific location for this proposed bar does not appear to negatively impact surrounding properties. (location)

Sec. 28-2 "would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare"

A small bar/tavern may promote the general prosperity of this business district.

STAFF RECOMMENDATION

Based on a review of Section 28-2, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** a use by exception for a bar/tavern at 11 St. George Street, as submitted.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

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SEP 09 2021

Planning / Building Dept.

Application Fee: \$250 (plus advertising costs) Project Number: 2021-0131
 Receipt Number: 2195064 Meeting Date: OCT. 5, 2021
 Advertising Costs: \$ 75.00 Paid On: 9/22/21 Receipt Number: 2203906

1. NAME OF APPLICANT: Will Henster Contact Number: 321-961-4165
 Business (if applicable): City Gate Spirits, LLC
 Address: 11 St. George St. City: St. Augustine State: FL Zip: 32084
 E-Mail Address: will@citygatespirits.com

2. NAME OF PROPERTY OWNER: Historic Fraser Properties Inc. Contact Number: 904-377-9999
 Business (if applicable): C/O Edmiston and Edmiston CPA
 Address: 17 CORPORA ST. City: St. Augustine State: FL Zip: 32084
 E-Mail Address: binningers@bellsouth.net

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 3C Block: _____
 Subdivision: _____ Parcel Number: 1963700030

4. PROJECT STREET ADDRESS: 11 St. George Street, St. Augustine, FL. 32084

5. SPECIFIC PROPOSED USE: LIMITED SALE OF COCKTAILS & EDUCATIONAL CLASSES AT THE DISTILLERY

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: To sell distillery-made cocktails and conduct educational classes at CityGate Distillery.

8. JUSTIFICATION FOR ACTION REQUESTED: In July of this year, The State of Florida modernized laws regulating craft distilleries to allow craft distillers to sell cocktails from spirits made at their distillery. we have spoken to our landlord and neighboring business and confirmed they are comfortable with the proposed usage and hours of operation.

ANSWERS ALSO ATTACHED

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity? Yes. Nearly all of the surrounding businesses have applied for and received a use, by exception to sell adult beverages (beer, wine, and in some cases spirits) by the glass at their facilities. Several of the businesses encourage guests to sit and enjoy their purchases in the common area courtyard.
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property? Yes. This disadvantage was caused by the granting of use, by exception licenses to surrounding businesses. Prohibiting our distillery from selling cocktails & allowing guests to enjoy them in the common area would prevent us from making reasonable use of the affected property.
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant? Yes. This disadvantage was caused by the granting of by exception licenses to the surrounding businesses.
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section? Yes. All of the existing commercial properties in the immediate surrounding areas have been reasonable and responsible in the sales & service of adult beverages. We will do the same. We have no intention to operate like a "bar." Rather these will be sales to guests who visit the distillery and want to enjoy cocktails in the surrounding courtyard or in the distillery. We do not intend to have any amplified/live music as part of operations. We would close all operations at 10 PM based on the request of our neighbor Irving Kass at the St. George Inn.
10. PREVIOUS APPLICATIONS:
Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?
☐ Yes ☒ No If yes, please give date and final disposition below.

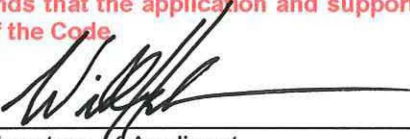
11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

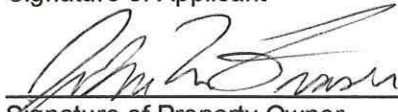
IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

Will Hensler

9-4-21

Date


Signature of Property Owner

John Fraser

9-4-21

Date

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04/18/2019
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Items for PZB Form – City Gate Distillery

Planning / Building Dept.



7. Description – To sell distillery-made cocktails and conduct educational classes at City Gate Distillery located at 11 St. George Street

8. Justification – In July of this year, The State of Florida modernized laws regulating craft distilleries to allow craft distillers to sell cocktails from spirits made at their distillery. We have worked with our landlord and neighboring business so that they are comfortable with the proposed usage and hours of operation.

9 (a) Yes. Nearly all of the surrounding businesses have applied for and received a use by exception to sell adult beverages (beer, wine and in some cases, spirits) by the glass in their facilities. Several of these neighboring business invite guests to sit and enjoy their beverages in the common area courtyard.

9 (b) Yes. This disadvantage was caused by the granting of use by exception licenses to the surrounding businesses. Prohibiting our distillery from selling cocktails and allowing guests to enjoy them in the common area would prevent us from making reasonable use of the affected property.

9 (c) Yes. This disadvantage was caused by the granting of use by exception licenses to the surrounding businesses.

9 (d) Yes. All of the existing commercial properties in the immediate surrounding areas have been reasonable and responsible in the sales and service of their adult beverages. We will do the same. We have no intention to operate like a “bar”. Rather these will bsales to guests who visit the distillery and want to enjoy the cocktails in the surrounding courtyard or in the distillery. We do not intend to have any amplified or live music as part of our operations. We would close all operations at 10pm based on the request of our neighbor Irving Kass at The St. George Inn.



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SEP 09 2021

Planning / Building Dept.

**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Will Hensler

Print name of applicant

Signature of applicant

September 1, 2021

Date



St. Johns County, FL

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

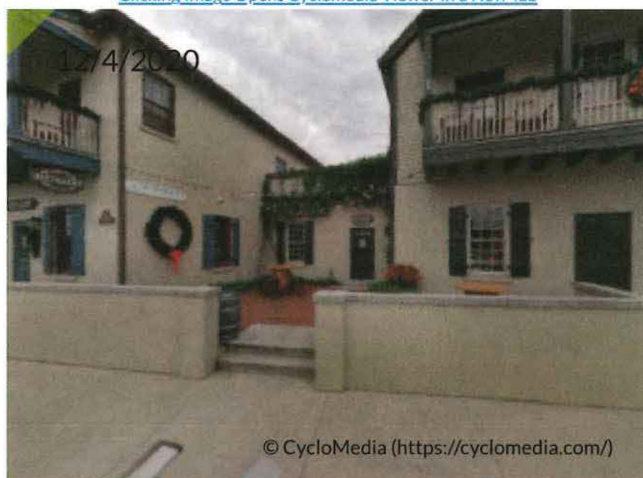
Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	1963700030
Location Address	11 ST GEORGE ST SAINT AUGUSTINE 32084-0000
Neighborhood	City St Aug E of St George (COM) (610.08)
Tax Description*	69/49-50 FRASER REPLAT LOT 3C <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Mixed Use (Store/Office/Residential Combo) (1200)
Subdivision	Fraser Replat
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.120
Homestead	N

Owner Information

Owner Name	Historic Fraser Properties LLC 100%
Mailing Address	11 MAGNOLIA AVE SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$578,867
Extra Features Value	\$9,341
Total Land Value	\$276,210
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$864,418
Total Deferred	\$0
Assessed Value	\$864,418
Total Exemptions	\$0
Taxable Value	\$864,418

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$694,623	\$9,766	\$276,210	\$0	\$0	\$980,599	\$980,599	\$0	\$980,599
2019	\$0	\$6,758	\$276,210	\$0	\$0	\$282,968	\$220,402	\$62,566	\$220,402
2018	\$0	\$5,354	\$200,880	\$0	\$0	\$206,234	\$199,399	\$6,835	\$199,399
2017	\$0	\$2,918	\$200,880	\$0	\$0	\$203,798	\$181,272	\$22,526	\$181,272
2016	\$0	\$2,918	\$162,713	\$0	\$0	\$165,631	\$164,793	\$838	\$164,793
2015	\$0	\$2,918	\$146,894	\$0	\$0	\$149,812	\$149,812	\$0	\$149,812
2014	\$0	\$1,953	\$146,894	\$0	\$0	\$148,847	\$148,847	\$0	\$148,847

Building Information

Building 1
 Actual Area 6495
 Conditioned Area 4796
 Actual Year Built 2019
 Use Mixed Use (City/Historical)
 Style 04
 Class N
 Exterior Wall Concrete Stucco, Wood
 Roof Structure Gable Hip

Roof Structure Gable Hip
 Roof Cover Wood Shingle
 Interior Flooring Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms
 Baths

Category	Type	Pct
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%
Frame	Masonry	100%
Exterior Wall	Concrete Stucco	80%
Exterior Wall	Wood	20%
Roofing Structure	Gable Hip	100%
Roofing Cover	Wood Shingle	100%
Interior Flooring	Ceramic Tile	100%
Interior Walls	Drywall	100%
Insulation	2" Fiberglass	100%
Electrical	Very Good	100%

Plumbing	9 Fixtures	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Condition	Very Good	100%

Description	Conditioned Area	Actual Area
CANOPY (COMMERCIAL)	0	329
CANOPY (COMMERCIAL)	0	125
FINISHED UPPER STORY	1280	1280
OUTSIDE STAIRS	0	77
BASE AREA	400	400
BASE AREA	1280	1280
CANOPY (COMMERCIAL)	0	329
FINISHED DECK	0	400
BASE AREA	918	918
FRAME UTILITY	0	33
CANOPY (COMMERCIAL)	0	80
OUTSIDE STAIRS	0	88
FINISHED UPPER STORY	918	918
FRAME UTILITY	0	33
CANOPY (COMMERCIAL)	0	80
CANOPY (COMMERCIAL)	0	125
Total SqFt	4796	6495

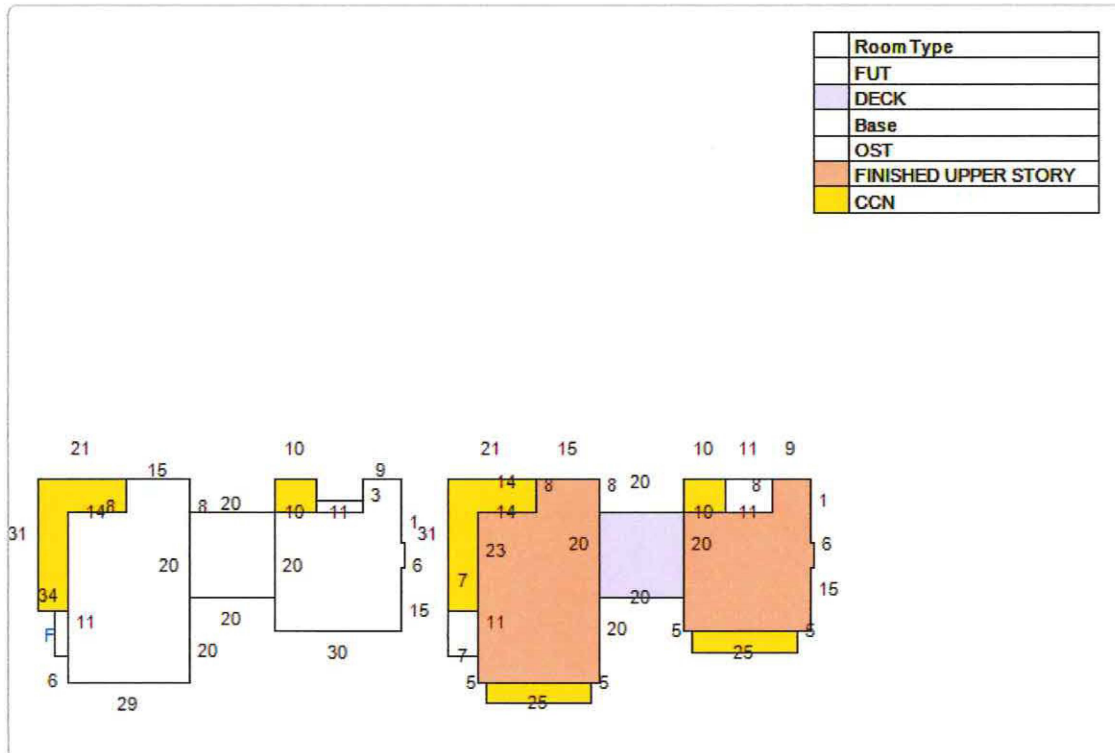
Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	0	0	0	330
Concrete Paving	0	0	0	0	1300

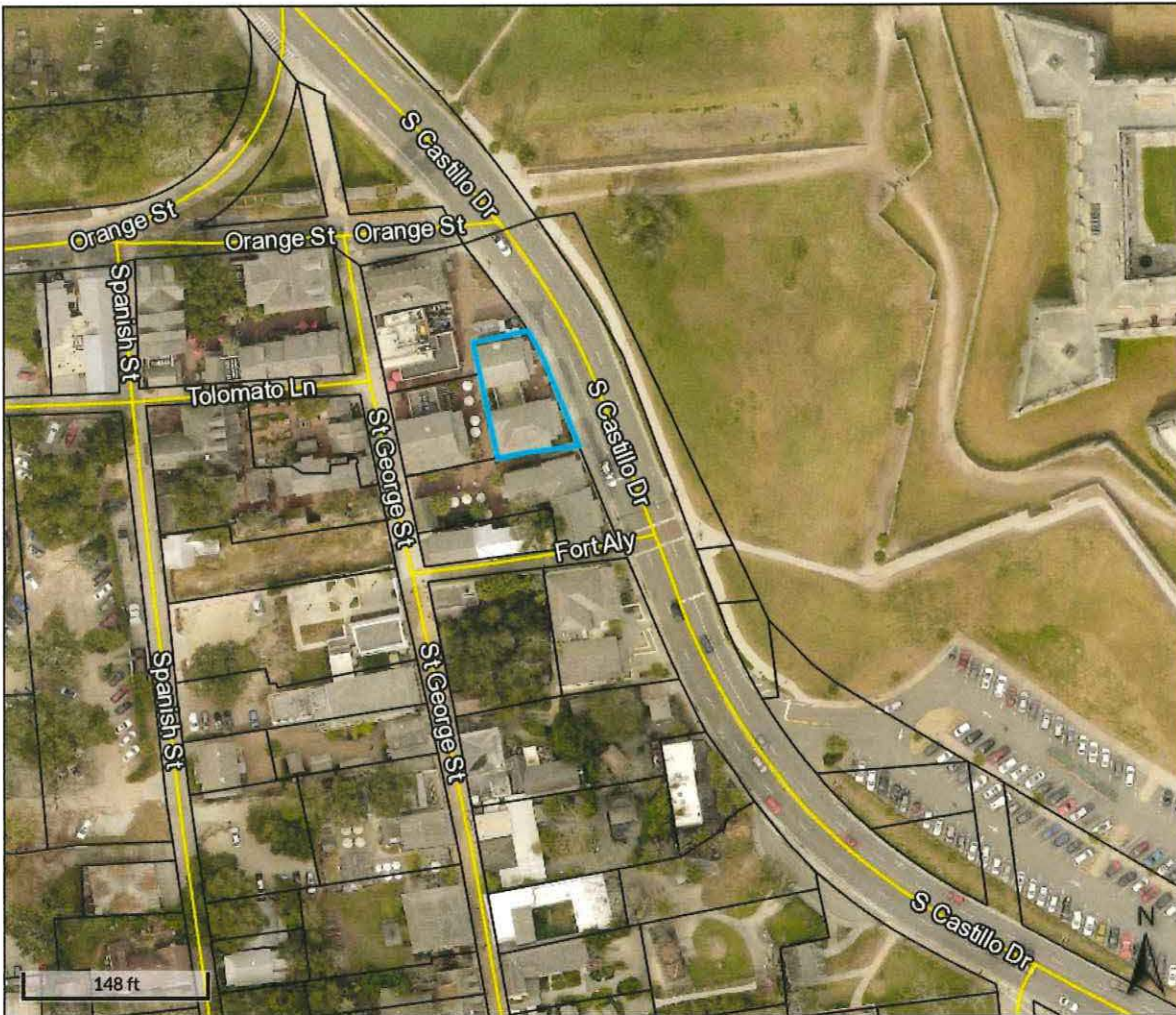
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Mixed Use (Store/Office/Residential Combo)	0	0	5022	SF	\$276,210

Sketch Information



No data available for the following modules: Exemption Information, Sale Information.



Overview



Legend

□ Parcels

Parcel ID	1963700030	Physical Address	11 ST GEORGE ST SAINT AUGUSTINE	Building Value	\$578,867	Last 2 Sales			
Property Class	1200 - Mixed Use (Store/Office/Residential Combo)	Mailing Address	HISTORIC FRASER PROPERTIES LLC	Extra Feature Value	\$9,341	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	11 MAGNOLIA AVE SAINT AUGUSTINE FL 32084-0000	Total Land Value	\$276,210	n/a	0	n/a	n/a
Acres	0.12			Just Value	\$864,418	n/a	0	n/a	n/a
				Total	N/A				
				Deferred Assessed Value	\$864,418				
				Total Exemptions	N/A				
				Taxable Value	\$864,418				

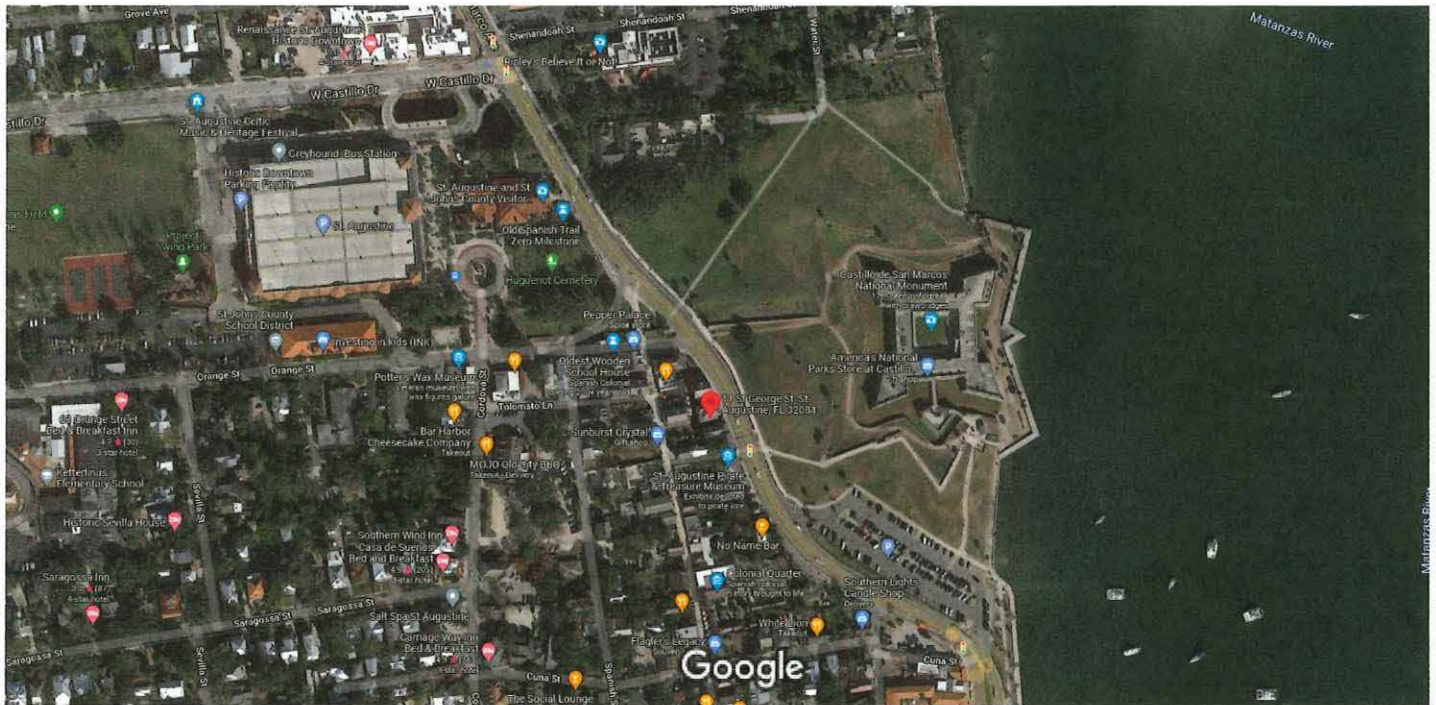
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Google Maps 11 St George St



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11 St George St



Directions



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Nearby



Send to your
phone



Share



11 St George St, St. Augustine, FL 32084



VMWP+WQ St. Augustine, Florida

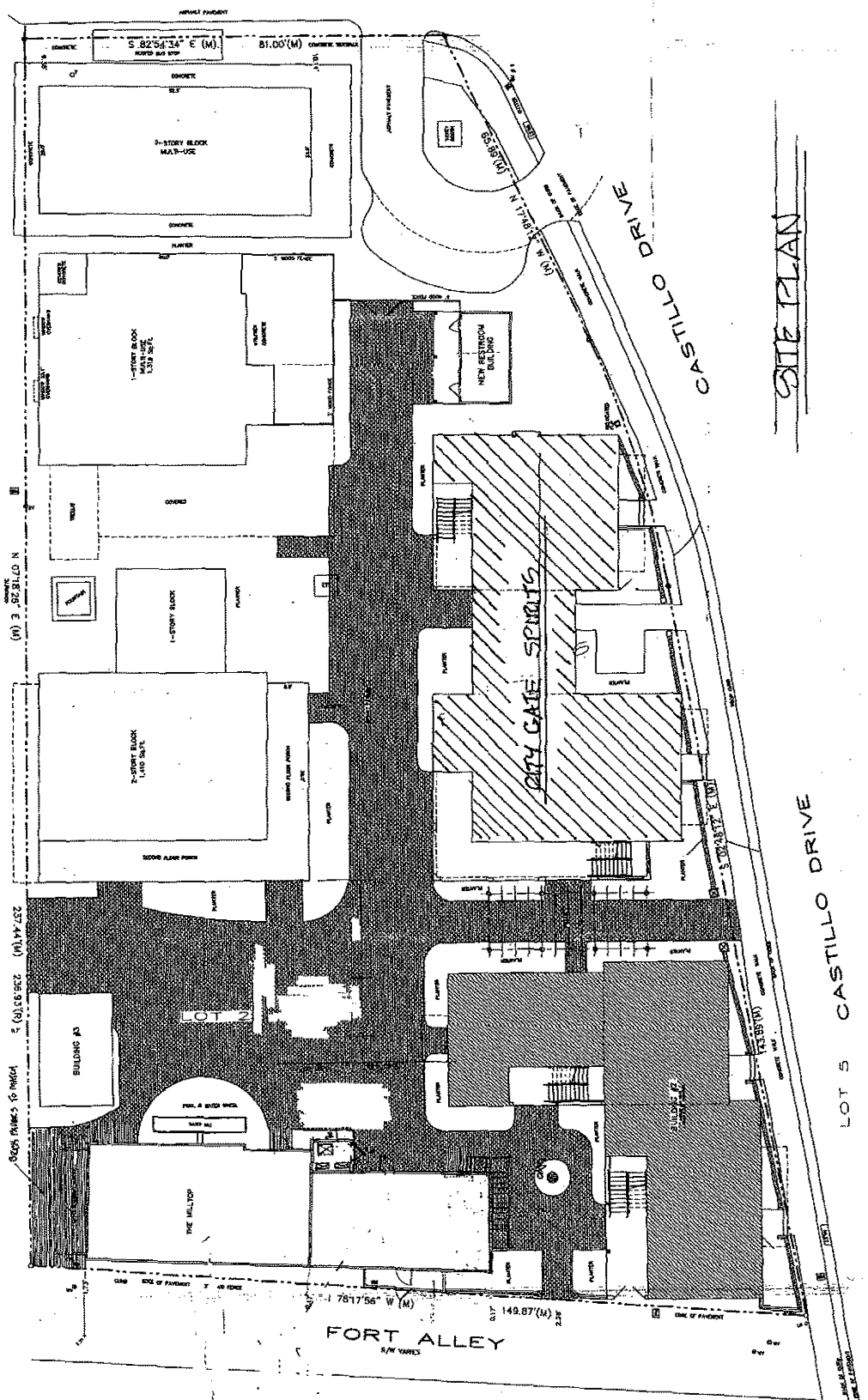
Photos

SEP 09 2021

Planning/Building Dept.

ST. GEORGE STREET
25 R/W

ORANGE STREET



STE PLAN

LOT 5 CASTILLO DRIVE

FORT ALLEY

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 5, 2021

RE: **VARIANCE #2021-0125**

AGENDA ITEM 5(a)

APPLICANT & OWNER Matt and Kim Harrod

LOCATION 40 Water Street / PID 195510-0000

REQUEST To approve a variance to the required primary and secondary front yard setbacks within Residential, Single family-one (RS-1) zoning district.

ZONING Residential, Single-family-one (RS-1)

LAND USE Residential Low Density

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and
- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

In passing upon a request for variance, **the Board shall not consider prospective financial loss or gain to the owner or applicant**, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-119. – Nonconforming lots of record.

Notwithstanding limitations imposed by the provisions of this chapter, any single lot or lots of record which were so recorded on or before the effective date of adoption of this chapter [April 29, 1975] may be used in accordance with the following:

- (6) The above uses are also subject to the following:
- No side yard shall be less than ten (10) percent of the width of the lot, provided such side yard is not less than four (4) feet.
 - On a corner lot, the exterior yard adjoining the secondary street shall be considered a side yard but the width of the side yard shall not be less than eight (8) feet.

Sec. 28-162. - Residential, single-family-one: RS-1

(6) *Minimum yard requirements.* All permitted or permissible uses and structures:

- Front, twenty (20) feet.
- Side, fifteen (15) feet.*
- Rear, twenty (20) feet.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to both the primary and secondary front yard setbacks to accommodate the alterations that will happen to the home once it is raised above the floodplain. The need for a reduction to the primary front setback is to allow for the modification of the front porch and steps to reach the new elevated home. The reason for the reduction of the secondary front setback is due to a new porch being built to be in line with the home which is already located in the secondary front setback.

There is an existing home (c. 1910) on site that sits within both the front and side yard setbacks. This request seeks to reduce the front yard setback encroachment by 3' 10", which will result in a reduction of the nonconformity in the front yard setback. The side yard setback is proposed to be maintained, just shifted back along the existing setback. Please reference the site plan, attachment 2, for the proposed site configuration. In summary, this request is to allow an existing building footprint to be shifted back 3' 10". This item was reviewed and approved by HARB on January 21, 2021.

In particular, the applicant is proposing the following:

Requested Change to:	Code*	Existing	Proposed
Primary Front Yard	20'	20'	17'3"
Secondary Front Yard	8'	5'9"	6'6"

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Staff interpretation of findings of fact in *italics*.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

This home was built in 1906, according to the St. Johns County Property Appraiser website, and is also located on a non-conforming lot. Enforcing current zoning requirements on a home and property over one hundred years old creates unique disadvantages.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

With this being a non-conforming lot and now trying to mitigate flooding concerns keeping the current layout and appearance of the home is the reason for the setback variance request.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

The current owners have not owned this home since it was built in 1906 meaning that the placement of the home on the lot was not done by the current owners.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance may or may not be contrary to the public interest, but likely would not adversely affect neighboring properties in a significant way due to the nature of the request and the overall minimal change to the site. The spirit, intent, and purpose of the zoning district (RS-1) is to apply to neighborhoods designated for single-family dwellings and accessory uses, to create and maintain a low density residential character, as such, this addition would be in harmony with the intent, and purpose of this section as it supports low density residential use.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** a variance to the required primary and secondary front yard setbacks in Residential, single-family-one (RS-1) zoning at 40 Water Street / PID 195510-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350 (plus advertising costs) Project Number: 2021-0125

Receipt Number: 2193192 Meeting Date: oct. 5, 2021

Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: MAT & KIM HARRON Contact Number: _____

Business (if applicable): _____

Address: 40 WATER ST City: ST. AUG State: FL Zip: 32084

E-Mail Address: KIM_ECTER@yahoo.com

2. NAME OF PROPERTY OWNER: SAME Contact Number: _____

Business (if applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: _____ Block: _____

Subdivision: _____ Parcel Number: _____

4. PROJECT STREET ADDRESS: 40 WATER ST.

5. SPECIFIC PROPOSED USE: RESIDENTIAL

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☐ Exception

☐ Land Use Plan Amendment

☒ Variance

☐ Rezoning

☐ Other: _____

RECEIVED

SEP 08 2021

Planning/Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: FRONT YARD SET BACK TO BE
REDUCED BY 3 FT. TO EXTEND EXIST PORCH AND
STEPS. HOUSE IS TO BE RAISED TO ABOVE FLOOD PLAIN.
NEW SECOND FLOOR PORCH OVER North Part of
HOUSE DOES NOT MEET SIDE SETBACK

8. JUSTIFICATION FOR ACTION REQUESTED: HOUSE IS TO BE RAISED 4' ABOVE
GRADE SO STEPS WILL EXTEND INTO SET BACK.
EXISTING PORCH IS ONLY 6' WIDE AND RAILING WILL HAVE
TO BE ADDED, FURTHER REDUCING AREA. PORCH WILL
NOT BE RAISED IN HEIGHT
NORTH ADDITION IS EXISTING AND IS ONLY 1' OVER
SIDE SET BACK AND LOT IS NON-CONFORMING

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: EXISTING LOT IS NON CONFORMING AND HOUSE HAS BEEN THERE FOR YEARS
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: NEW STEPS WILL BE AN ISSUE
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: OWNER BOUGHT HOUSE 2 YEARS AGO
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: THE PROPERTIES ON THE SOUTH AND ACROSS THE STREET TO EAST HAVE GOTTEN SIMILAR VARIANCES

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

Kim Hmesood Kim Hmesood 9-2-21
Signature of Applicant Date

Kim Hmesood 9-2-21
Signature of Property Owner Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Kin Howard

Print name of applicant

Kin Howard

Signature of applicant

9-7-21

Date

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2017-42 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater. \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Conservation Overlay Zone Development: Docks	\$330.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Preliminary Plat Approval	\$275.00 + ads & notices

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 40 WATER ST.

Applicant's Name: Kim Harwood Applicant's Signature: [Signature]

Owner's Name: Kim Harwood Owner's Signature: [Signature]



St. Johns County, FL

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	1955100000
Location Address	40 WATER ST SAINT AUGUSTINE 32084-0000
Neighborhood	Abbott Tract (606)
Tax Description*	ABBOTT TRACT CITY N1/2 OF LOT 5 BLK I (EX W14FT) OR5026/1695 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Abbott Tract
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.150
Homestead	N

Owner Information

Owner Name	Harrod Matthew Thomas, Kimberly 100% Harrod Kimberly 100%
Mailing Address	92 MEDITERRA AVE PONTE VEDRA, FL 32081-0000

Map



Valuation Information

Building Value	2021
Extra Features Value	\$131,016
Total Land Value	\$1,134
Agricultural (Assessed) Value	\$230,288
Agricultural (Market) Value	\$0
Just (Market) Value	\$0
Total Deferred	\$362,438
Assessed Value	\$0
Total Exemptions	\$362,438
Taxable Value	\$0
	\$362,438

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$197,239	\$1,404	\$260,992	\$0	\$0	\$459,635	\$459,635	\$0	\$459,635
2019	\$180,509	\$967	\$260,992	\$0	\$0	\$442,468	\$95,131	\$397,837	\$44,631
2018	\$137,095	\$591	\$260,992	\$0	\$0	\$398,678	\$93,357	\$355,821	\$42,857
2017	\$135,403	\$638	\$208,794	\$0	\$0	\$344,835	\$91,437	\$303,898	\$40,937
2016	\$137,588	\$685	\$190,371	\$0	\$0	\$328,644	\$89,556	\$289,588	\$39,056
2015	\$118,691	\$732	\$151,990	\$0	\$0	\$271,413	\$88,933	\$232,980	\$38,433
2014	\$102,299	\$779	\$138,172	\$0	\$0	\$241,250	\$88,227	\$203,523	\$37,727
2013	\$100,825	\$826	\$138,172	\$0	\$0	\$239,823	\$86,923	\$203,400	\$36,423
2012	\$97,654	\$873	\$124,355	\$0	\$0	\$222,882	\$85,470	\$187,912	\$34,970
2011	\$100,485	\$920	\$138,172	\$0	\$0	\$239,577	\$82,981	\$207,096	\$32,481
2010	\$97,042	\$967	\$138,172	\$0	\$0	\$236,181	\$81,755	\$204,426	\$31,755

Building Information

Building	1
Actual Area	2354
Conditioned Area	1928
Actual Year Built	1906
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Wood, Wood Shingle
Roof Structure	Gable Hip

Roof Structure	Gable Hip
Roof Cover	Metal
Interior Flooring	Pine Wood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	4
Baths	3

Category	Type	Pct
Exterior Wall	Wood	30%
Exterior Wall	Wood Shingle	70%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	100%
Heating Type	Air Duct	100%

Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	11 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Condition	Average	100%

Description	Conditioned Area	Actual Area
FINISHED OPEN PORCH	0	30
BASE AREA	1118	1118
FINISHED OPEN PORCH	0	210
BASE AREA	30	30
UNFINISHED ATTIC	0	144
FINISHED UPPER STORY	780	780
FINISHED OPEN PORCH	0	42
Total SqFt	1928	2354

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Carport	0	0	0	0	210

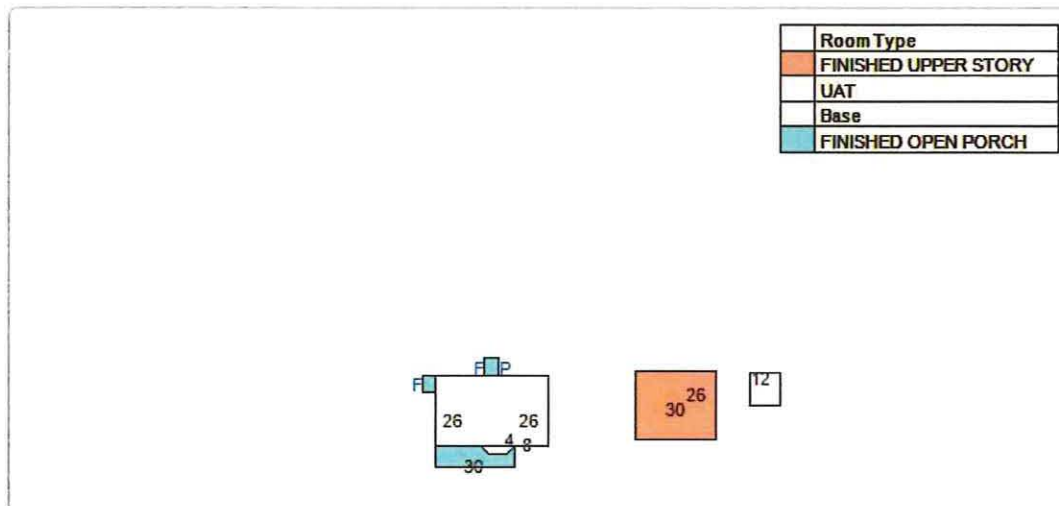
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	69	93	69	EF	\$230,288

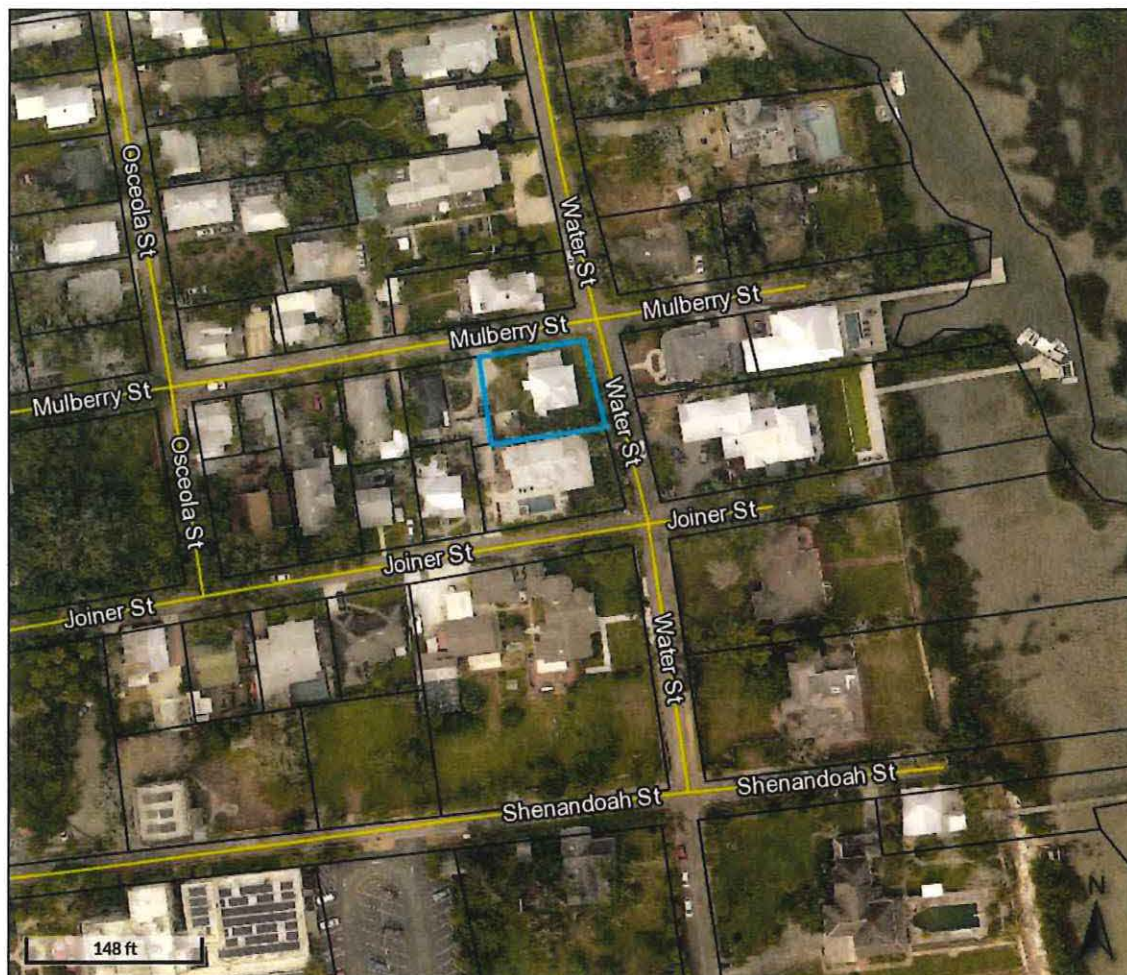
Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/27/2020	8/26/2020	\$412,000.00	WARRANTY DEED	5026	1695	Q	I	ARMSTRONG ANNETTE TAYLOR REV LIVING TRUST	HARROD MATTHEW THOMAS, KIMBERLY
11/14/2019	10/30/2019	\$0.00	DEATH CERTIFICATE	4831	607	U	I	ARMSTRONG ANNETTE TAYLOR (DEC'D)	ARMSTRONG ANNETTE TAYLOR REV LIVING TRUST
7/17/2012	7/16/2012	\$100.00	WARRANTY DEED	3588	671	U	I	ARMSTRONG ANNETTE TAYLOR	ARMSTRONG ANNETTE TAYLOR REV LIVING TRUST
	4/8/2010	\$0.00	LETTERS OF ADMN	3303	990	U	I	ARMSTRONG JOHN ALEXANDER JR (DECD)	ARMSTRONG ANNETTE TAYLOR (PERS REP)
	2/23/2010	\$0.00	WILL	3303	985	U	I	ARMSTRONG JOHN A JR (DECD)	ARMSTRONG ANNETTE(SURV SPOUSE)
	1/1/1979	\$48,000.00		406	345	U	I		ARMSTRONG JOHN A JR, ANNETTE

Sketch Information



No data available for the following modules: Exemption Information.



Overview



Legend

□ Parcels

Parcel ID	1955100000	Physical	40 WATER ST	Building Value	\$131,016	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	\$1,134	Date	Price	Reason	Qual
Class	Family	Mailing	HARROD MATTHEW	Value		8/26/2020	\$412000	01	Q
Taxing	City of St	Address	THOMAS, KIMBERLY	Total Land	\$230,288	1/1/1979	\$48000	11	U
District	Augustine		92 MEDITERRA AVE	Value					
Acres	0.15		PONTE VEDRA FL 32081-0000	Just Value	\$362,438				
				Total Deferred	N/A				
				Assessed Value	\$362,438				
				Total	N/A				
				Exemptions					
				Taxable Value	\$362,438				

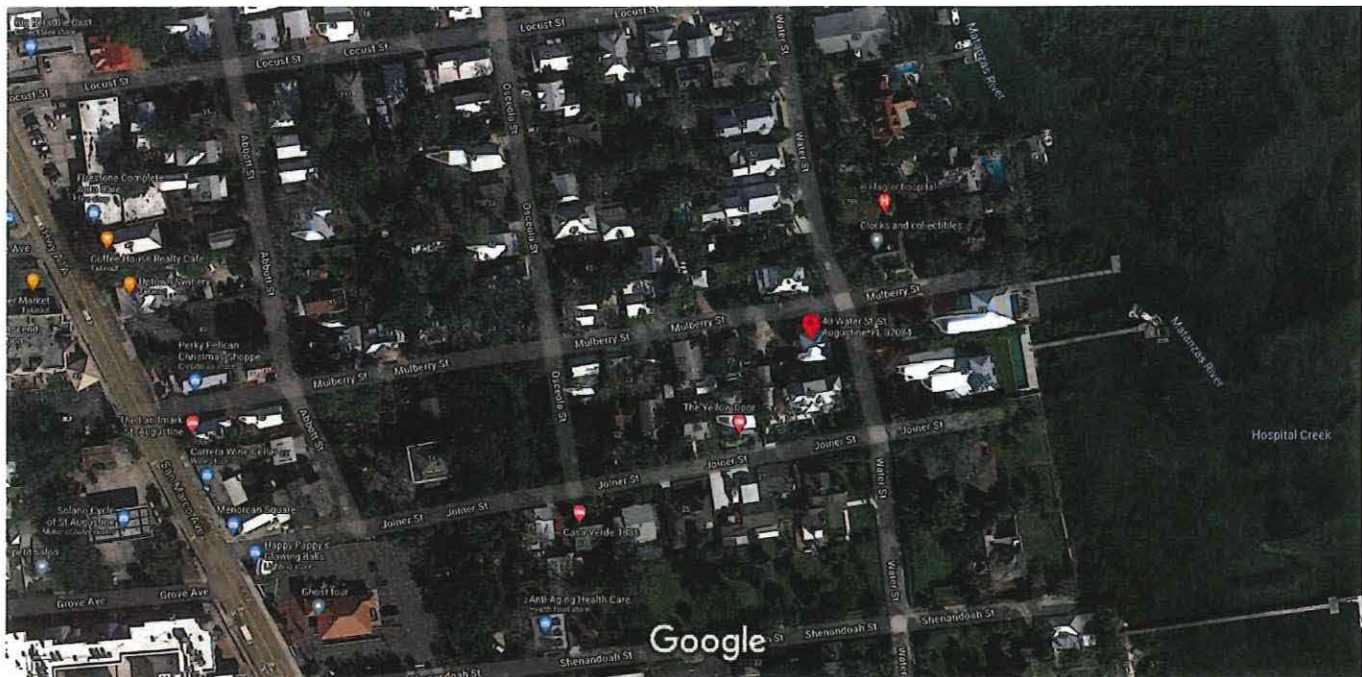
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 9/8/2021

Last Data Uploaded: 9/8/2021 12:58:11 AM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 40 Water St



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 Google 50 ft



40 Water St

St. Augustine, FL 32084

Building



Directions



Save

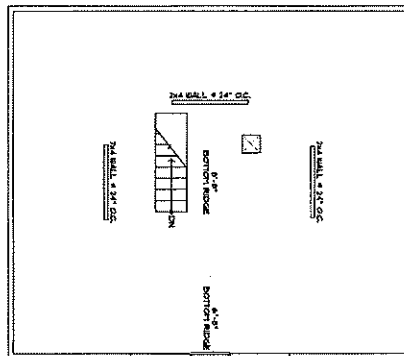


Nearby

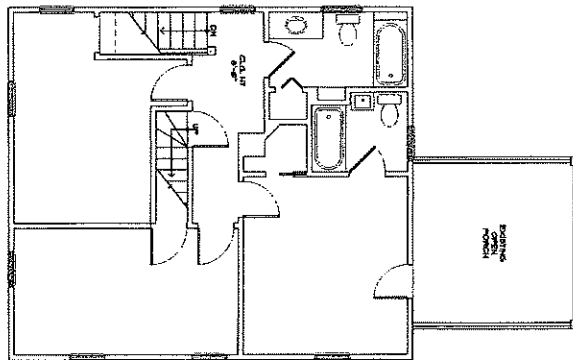
Send to your
phone

Share

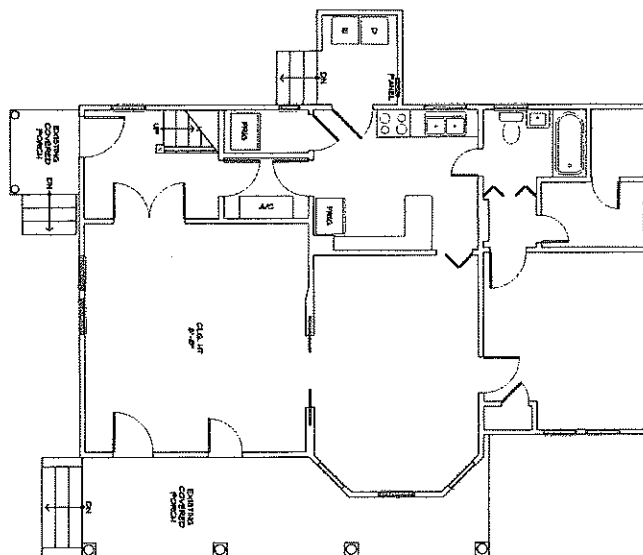
Photos



Attic Plan
1/4" = 1'-0" Existing



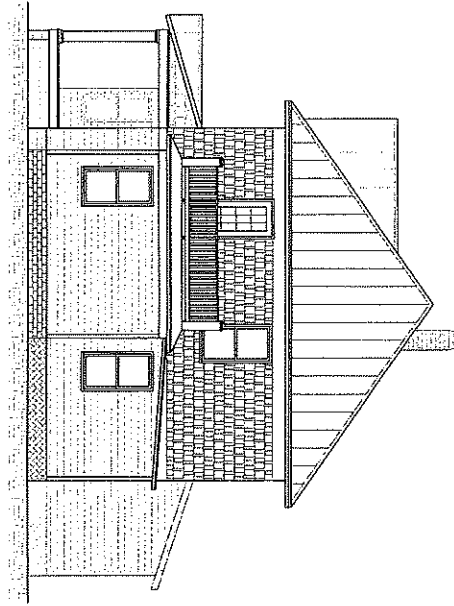
2nd Floor Plan
1/4" = 1'-0" Existing



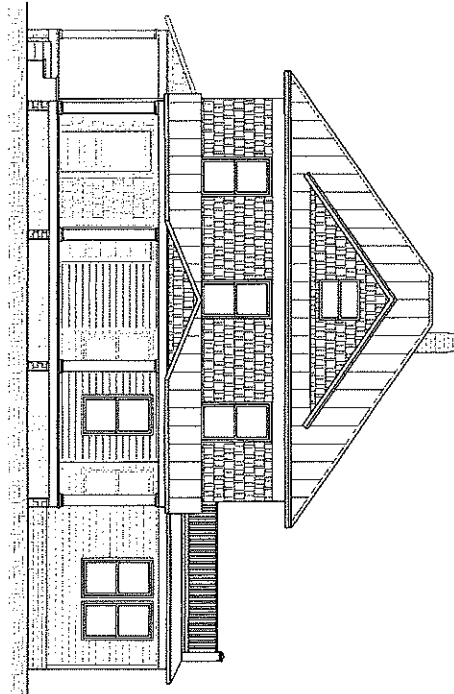
1st Floor Plan
1/4" = 1'-0" Existing

NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES OF FLORIDA.

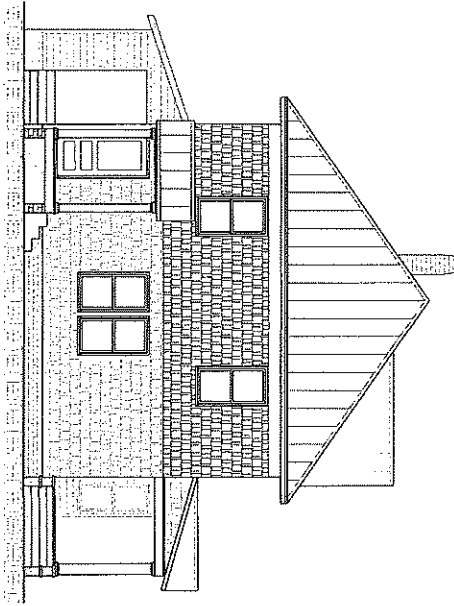
A2 SHEET	DATE: 7/26/22 DRAWN BY: J. THOMAS CHECKED BY: J. THOMAS SCALE: AS NOTED	BUILDING RENOVATION RESIDENCE 40 WATER STREET, SAINT AUGUSTINE, FLORIDA	LES THOMAS ARCHITECT 32 CORDOVA ST., ST. AUGUSTINE, FLORIDA 824-9508
	40 WATER STREET, SAINT AUGUSTINE, FLORIDA		



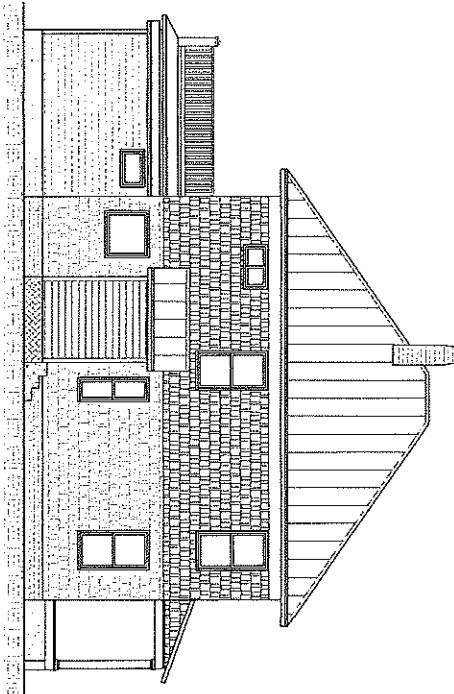
North Elevation
Existing



East Elevation
Existing



South Elevation
Existing



West Elevation
Existing

NOTE:
REVISIONS (DRAWINGS AND SPECIFICATIONS) SHALL BE MADE BY THE ARCHITECT. ALL DIMENSIONS AND CONDITIONS SHALL BE AS SHOWN ON THE DRAWINGS AND SPECIFICATIONS.

A3

SHEET

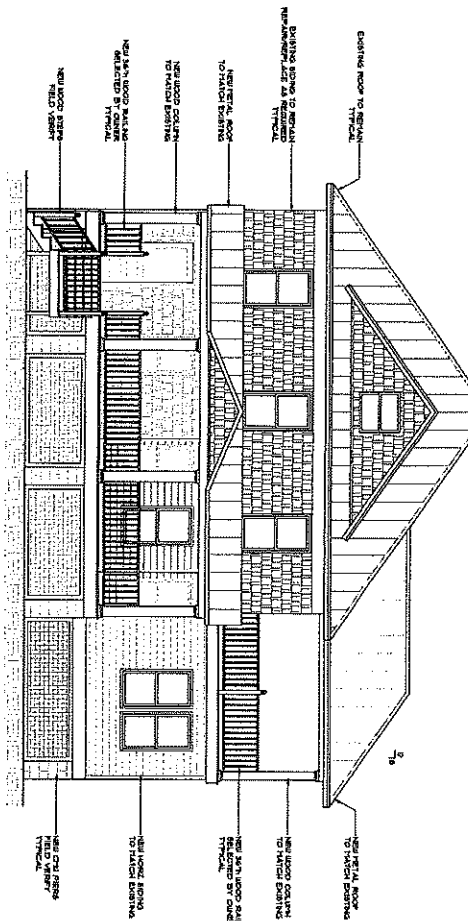
DATE: 10/10/10

BY: [Signature]

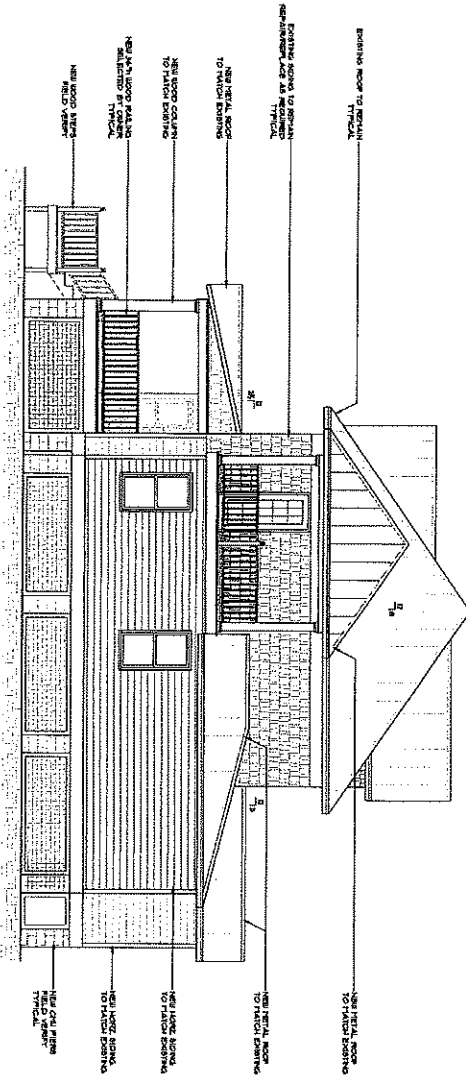
FOR: 40 WATER STREET, SAINT AUGUSTINE, FLORIDA

BUILDING RENOVATION
RESIDENCE
40 WATER STREET, SAINT AUGUSTINE, FLORIDA

LES THOMAS
ARCHITECT
32 CORDOVA ST., ST. AUGUSTINE, FLORIDA 824-9508



East Elevation
1/4" = 1'-0"



North Elevation
1/4" = 1'-0"

NOTES:
1. EXISTING CONDITIONS ARE SHOWN
2. NEW MATERIALS AND METHODS
3. ALL DIMENSIONS ARE IN FEET
4. ALL DIMENSIONS ARE TO FACE UNLESS
NOTED OTHERWISE

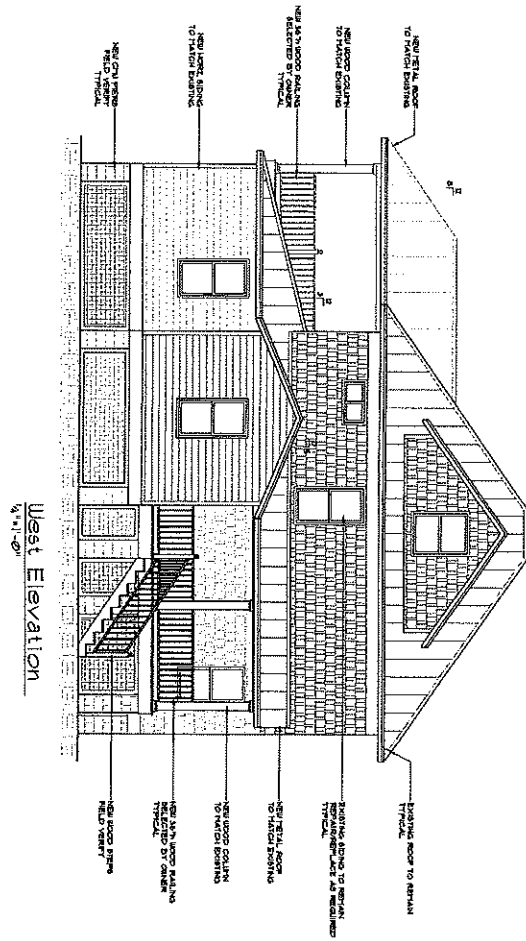
A6

SHEET

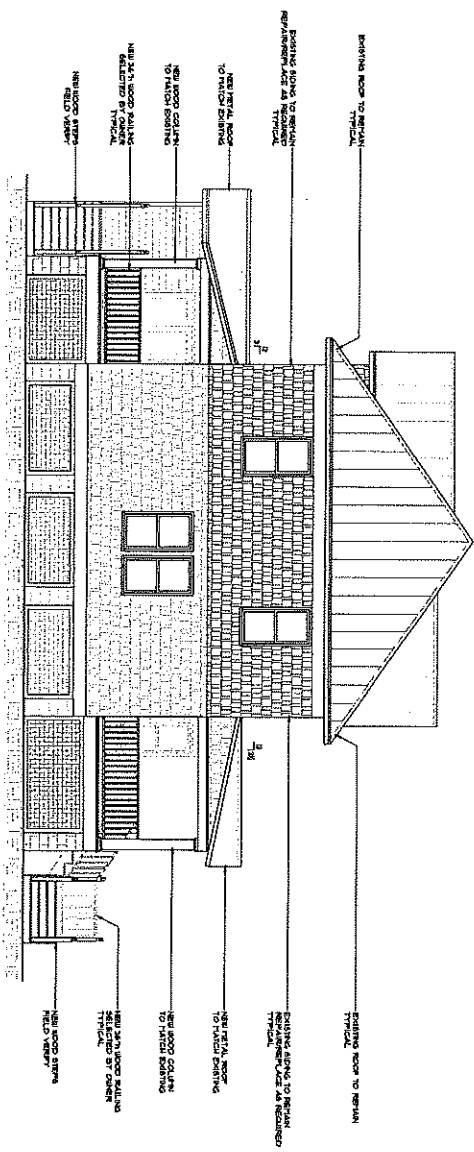
Scale	1/4" = 1'-0"
Notes	See Notes
Drawn By	See Notes
Rev.	00 New

BUILDING RENOVATION
RESIDENCE
40 WATER STREET, SAINT AUGUSTINE, FLORIDA

LES THOMAS
ARCHITECT
32 CORDOVA ST., ST. AUGUSTINE, FLORIDA 824-9508



West Elevation
1/4" = 1'-0"



South Elevation
1/4" = 1'-0"

NOTE:
ELEVATION FINISHES ARE CIRCLED
CONSTRUCTION FINISHES ARE NOT
ALL DIMENSIONS AND CONDITIONS
SHOWN TO CONSTRUCTION.

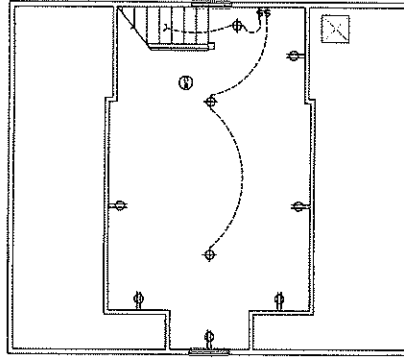
SHEET

A7

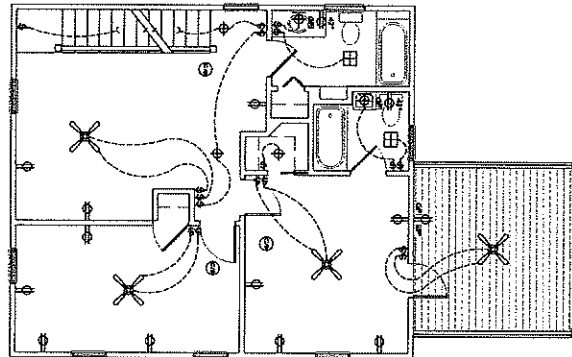
BUILDING RENOVATION
RESIDENCE
40 WATER STREET, SAINT AUGUSTINE, FLORIDA

Date: 7/24/21	Scale: AS NOTED	Drawn: BARRY	Pn: 40 Blaw	
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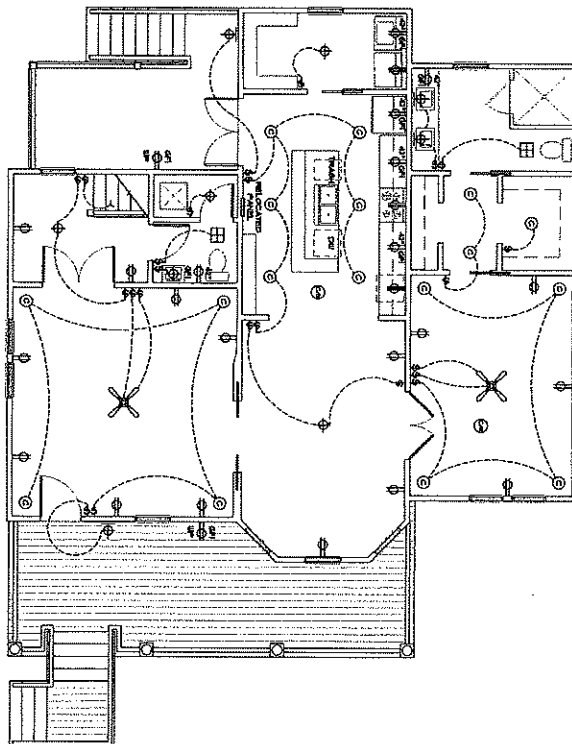
LES THOMAS
ARCHITECT
32 CORDOVA ST., ST. AUGUSTINE, FLORIDA 824-9508



Attic Plan



2nd Floor Plan



1st Floor Plan

Electrical Notes.

- [illegible]

Electrical Engineering

- | | |
|---|---|
|  | BY MAIL, POWER OF ATTORNEY
OR BY MAIL WITH POWER OF ATTORNEY |
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NOTE: CONTRACTORS/OWNER SHALL FIELD VERIFY EXISTING ELECTRICAL SYSTEMS FOR AIR, REFUEL, FUEL, AND REQUIRED FOR OTHER DIRECTION IN COMPLIANCE WITH THE FLORIDA BUILD CODE 1998 13th EDITION AND THE CURRENT EDITION OF THE NATIONAL ELECTRIC CODE

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 5, 2021

RE: **VARIANCE #2021-0126**

AGENDA ITEM 5(b)

APPLICANT & Owner Patrick Crocetti

LOCATION 346 Charlotte Street / PID 200650-0000

REQUEST To approve a variance to the required front yard setback within Residential, Single family-one (RS-1) zoning district.

ZONING Residential, Single-family-one (RS-1)

LAND USE Residential Low Density

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and
- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, **the Board shall not consider prospective financial loss or gain to the owner or applicant**, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-119. – Nonconforming lots of record.

Notwithstanding limitations imposed by the provisions of this chapter, any single lot or lots of record which were so recorded on or before the effective date of adoption of this chapter [April 29, 1975] may be used in accordance with the following:

(6) The above uses are also subject to the following:

a. No side yard shall be less than ten (10) percent of the width of the lot, provided such side yard is not less than four (4) feet.

Sec. 28-162. - Residential, single-family-one: RS-1

(6) *Minimum yard requirements.* All permitted or permissible uses and structures:

- a. Front, twenty (20) feet.
- b. Side, fifteen (15) feet.*
- c. Rear, twenty (20) feet.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to the front yard setback. There is an existing accessory apartment on Cordova Street and to approve a front porch addition a setback variance is needed. The request is to reduce the required 20' front setback to 4'7" due to the location of the current accessory apartment.

In particular, the applicant is proposing the following:

Requested Change to:	Code*	Existing	Proposed
Front Yard	20'	4'7"	4'7"

*- LDC Sec. 28-119 - nonconforming to lot width allows a min. 4' setback.

Staff interpretation of findings of fact in *italics*.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

This is an addition to an existing accessory apartment, which according to the St. Johns County Property Appraiser's website was constructed in 1945 meaning current zoning standards were not in place during its approval.

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

Due to past flooding and proactive mitigation a porch with steps is necessary for use of the accessory apartment according to the applicant.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

The accessory apartment was already in place when the current owner bought the property and buildings.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance may or may not be contrary to the public interest, but likely would not adversely affect neighboring properties in a significant way due to the nature of the request and the overall minimal change to the site. The spirit, intent, and purpose of the zoning district (RS-1) is to apply to neighborhoods designated for single-family dwellings and accessory uses, to create and maintain a low density residential character, as such, this addition would be in harmony with the intent, and purpose of this section as it supports low density residential use.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** a variance to the required front yard setback in Residential, single-family-one (RS-1) zoning at 346 Charlotte Street / PID 200650-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$350 (plus advertising costs) Project Number: 2021-0126
 Receipt Number: 2193179 Meeting Date: OCT. 5 2021
 Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Patrick Crocetti Contact Number: 1-312-343-6191
 Business (if applicable): _____
 Address: 346 CHARLOTTE ST City: St Aug State: FL Zip: 32084
 E-Mail Address: PATRICKCROCKETTIA@GMAIL.COM

2. NAME OF PROPERTY OWNER: SAME Contact Number: _____
 Business (if applicable): _____
 Address: _____ City: _____ State: _____ Zip: _____
 E-Mail Address: _____

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: _____ Block: _____
 Subdivision: _____ Parcel Number: _____

4. PROJECT STREET ADDRESS: 346 CHARLOTTE ST.

5. SPECIFIC PROPOSED USE: RESIDENTIAL

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☒ Variance ☐ Rezoning
☐ Other: _____

RECEIVED

SEP 08 2021

Planning/Building Dept.

7. DESCRIPTION OF ACTION REQUESTED: VARIANCE TO REAR SETBACKS
TO CONSTRUCT NEW PORCH ON SOUTH SIDE
OF EXISTING COTTAGE.

8. JUSTIFICATION FOR ACTION REQUESTED: COTTAGE DOES N'T MEET REAR
SET BACK BUT IS GRAD FORTHE IN ON
A NON-COMFORMING LOT.
Cottage will be raised 4' off ground.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity:

YES. EXISTING COTTAGE IS GRAND FATHERED AND
LOT IS NON-CONFORMING

- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property:

COTTAGE WAS FLOODED TWICE, HE IS
GOING TO RAISE IT SO A SIDE PORCH WOULD
STEPS AT LEAST IS NECESSARY TO USE.

- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant:

HE BOUGHT PROPERTY AS IS

- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section:

THERE ARE SEVERAL COTTAGES ON REAR OF
THESE PROPERTIES THAT HAVE BEEN RESTORED.
HIS NEW PORCH IS TOTALLY ON HIS PROPERTY

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

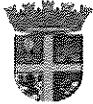
IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

9-7-21
Date


Signature of Property Owner

9-7-21
Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Patricia Crockett Patricia Crockett
Print name of applicant

Signature of applicant

9-7-21
Date

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2017-42 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater. \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Conservation Overlay Zone Development: Docks	\$330.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Preliminary Plat Approval	\$275.00 + ads & notices

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 346 Charlotte St.

Applicant's Name: Petrick Cocella Applicant's Signature: Petrick Cocella

Owner's Name: Petrick Cocella Owner's Signature: Petrick Cocella



St. Johns County, FL

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	2006500000
Location Address	346 CHARLOTTE ST SAINT AUGUSTINE 32084-0000
Neighborhood	City of St Augustine (Cordova/St George St) (610.41)
Tax Description*	CITY OF ST AUG LOT 34 BLK 39-B OR5315/969 & 5337/306(L/E) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Multi-Family (Less than 10 Units) (0800)
Subdivision	City of St Augustine
Sec/Twp/Rng	20-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.190
Homestead	Y

Owner Information

Owner Name	Crocetta Patrick Robert Jr 100% Crocetta Patrick R Jr Living Trust 100% Crocetta Patrick R Jr Trustee 0%
Mailing Address	346 CHARLOTTE ST SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2021
Building Value	\$262,138
Extra Features Value	\$2,108
Total Land Value	\$264,825
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$529,071
Total Deferred	\$113,451
Assessed Value	\$415,620
Total Exemptions	\$50,000
Taxable Value	\$365,620

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$354,384	\$1,044	\$205,975	\$0	\$0	\$561,403	\$409,882	\$201,521	\$359,882
2019	\$185,766	\$1,105	\$205,975	\$0	\$0	\$392,846	\$335,233	\$107,613	\$285,233
2018	\$235,174	\$1,167	\$205,975	\$0	\$0	\$442,316	\$328,982	\$163,334	\$278,982
2017	\$322,266	\$2,988	\$205,975	\$0	\$0	\$531,229	\$385,109	\$196,120	\$335,109
2016	\$325,981	\$3,226	\$205,975	\$0	\$0	\$535,182	\$377,188	\$207,994	\$327,188
2015	\$296,729	\$3,463	\$158,895	\$0	\$0	\$459,087	\$374,566	\$134,521	\$324,566
2014	\$224,887	\$3,700	\$143,006	\$0	\$0	\$371,593	\$371,593	\$50,000	\$321,593
2013	\$227,619	\$3,938	\$143,006	\$0	\$0	\$374,563	\$374,563	\$50,000	\$324,563
2012	\$187,834	\$521	\$143,006	\$0	\$0	\$331,361	\$331,361	\$0	\$331,361
2011	\$191,860	\$1,563	\$158,895	\$0	\$0	\$352,318	\$352,318	\$0	\$352,318
2010	\$194,082	\$1,563	\$176,550	\$0	\$0	\$372,195	\$372,195	\$0	\$372,195

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

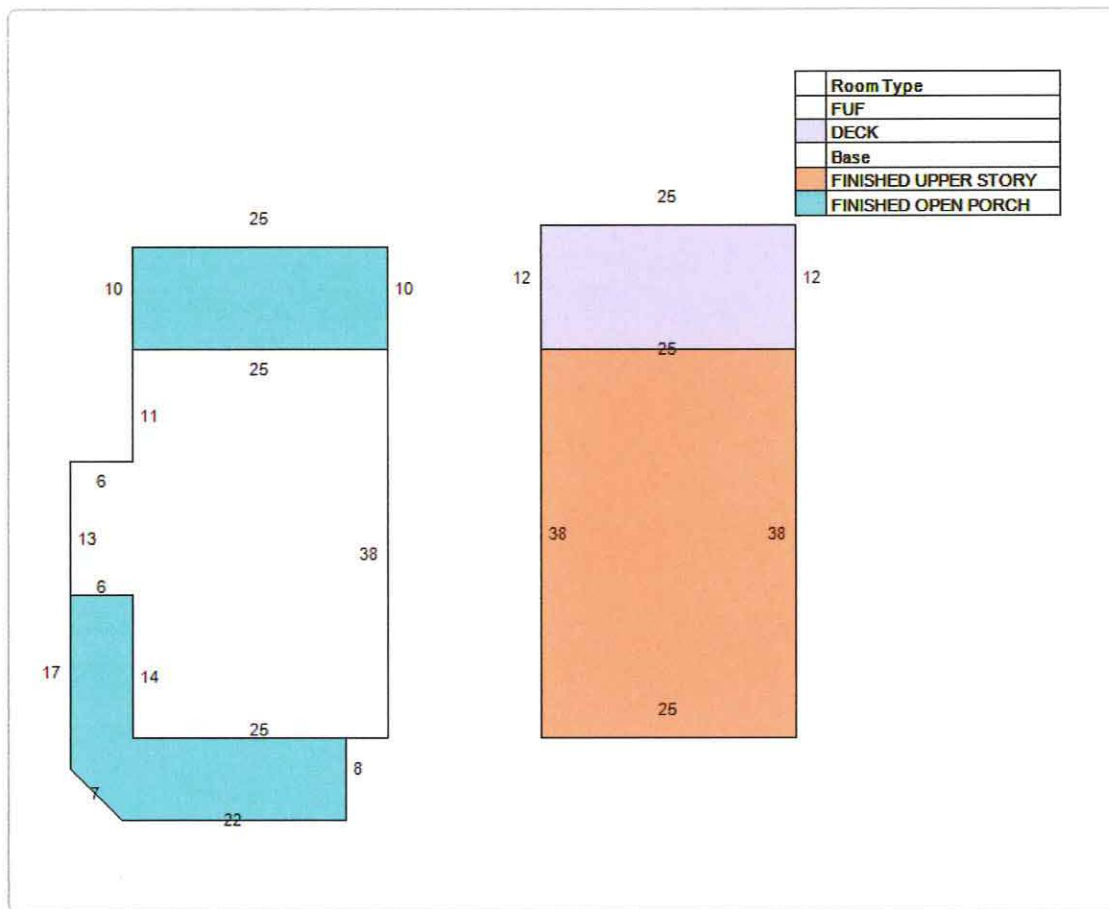
Building	1	Roof Structure	Gable Hip
Actual Area	3310	Roof Cover	Metal
Conditioned Area	2472	Interior Flooring	Hardwood
Actual Year Built	1910	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	3
Exterior Wall	Wood, Wood Shingle	Baths	4
Roof Structure	Gable Hip		

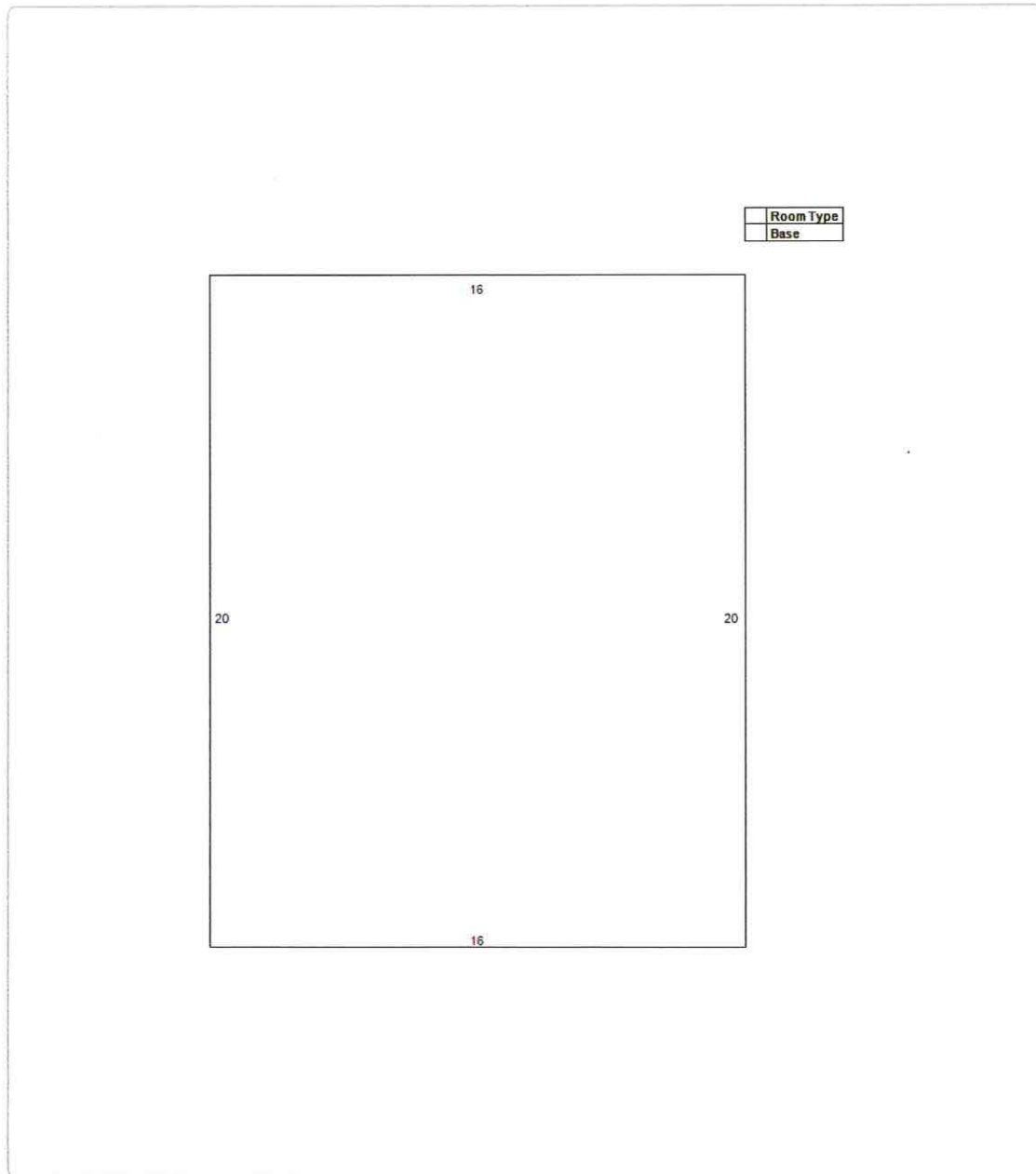
Category	Type	Pct
Exterior Wall	Wood Shingle	40%

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/6/2021	7/23/2021	\$100.00	LIFE ESTATE	5337	306	U	I	CROCETTA PATRICK ROBERT JR	CROCETTA PATRICK ROBERT JR
7/12/2021	7/2/2021	\$980,000.00	WARRANTY DEED	5315	969	Q	I	LILLY VAN S	CROCETTA PATRICK ROBERT JR
3/1/2012	2/29/2012	\$380,000.00	WARRANTY DEED	3531	929	Q	I	DAGHER MICHEL, JANET	LILLY VAN S
	2/11/2005	\$525,000.00	PERSONAL REP	2379	1574	U	I	FOLEY JOHN J ESTATE BY PERS REP	DAGHER MICHEL & JANET
	2/3/2005	\$0.00	LETTERS OF ADMIN	2374	362	U	I	FOLEY JOHN J ESTATE (LETT OF ADMIN)	FOLEY JOHN J ESTATE (RENEE MINTZ-PERS REP)
	3/1/1987	\$62,500.00		738	169	Q	I		MINTZ RENEE & FOLEY JOHN J (T/C)
	1/1/1979	\$0.00		429	682	U	I		

Sketch Information





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Version 2.3.145

Developed by
 **Schneider**
GEOSPATIAL



Overview



Legend

☐ Parcels

Parcel ID	2006500000	Physical Address	346 CHARLOTTE ST SAINT AUGUSTINE	Building Value	\$262,138	Last 2 Sales			
Property Class	0800 - Multi-Family (Less than 10 Units)	Mailing Address	CROCETTA PATRICK ROBERT JR	Extra Feature Value	\$2,108	Date	Price	Reason	Qual
Taxing District	City of St Augustine			Total Land Value	\$264,825	7/2/2021	\$980000	01	Q
Acres	0.19		346 CHARLOTTE ST SAINT AUGUSTINE FL 32084-0000	Just Value	\$529,071	2/29/2012	\$380000	03	Q
				Total	\$113,451				
				Deferred Assessed Value	\$415,620				
				Total	\$50,000				
				Exemptions					
				Taxable Value	\$365,620				

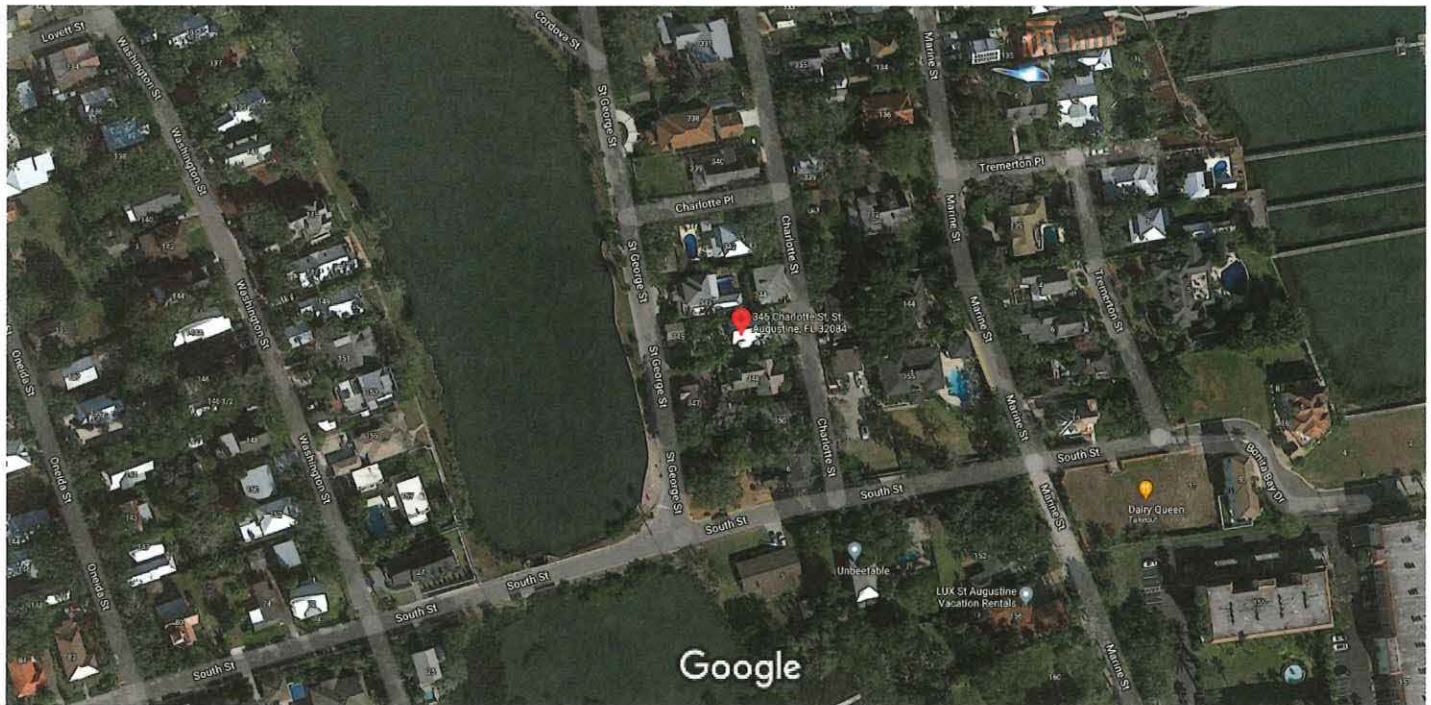
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 9/8/2021

Last Data Uploaded: 9/8/2021 12:58:11 AM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 346 Charlotte St



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021

50 ft



346 Charlotte St

St. Augustine, FL 32084

Building



Directions



Save



Nearby

Send to your
phone

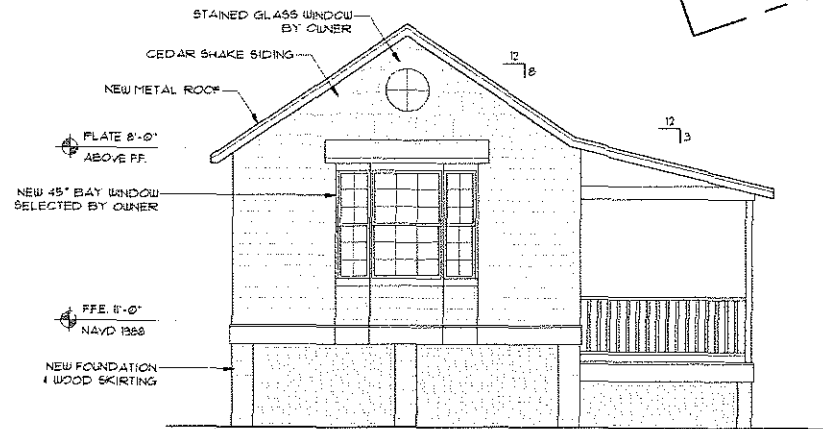
Share

Photos

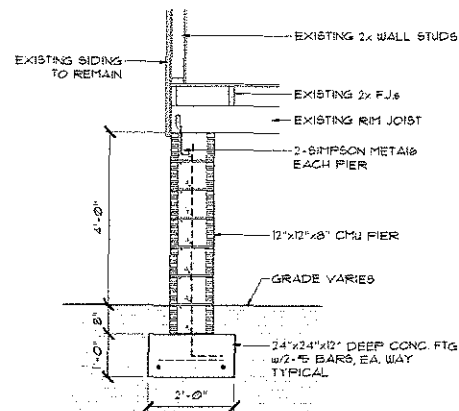
CODE ANALYSIS

THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH, & MEETS THE REQUIREMENTS OF:
BUILDING - FLORIDA BUILDING CODE, RESIDENTIAL 2020 1st EDITION
PLUMBING - FLORIDA BUILDING CODE, PLUMBING 2020 1st EDITION
MECHANICAL - FLORIDA BUILDING CODE, MECHANICAL 2020 1st EDITION
LIFE SAFETY - NATIONAL FLORIDA FIRE PREVENTION CODE, 2021 EDITION
WITH UP TO DATE AMENDMENTS
FIRE CODE - NATIONAL FLORIDA FIRE PREVENTION CODE, CURRENT EDITION
WITH UP TO DATE AMENDMENTS
HANDICAP CODE - FLORIDA BUILDING CODE, CHAPTER 11 - ACCESSIBILITY, 2020 1st EDITION
ACCESSIBILITY CODE - FLORIDA BUILDING CODE, CHAPTER 11 - ACCESSIBILITY, 2020 1st EDITION
ENERGY CODE - FLORIDA BUILDING CODE, ENERGY CONSERVATION, 2020 1st EDITION
NATIONAL ELECTRIC CODE CURRENT EDITION

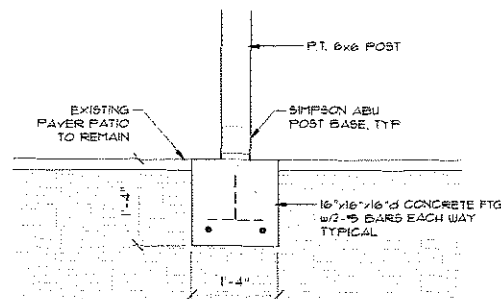
NOTE:
ELEVATION DRAWINGS ARE INTENDED FOR DESIGN PURPOSES ONLY.
CONTRACTOR/BUILDER SHALL FIELD VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION.



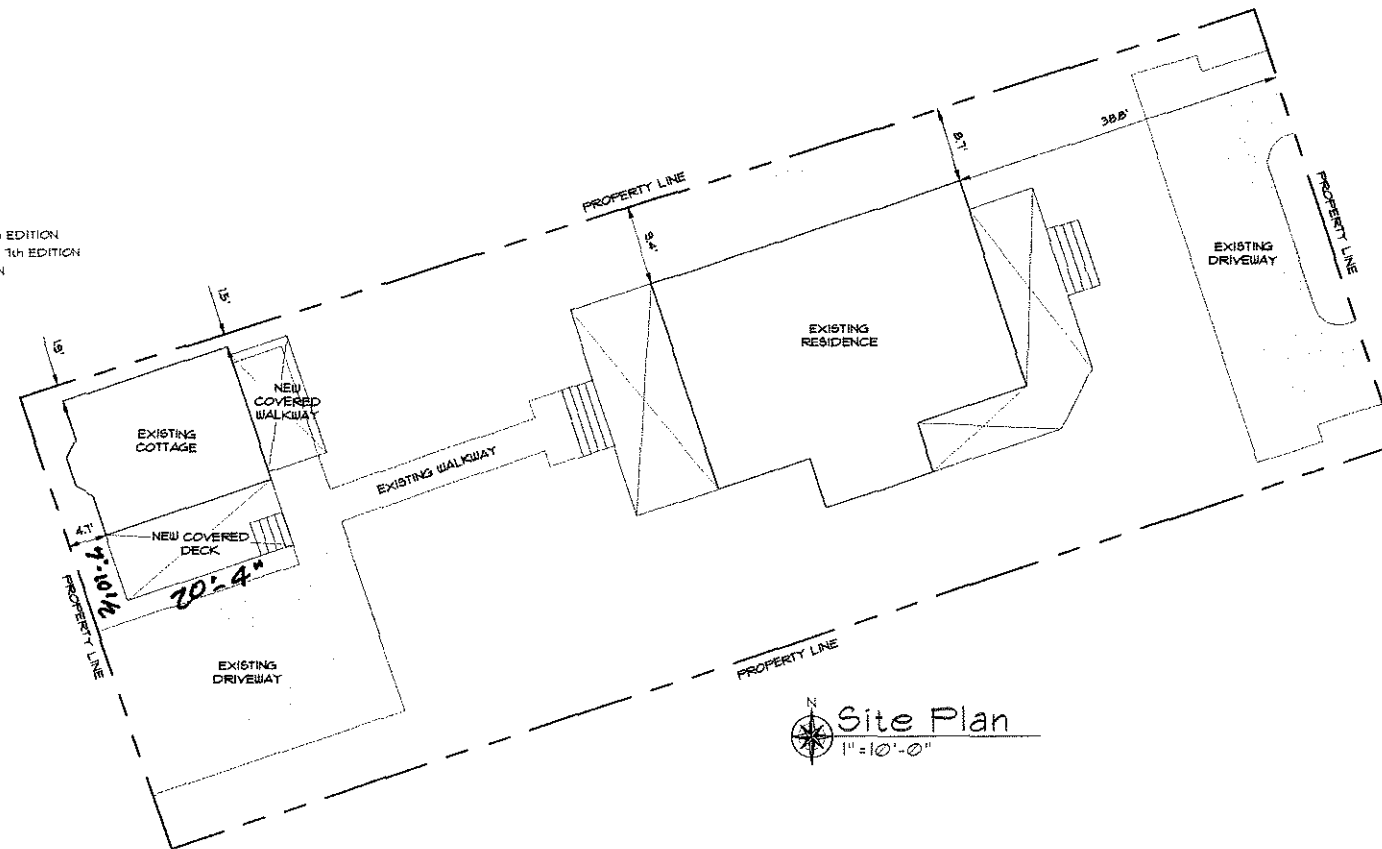
West Elevation
1/4" = 1'-0" Cottage



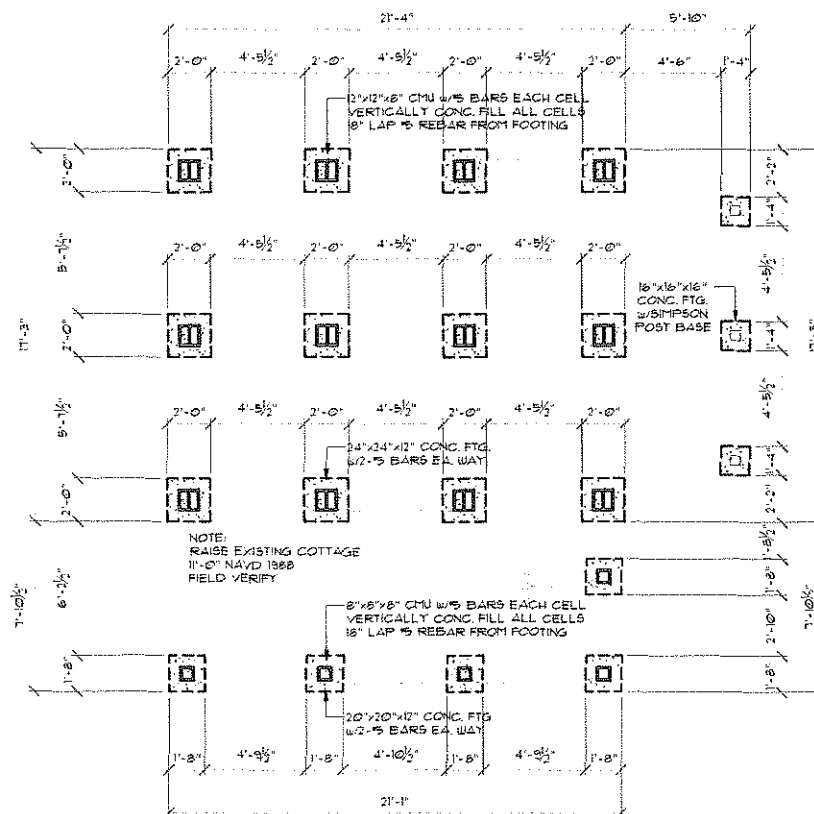
Detail
1/2" = 1'-0"



Detail
3/4" = 1'-0"



Site Plan
1" = 10'-0"



Foundation Plan
1/4" = 1'-0" Cottage

STRUCTURAL NOTES

- DESIGN LOADS:
 - ROOF LIVE LOADS 16 psf
 - FLOOR LIVE LOADS 40 psf
 - WIND LOADS 130 mph (FL BLDG. CODE 2020)
- MATERIAL:
 - CONCRETE: DESIGN AND CONSTRUCTED PER ACI 318-03

ITEM	COMPRESSIVE STRENGTH @ 28 DAYS
SLAB	2500 PSI
CMU, FILLED CELLS & BEAMS	2500 PSI
- REINFORCING STEEL: CONFORM TO ASTM A-615 GAGE 60
- STRUCTURAL STEEL: DESIGN PER CURRENT ADDITION OF AISC
- SHAPES AND PLATES CONFORM TO ASTM A-36
- WELDING CONFORM TO "AWS D11, STRUCTURAL WELDING CODE"
- ANCHOR BOLTS AND STEEL TO WOOD SHALL CONFORM TO ASTM A-307
- WELDED CONNECTIONS NOT SHOWN ON DRAWING SHALL HAVE ALL CONTACTING STEEL SURFACES CONTINUOUS WELDED WITH SUFFICIENT WELD TO FULLY DEVELOP THE THINNER MATERIAL.
- FRAMING LUMBER: SOUTHERN PINE PER NFPA, NATIONAL DESIGN SPECS. FOR WOOD CONSTRUCTION.
 - SAWN LUMBER 2x4 THRU 2x12 SHALL BE SOUTHERN PINE NO. 2 @ 15% M.C.
 - INTERIOR WALL STUDS SHALL BE SPRUCE-PINE-FIR NO. 2
 - LVL BEAMS SHALL BE SOUTHERN PINE Pb-2400 PSI
 - SAWN LUMBER 4x4 AND LARGER SHALL BE SOUTHERN PINE NO. 1 @ 15% M.C.
- WOOD FLOOR & ROOF TRUSSES: DESIGN BY THE MANUFACTURER TO SUPPORT DEAD, WIND AND LIVE LOADS.
 - MANUFACTURE SHALL SUBMIT ERECTION DRAWINGS FOR REVIEW BEFORE FABRICATING TRUSSES.
 - ERECTION DRAWINGS SHALL SHOW ALL LATERAL AND DIAGONAL BRACING AS REQUIRED IN THE TRUSS SYSTEM.
 - TRUSS TO TRUSS CONNECTIONS SHALL BE DESIGNED BY THE MANUFACTURER.
- PLYWOOD ROOF AND WALL SHEATHING:
 - CONFORM TO THE AMERICAN PLYWOOD ASSOC. STANDARDS AND SHALL BE AP C-D INT. WITH EXTERIOR GLUE (CDX) MIN.
- CONCRETE MASONRY UNITS: CONFORM TO ASTM C-90.
 - MORTAR SHALL BE TYPE M OR S.
- WOOD FRAMING ANCHORS AND HURRICANE TIE CLIPS SHALL BE "30-BOLTS" OR EQUAL.
- CONCRETE MASONRY UNITS:
 - ALL CMU SHALL HAVE 5 BAR VERTICAL WITH CELL FILLED WITH CONCRETE AS SHOWN ON DRAWINGS.
 - ALL CMU SHALL HAVE HORIZONTAL JOINT REINFORCING SPACED 16" O.C. VERTICAL REINFORCING SHALL BE FABRICATED FROM 3 GAUGE GALVANIZED WIRE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TEMP. BRACING UNTIL THE ENTIRE STRUCTURE IS PLUMB AND SECURED IN PLACE.
- SHEATHING NAILING:
 - ROOF SHEATHING SHALL BE NAILED AS FOLLOWS:
 - 8d RING SHANK NAILS
 - 8d NAILS @ 6" O.C. AT PANEL EDGES.
 - 8d NAILS @ 8" O.C. AT ALL INTERMEDIATE SUPPORTS.
 - 8d NAILS @ 4" O.C. AT ALL SUPPORTS WITHIN 4'-0" OF EDGES.
 - PORCH CEILING OR SUB CEILING WITH RING SHANK NAILS:
 - 8d NAILS @ 4" O.C. AT PANEL EDGES.
 - 8d NAILS @ 8" O.C. AT ALL INTERMEDIATE SUPPORTS.
 - ALL EXTERIOR WALLS BETWEEN OPENINGS AND AT CORNERS SHALL BE SHEAR WALL SEGMENTS.
 - PLY-WOOD NAILING TO BE: 8d NAILS @ 6" O.C. EACH SHEAR WALL SEGMENT SHOULD HAVE 1/2" @ THREADED ROD WITHIN 8" OF SHEAR WALL.
- CMU WALL OPENING HEADS, JAMBS, AND WINDOW SILLS SHALL BE 2x6 MIN. P.T. WITH 1/4" DIA. x 3 1/4" LONG "TAPCONS" @ 18" O.C.
- ALL EXTERIOR WINDOWS AND DOORS SHALL MEET 130 MPH WIND SPEED. WIND BORNE DEBRIS PROTECTION REQUIRED; IMPACT RESISTANT WINDOWS OR SHUTTERS BY ARCHITECT OR CONTRACTOR

LES THOMAS
ARCHITECT

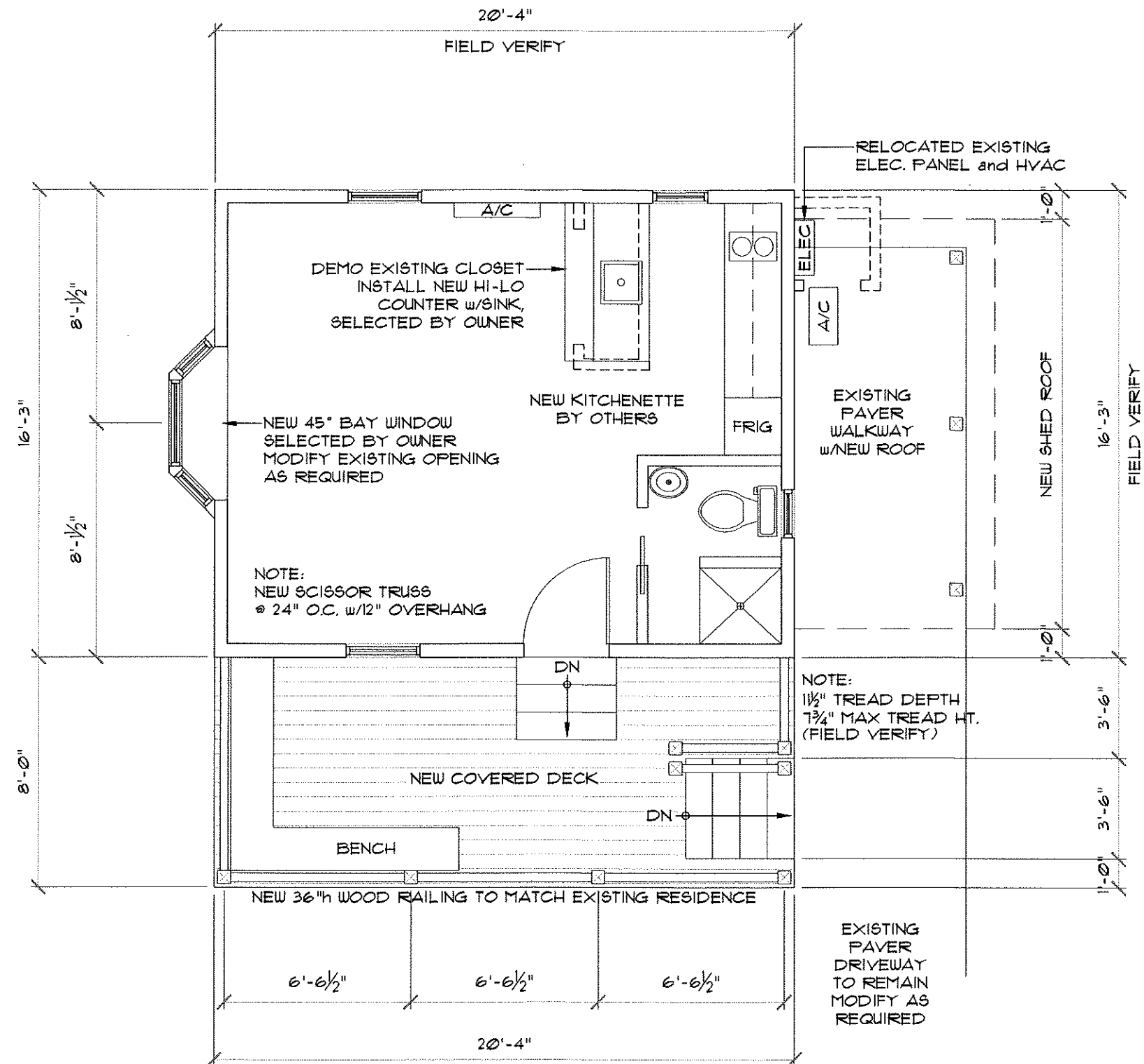
32 CORDOVA ST., ST. AUGUSTINE, FLORIDA 824-9508

Home Renovation
Crocetta Residence

346 Charlotte Street, St. Augustine, FL 32084

Date: 8.26.21
Scale: AS NOTED
Drawn: Murphy
File: 316 Charlotte

SHEET
A1



LEGEND

- EXISTING WALL
TO REMAIN, FIELD VERIFY
- DEMO WALL
- DEMO EXISTING WALL

Floor Plan

1/4" = 1'-0" Cottage

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 5, 2021

RE: **VARIANCE #2021-0130**

AGENDA ITEM	5(c)
APPLICANT	Irene Forbes
OWNER	Phillip & Irene Forbes
LOCATION	49 Valencia Street / PID 201520-0000
REQUEST	To approve a variance to the required secondary front yard setback within Residential, Single family-one (RS-1) zoning district.
ZONING	Residential, Single-family-one (RS-1)
LAND USE	Residential Low Density

APPLICABLE CODES/ORDINANCES

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area and size of structure or sides of yards and open spaces. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A modification to lot requirements so as to increase the permitted density of multifamily dwellings shall not be considered a variance and is specifically prohibited.

Sec. 28-29. Zoning exceptions, variances and appeals.

(b) Variances:

(1) Requirements for grant of variance. The board may grant a variance only under circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions should be granted; provided, however, that no variance may be granted for maximum lot coverage requirements within any historic preservation districts 1, 2 and 3, except variances may be obtained for school, church and governmental agency uses. No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity; and
- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
- c. This disadvantage does not exist because of conditions created by the owner or applicant; and

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

In passing upon a request for variance, **the Board shall not consider prospective financial loss or gain to the owner or applicant**, nor shall the board by variance permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such district by a specific provision of this Chapter.

Sec. 28-119. – Nonconforming lots of record.

Notwithstanding limitations imposed by the provisions of this chapter, any single lot or lots of record which were so recorded on or before the effective date of adoption of this chapter [April 29, 1975] may be used in accordance with the following:

(6) The above uses are also subject to the following:

- a. No side yard shall be less than ten (10) percent of the width of the lot, provided such side yard is not less than four (4) feet.

Sec. 28-162. - Residential, single-family-two: RS-2

(6) *Minimum yard requirements.* All permitted or permissible uses and structures:

- a. Front, twenty (20) feet.
b. Side, fifteen (15) feet.*
c. Rear, twenty (20) feet.

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to the secondary front yard setback. There is an existing carport at 49 Valencia Street located on Riberia Street that the applicant seeks to convert into a two-car garage. The applicant's main objective at 49 Valencia Street is to convert their existing garage into an additional bedroom which leaves them without a garage and the request to convert their carport into a garage.

In particular, the applicant is proposing the following:

Requested Change to:	Code*	Existing	Proposed
Secondary Front Yard	10'	5'6"	5'6"

Staff interpretation of findings of fact in *italics*.

No variance shall be granted unless the applicant shall show and the board shall find that:

- a. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage through the operation of this section, which disadvantage does not apply to other properties in the vicinity;

There is no single disadvantage that applies, the applicant simply seeks to improve the home, which was built in 1960, according to the St. Johns County Property Appraiser's website, before current zoning regulations were put in place.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

In keeping with the original design and location of the home the proposed location of a new garage on Riberia Street is where the previous owners had a garage making this the most logical place for a replacement garage.

- c. This disadvantage does not exist because of conditions created by the owner or applicant;

The reason for a new garage at 49 Valencia Street is that the current one is of inadequate size for the current owners.

- d. Grant of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this section.

Granting of the variance may or may not be contrary to the public interest, but likely would not adversely affect neighboring properties in a significant way due to the nature of the request and the overall minimal change to the site. The spirit, intent, and purpose of the zoning district (RS-1) is to apply to neighborhoods designated for single-family dwellings and accessory uses, to create and maintain a low density residential character, as such, this addition would be in harmony with the intent, and purpose of this section as it supports low density residential use.

STAFF RECOMMENDATION

Based on a review of Section 28-29 and without the support of evidence to the contrary, staff finds that the Board may be able to **APPROVE** a variance to the required secondary front yard setback in Residential, single-family-one (RS-1) zoning at **49 Valencia Street / PID 201520-0000**.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

SEP 10 2021

Planning/Building Dept.

Application Fee: 350⁰⁰ (plus advertising costs)

Project Number: 2021-0130

Receipt Number: 2195444

Meeting Date: OCT. 5, 2021

Advertising Costs: \$ _____

Paid On: _____

Receipt Number: _____

1. NAME OF APPLICANT: IRENE FORBES Contact Number: (904) 7076345
 Business (if applicable): _____
 Address: 49 VALENCIA ST City: ST. AUG. State: FL Zip: 32084
 E-Mail Address: IRE1954@GMAIL.COM
2. NAME OF PROPERTY OWNER: PHILLIP & IRENE FORBES Contact Number: (904) 7076344
 Business (if applicable): _____
 Address: 49 VALENCIA ST. City: ST. AUG. State: FL Zip: 32084
 E-Mail Address: IRE1954@GMAIL.COM
3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 4 & 5 Block: BOOK 6 PAGE 32
 Subdivision: VALENCIA HOMESITES Parcel Number: 201520-0000
4. PROJECT STREET ADDRESS: 49 VALENCIA STREET.
5. SPECIFIC PROPOSED USE: DOUBLE CAR GARAGE
6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☒ Variance ☐ Rezoning
☐ Other: _____
7. DESCRIPTION OF ACTION REQUESTED: VARIANCE FOR SET BACK
ON GARAGE CONSTRUCTION ON LIBERIA ST.
8. JUSTIFICATION FOR ACTION REQUESTED: CONVERSION OF EXIST.
GARAGE ON VALENCIA STREET TO BEDROOM
AND CONVERSION OF EXISTING CARPORT
ON LIBERIA STREET TO A DOUBLE CAR GARAGE

PLEASE SEE NOTES
ON DRAWING A-2 FLOORPLAN

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.

James J. Poles
Signature of Applicant

SEP/10/2021
Date

James J. Poles
Signature of Property Owner

SEP/10/2021
Date

RECEIVED

9/10/2021

SEP 10 2021

04/18/2021 Planning/Building Dept.

RECEIVED

SEP 10 2021

Planning/Building Dept.

- 1.- PROPERTY IS A CORNER LOT ON VALENCIA AND RIBERIA STREET WITH MAIN ENTRANCE ON VALENCIA STREET
2. PROPERTY ORIGINALLY HAD GARAGE ON RIBERIA STREET. LATER ADDITION BY PREVIOUS OWNER RESULTED IN 2-CAR GARAGE ON VALENCIA ST.
3. WE PLAN TO CONVERT GARAGE ON VALENCIA ST. TO A BEDROOM AS IT IS OF INADEQUATE SIZE FOR USE AS GARAGE.
4. WE HAVE AN EXISTING CARPORT ON RIBERIA STREET W/ A 7' H CONCRETE WALL SET BACK 7' FROM SIDE WALK.
WE WOULD LIKE TO USE EXIST 7' CONC. WALL AS BASIS FOR A 2 CAR GARAGE ON RIBERIA STREET.
THIS SPACE IS ALREADY BEING USED TO PARK A CAR AND HAS A DRIVEWAY AND GATE. WE WOULD SIMPLY ADD ONE ADDITIONAL CAR SPACE AND BUILD A PERMANENT STRUCTURE TO REPLACE CARPORT.



RECEIVED

SEP 10 2021

Planning/Building Dept.

**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

IRENE FORBES

Print name of applicant

Irene Forbes

Signature of applicant

SEP/10/2021

Date

PZB APPLICATION FEE SCHEDULE SEP 10 2021

Planning/Building Dept.

Planning and Zoning Board fees are set by Resolution 2017-42 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater. \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Conservation Overlay Zone Development: Docks	\$330.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Preliminary Plat Approval	\$275.00 + ads & notices

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 49 VALENCIA ST. ST. AUGUSTINE, FL. 32084

Applicant's Name: IRENE FORBES Applicant's Signature: Irene Forbes

Owner's Name: PHILLIP & IRENE FORBES Owner's Signature: Philip Forbes



St. Johns County, FL

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	2015200000
Location Address	49 VALENCIA ST SAINT AUGUSTINE 32084-0000
Neighborhood	Model Land/City (610.3)
Tax Description*	6-32 VALENCIA HOMESITES CITY LOTS 4 & 5 OR2252/1641 & 4517/1505 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Valencia Homesites
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.390
Homestead	Y

Owner Information

Owner Name	Forbes Phillip R, Irene S *** 100% Forbes Irene S *** 100% Forbes Alexander J 0% Forbes Daniel L 0%
Mailing Address	49 VALENCIA ST SAINT AUGUSTINE, FL 32084-3539

Map



Valuation Information

	2021
Building Value	\$397,644
Extra Features Value	\$21,288
Total Land Value	\$410,400
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$829,332
Total Deferred	\$239,983
Assessed Value	\$589,349
Total Exemptions	\$50,000
Taxable Value	\$539,349

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$417,567	\$22,056	\$410,400	\$0	\$0	\$850,023	\$581,212	\$318,811	\$531,212
2019	\$337,806	\$21,787	\$410,400	\$0	\$0	\$769,993	\$568,145	\$251,848	\$518,145
2018	\$347,598	\$17,061	\$410,400	\$0	\$0	\$775,059	\$557,552	\$267,507	\$507,552
2017	\$352,493	\$17,316	\$410,400	\$0	\$0	\$780,209	\$546,084	\$284,125	\$496,084
2016	\$327,780	\$17,668	\$356,400	\$0	\$0	\$701,848	\$534,852	\$216,996	\$484,852
2015	\$297,237	\$18,931	\$324,000	\$0	\$0	\$640,168	\$531,134	\$159,034	\$481,134
2014	\$255,703	\$20,194	\$324,000	\$0	\$0	\$599,897	\$526,919	\$122,978	\$476,919
2013	\$259,067	\$21,455	\$324,000	\$0	\$0	\$604,522	\$519,132	\$135,390	\$469,132
2012	\$231,126	\$22,720	\$256,608	\$0	\$0	\$510,454	\$510,454	\$50,000	\$460,454
2011	\$215,842	\$15,030	\$285,120	\$0	\$0	\$515,992	\$515,992	\$50,000	\$465,992
2010	\$219,016	\$15,056	\$316,800	\$0	\$0	\$550,872	\$550,872	\$50,000	\$500,872

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1
Actual Area	4233
Conditioned Area	2784
Actual Year Built	1954
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Stucco
Roof Structure	Gable Hip

Roof Structure	Gable Hip
Roof Cover	Composite Shingle
Interior Flooring	Ceramic Tile, Hardwood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	3
Baths	2.5

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%

Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Hardwood	80%
Interior Flooring	Ceramic Tile	20%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	11 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
UNFINISHED GARAGE	0	252
BASE AREA	2359	2359
MASONRY ADDITION	334	334
FINISHED OPEN PORCH	0	384
MASONRY ADDITION	91	91
PATIO	0	229
PATIO	0	100
FINISHED GARAGE	0	484
Total SqFt	2784	4233

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Pool (Concrete)	0	0	0	0	396
Kool Deck	0	0	0	0	1580
Spa / Hot Tub	0	0	0	0	1
Masonry Wall	0	0	0	0	686
Residential Fence	0	0	0	0	186
Patio	0	0	0	0	499

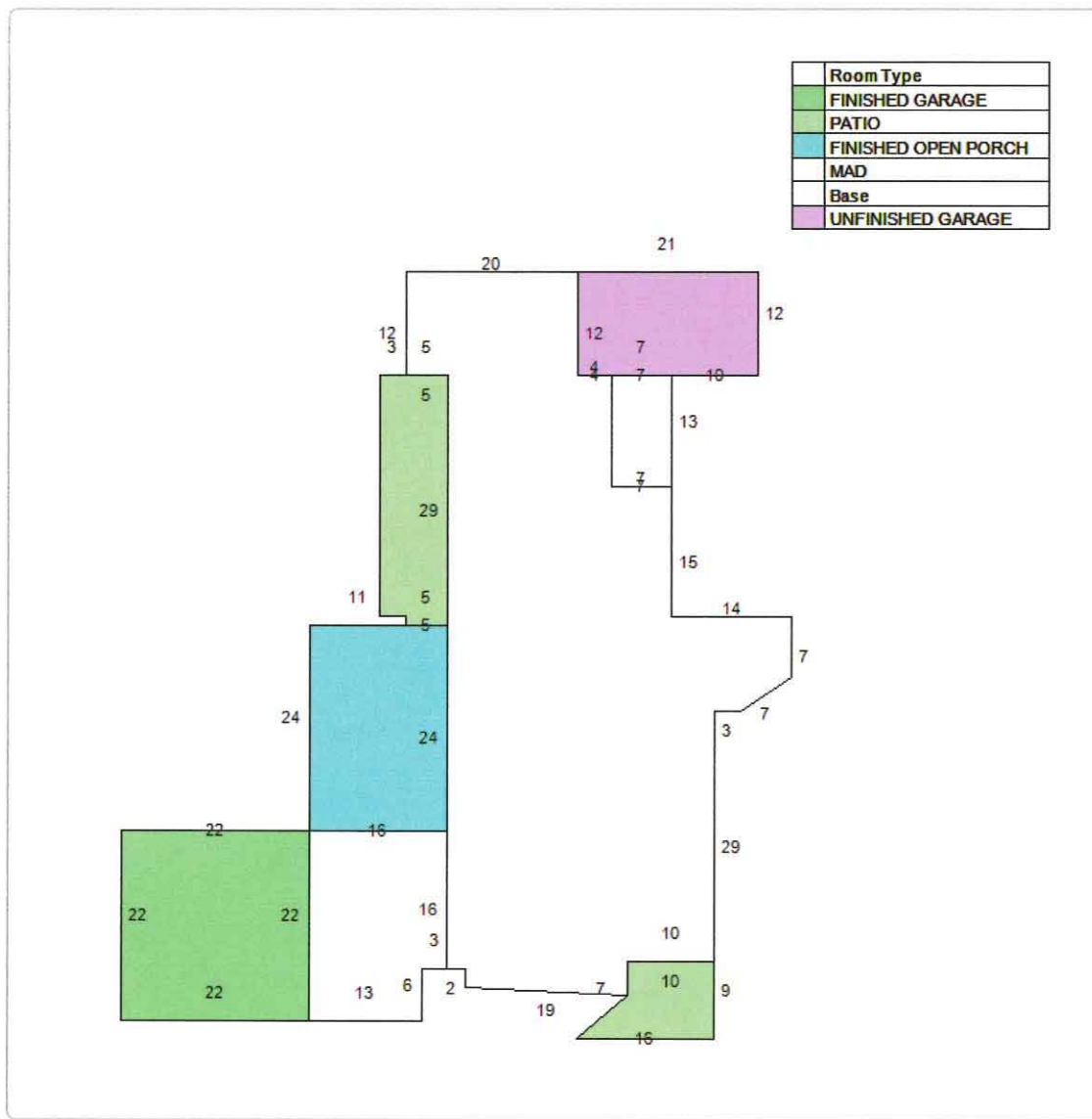
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	72	125	72	EF	\$205,200
Single Family	72	125	72	EF	\$205,200

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
3/19/2018	3/5/2018	\$100.00	WARRANTY DEED	4517	1505	U	I	FORBES PHILLIP R,IRENE S	FORBES PHILLIP R,IRENE S ***
	7/29/2004	\$675,000.00	WARRANTY DEED	2252	1641	Q	I	PETERSON OLIVE RAE,ROBERT VERNON/IND&TRUSTEES	FORBES PHILLIP R,IRENE S
	1/27/2003	\$100.00	WARRANTY DEED	1905	572	U	I	PETERSON OLIVE RAE & ROBERT VERNON	PETERSON OLIVE RAE & ROBERT VERNON TRUSTEES
	1/27/2003	\$100.00	WARRANTY DEED	1892	1240	U	I	PETERSON ROBERT VERNON & OLIVE RAE TRUSTEES	PETERSON ROBERT VERNON & OLIVE RAE
	8/23/2000	\$100.00	LIFE ESTATE	1523	448	U	I	PETERSON ROBERT VERNON & OLIVE RAE	PETERSON ROBERT VERNON & OLIVE RAE ***
	4/1/1990	\$212,000.00		854	898	Q	I		PETERSON ROBERT V,O RAE
	9/1/1988	\$135,000.00		796	522	Q	I		

Sketch Information



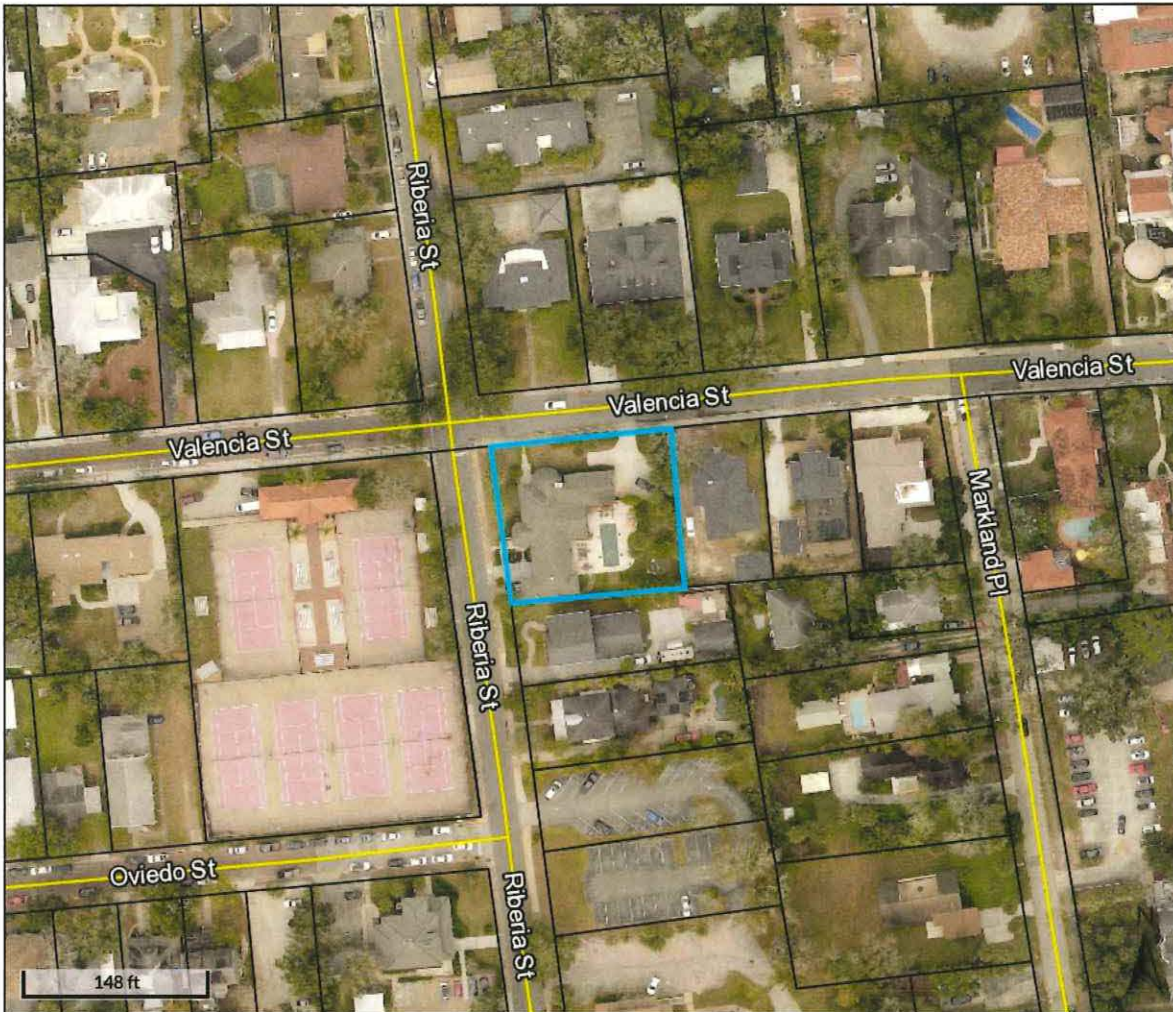
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Version 2.3.146



Overview



Legend

□ Parcels

Parcel ID	2015200000	Physical	49 VALENCIA ST	Building Value	\$397,644	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	\$21,288	Date	Price	Reason	Qual
Class	Family	Mailing	FORBES ALEXANDER J	Value		7/29/2004	\$675000	01	Q
Taxing	City of St	Address	49 VALENCIA ST	Total Land Value	\$410,400	4/1/1990	\$212000	01	Q
District	Augustine		SAINT AUGUSTINE FL 32084-	Just Value	\$829,332				
Acres	0.39		3539	Total Deferred	\$239,983				
				Assessed Value	\$589,349				
				Total Exemptions	\$50,000				
				Taxable Value	\$539,349				

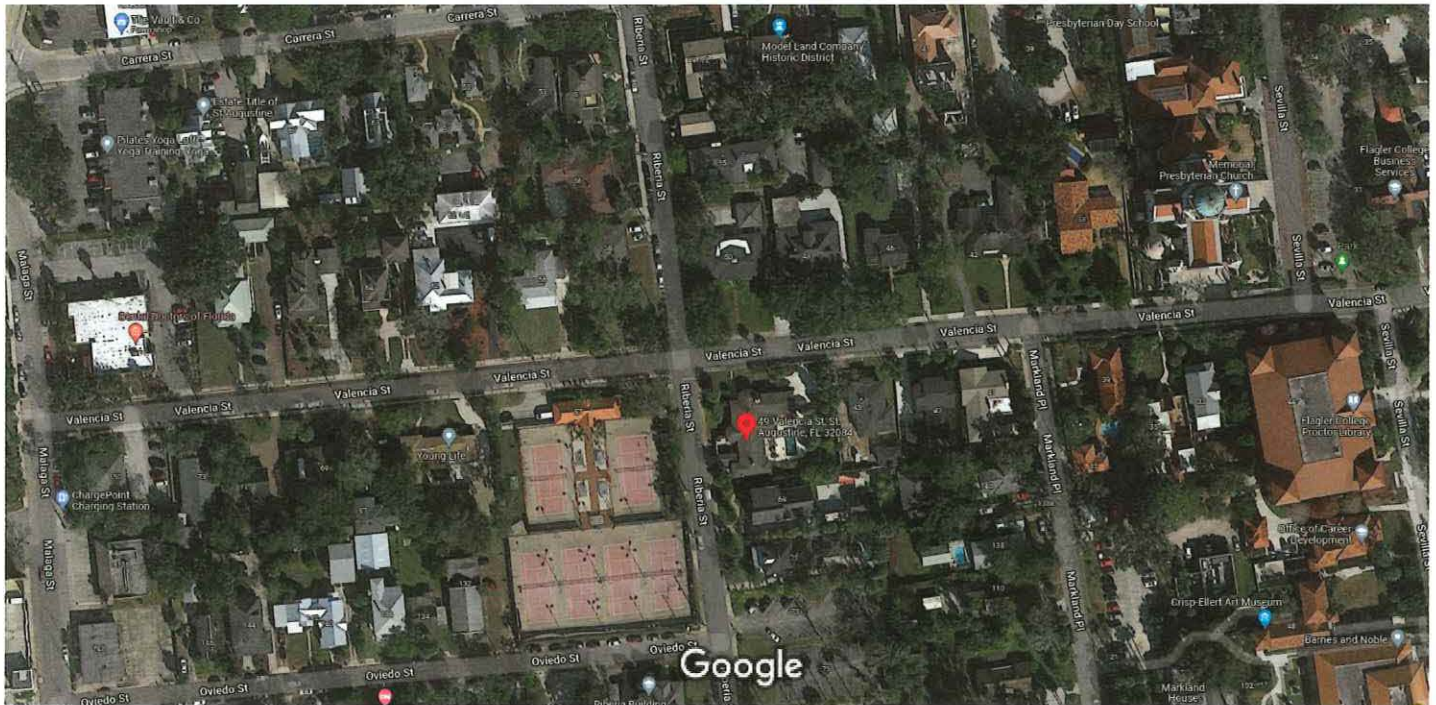
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Date created: 9/10/2021

Last Data Uploaded: 9/10/2021 1:32:29 AM

Developed by  **Schneider**
GEOSPATIAL

Google Maps 49 Valencia St



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021

50 ft



49 Valencia St

Building



Directions



Save



Nearby



Send to your
phone

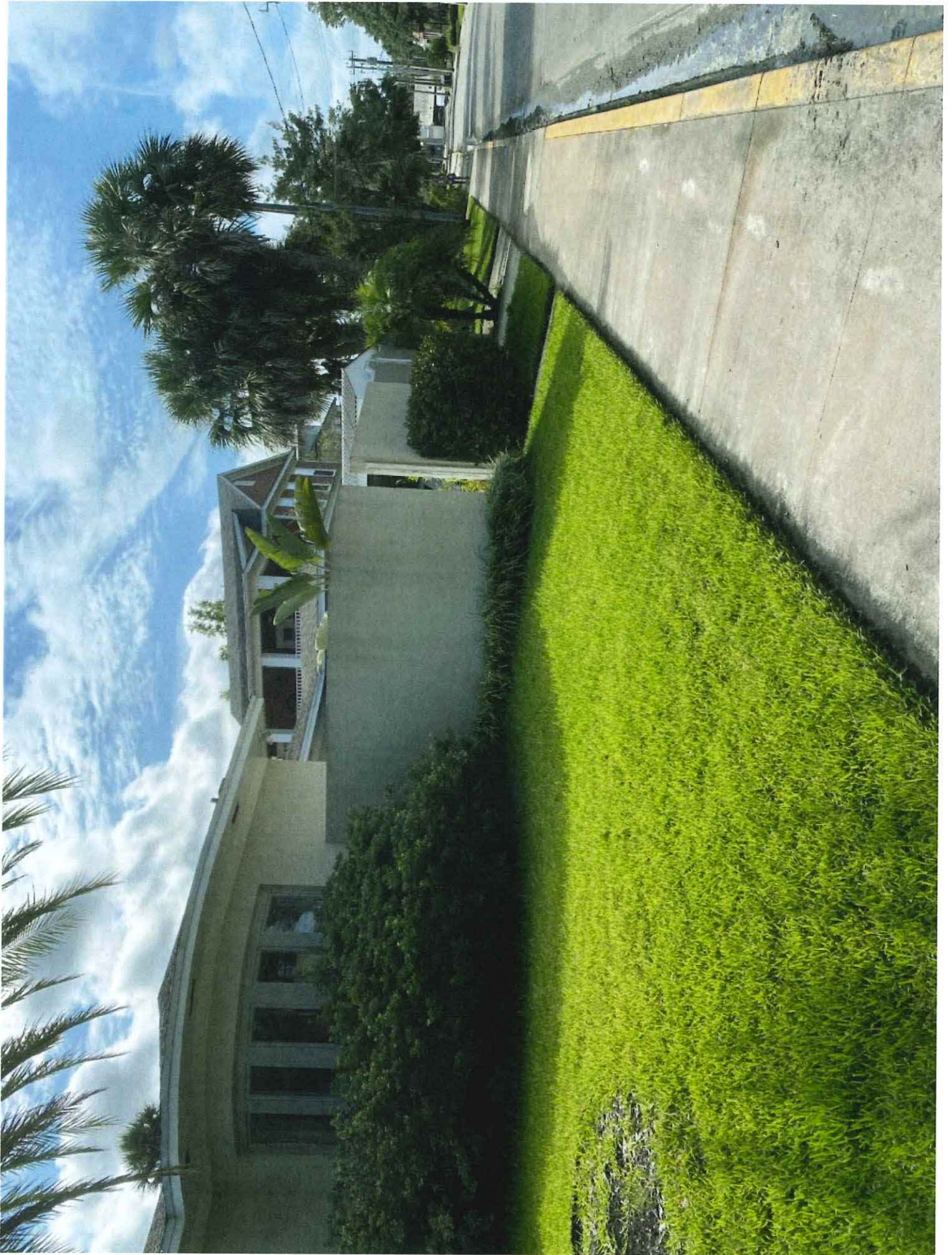


Share



49 Valencia St, St. Augustine, FL 32084

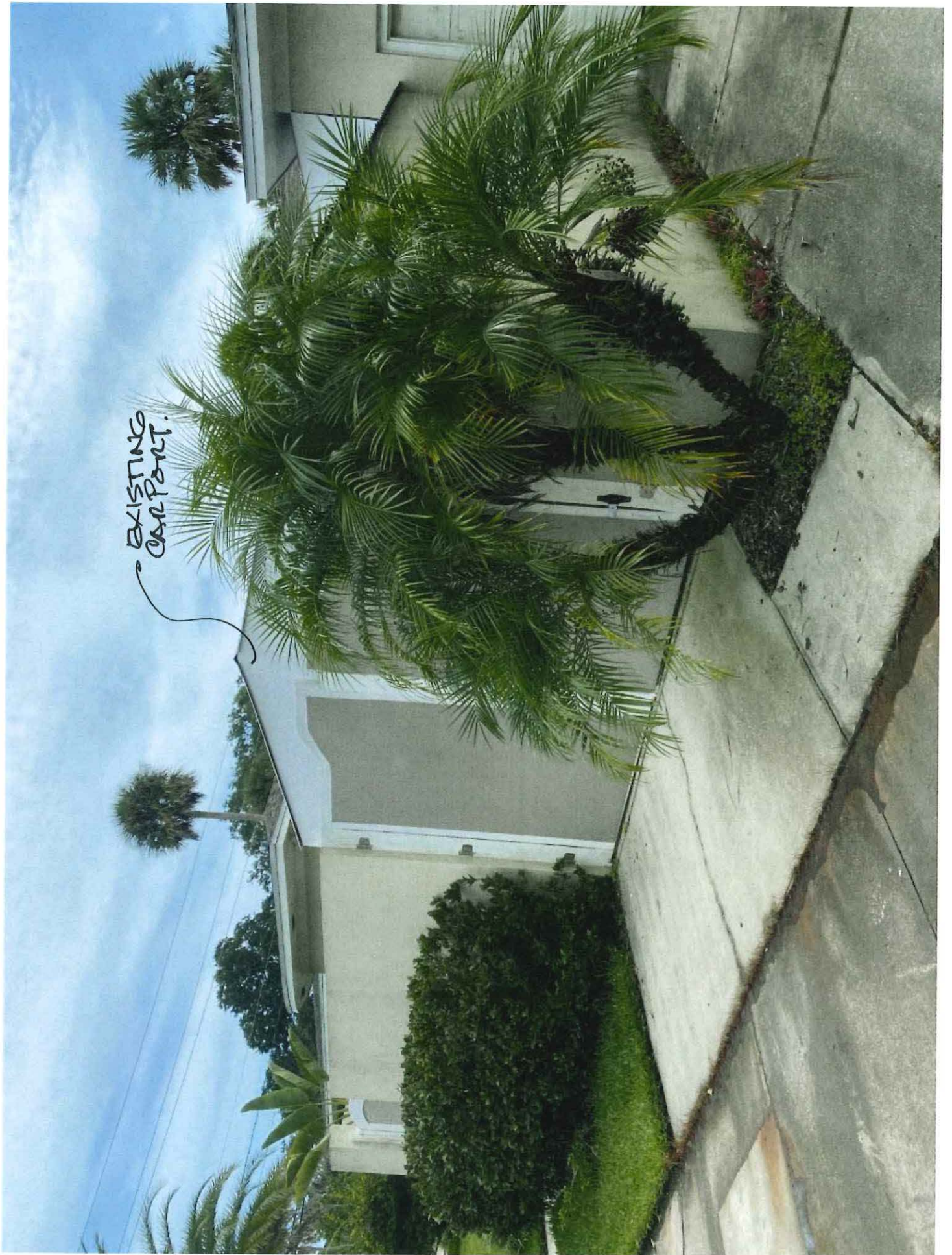
Photos



49 VANDERBILT STREET S, RIVERVIEW, FL 33414









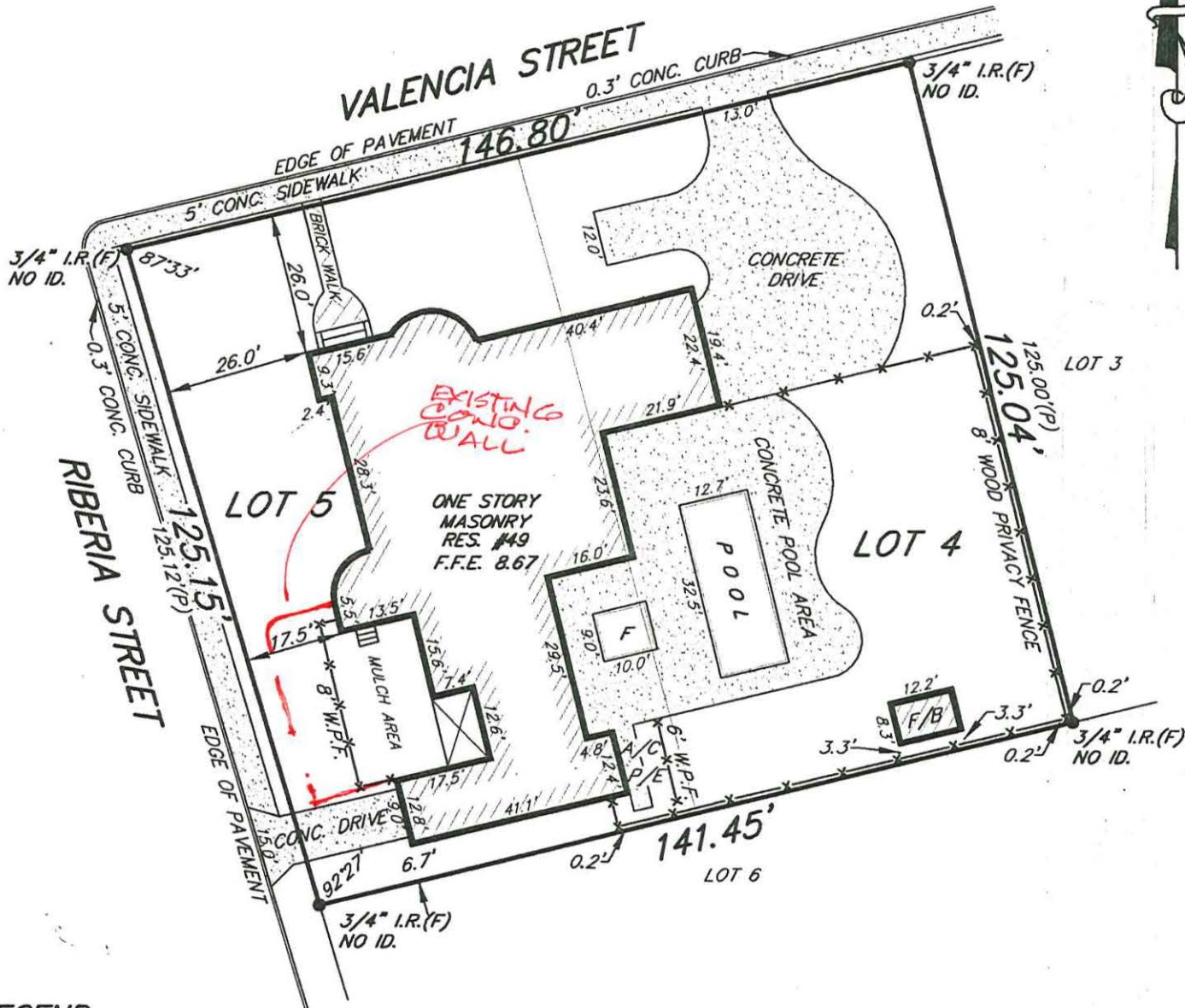
CARPORT - INSIDE PATIO

MAP SHOWING SURVEY OF

LOTS 4 AND 5, VALENCIA HOMESITES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 6, PAGE 32 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

ESTATE TITLE OF ST AUGUSTINE
PHILLIP R. FORBES AND IRENE S. FORBES.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
PFG LOANS, INC.

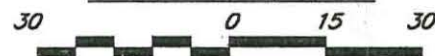


LEGEND

- A/C - AIR CONDITIONER PAD
- CONC. - CONCRETE
- F/B - FRAME UTILITY BUILDING
- F.F.E. - FINISH FLOOR ELEVATION
- F - STONE FOUNTAIN
- ID. - IDENTIFICATION
- I.R.(F) - IRON ROD FOUND
- N.G.V.D. - NATIONAL GEODETIC VERTICAL DATUM
- P/E - POOL EQUIPMENT PAD
- RES. - RESIDENCE
- W.P.P. - WOOD PRIVACY FENCE
- sq. ft. - SQUARE FEET
- EXPOSED CONCRETE
- COVERED AREA

AREA = 0.414± ACRES
OR 18,021 sq. ft.

GRAPHIC SCALE



1"=30'

GENERAL NOTES:

- Encroachments as shown hereon are only those above ground, visible objects observed by the surveyor.
- No underground structures, utilities or foundations were located or determined by this survey.
- This survey does not reflect or determine ownership.
- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- All distances, bearings or angles are as field measured. Deed or plat measurements are noted if different.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not abstracted this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the existence of any such claims.
- The specific rights implied by this survey are not transferable.
- The measurements for this survey were made in accordance with the United States Standards.
- For building setbacks call the appropriate county codes enforcement office.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor. Nothing hereon shall be intended to give any rights or benefits to anyone other than those the survey was prepared for.
- All disputes here under shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.

NOTES:

- According to the Federal Emergency Management Agency FIRM Map No: 125145-0310, effective date: 9-3-03, the property described hereon appears to lie in Zone AE 9.
- Basis of bearing structure: FIELD ANGLES AS SHOWN

- Basis of elevations: N.G.V.D. 1929

JOB NO.	LAST FIELD DATE	SCALE:	F.B./PAGE	CHK. BY:	DWG. BY:
04-1955	07/08/04	1"=30'	570/10	B.J.C.	S.A.F.

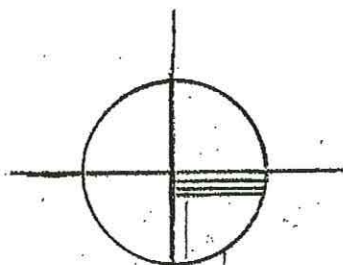
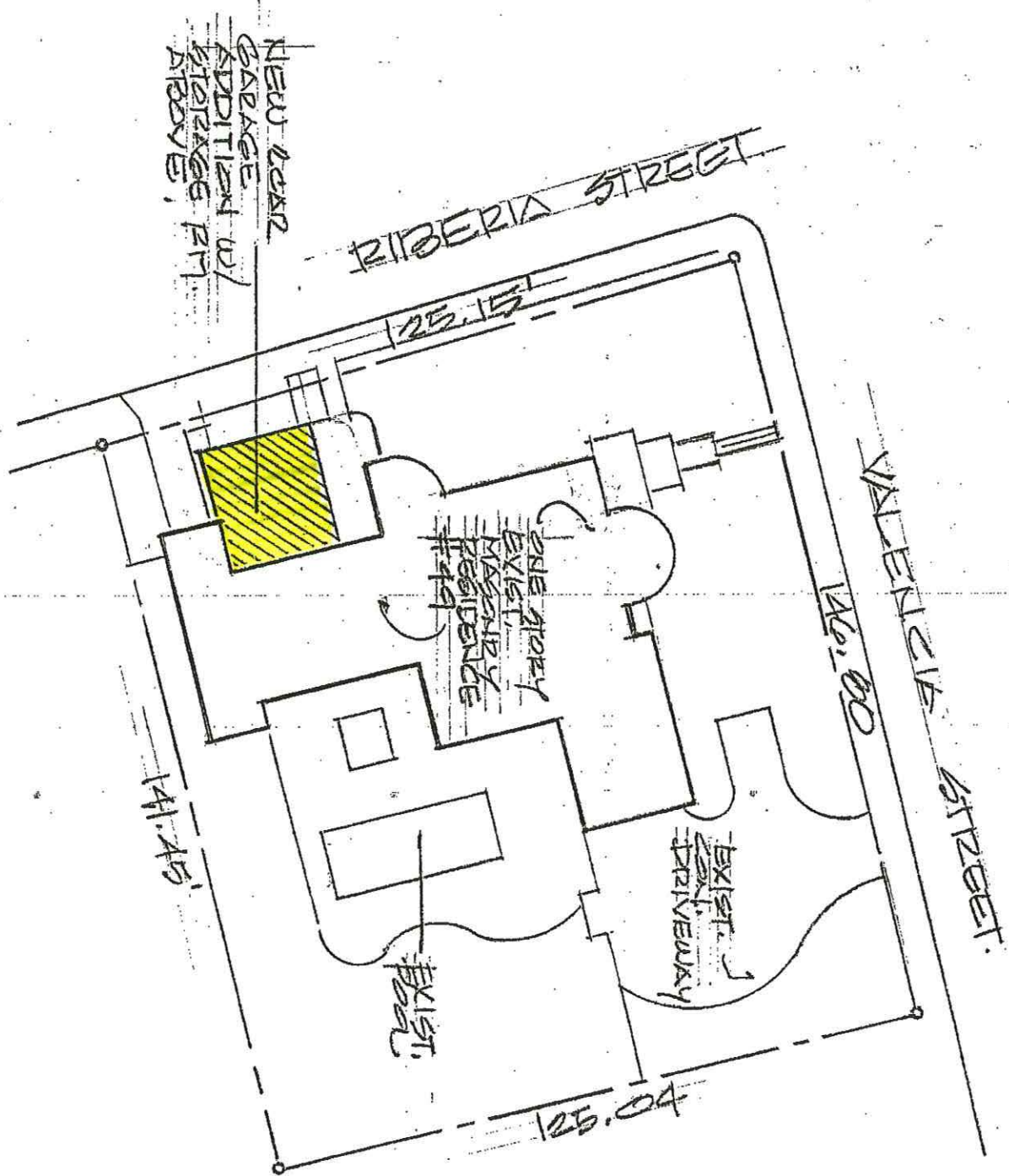
TYPE: BOUNDARY

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DEVINO &
Associates, Inc.
ENGINEERS * SURVEYORS
93 A ORANGE STREET

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited without the written consent of the signing party.

[Signature]



SITE PLAN
Scale = 30'

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 5, 2021

RE: **CONSERVATION OVERLAY ZONE 1 DEVELOPMENT #2021-0124**

AGENDA ITEM	6(a)
APPLICANT	Ryan Carter
OWNER	James Stephen
LOCATION	165 Inlet Drive / PIN 213840-0000
REQUEST	Conservation Overlay Zone 1 Approval to Re-Build/Modify a dock.
LAND USE	Residential Low Density
ZONING	Residential Single Family-One (RS-1)

APPLICABLE CODES/ORDINANCES

Conservation and Coastal Management Element of the Comprehensive Plan

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all zoning districts associated with the land use classifications in the coastal planning area.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals,

objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-28. Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by chapter 28.

Sec. 11-29. Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria: *Please refer to the staff summary and analysis below.*

STAFF SUMMARY AND ANALYSIS

This request is to modify an existing 252 square foot single slip dock to create an 874 square foot two slip dock with accompanying boat lifts. The reason for the expansion of the dock is that the property was just recently purchased and the new owner has watercrafts that need to be accommodated.

Conservation Overlay Zone Development *(Staff analysis in italics)*

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions:

This property has approximately 250 feet of Salt Run frontage that is not visible from Atlantic beaches. The property and adjacent properties utilize sea walls and riprap and are elevated from the coastline. Mangroves and marine vegetation are present in the area but not on the site.

- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

The property sits on the Salt Run and is adjacent to another single-family home to the south and to a currently vacant single-family lot to the north.

- (3) Natural and proposed drainage patterns.

The proposed dock will have no impact on existing drainage patterns.

- (4) Effect of point and nonpoint discharge in the marine environment.

Point and non-point discharge will not be altered.

- (5) Proposed soil stabilization and erosion control methods.

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

- (6) Impact on floodplain.

There is no impact on floodplains associated with this application.

- (7) Impact of development on vegetative and animal communities.

Vegetative impacts: There are no anticipated vegetative impacts as salt marsh, mangroves, and sea grass are not present. Also, the dock will minimally shade a small area of open water but will be built as required by state and federal agencies, five feet or higher above mean high water.

Lighting of the open water areas at night: The proposed works will be lit with low-level, directional lighting that greatly minimizes the amount of light intrusion into the open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.

There will be no storage of pollutants or the use of poisonous chemicals and materials.

- (9) Effect of shade on vegetation and shellfish.

Effects of shading on vegetation are not anticipated. Negative effects to shellfish, if any, should be minimal, with potentially positive impacts in the form of additional substrate for shellfish to colonize.

- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.

The dock site is located in a channel of slightly deeper water behind a large sand bar at the mouth of the Salt Run, and due to this natural restriction boating is limited to lower and no-wake speeds. Also, the current presence of a dock at the site is related to boat usage by prior property owners. Use of the modified dock by the new owners will not affect any manatees, vegetation, shellfish and wildlife or shoreline erosion.

- (11) Impact of development on shoreline by linear feet and percent of site.

N/A

- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

N/A

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.

N/A

- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.

N/A

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)

N/A

- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.

The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock supports will provide shelter for larval, juvenile, and adult fish

Negative: Extremely small loss of juvenile habitat from the placement of approximately 17 new pilings for the dock expansion.

The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock and lift addition could be colonized by barnacles, oysters, and mussels. This will be an addition of habitat.

Negative: None

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

The effects of the project on waterfowl are as follows:

Positive: The additional dock area could be used as a resting place or perch for many waterfowl.

Negative: Extremely small loss of foraging habitat.

- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels.

The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low-profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.

The proposed dock will adhere to all conditions outlined above.

STAFF RECOMMENDATION

Based on a review of section 11-29 and without the support of evidence to the contrary, staff finds that the board can **APPROVE** the modification of an existing 252 square foot single slip dock to create an 874 square foot two slip dock with accompanying boat lifts within Conservation Overlay Zone 1 at 165 Inlet Drive / PID 213840-0000.

By approval of this application, the City does not make representation, approval, or claim to riparian rights to any party.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$330 (plus advertising costs) Project Number: 2021-0124
Receipt Number: 2180921 Meeting Date: Sept. 7, 2021
Advertising Costs: \$ Paid On: Receipt Number:

1. NAME OF APPLICANT: Ryan Carter Contact Number: 904-540-1786
Business (if applicable): Carter Environmental Services
Address: 42 Masters Drive City: St. Augustine State: FL Zip: 32084
E-Mail Address: Ryan@carterenv.com

2. NAME OF PROPERTY OWNER: James Stephen Contact Number: 847-612-6868
Business (if applicable):
Address: 165 Inlet Drive City: St. Augustine State: FL Zip: 32080
E-Mail Address: jcstephen1@me.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 65, 66, 67, & 68 Block: 1
Subdivision: Davis Shores Ocean View Parcel Number: 2138400000

4. PROJECT STREET ADDRESS: 165 Inlet Drive

5. SPECIFIC PROPOSED USE: Modification/additions to existing single-family dock

6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other:

7. DESCRIPTION OF ACTION REQUESTED:
Conservation Overlay Zone Approval for Modification of an existing 252' square-foot, single-slip dock
to create an 874 square-foot, two-slip dock with two boat lifts. See attached narrative.

8. JUSTIFICATION FOR ACTION REQUESTED:
The applicant, who recently purchased the property, requires a dock and lift that will accommodate
his watercraft. The current dock and lift configuration is not adequate.

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.



8/9/21

Signature of Applicant

Date



8/12/21
Date

Signature of Property Owner

04/18/2019



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Ryan Carter

Print name of applicant

Handwritten signature of Ryan Carter in black ink.

Signature of applicant

8/9/21

Date

10/31/17



Owner's Authorization For Agent

Carter Environmental Services is/are hereby authorized TO ACT ON BEHALF
OF James Stephen, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Application number: _____, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:
165 Inlet Drive

BY:

[Signature]
Signature of Owner

James Stephen
Print Name of Owner

847-612-6868
Telephone Number

State of Illinois

County of Cook

Signed and sworn before me on this 12th day of August, 2021.

By James Stephen

Identification verified:

Oath sworn: Yes ☒ No ☐

Notary Signature:

Linda A. Theberge

My Commission expires:

March 20, 2023

Rev:022117



Attachment 1
Overlay Zone Application Narrative

**165 Inlet Drive
Overlay Zone Development Application Supplement
August 2021**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock modification that includes one new boat lift (for two total boat lifts) at 165 Inlet Dr. The proposed dock will allow the new owners access to the Salt Run on a watercraft that is too large to utilize the existing dock as currently constructed. Total dock and lift area over open water will be approximately 874 sq. ft. The height of the dock will be 5' above Mean High Water. Please see attached plans for detailed dimensions.

The construction proposed in this application would occur on lands located within Conservation Overlay Zones 1 and 2, as defined in Section 11-27 of the City Code. Section 11-29(a) of the Code sets forth certain criteria for structures located within Conservation Overlay Zones. The applicant has complied with each of those criteria, as detailed below:

1. *The proposed work will have a benefit to the public as a whole.*

This is a private dock. Public benefits may be economically related through construction activities and marine/boating related purchases.

2. *The proposed work will have no significant negative impact on natural systems (including adjacent salt marshes and the vegetative communities contained therein), by either individual or cumulative effect.*

There is no salt marsh vegetation between the uplands and open water on the site. The shoreline is sea-walled and armored with riprap and vegetation is not present.

3. *The proposed structures will not block or disrupt any vista or scenic opportunities.*

No boat houses are proposed. Dock height will be similar to neighboring docks and comply with Federal and State regulations. Also, the very limited overall length of the dock (35') will assure that vista disruptions to nearby properties are avoided.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

A newer dock will be added, increasing the overall scenic vista.

Applications for development in Conservation Overlay Zones are to be evaluated according to certain criteria set forth in Section 11-29(c) of the City Code. The owner has complied with each of those criteria, as detailed below:

1. *Site specific conditions.*

This property has approximately 250 feet of Salt Run frontage that is not visible from Atlantic beaches. The property and adjacent properties utilize sea walls/riprap and are elevated from the coastline. Mangroves and marine vegetation are present in the area but not on the site.

2. *The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.*

The property sits on the Salt Run and is adjacent to another single-family home to the south and to a currently vacant single-family lot to the north.

3. *Natural and proposed drainage patterns.*

Drainage will not be altered by the proposed works.

4. *Effect of point and non-point discharge in the marine environment.*

Point and non-point discharge will not be altered.

5. *Proposed soil stabilization and erosion control methods.*

Soil and erosion control may be necessary during construction, such as silt fences and turbidity barriers, but impacts will be temporary and no long-term erosional impacts will take place.

6. *Impact on floodplain.*

There is no impact on floodplains associated with this application.

7. *Impact of development on vegetative and animal communities.*

Vegetative impacts: There are no anticipated vegetative impacts as salt marsh, mangroves, and sea grass are not present. Also, the dock will minimally shade a small area of open water, but will be built as required by state and federal agencies, five feet or higher above mean high water.

Lighting of the open water areas at night: The proposed works will be lit with low-level, directional lighting that greatly minimizes the amount of light intrusion into the open water.

Increased noise from day users: Minimal noise associated with private residential boating activities.

8. *Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.*

There will be no storage of pollutants or the use of poisonous chemicals and materials

9. *Effect of shade on vegetation and shellfish.*

Effects of shading on vegetation are not anticipated. Negative effects to shellfish, if any, should be minimal, with potentially positive impacts in the form of additional substrate for shellfish to colonize.

10. *Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.*

The dock site is located in a channel of slightly deeper water behind a large sand bar at the mouth of the Salt Run, and due to this natural restriction boating is limited to lower and no-wake speeds. Also, the current presence of a dock at the site is related to boat usage by prior property owners. Use of the modified dock by the new owners will not affect any *manatees, vegetation, shellfish and wildlife or shoreline erosion.*

11. *Impact of development on shoreline by linear feet and percent of site.*

Not applicable.

12. *Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.*

Not applicable.

13. *Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.*

Not applicable.

14. *Impact of development on plant and animal habitat and potential loss in acres and percent of site.*

Not applicable.

15. *Impact of development on water quality.*

Not applicable.

16. *Impact of development on shellfish and on commercial and sport fish and waterfowl.*

- a) The effects of the proposed project on commercial and sport fish are as follows:

Positive: The proposed new dock supports will provide shelter for larval, juvenile, and adult fish.

Negative: Extremely small loss of juvenile habitat from the placement of approximately 17 new pilings for the dock expansion.

- b) The effects of the project on shellfish are as follows:

Positive: The pilings used to construct the dock/lift additions could be colonized by barnacles, oysters, and mussels. This will be an addition of habitat.

Negative: None

- c) The effects of the project on water fowl are as follows

Positive: The additional dock area could be used as a resting place or perch for many water fowl.

Negative: Extremely small loss of foraging habitat.

17. Dock specifications:

- a) *No boathouse, roofed structure or wall shall be constructed on any dock.*

There are currently no proposed plans for any boathouse, roofed structure or wall within the dock.

- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

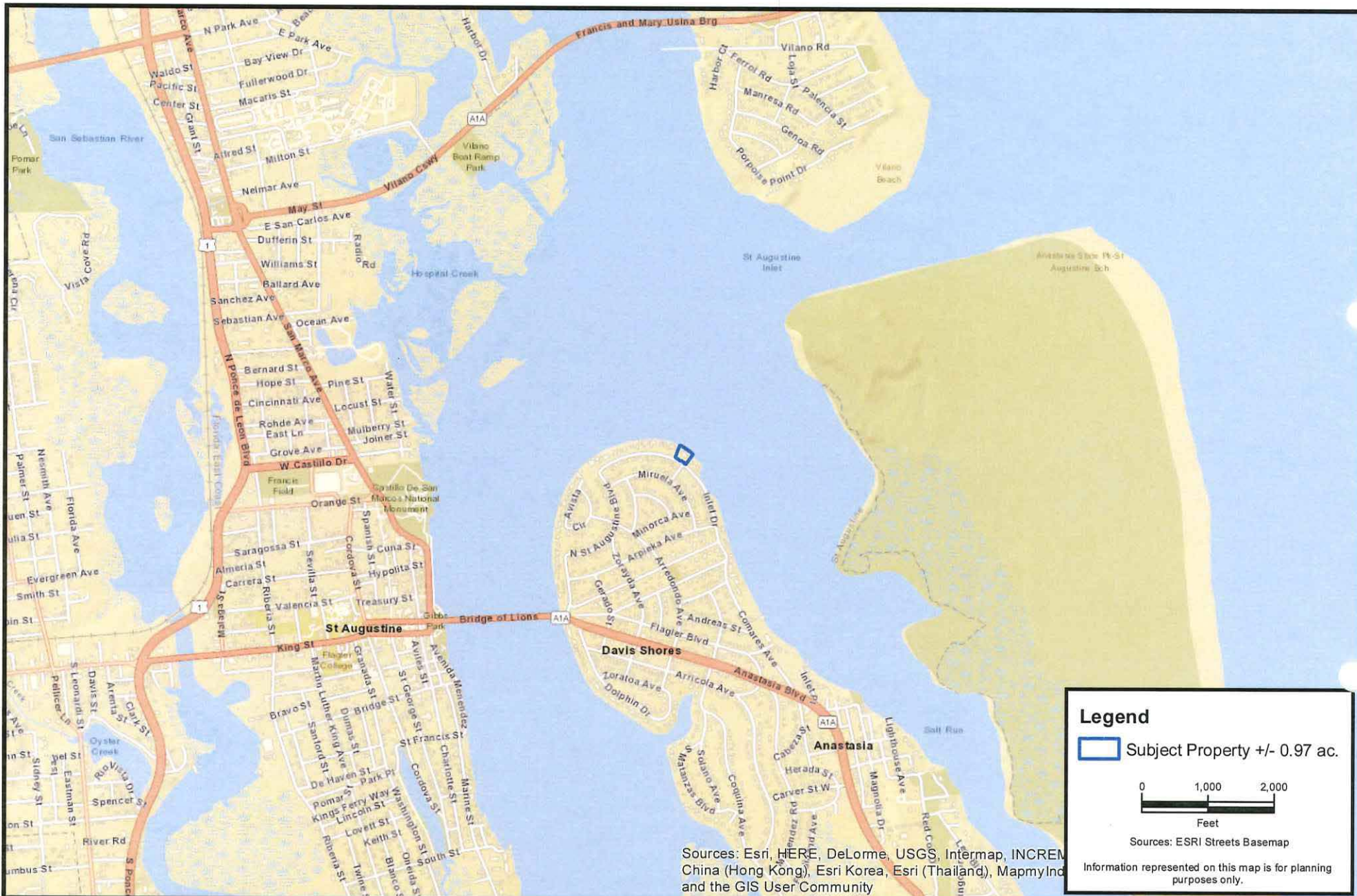
The deck will not exceed 6' above MHW, with a proposed height for the newly constructed dock being 5' to match the existing dock profile.

- c) *Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.*

Boat lift will be low-profile and not exceed 12,000 pounds.

Attachment 2

Overlay Zone Application Graphics



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map

165 Inlet Drive

Project: 5.21264

St. Augustine, St. Johns County, FL

Date: Aug 07 2021

Figure:

1



F:\CES Projects\Project Files\Active\Projects\Project Files\2021\5.21264 Stephen 165 Inlet\GIS\MXD\02-Stephen 165 Inlet_Aerial Map.mxd



CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Aerial Map

165 Inlet Drive

Project: 5.21264

St. Augustine, St. Johns County, FL

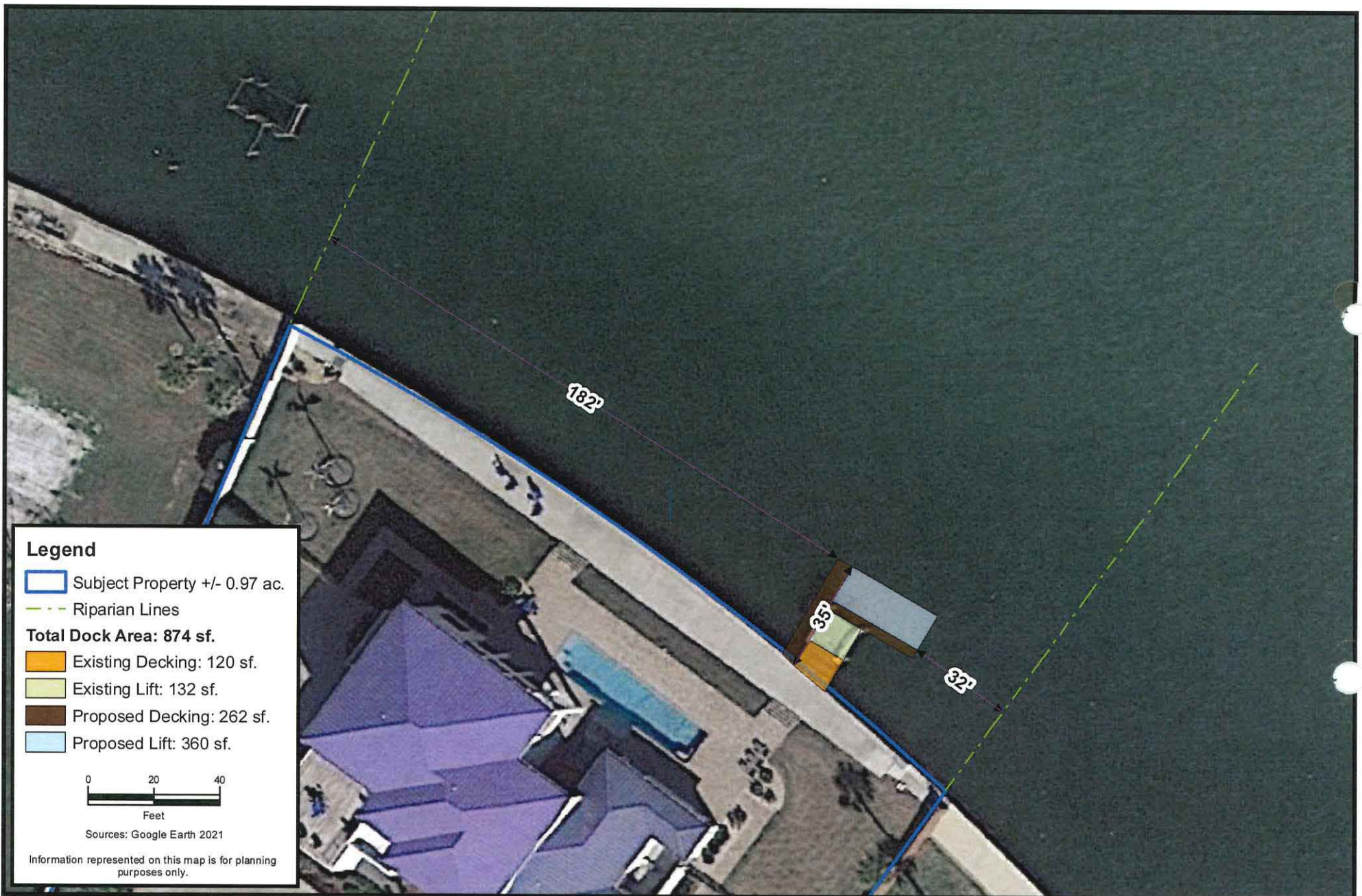
Date: Aug 07 2021

Figure:

2

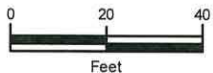


F:\CES Projects\Project Files\Active\Projects\165 Inlet\GIS\MXD\03-Stephen 165 Inlet_Proposed Dock Alignment.mxd



Legend

- Subject Property +/- 0.97 ac.
- Riparian Lines
- Total Dock Area: 874 sf.**
- Existing Decking: 120 sf.
- Existing Lift: 132 sf.
- Proposed Decking: 262 sf.
- Proposed Lift: 360 sf.



Sources: Google Earth 2021

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Alignment

165 Inlet Drive

Project: 5.21264

St. Augustine, St. Johns County, FL

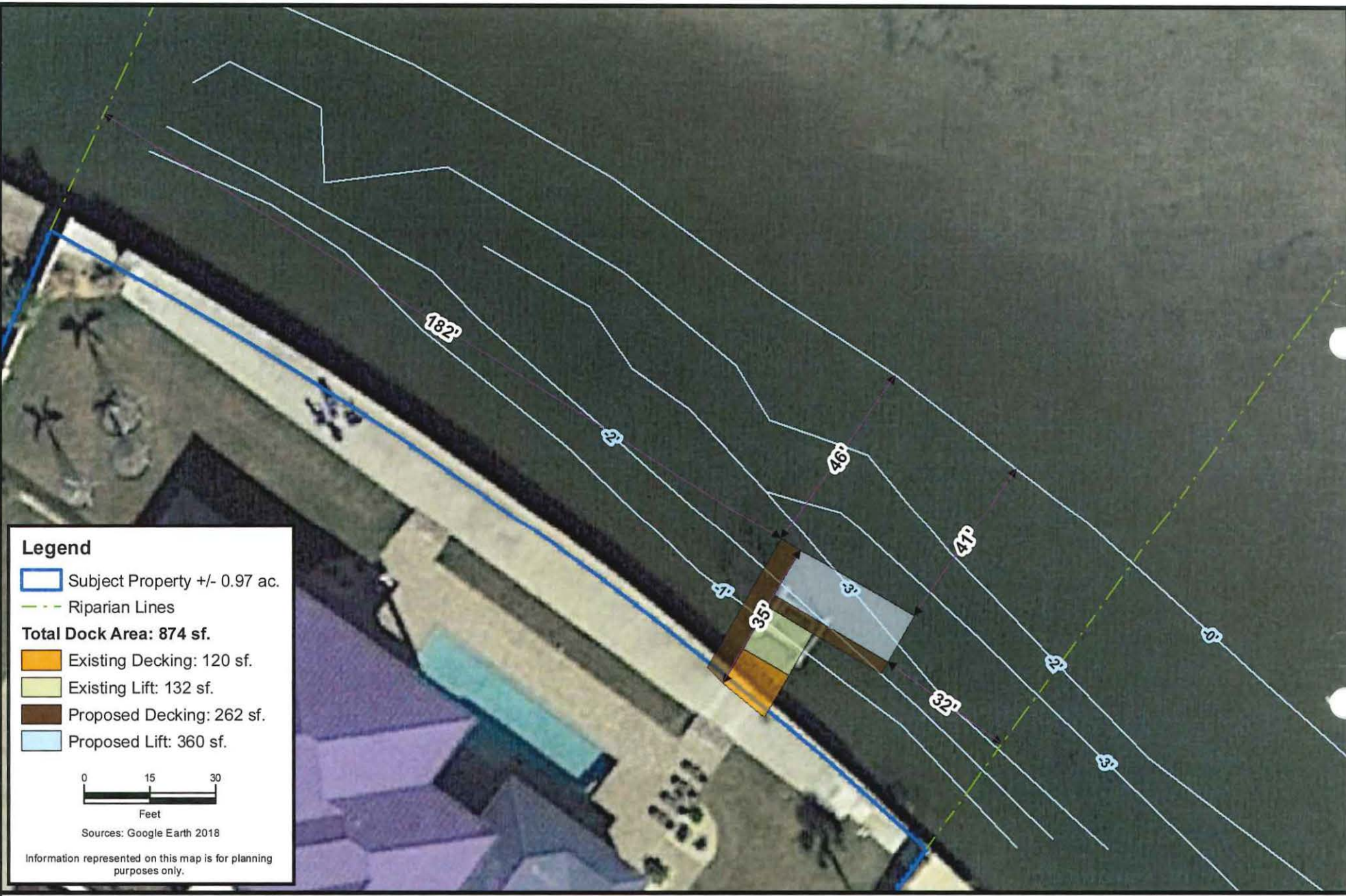
Date: Aug 07 2021

Figure:

3A



F:\CES Projects\Project Files\Active\Projects\Project Files\2021\5.21264 Stephen 165 Inlet\GIS\MXD\03-Stephen 165 Inlet_Proposed Dock Alignment 2018 GE Low Tide.mxd



Legend

- Subject Property +/- 0.97 ac.
- Riparian Lines

Total Dock Area: 874 sf.

- Existing Decking: 120 sf.
- Existing Lift: 132 sf.
- Proposed Decking: 262 sf.
- Proposed Lift: 360 sf.

0 15 30
Feet

Sources: Google Earth 2018

Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Alignment with Bathymetry

165 Inlet Drive

Project:	5.21264	St. Augustine, St. Johns County, FL	Date: Aug 09 2021
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Figure: **3B**

F:\CES Projects\Project Files\Active\Projects\Project Files\2021\5.21264 Stephen 165 Inlet\GIS\MXD\04-Stephen 165 Inlet_Proposed Dock Dimensions.mxd



CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Dimensions

165 Inlet Drive

Project: 5.21264

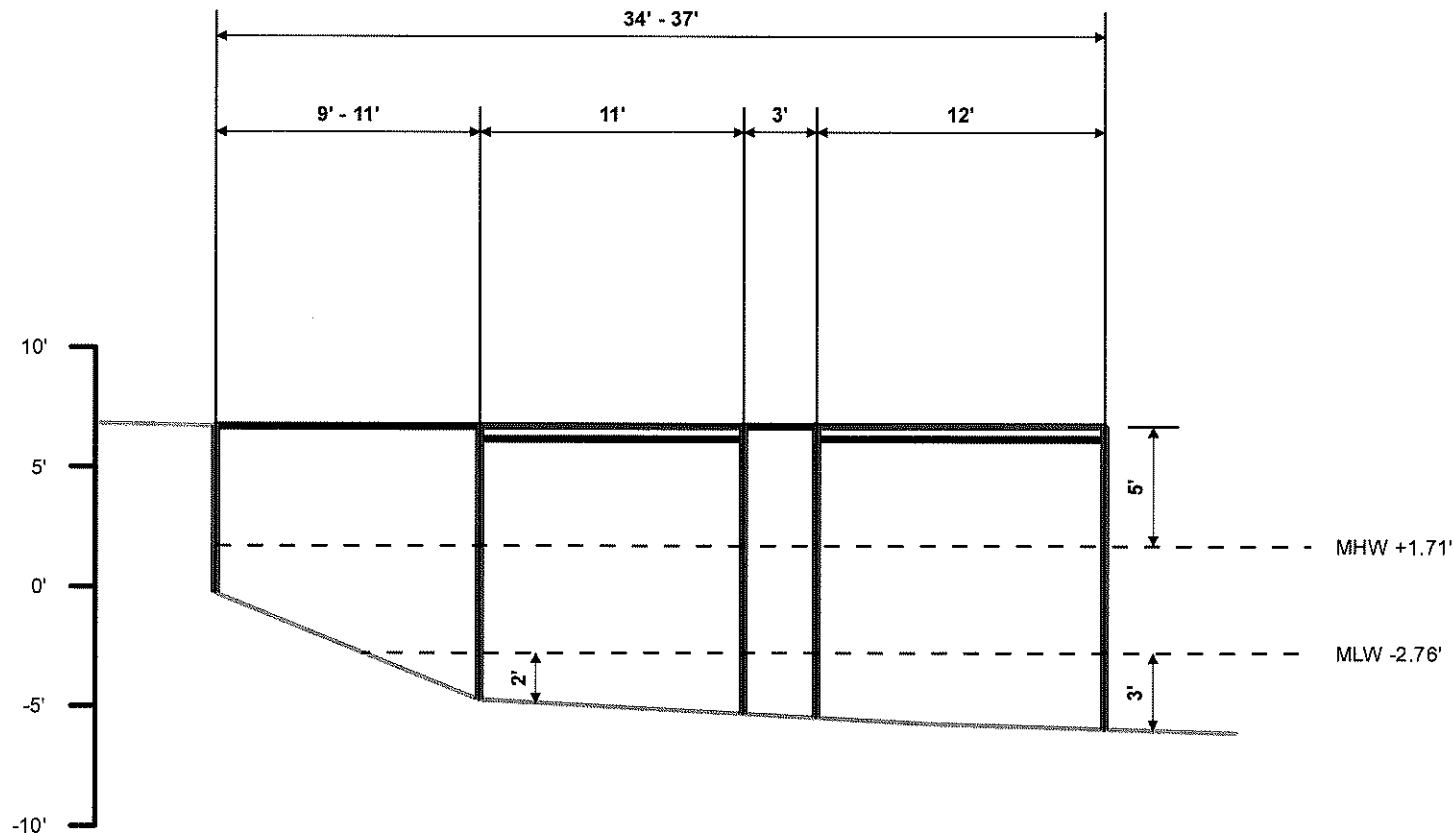
St. Augustine, St. Johns County, FL

Date: Aug 07 2021



Figure:

4



Information represented on this map is for planning purposes only.

CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Profile View

165 Inlet Drive

Project: 5.21264

St. Augustine, St. Johns County, FL

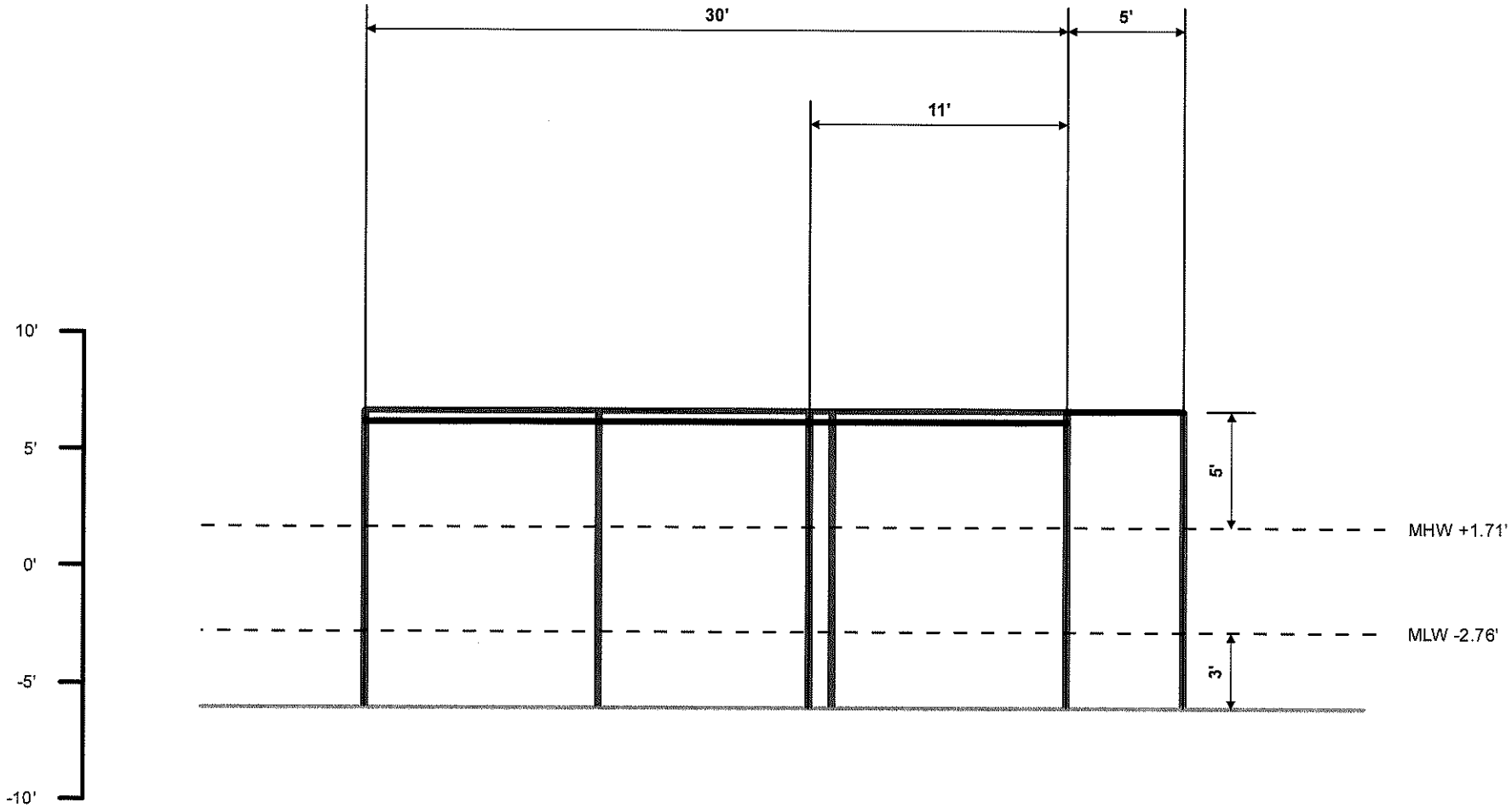
Date: Aug 07 2021



Figure:

5

F:\CES Projects\Project Files\Active Projects\Project Files\2021\5.21264 Stephen 165 Inlet\GIS\MXD\06-Stephen 165 Inlet_Cross Section.mxd



Information represented on this map is for planning purposes only.

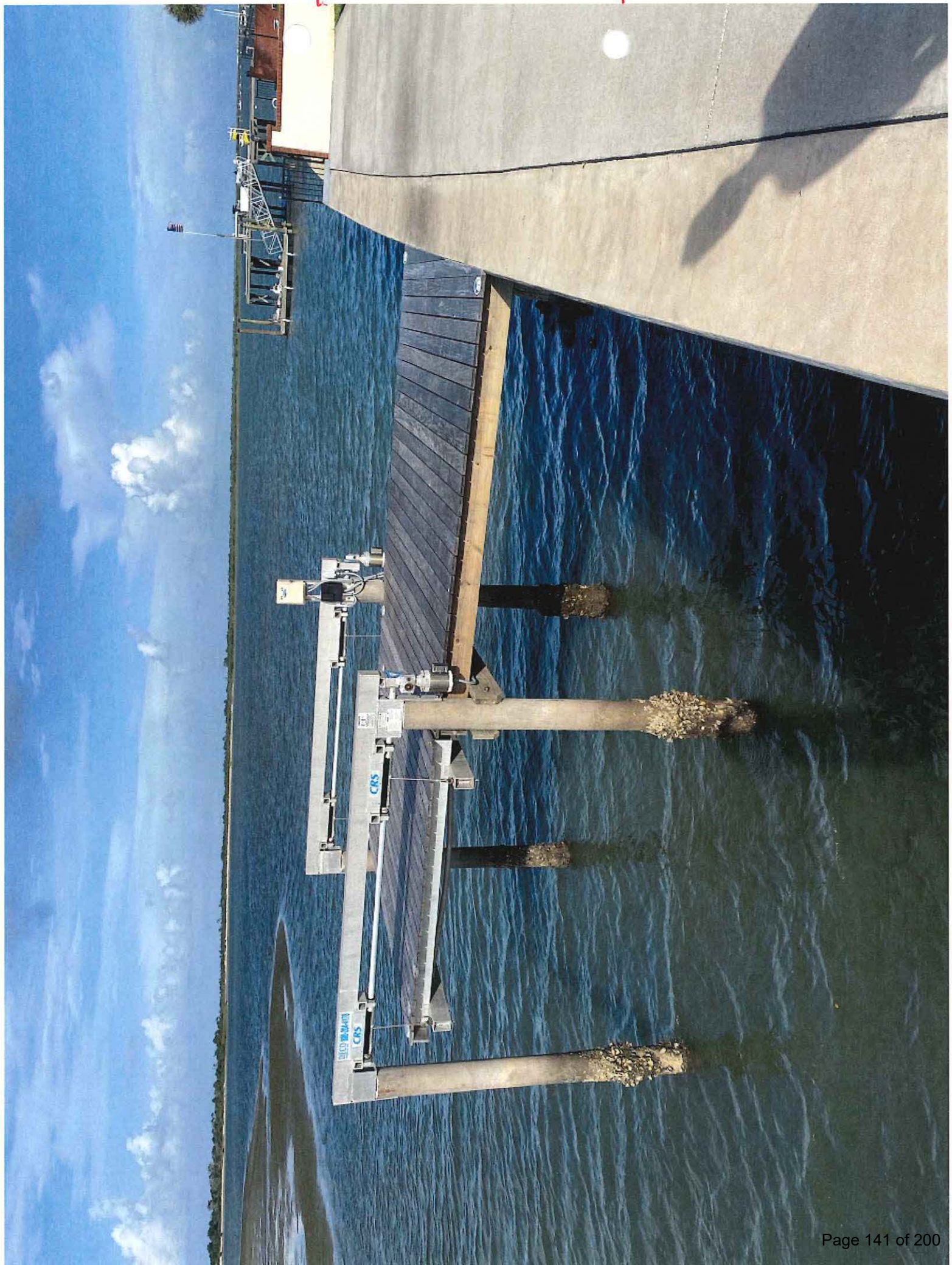
CARTER ENVIRONMENTAL SERVICES, INC.
CES 42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Proposed Dock Cross-Section 165 Inlet Drive		
Project:	5.21264	St. Augustine, St. Johns County, FL
		Date: Aug 07 2021

Figure:  6

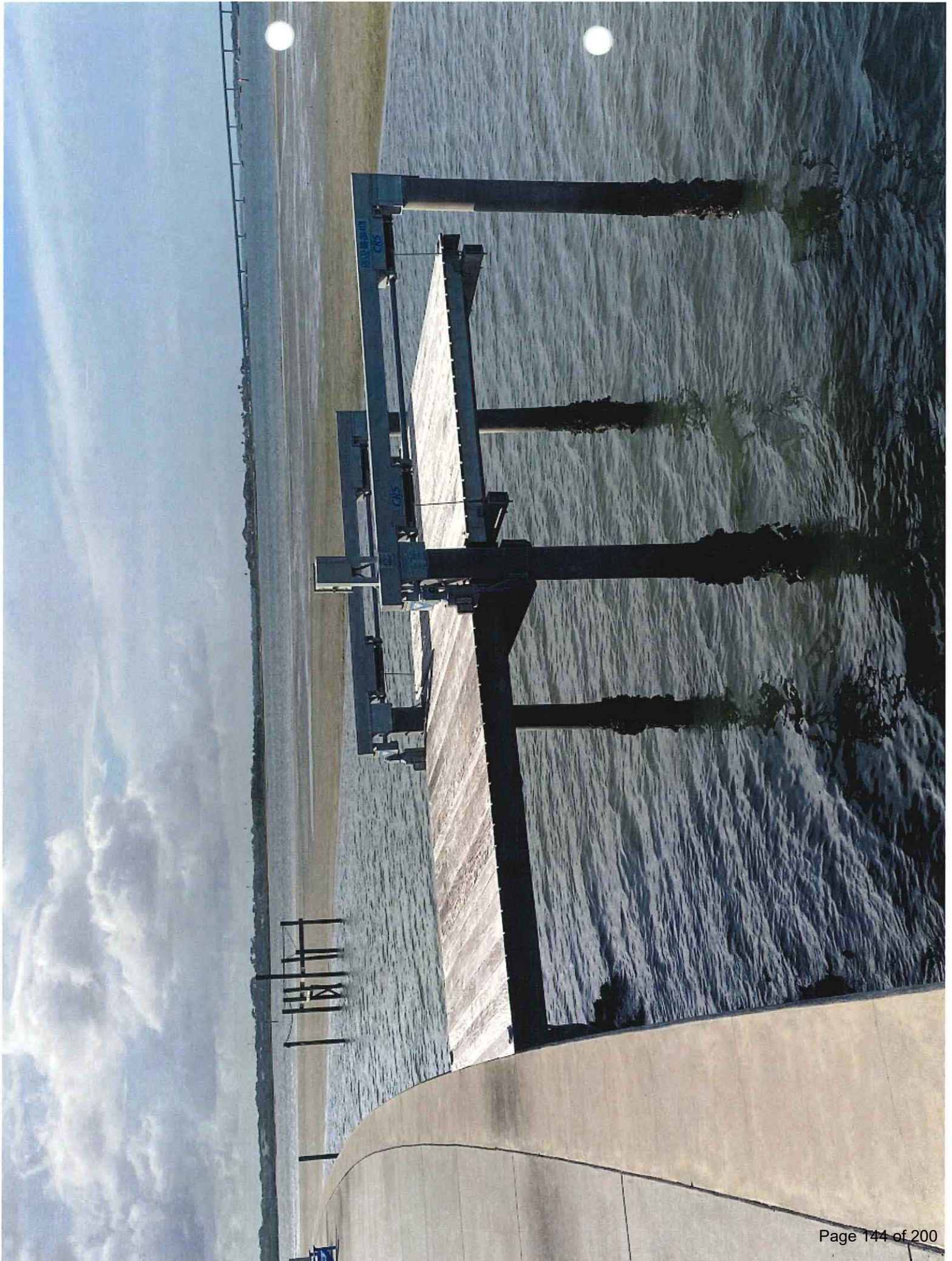
Attachment 3
Photo documentation sheet



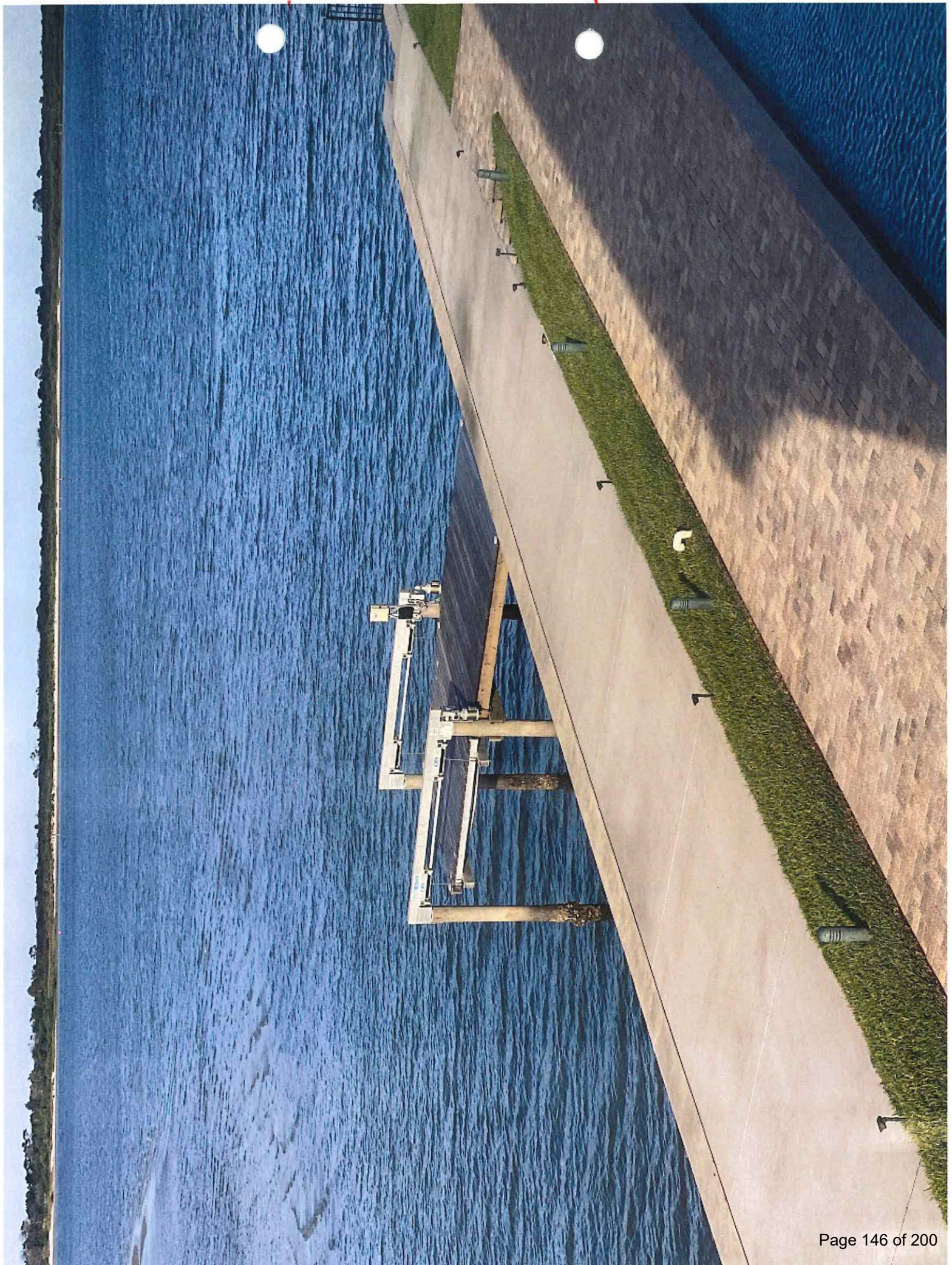














St. Johns County, FL

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	2138400000
Location Address	165 INLET DR SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	3-97 DAVIS SHORES LOTS 65 66 67 & 68 BLK 1 OR5300/201 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.970
Homestead	Y

Owner Information

Owner Name	Stephen James 100%
Mailing Address	165 INLET DR SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2021
Building Value	\$1,890,328
Extra Features Value	\$178,324
Total Land Value	\$1,300,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$3,368,652
Total Deferred	\$542,393
Assessed Value	\$2,826,259
Total Exemptions	\$50,500
Taxable Value	\$2,775,759

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$1,453,660	\$127,644	\$1,300,000	\$0	\$0	\$2,881,304	\$2,787,238	\$144,566	\$2,736,738
2019	\$1,370,205	\$114,368	\$1,240,000	\$0	\$0	\$2,724,573	\$2,724,573	\$50,500	\$2,674,073
2018	\$1,384,187	\$118,208	\$1,240,000	\$0	\$0	\$2,742,395	\$2,742,395	\$50,000	\$2,692,395
2017	\$1,398,168	\$117,341	\$1,240,000	\$0	\$0	\$2,755,509	\$2,755,509	\$50,000	\$2,705,509
2016	\$0	\$16,987	\$1,240,000	\$0	\$0	\$1,256,987	\$1,256,987	\$0	\$1,256,987
2015	\$0	\$16,987	\$1,240,000	\$0	\$0	\$1,256,987	\$1,256,987	\$0	\$1,256,987
2014	\$0	\$16,987	\$1,240,000	\$0	\$0	\$1,256,987	\$1,256,987	\$0	\$1,256,987
2013	\$0	\$16,987	\$1,240,000	\$0	\$0	\$1,256,987	\$1,151,652	\$105,335	\$1,151,652
2012	\$0	\$8,320	\$475,000	\$0	\$0	\$483,320	\$483,320	\$0	\$483,320

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000
Widower	\$500

Building Information

Building	1
Actual Area	10991
Conditioned Area	7269
Actual Year Built	2016
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Stucco
Roof Structure	Gable Hip

Roof Structure	Gable Hip
Roof Cover	Metal
Interior Flooring	Hardwood, Terrazzo
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	3
Baths	4.5

Category	Type	Pct
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Frame	Masonry	100%
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Flooring	Terrazzo	60%
Interior Flooring	Hardwood	40%
Interior Walls	Drywall	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Electrical	Excellent	100%
Plumbing	23 Fixtures	100%
Wind	2 Story Masonry	100%
Condition	Good	100%

Description	Conditioned Area	Actual Area
BASE AREA	4628	4628
FINISHED GARAGE	0	1316
FINISHED OPEN PORCH	0	360
FINISHED OPEN PORCH	0	126
MASONRY UTILITY	0	117
PATIO	0	299
FINISHED OPEN PORCH	0	117
POINTER	0	0
FINISHED UPPER STORY	2641	2641
FINISHED OPEN PORCH	0	360
BALCONY	0	1027
Total SqFt	7269	10991

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Bulkhead (Average)	0	245	9	0	2205
Masonry Wall	0	0	0	0	1469
Pool (Concrete)	0	0	0	0	696
Spa / Hot Tub	0	0	0	0	1
Kool Deck	0	0	0	0	2384
Concrete Paving	0	0	0	0	2196
Residential Fence	0	0	0	0	120
Elevator - Residential (48"x48" - 3 Passenger) 3+	0	0	0	0	1
Boat Lift	0	0	0	0	120
Boat Dock (Average)	0	0	0	0	240

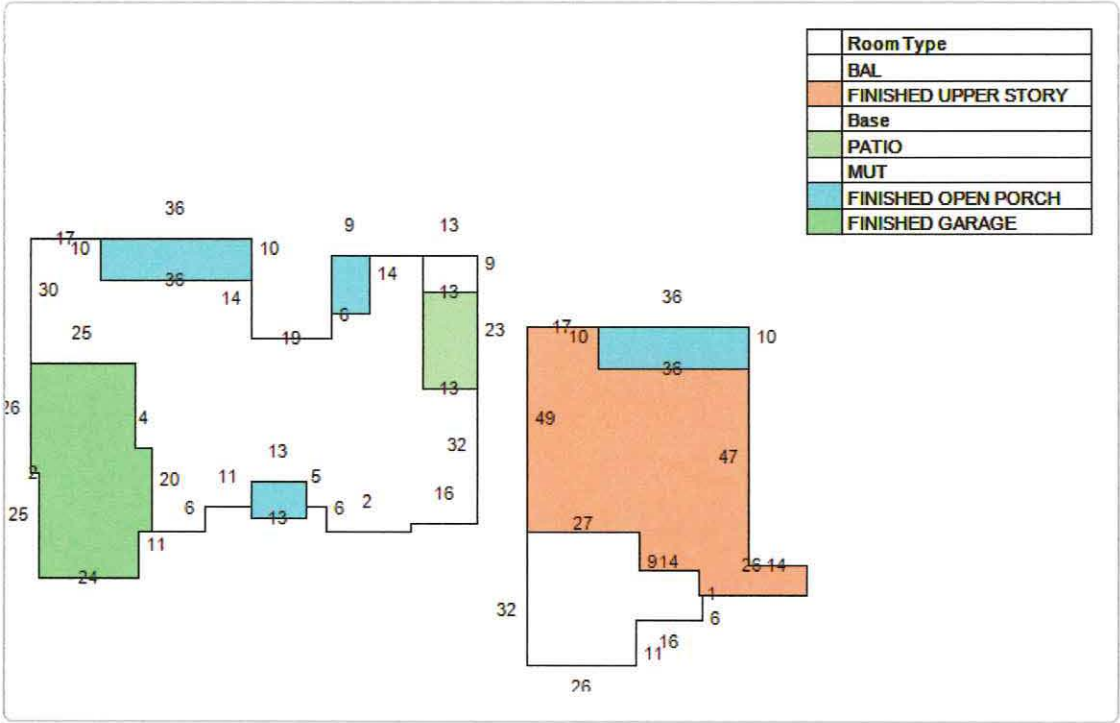
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	100	190	100	FF	\$650,000
Single Family	100	190	100	FF	\$650,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/24/2021	6/10/2021	\$3,600,000.00	WARRANTY DEED	5300	201	Q	I	COOPER BRADLEY A LIVING TRUST	STEPHEN JAMES
2/21/2020	2/17/2020	\$0.00	WARRANTY DEED	4887	65	U	I	COOPER BRADLEY A	COOPER BRADLEY A LIVING TRUST
11/2/2015	10/26/2015	\$0.00	OTHER INSTRUMENT	4106	1590	U	V	CITY OF ST AUGUSTINE FLORIDA	COOPER BRADLEY A,ROBIN H
4/27/2012	4/26/2012	\$880,000.00	WARRANTY DEED	3553	1866	U	I	HALE NATHAN PATRICK JR TRUST	COOPER BRADLEY A,ROBIN H
7/22/2011	7/20/2011	\$100.00	WARRANTY DEED	3456	1893	U	V	HALE NATHAN PATRICK JR TRUST	HALE NATHAN PATRICK JR
7/22/2011	7/19/2011	\$900,000.00	WARRANTY DEED	3456	1895	U	V	HALE NATHAN PATRICK JR	COOPER BRADLEY A,ROBIN H
7/22/2011	7/18/2011	\$100.00	QUIT CLAIM DEED	3456	1886	U	V	CONNER JENNIFER S HALE	HALE NATHAN PATRICK JR TRUST

Sketch Information



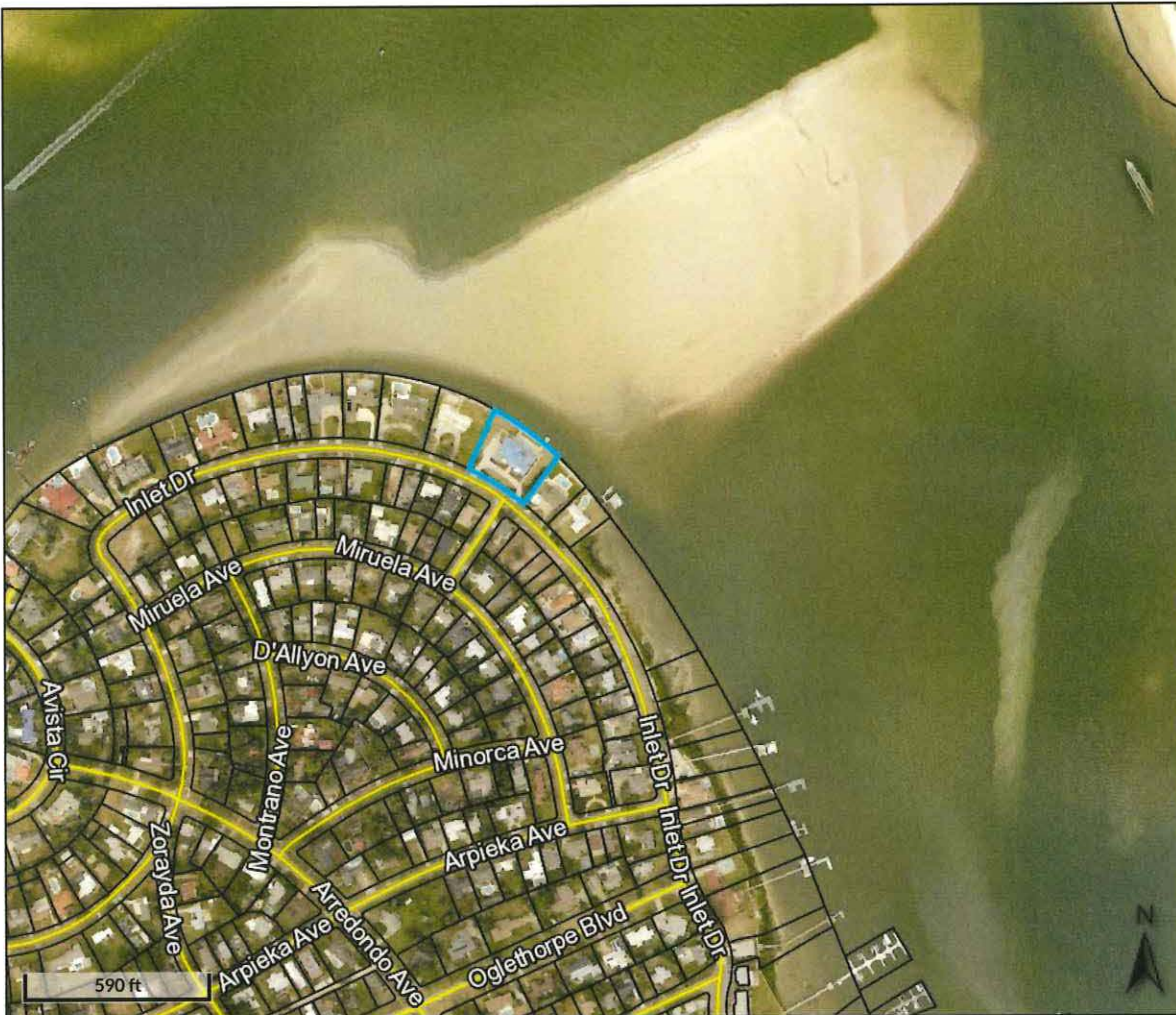
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Overview



Legend

 Parcels

Parcel ID 2138400000 Physical Address 165 INLET DR
Property Class 0100 - Single Address SAINT AUGUSTINE
Mailing Address STEPHEN JAMES
Taxing City of St Address 165 INLET DR
District Augustine SAINT AUGUSTINE FL
Acres 0.97 32080-0000

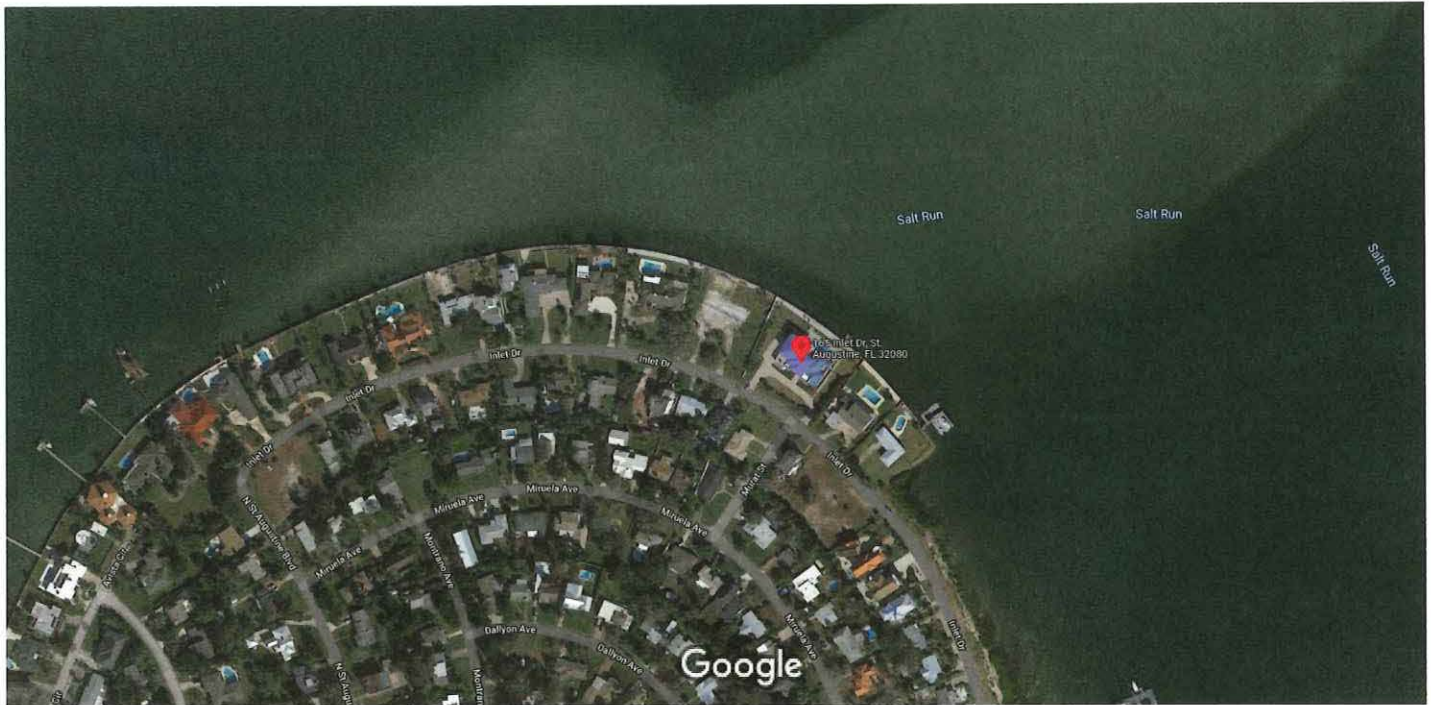
Building Value	\$1,890,328	Last 2 Sales			
Extra Feature Value	\$178,324	Date	Price	Reason	Qual
Total Land Value	\$1,300,000	6/10/2021	\$3600000	01	Q
		4/26/2012	\$880000	37	U
Just Value	\$3,368,652				
Total Deferred	\$542,393				
Assessed Value	\$2,826,259				
Total	\$50,500				
Exemptions					
Taxable Value	\$2,775,759				

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Google Maps 165 Inlet Dr



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165 Inlet Dr

St. Augustine, FL 32080



Directions



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VPX2+WC St. Augustine, Florida

Photos

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: October 5, 2021

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT #2021-0123**

AGENDA ITEM	6(b)
APPLICANT	Peter Pena
OWNER	Peter and Dahila Pena
LOCATION	118 Spoonbill Point Court / PID 158571-6230
REQUEST	To approve the removal of two (2) significant trees, both Cedar and approximately 18 inches dbh, in Conservation Overlay Zone 3, within Residential Single-Family-Two (RS-2) zoning.
PLANS DATED	June 4, 2021
LAND USE	Residential Low Density
ZONING	Residential Single-Family-Two (RS-2)

APPLICABLE CODES/ORDINANCES

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover or cause the removal of protected or preserved trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Sec. 11-28. Issuance of building permits.

(d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of chapter 25.

Sec. 11-29. Standards for review.

(d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of protected or preserved trees. The planning and zoning board

is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.
 - f. Impact upon the urban and natural environment, including:
 - Ground and surface water stabilization.
 - Water quality and aquifer recharge.
 - Ecological impacts.
 - Noise pollution.
 - Air movement.
 - Air quality.
 - Wildlife habitat.
 - g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

STAFF SUMMARY AND ANALYSIS

This application seeks to remove two (2) Cedar trees that are located on the footprint of a proposed new pool and patio according to the applicant.

Policy CCM 212 in the Conservation and Coastal Management Element requires that either all trees over 12 inches dbh and 25% on the tree canopy or 50% of the existing tree canopy be retained on site. Trees larger than 12 inches dbh are listed as being removed, and it appears that more than 50% of the existing tree canopy is proposed to be removed. This can be approved by the PZB as part of the Conservation Overlay Zone 3 approval process.

Sec. 25-53. – General landscape requirements. (d)(4)(b.)

Existing trees removed. Existing trees which are proposed for removal shall receive deficit points according to the following schedule:

Three (3) inches or more but less than seven (7) inches d.b.h.0.5 deficit

Seven (7) inches or more but less than twelve (12) inches d.b.h.1 deficit

Twelve (12) inches or more but less than twenty (20) inches d.b.h.1.5 deficits

Twenty (20) inches or more d.b.h.2 deficits

Southern Red Cedar tree (*juniperus silicicola*) more than two (2) feet tall or having a trunk diameter at a point three (3) inches above ground level of more than one (1) inch1 additional deficit

Cabbage Palm tree (*sabal palmetto*) measuring more than 12 feet in height1 additional deficit

1. Conservation Overlay Zone 3 Development to remove two (2) significant trees within Conservation Overlay Zone 3

In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following: *Staff interpretations are in italics*

- a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

The condition of the two Cedar trees is not mentioned in the arborist report, the applicant does state that "the trees could cause significant damage to the property during a storm."

- b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

Removal does pertain to an increase in economic use to the applicant's property, the extension of a patio and addition of a pool are what is proposed.

- c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

The removal of the Cedar trees would have minimal impacts to ecological and environmental issues such as erosion, soil moisture retention, diversion, increased or decreased flow of surface waters as it relates to stormwater management.

- d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

The number and density of existing trees on both the property and surrounding neighborhood after removal are minimal and impact on property values should be negligible.

- e. Whether the tree has been designated a historic specimen, preserved or protected tree.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

The two Cedar trees to be removed are designated as significant trees based on their size from an arborist report from June 4, 2021.

- f. Impact upon the urban and natural environment, including:
Ground and surface water stabilization. – *Any new construction must have an approved grading and drainage plan.*
Water quality and aquifer recharge. – *N/A*
Ecological impacts. – *The removal of the tree(s) will temporarily affect ecology.*
Noise pollution. – *The removal of the tree(s) should not increase noise pollution.*
Air movement. – *This project should not substantially affect air movement.*
Air quality. – *This project should not affect air quality.*
Wildlife habitat. – *The effect of tree(s) removal on wildlife habitat is not known.*
- g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

Development of this property is fairly restrictive not leaving other options for the placement of a new in ground pool.

STAFF RECOMMENDATION

Based on a review of Section 11-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** removal of two (2) significant Cedar trees at the subject property within Conservation Overlay Zone 3 located at 118 Spoonbill Point Court / PID 158571-6230 with the condition that mitigation of 5 deficits (equal to 4" diameter in tree replanting) is completed on site.



Jacob Fredriksson
Senior Planner
Planning and Building Department



CITY OF ST AUGUSTINE

APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$165 (plus advertising costs) Project Number: 2021-0123
 Receipt Number: 2175857 Meeting Date: sept 17, 2021
 Advertising Costs: \$ 122.³³ Paid On: 9/21 Receipt Number: 2203402

- NAME OF APPLICANT: Peter Pena Contact Number: 954-270-9330
 Business (if applicable): _____
 Address: 118 Spoonbill Point Court City: St Augustine State: FL Zip: 32080
 E-Mail Address: petepena@yahoo.com
- NAME OF PROPERTY OWNER: Peter and Dahlia Pena Contact Number: 954-270-9330
 Business (if applicable): _____
 Address: 118 Spoonbill Point Court City: St Augustine State: FL Zip: 32080
 E-Mail Address: petepena@yahoo.com
- LEGAL DESCRIPTION OF PROJECT PROPERTY:
 Lot: 23 Block: 6
 Subdivision: Pelican Reef (628) Parcel Number: 158571-6230
- PROJECT STREET ADDRESS: 118 SPOONBILL POINT CT, SAINT AUGUSTINE, FL 32080
- SPECIFIC PROPOSED USE: Single Family Home
- ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: _____
- DESCRIPTION OF ACTION REQUESTED: Permit for the removal of 2 Cedar Trees in the
backyard of property. Both trees have approximately 18" DBH are leaning significantly and one has a large mound where the root
ball has lifted above the ground level.

- JUSTIFICATION FOR ACTION REQUESTED: To allow for the improvement of the
property by extending the existing patio and installing a pool. Additionally, the trees
could cause significant damage to the property during a storm.

9. **IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:**

(a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: _____

(b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: _____

(c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: _____

(d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: _____

10. **PREVIOUS APPLICATIONS:**

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

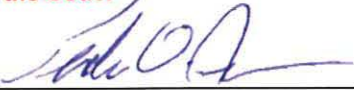
11. **AGREEMENT:**

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.



Signature of Applicant

8/12/21

Date



Signature of Property Owner

8/12/21

Date



**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

The applicant acknowledges and agrees that the City offers weekly Friday Review development review meetings, as well as, department specific applicant meetings with its reviewing staff at any point in the application process to attempt to resolve outstanding issues. The applicant is responsible for scheduling any requested meetings with City staff directly.

The applicant acknowledges and agrees that if after three unresolved submittals the applicant elects to proceed with final approval or denial proceedings, the applicant must request so in writing to the City.

Peter Pena

Print name of applicant

A handwritten signature in blue ink, appearing to read "Peter Pena", written over a horizontal line.

Signature of applicant

8/12/21

Date

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2017-42 as follows:

Description of Work	Fee Amount
Rezoning: small scale	\$300.00 + ads & notices
Rezoning: large scale	\$1,000.00 + ads & notices
Land Use Plan Amendment: small scale	\$400.00 + ads & notices
Land Use Plan Amendment: large scale	\$1,400.00 + ads & notices
Planned Unit Development	\$400.00 or \$35.00/acre, whichever is greater. \$1,400 max + ads & notices
Zoning Variance	\$350.00 + ads & notices
Zoning Exception	\$250.00 + ads & notices
Conservation Overlay Zone Development	\$165.00 + ads & notices
Conservation Overlay Zone Development: Docks	\$330.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Preliminary Plat Approval	\$275.00 + ads & notices

"Note: The cost of newspaper advertisement and all notices to surrounding property owners will be assessed by the city, paid by the city and reimbursed by the applicant. All advertising costs must be paid prior to issuance of a development permit.

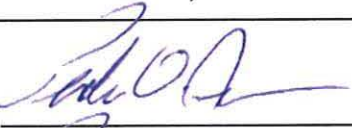
The applicant shall reimburse the City the mailing cost for all notices and for any subsequent hearings requiring re-notice as a result of the applicant postponing or re-scheduling of any hearing."

If a Credit Card Authorization Form is used for the payment of fees, the City will maintain the form and automatically charge additional advertising and noticing fees, once determined, to the credit-card account submitted.

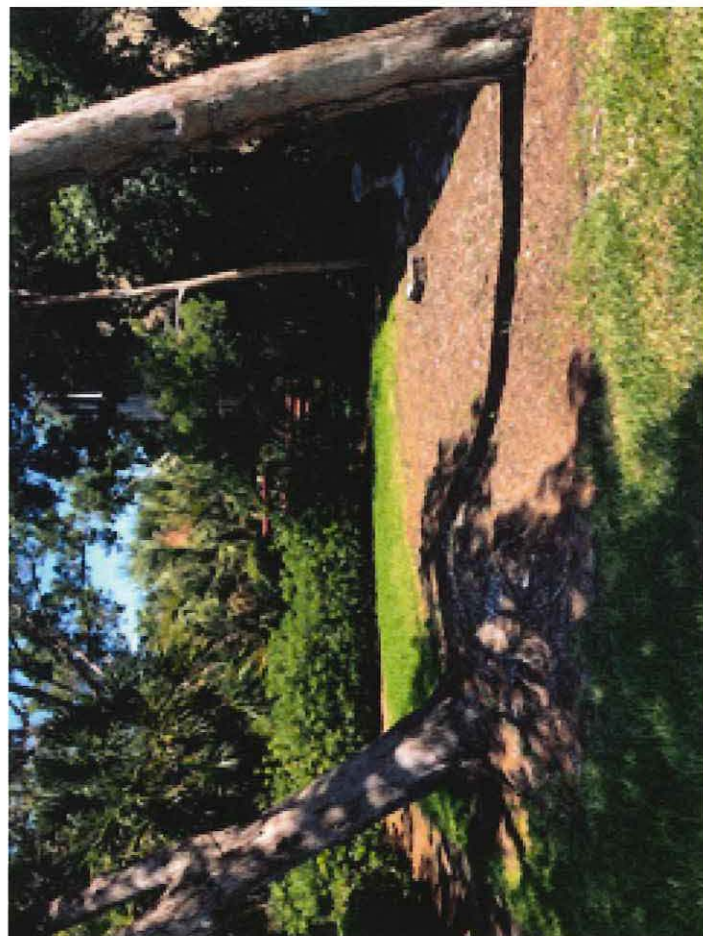
By signing below, I acknowledge responsibility for both the initial application fee and any subsequent costs associated with legal advertising and/or noticing and understand that permits associated with my application may not be issued until such fees are paid.

I authorize the Planning and Building Department to maintain my payment information until a final cost for advertising and/or noticing is determined and charged. If a payment method other than Credit Card Authorization Form is used, I understand that I will be sent an invoice for the costs of advertising/noticing which must be paid prior to the issuance of any development permit related to my application. I am aware that I can request a copy of these fees and my receipt from Building Department Staff.

Project Address: 118 SPOONBILL POINT CT, SAINT AUGUSTINE, FL 32080

Applicant's Name: Peter Pena Applicant's Signature: 

Owner's Name: Peter Pena Owner's Signature: 





St. Johns County, FL

2021 TRIM Notice

[2021 TRIM Notice \(PDF\)](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	1585716230
Location Address	118 SPOONBILL POINT CT SAINT AUGUSTINE 32080-0000
Neighborhood	Pelican Reef (628)
Tax Description*	PT OF 25/87-91 PELICAN REEF VACATED BY CITY RES #93-15 FKA LOT 23 BLK 6 OR4829/384 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	N/A
Sec/Twp/Rng	21-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.460
Homestead	Y

Owner Information

Owner Name	Pena Revocable Trust D:07-25-1996 100% Pena Peter O Trustee 100% Pena Dahlia V Trustee 100%
Mailing Address	118 SPOONBILL POINT CT SAINT AUGUSTINE, FL 32080-5393

Map



Valuation Information

	2021
Building Value	\$376,313
Extra Features Value	\$0
Total Land Value	\$135,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$511,313
Total Deferred	\$168,783
Assessed Value	\$342,530
Total Exemptions	\$50,000
Taxable Value	\$292,530

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2020	\$332,744	\$0	\$130,000	\$0	\$0	\$462,744	\$337,801	\$174,943	\$287,801
2019	\$262,425	\$0	\$125,000	\$0	\$0	\$387,425	\$269,007	\$168,418	\$219,007
2018	\$262,425	\$0	\$100,000	\$0	\$0	\$362,425	\$263,991	\$148,434	\$213,991
2017	\$266,029	\$608	\$100,000	\$0	\$0	\$366,637	\$258,561	\$158,076	\$208,561
2016	\$269,017	\$695	\$90,000	\$0	\$0	\$359,712	\$253,243	\$156,469	\$203,243
2015	\$272,007	\$782	\$90,000	\$0	\$0	\$362,789	\$251,483	\$161,306	\$201,483
2014	\$232,939	\$868	\$89,100	\$0	\$0	\$322,907	\$249,487	\$123,420	\$199,487
2013	\$235,471	\$955	\$89,100	\$0	\$0	\$325,526	\$245,800	\$129,726	\$195,800
2012	\$207,052	\$695	\$89,100	\$0	\$0	\$296,847	\$241,691	\$105,156	\$191,691
2011	\$209,378	\$782	\$99,000	\$0	\$0	\$309,160	\$234,651	\$124,509	\$184,651
2010	\$217,926	\$868	\$110,000	\$0	\$0	\$328,794	\$231,183	\$147,611	\$181,183

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$25,000

Building Information

Building	1
Actual Area	3544
Conditioned Area	2514
Actual Year Built	1999
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Stucco
Roof Structure	Gable Hip

Roof Structure	Gable Hip
Roof Cover	Concrete Tile
Interior Flooring	Ceramic Tile, Hardwood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	4
Baths	3

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%

Roofing Structure	Gable Hip	100%
Roofing Cover	Concrete Tile	100%
Interior Walls	Drywall	100%
Interior Flooring	Ceramic Tile	50%
Interior Flooring	Hardwood	50%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Plumbing	14 Fixtures	100%
Electrical	Very Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%
Wind	2 Story Masonry	100%

Description	Conditioned Area	Actual Area
FINISHED SCREEN PORCH	0	108
FINISHED UPPER STORY	1161	1161
FINISHED OPEN PORCH	0	275
BASE AREA	1353	1353
FINISHED OPEN PORCH	0	35
FINISHED GARAGE	0	612
Total SqFt	2514	3544

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	186

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	0	0	1	UT	\$135,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/12/2019	10/23/2019	\$555,000.00	WARRANTY DEED	4829	384	Q	I	SLATE DENNIS YOUNG, ELIZABETH M ***	PENA REVOCABLE TRUST D:07-25-1996
6/4/2009	5/5/2009	\$100.00	LIFE ESTATE	3201	1720	U	I	SLATE DENNIS YOUNG, ELIZABETH MILLER ***	SLATE DENNIS YOUNG, ELIZABETH M ***
	11/2/1998	\$55,700.00	WARRANTY DEED	1360	1109	Q	V	THOMPSON BROS REALTY INC & THOMPSON PIERRE D	SLATE DENNIS YOUNG, ELIZABETH MILLER
	10/7/1991	\$0.00	CONSERVATION EASEMENT	924	296	U	V	PIERRE D THOMPSON	ST JOHNS RIVER WATER MANAGEMENT DIST

Sketch Information



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Overview



Legend

□ Parcels

Parcel ID	1585716230	Physical Address	118 SPOONBILL POINT CT	Building Value	\$376,313	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	PENA PETER O TRUSTEE	Total Land Value	\$135,000	10/23/2019	\$555,000	01	Q
Acres	0.46		118 SPOONBILL POINT CT	Just Value	\$511,313	11/2/1998	\$55,700	01	Q
			SAINT AUGUSTINE FL	Total Deferred	\$168,783				
			32080-5393	Assessed Value	\$342,530				
				Total	\$50,000				
				Exemptions					
				Taxable Value	\$292,530				

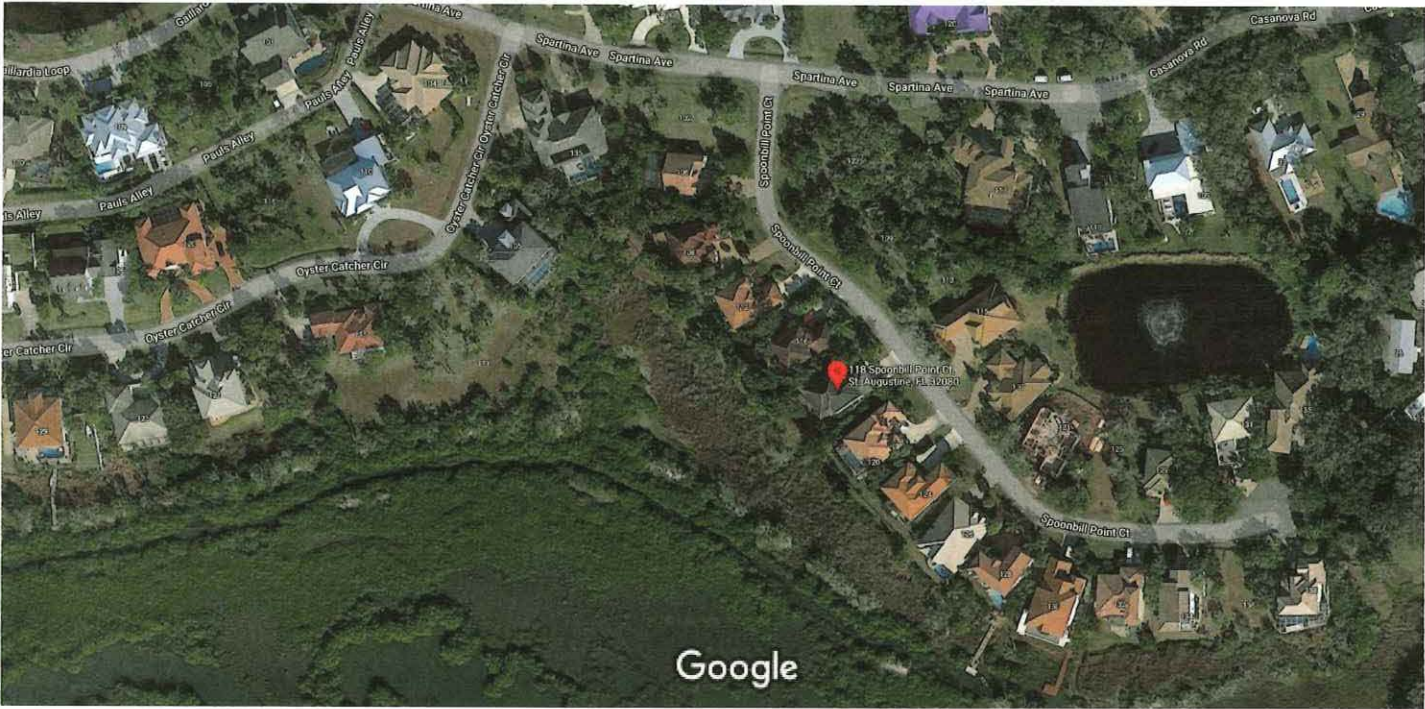
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Google Maps 118 Spoonbill Point Ct



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118 Spoonbill Point Ct
Building

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118 Spoonbill Point Ct, St. Augustine, FL 32080

Photos

JASON SHAW TREE SERVICE

6323 GOMEZ ROAD, ST. AUGUSTINE FL 32080 TELEPHONE 904-794-7053

TO: Pete Pena
118 Spoonbill Ct
St. Augustine FL 32080

DATE: 06--04-21

REF: Tree Assessment

Mr. Pena,

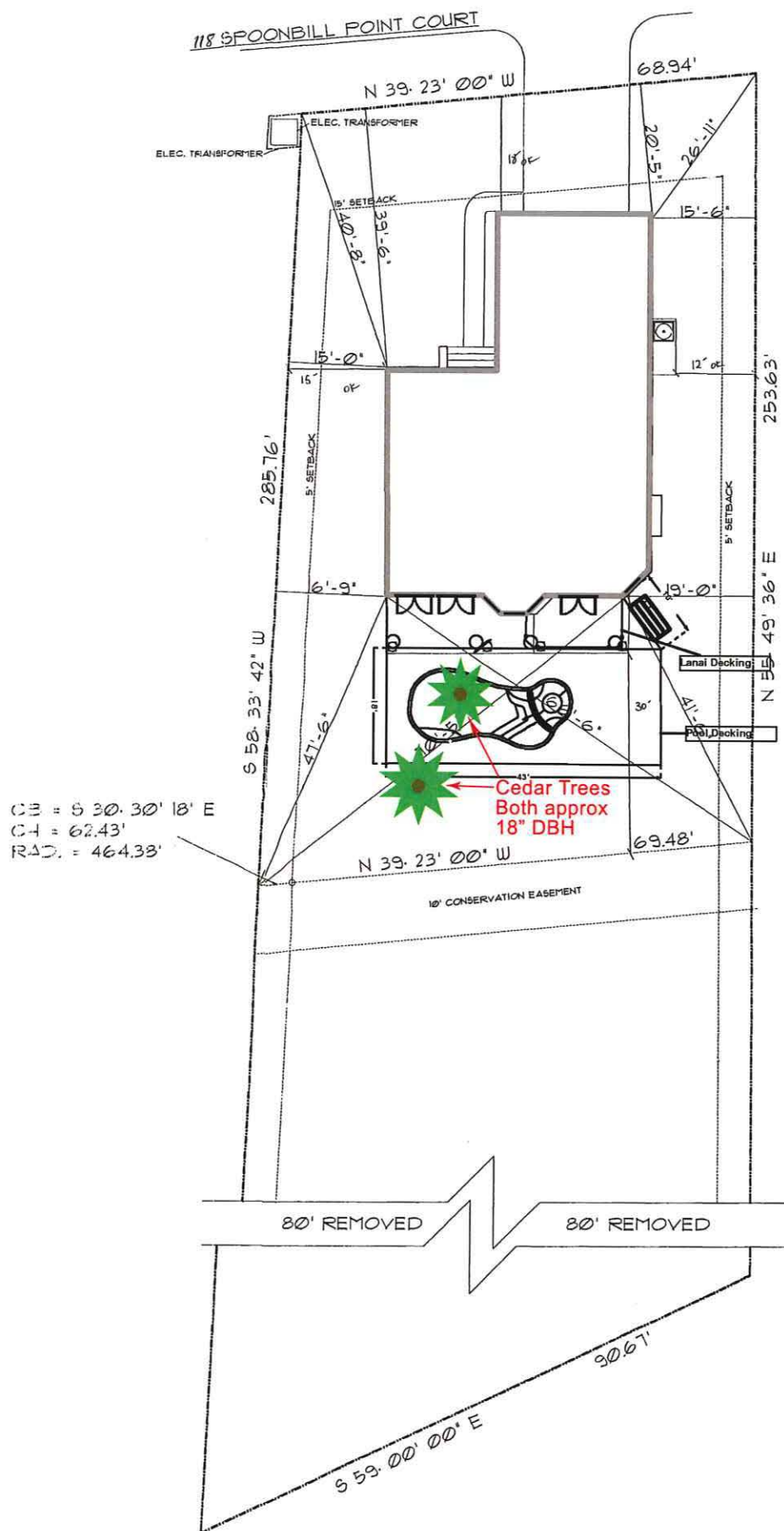
On 06-04-21 I evaluated two Red Cedar trees located at your 118 Spoonbill Ct. as you requested. The two trees are located in the back yard and are both approximately 18 inches DBH. You indicated to me that you entered a contract with a pool company and the pool would not start until the fall. Both trees are in the footprint of the pool and will be removed during construction. Although the construction permit has not been applied for the trees should be removed prior to hurricane season.

If you have any questions about my recommendation, please call 904-669-0369.

Thank you,

Jason Shaw

I.S.A. Certified Arborist # FL-5453A
TRAQ (Tree Risk Assessment Qualified)



Tracey Mullins

Item 7(a)

From: David Birchim
Sent: Monday, September 20, 2021 1:47 PM
To: Ellen Avery-Smith
Cc: David Carson (dcarson@flagler.edu); Amy Skinner; Tracey Mullins; Jacob Fredriksson
Subject: RE: Flagler College - Cedar Dorm PUD Modification Application

Good Afternoon,
Understood. Thank you.
David

From: Ellen Avery-Smith <eaverysmith@rtlaw.com>
Sent: Monday, September 20, 2021 1:40 PM
To: David Birchim <dbirchim@citystaug.com>
Cc: David Carson (dcarson@flagler.edu) <dcarson@flagler.edu>; Ellen Avery-Smith <eaverysmith@rtlaw.com>
Subject: Flagler College - Cedar Dorm PUD Modification Application

Good afternoon, David.

On behalf of Flagler College, I am writing to respectfully request that this application be continued from the October 5 Planning and Zoning Board hearing. Our team needs more time to address PZB comments. I will let you know when we are ready to proceed to second hearing.

Thank you.

Ellen

Ellen Avery-Smith | Shareholder



Rogers Towers, P.A. | 100 Whetstone Place, Suite 200 | St. Augustine, Florida 32086
Direct 904.825.1615 | Fax 904.825.4070 | Internal 5207 | eaverysmith@rtlaw.com | www.rtlaw.com | [View Attorney Bio](#)

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CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: October 5, 2021

RE: **Other Business Item 8(a)**

Discussion and recommendation regarding an Ordinance to clarify Historic Architectural Review Board (HARB) demolition and partial demolition review applicability and procedures.

At the June 1, 2021, Planning and Zoning Board (PZB) meeting a discussion was held regarding potential impacts of demolition and partial demolition within the City's historic neighborhoods. Code updates and clarifications were discussed including potential impacts on the historic integrity of the City's National Register Districts as demolitions and partial demolitions are carried out.

The PZB requested that staff conduct additional outreach and specifically mail information letters to the over 1600 property owners that may be affected by new legislation to require design review for the new construction after demolition of contributing properties outside of the local historic districts.

Since June the City has conducted several interviews, met with the chairs of the Neighborhood Association Council, developed material posted on the city website, and conducted three (3) workshops and/or webinars related to the subject. Additionally, the city did mail information directly to over 1600 property owners. The letter and information sent is attached for your information.

Over the last few years as part of the review and adoption of the Historic Preservation Master Plan and the updated Historic Preservation Element of the Comprehensive Plan the Historic Architectural Review Board (HARB) has been discussing the issue of demolition and partial demolition. The implications of demolition on historic preservation within the community and community character also came to light after the devastating hurricanes of 2016 and 2017, and a subsequent increase in requests for demolition, partial demolition, and relocations of structures.

During the November 19, 2020 Historic Architectural Review Board (HARB) meeting the board provided direction to staff to continue articulating the proposed partial demolition review procedures focusing on critical building elements. There were five critical elements of the historic building envelope identified: roofs, windows, exterior finishes, porches/balconies/stoops, and foundations. The HARB gave feedback on which items could be considered for administrative approval and which items should require HARB approval.

The direction to staff was to include graphics and examples so that the review procedure would be clear to the public, staff, and applicants alike. The goal was to encourage historic property owners to choose the path of rehabilitation and restoration of original features first and compatible new elements second. This work culminated in the attached document which is intended to provide clarity and be adopted as an Exhibit to the attached proposed Ordinance. The information related to the five (5) important elements would be adopted as an Addendum to the existing Architectural Guidelines for Historic Preservation (AGHP).

To be enforceable, changes to the city code are also required. The proposed Ordinance includes these required changes to Chapter 28. The PZB can review the proposed changes in a redline format that shows insertions and changes, as well as, deletions to the text of Sections 28-89 and 28-90. The AGHP Addendum is also attached to the Ordinance as Exhibit "A".

This item has been discussed extensively by HARB. The proposed revisions are based on HARB's recommendations and direction to staff. Staff respectfully requests a recommendation from the PZB to the City Commission regarding this Ordinance.

Thank you for your attention to this matter. If you have any questions, please call Jenny Wolfe, Historic Preservation Officer at (904) 209-4326 or email at jwolfe@citystaug.com or myself at (904) 209-4320 or email at askinner@citystaug.com.



Amy McClure Skinner, AICP
Deputy Director
Planning and Building Department

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 ADDING DEFINITIONS RELATED TO ARCHITECTURAL TERMS, DEMOLITION AND RELOCATION; AMENDING CHAPTER 28, SECTION 28-89 REVISING AND CLARIFYING CRITERIA FOR THE REVIEW OF CERTIFICATE OR OPINION OF APPROPRIATENESS, RELOCATION OR DEMOLITION; AMENDING CHAPTER 28, SECTION 28-90 ADDING REFERENCE TO PARTIAL DEMOLITION; ADOPTING EXHIBIT “A” AS AN ADDENDUM TO THE ARCHITECTURAL GUIDELINES FOR HISTORIC PRESERVATION (AGHP); PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City of St. Augustine is recognized as the Nation’s Oldest City; and

WHEREAS, the intent of the City’s Comprehensive Plan, Historic Preservation Master Plan, and implementing land development codes and architectural guidelines are to preserve and protect historic structures, and the nature and character of the City’s historic neighborhoods; and

WHEREAS, the City Commission, the Historic Architectural Review Board, and the Planning and Zoning Board are aware that new development, code requirements, full and partial demolitions, and relocations of structures can contribute to a change in the character of the historic downtown and historic neighborhoods of the City; and

WHEREAS, the historic assets of the city contribute to the character of residential neighborhoods, quality of life, and equate to an economic value of \$2.9 billion dollars according to the 2020 publication *Resilient Heritage in the Nation’s Oldest City*; and

WHEREAS, on **October 5, 2021** the Planning and Zoning Board acting as the designated land planning agency for the City of St. Augustine recommended the included additions and revisions to Chapter 28, the Zoning Code to the City Commission; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 28, Article I, Section 28-2. Chapter 28, Article I, Section 28-2 is hereby amended, as follows:

“Sec. 28-2. - Definitions.

For the purpose of this chapter, certain words and terms used herein shall be interpreted to have meanings as defined below. Where words or terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular. The word "shall" is mandatory; the word "may" is permissive. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied." The word "lot" includes the word "plot" or "parcel." The word "structure" includes the word "building" as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. The word "land" includes the word "marsh," "water" or "swamp." The word "map" shall mean the "Zoning Maps of the City of St. Augustine, Florida" and the "city" shall mean the City of St. Augustine, Florida, a corporation of the State of Florida.

...

Archaeological preservation ordinance refers to Chapter 6 of the St. Augustine Code of Ordinances which identifies archaeological zones that require archaeological review when the threshold of ground disturbance activity is met or exceeded with development and utility permits.

...

Architectural feature includes but is not limited to the following: architectural style, scale, massing, siting, general design, and general arrangement of the exterior of the building or structure; type and texture of exterior materials; size, type, placement, and patterns of roof(s), windows, doors, and all attached appurtenances including porches, stairs and stoop features, dormers, additions, trim details, balconies and railings or other decorative attachments.

...

Architecturally similar means having substantially the same façade design or exterior appearance using like characteristics in terms of height, mass, scale, footprint, arrangement of openings, pattern and materials.

...

Contributing property a building, site, structure or object which adds to the historical architectural qualities, historic associations or archaeological values for which a district is significant because (a) it was present during the period of significance of the district and possesses historic integrity reflecting its character at that time; (b) is capable of yielding important information about the period; or (c) it independently meets the National Register of Historic Places criteria for evaluation.

...

Design compatibility refers to new construction or alterations to a historic building or setting that preserves significant materials, features and form, and preserves the building's historic character. For alteration to a historic building, repairs using historic materials is preferred; however, there are circumstances where substitute materials that imitate historic materials may be used if the appearance and properties of the historic materials can be matched closely and no damage to the remaining historic fabric will result.

...

Façade includes the face of a building and is most commonly referred to as a street façade and/or visible façade.

...

Historic character refers to all visual aspects and physical features that comprise the appearance of historic properties and extends to the setting of historic properties to include a building's relationship to the environment and adjacent streets and buildings, landscape plantings, views, and the presence of accessory features.

Historic integrity is the authenticity of a property's identity, evidenced by the survival of physical characteristics that existed during the property's historic period including evaluation of any changes that may have occurred through time which could contribute to the building's later-acquired historic character and significance. An overall sense of past time and place are evident in the composite of seven qualities: location, design, setting, materials, workmanship, feeling and association.

Historic period is the primary timeline for which the historic building derived its historic association with an event, person, place, pattern of development or other context.

...

In-kind features or materials means using architecturally similar material and design to convey the visual appearance of the remaining parts of the feature and finish.

...

Material deficiency refers to the inability of the building material, or a majority of building materials that comprise a feature or structure, to serve its purpose and documented as beyond repair.

...

National Register of Historic Places is the list of historic properties significant in American history, architectural, archaeology, engineering and culture maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966, as amended. May be significant at the local, state or federal level.

...

Preservation the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

...

Reconstruction the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

...

Rehabilitation the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, cultural and archaeological values.

...

Relocation the act of moving a building from its original location to another site, either on the same property or to another location entirely.

...

Restoration the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of removal of later work or by the replacement of missing earlier work.

...

Routine maintenance and repair in terms of historic preservation means using the same materials in a way that matches the architectural style of the existing building.

...

Significant architectural feature is an architectural feature(s) that comprises the historic character of the structure and built near the same time as the building or added features and alterations that maintain the historic character of the building.

...

Technical requirement refers to performance mandates established by local, state or federal governments and their supporting regulatory documents.

..."

Section 2. Amendment to Chapter 28, Article II, Section 28-89. Chapter 28, Article II, Section 28-89 is hereby amended, as follows:

"Sec. 28-89. - Criteria for certificate or opinion of appropriateness, relocation or demolition or partial demolition review.

The criteria for opinion of appropriateness, certificate of appropriateness, relocation or demolition or partial demolition review shall be as follows:

(1) In reviewing an application ~~for a certificate of appropriateness~~, the board and/or building official and/or planning director shall consider the design and appearance of the structure, including ~~the interior visible from the outside~~, front, sides, rear and roof; materials, textures and colors; plat plan or site layout, including features such as walls, walks, terraces, plantings, accessory structures, signs, lights, awnings, canopies, and other appurtenances. The decision to approve or deny the proposed work ~~issue or not to issue the certificate~~ shall be based on the conformance of the proposed work to the Architectural Guidelines for Historical Preservation (AGHP) and adopted addendums or applicable entry corridor design standards of the City of St. Augustine as from time to time promulgated by the historic architectural review board or the city commission and approved by ordinance of the city commission, hereinafter referred to as 'AGHP,' and Albert Manucy's Houses of St. Augustine - 1565-1821, and the Design Standards for Entry Corridors. ~~When reviewing a certificate of relocation of a structure, consideration will be given to the immediate surroundings and to the district or districts in which it is located or to be located.~~ The board shall not exercise any control over land use, such as governed by this

chapter, or over construction, such as is governed by the building code, unless such control is within the intent and scope of this chapter.

a. In the case of an opinion of appropriateness HARB shall make a determination that the general concept, preliminary construction plans, details or specifications of a project meet the architectural requirements of the AGHP, but that the information may be insufficient to meet the requirements of a certificate of appropriateness or to obtain a building permit.

b. In the case of a certificate of appropriateness HARB shall make a final determination that the details are sufficient, construction plans are complete, and details and specifications for a project meet the AGHP requirements. A certificate of appropriateness is required before a building permit may be issued. Only those plans and details approved by HARB may be reviewed by the Building Official during the building permit review process.

c. In the case of a certificate of relocation of a structure consideration will be given to the immediate surroundings and to the district or districts in which it is located or to be located, that the relocation of the structure will not adversely impact the city's historic preservation efforts or negatively affect the streetscape. If the building is going to be relocated on the same site, or moved to a new site in a locally designated historic preservation zoning district, then the process and plan requirements for a certificate of appropriateness also apply to the building's new location.

d. In the case of a certificate of demolition or partial demolition a determination is made that the demolition of the structure will not adversely impact the city's historic preservation efforts. The applicant may also be required to submit information on the structural condition of the building from an engineer or architect to justify the need for demolishing the structure.

(2) Before approving the plans for any proposed structure or signs located or to be located in a district, the board shall find:

a. In the case of a proposed alteration or addition to an existing structure, that such alteration or addition will not materially impair the architectural or historic value of the structure.

b. In the case of a proposed new structure, that such structure will not, in itself or by reason of its location on the site, materially impair the architectural or historic value of a structure on adjacent sites or in the immediate vicinity.

c. In the case of a proposed new structure, that such structure will not be injurious to the general visual character of the district or districts in which it is to be located.

d. In the case of the proposed demolition of an existing structure, or a project that constitutes partial demolition that the removal of such structure or architectural features will not be detrimental to the historic and architectural character of the city or that, balancing the interest of the city in preserving the integrity of the city and interest of the owner of the property, approval of the plans for demolition in the latter event the board may issue an order ~~to~~ postponing demolition for a period of not to exceed twelve (12) months after which the owner must reapply. The board may issue a second postponement with the total postponement period not to exceed two (2) twelve (12) month periods. If the board concludes that the demolition should be postponed, it shall, before issuing any final order with respect to such postponement, afford the applicant an opportunity to

appear before the board to offer any evidence ~~he~~ they may desire to present concerning the proposed order. Within the period of postponement, the board shall ascertain what the city or other agency or organization may do to preserve such structure and shall make recommendations to that effect to the city commission or otherwise cause the structure to be preserved. This section shall not apply to any permit for demolition which has been applied for, in proper form, prior to the effective date of this section. If the building or structure is of exceptional significance, is a contributing property to a National Register of Historic Places District or has been individually listed on the National Register of Historic Places, the board can deny the demolition if the board finds the removal of such building or structure will be detrimental to the historic and architectural character of the city and the applicant has not proven the denial will cause an undue economic hardship. The destruction of colonial buildings listed on the Florida Master Site File, designated Local Landmarks, or buildings meeting the criteria for eligibility on the National Register of Historic Places must be approved by the city commission.

Additional application requirements:

1. The owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the board or preservation officer.
2. Signs required. The planning and building department shall cause a sign or signs to be posted on any land upon which an application with respect to relocation or demolition has been made not less than seven (7) days in advance of the date of the public hearing at which such application is to be considered. Such sign shall show the date of construction of the existing building and be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land concerning which a public hearing is scheduled. Such sign shall be posted in full view of the public and shall be maintained by the applicant until final determination has been made by the board or city commission.
3. Mailed notices. Not less than ten (10) days in advance of the date of the required public hearing(s) at which an application for a certificate of demolition or partial demolition is to be considered, the time and place of the public hearing shall be posted by United States mail by the applicant to all owners of real property within one hundred fifty (150) feet of the boundaries of the land upon which the application is made. For the purpose of notice requirements to adjoining owners within one hundred fifty (150) feet, the names and addresses shall include information obtained from the St. Johns County Property Appraiser records within ninety (90) days prior to the application date. Such list prepared for any required public hearing with the historic architectural review board, if appealed, shall also be used for a required public hearing with the city commission. A record of the date on which the list was compiled shall be provided to and maintained by the planning and building department.
4. Applications for a certificate of demolition, including partial demolition shall be presented to the historic architectural review board by the property owner or representative.
5. Applications for partial demolition of buildings listed in the National Register of Historic Places, contributing to a historic district in the National Register of Historic

Places, listed as a local landmark pursuant to this code, listed as a potential landmark identified in the Historic Preservation Element of the Comprehensive Plan, Master Plan or identified by historic preservation planning staff as culturally significant within the recent past, may apply for the demolition of additional components of the building as part of a more comprehensive rehabilitation plan. Staff may require that the application be reviewed as a full demolition, however it may be recognized that applicants may encounter unforeseen building damage, site conditions, flood mitigation obstacles, or other significant and demonstrable reasons justifying a more extensive partial demolition as part of the rehabilitation. As a condition of In issuing a certificate of demolition or partial demolition, the board may include approval of both the partial demolition and potential related additional demolition and its require the rehabilitated replacement design under one application be approved by the board and that no permit be issued for the demolition of said structure until This will allow the approval of drawings sufficient for a building permit and that all necessary requirements for the new construction of a new building related to the partial demolition have been are submitted for the new construction permitting review and approval.

6. As a condition of issuing a certificate of demolition, including partial demolition the board may require, at the applicant's expense, salvage and preservation of significant building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The board may also require at the applicant's expense the recording of the structure for archival purposes prior to demolition or partial demolition. The recording may include, but shall not be limited to, photographs and measured drawings.

7. If an owner/applicant fails to appear for three historic architectural review board meetings, the application may be considered as withdrawn.

e. In the case of any proposed new or altered sign, that the sign will not materially impair the architectural or historic value of any structure to which it is attached, nor any adjacent structure, and that such sign is consistent with the architecture of the building and the historical character of the area.

f. The board shall not have the authority to consider interior arrangements.

...”

Section 3. Amendment to Chapter 28, Article II, Section 28-90. Chapter 28, Article I, Section 28-2 is hereby amended, as follows:

“Sec. 28-90. - Administration and records.

(a) Any necessary building or demolition (full or partial) permit and/or certificate of occupancy shall not be issued unless the building official and/or the planning director and/or the historic architectural review board approves the application for a certificate of appropriateness. Such permit shall be subject to the terms of such approval as well as other necessary provisions of this Code.

(b) Applications for certificates of appropriateness shall be submitted through the office of the building official and/or planning director and shall include, in duplicate, all plans, elevations and other information necessary to determine the appropriateness of the features to be passed upon.

(c) Prior to issuance or denial of a certificate of appropriateness required by the board, the board shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard. The board shall hold a public hearing concerning each application.

(d) Every decision of the board and/or building official and/or planning director in passing upon plans for structures or signs located or to be located in the district shall be in the form of a written order stating the finding of the board, its decisions and reasons therefor.

(e) The board shall not disapprove any plans without giving its recommendations for changes necessary to be made before the plans will be reconsidered. Such recommendations may be general in scope, and compliance with them shall qualify the plans for reconsideration by the board.

(f) An appeal may, within thirty (30) days thereafter, be taken by any aggrieved person to the city commission from the board's action in granting or denying an opinion or certificate of appropriateness, relocation or demolition or partial demolition. The appeal shall be as prescribed in section 28-29(g). Any appeal from the decision of the city commission shall be heard by the circuit court of the county, on writ of certiorari, as in the case of any other zoning decision from the city commission. All orders to approve certificates of demolition, except for partial demolition, shall become effective on the 31st day following the date of the rendered order, unless this waiting period is specifically granted a written waiver by the city commission or city manager. The owner-applicant of an order to approve a demolition certificate may request a hardship waiver to the city manager for emergency humanitarian reasons including the health and safety of the occupants of a structure in need of immediate emergency repairs, renovation or reconstruction. In the alternative, the owner-applicant of an order to approve a demolition certificate may request a waiver from the city commission if the delay in demolishing the structure would create an undue burden on the owner-applicant that would be greater than the public interest served in preserving the thirty-day waiting period. All decisions to grant or deny the waiver shall be rendered in writing within five days of the decision, mailed by standard U.S. mail to the owner-applicant and posted on the city's website. The decision of the city manager or city commission shall serve as the final administrative appeal of the waiting period.

(g) Any decision of the historic architectural review board certified by the planning director to be in conflict with a determination or decision of the planning and zoning board or of the board of adjustments and appeals; shall be reviewed by the city commission in the same manner as an appeal and the commission shall review the determination of the historic architectural review board, and the decision of the planning and zoning board or board of adjustments and appeals as to which it is certified to be in conflict and shall determine whether the decision of the historic architectural review board should be affirmed, modified or reversed and the decision of the commission shall supersede the decision reviewed. All affected persons shall be notified of the

hearing by the city commission in the same manner as that provided for appeals from decisions of the planning and zoning board. The hearing before the commission shall be de novo.”

Section 4. Adopting attached Exhibit “A”. The attached Exhibit “A”, “5 Critical Elements of the Historic Building Envelope” is adopted as an addendum to the Architectural Guidelines for Historic Preservation (AGHP).

Section 5. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 6. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 8. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

.....
PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

Exhibit “A”

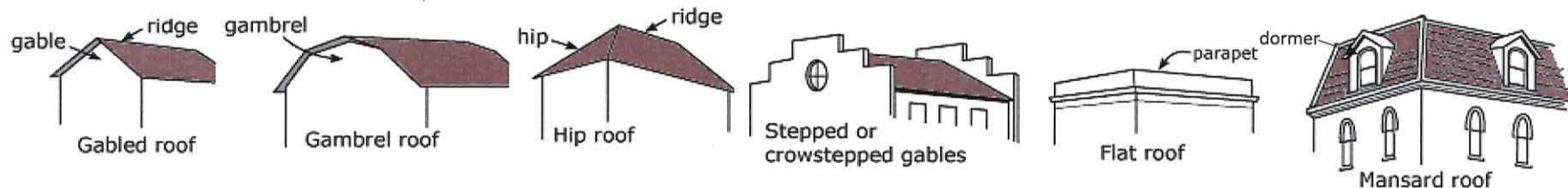
DRAFT

5 CRITICAL ELEMENTS OF THE HISTORIC BUILDING ENVELOPE:

FOR LANDMARK, NATIONAL REGISTER, AND CONTRIBUTING BUILDINGS TO DESIGNATED NATIONAL REGISTER HISTORIC DISTRICTS

Feature descriptions are taken from the National Park Service Technical Preservation Services publication of the Secretary of the Interior's Standards for Rehabilitation

Roof: the form of the roof (gable, hipped, gambrel, flat, shed, mansard, etc.) is significant as are its decorative and functional features (appurtenances like cupolas, parapets, chimneys, dormers and soffit elements), roofing material, and size, color, and patterning.



When the current exterior feature has existed on the building for more than fifty years, HARB approval is required to:

- remove and change the following traditional roof coverings: clay or concrete tile, stamped metal shingle or diamond-patterned shingle systems
- remove decorative or functional features visible from a right-of-way
- change the configuration, shape and/or pitch on facades visible from a right-of-way
- and/or to remove 50% or more of the total roof structure (excluding roof sheathing)
- use a colored metal roofing material (ex: blue metal roof)

HARB approval will based on:

- ☐ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the roof or roof feature significant enough that it should not be altered unless proven technically and/or materially required?

DRAFT

Sample historic roofing materials:



Wood shingle roof



Diamond-patterned roof



Stamped metal shingle roof



Clay tile roof

- ☐ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of the historic roof still the dominant visible feature; is there subtle but visible distinction of the new roof feature/element from the historic roof feature; does the new element match the size, scale, material/pattern of the historic roof?

Historic Preservation Staff will have the ability to approve the following during regular permit review:

- ☐ routine roof and trim repairs not meeting the above thresholds
- ☐ removal of a decorative or functional feature not visible from a right-of-way
- ☐ replacement of roof sheathing up to 100% of the roofed areas for existing asphalt shingle roofs, galvalume/sheet metal type roof, and other modern roof cladding

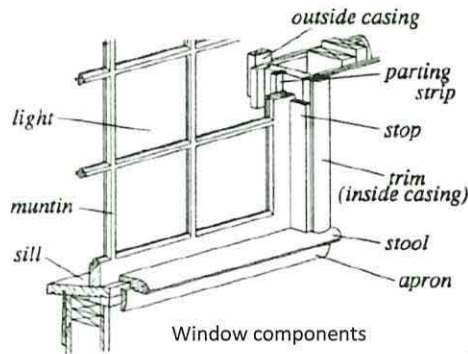
Example: Full replacement of any asphalt shingle or metal roof with a new asphalt shingle roof or metal roof (respectively) using a traditional color will be approved administratively



Historically this building had a clay barrel tile roof matching the barrel tile still evident on the lower parapet roof.

DRAFT

Windows: window materials and how the window operates (e.g. double hung, casement, awning, or hopper) are significant as are its components (sash, muntins, pane configuration, sills, mullions, casings, or brick moulds) and related features such as historic shutters/awnings.



When such features have existed on the building for more than fifty years, HARB approval is required to:

- ☐ remove and change window materials, components, design, or change their operational direction (ex: up/down sash to swing) on facades visible from a public right-of-way
- ☐ and/or to remove 50% or more of all the building's windows (visible or not)

HARB approval will be based on:

- ☐ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the window feature or design significant enough that it should not be altered unless proven technically and/or materially required?
- ☐ Window condition assessment and consideration of replacement cost and life service of the replacement window versus the repair cost and life service of the original window (see photo caption next page)
- ☐ The design compatibility of the proposed work to ensure continuity of the building's historic value.



Example: Preferred window replacements, if required, that use characteristic exterior molding and muntin profiles may be approvable even if using different materials. Such changes may be recommended for an expedited hearing.

The window design is described by the number of glass panes called 'lites' as shown in these examples. These patterns are not interchangeable because they are unique to the style of the building. Traditional wood, vertical sash windows:

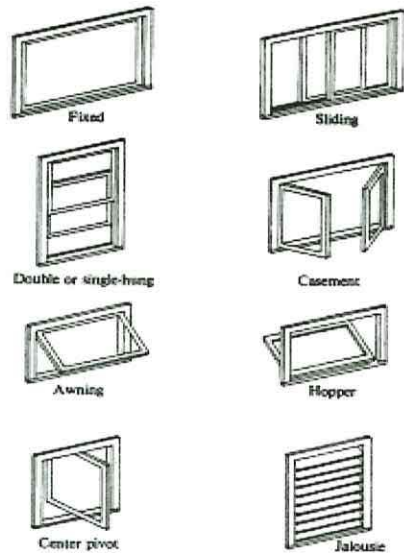
Left is a 6/6 divided lite and right is a 2/2 divided lite

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Historic Preservation Staff will have the ability to approve the following during regular permit review:

- ☐ repair and maintenance of windows not meeting the above threshold
- ☐ replacement of windows on facades not visible from a right-of-way under the 50% threshold
- ☐ replacement of non-historic windows with windows that match the design character of the building

Example: Removing a ranch-style picture window on a historic frame vernacular house and installing any vertical sash-type window will be approved by historic preservation staff



Window operation types



Hands-on training for DIY-ers

*See <https://savingplaces.org/stories/preservation-tips-tools-retrofitting-historic-windows#.X-4YhNhKh3A> and <https://austinhistorical.com/services/residential-window-restoration/> for data and analysis.

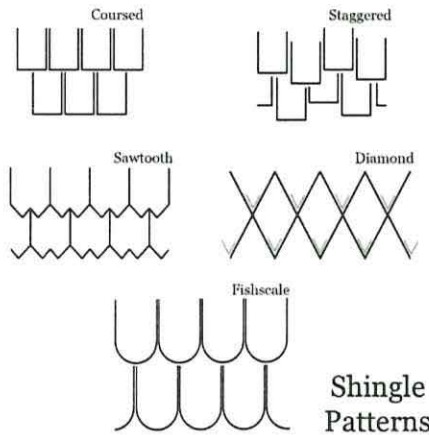
*Historic windows can be repaired and restored to last longer than the average replacement window. Therefore, when considering the lifetime cost of a window the original will be less expensive. Prices can range from \$500 to over \$1000 for restoration, comparable to replacement windows with a negative economic and historic impact.**



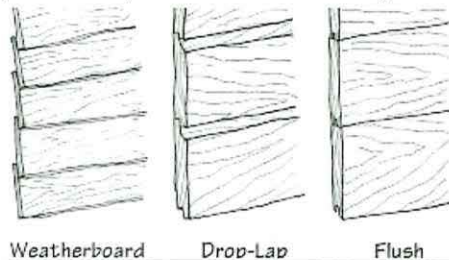
Original 3/1 and 4/1 lite vertical sash windows replaced with 1/1 across the entire building and would now require HARB approval if the building is designated historic.

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Exterior finishes: wood and masonry exterior features (walls, siding, brackets, railings, cornices, window and door surrounds, steps, and columns) and repetitive exterior detailing are important in defining the overall historic character of a building.



Sample wood siding profiles that contribute to the unique scale and pattern on a historic building:



When the current exterior features have existed on the building for more than fifty years, HARB approval is required to:

- ☐ remove and change wood and/or masonry wall finishes on facades visible from a public right-of-way

Example: removing wood horizontal siding, brick or brick veneer, stucco, coquina/coquina concrete and changing to a different material/pattern requires HARB approval

- ☐ and/or to remove 50% or more of these exterior features

HARB approval will be based on:

- ☐ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the finish material and/or design significant enough that it should not be altered unless proven technically and/or materially required?
- ☐ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of the exterior still the dominant visible feature and does it match the size, scale, material/pattern of the historic exterior?

Example: When necessary, replacing wood horizontal siding with composite horizontal siding maintaining a similar reveal and profile may be an approvable request and may be recommended for an expedited hearing.

Staff will have the ability to approve the following during regular permit review:

- ☐ Repair and maintenance of wall cladding when it does not meet the above threshold

Example: Removing singular elements/portions of the exterior finish that is deteriorated beyond repair and replacing it with the same material and design will be approved administratively.

- ☐ Repair or replacement of features on facades not visible from a right-of-way
- ☐ Replacement of non-historic exterior features that match the design character of the building

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Example: Removing asbestos siding and restoring/replacing traditional horizontal siding underneath will be administratively approved if it does not compromise the structural stability of the building



Traditional wood, coursed shingle finish. *Changing the shingle pattern to a staggered design would change the character of the historic building from Shingle Style to a Bungalow or Arts and Crafts*



Historic masonry finishes can be simple or highly detailed and have unique stucco texture



The siding on this building was altered (ca. 1930-50s) and shows the impact of replacement finishes that change the scale and detail of the building's historic character. Restoring the Queen Anne siding would be a staff-approvable request. Also note for reference the scale of historic horizontal siding shown on the adjacent historic building.

DRAFT

Porches, balconies, stoops, loggias: these functional and decorative features along with their materials and features (doors, transoms, pilasters, columns, balustrades, stairs, roofs, canopies) are important in defining the overall historic character of a building.



Wrap-around porch with columns and balusters



When such features have existed on the building for more than fifty years, HARB approval is required to:

- ☐ remove a historic porch, balcony, or stoop
- ☐ and/or to remove 50% or more of their materials and features
- ✓ *Exception: see staff approval for flood mitigation project*

HARB approval will be based on:

- ☐ An evaluation of how removal of the feature impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the feature significant enough that it should not be altered unless proven technically and/or materially required?

Example: Reconstructing a balcony or porch that is deteriorated beyond repair with matching materials and design may be approvable and recommended for an expedited hearing.

- ☐ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of the existing porch/balcony/stoop still the dominant visible feature and do changes match the size, scale, material/pattern of the historic feature?

Example: Removing a balcony and constructing a larger balcony that maintains scale, design, and materials of the building may be approvable.

Historic Preservation Staff will have the ability to approve the following during regular permit review:

- ☐ Repair and maintenance of porches/balconies/stoops when it does not meet the above threshold
- ☐ Repair or replacement of porches/balconies/stoops facades not visible from a right-of-way

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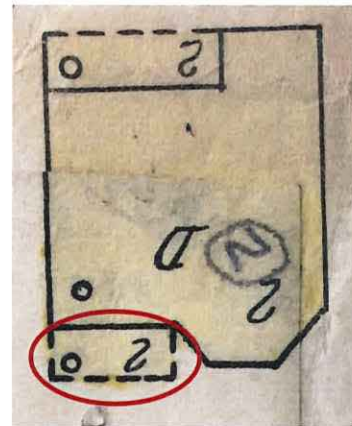
Centered porch with turned balusters and folk-style bracketed posts



Two-story front porch undergoing repairs that are in-kind with its historic character which could be approved by staff.

- ☐ Replacement of non-historic exterior features that match the design character of the building
Example: Restoring an enclosed porch to an open/screened porch will be staff approved if using/reinforcing the historic character of the building.
- ☐ Removal of porches or stoops when necessary for a flood mitigation project if using a best-practice approach

Example: Constructing a new but similar porch at the elevated location will be staff approved if it is context-sensitive and uses compatible materials.



Evidence on the Sanborn map (left) and the building shows there used to be a historic two-story frame porch likely removed ca. 1930-1950s when asbestos siding was added. Reconstructing a compatible porch could be approved by staff.

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Foundations: structural systems and visible features of such systems are important in defining the overall historic character of a building including the materials (wood, metal, and masonry), the type of system, and its features such as posts and beams, masonry columns, above-grade stone or masonry foundation walls or piers.



Coquina concrete block is a material unique to St. Augustine



A new brick pier foundation matches historic materials and scale

When such features have existed on the building for more than fifty years, HARB approval is required to:

- ☐ Removing and changing the foundation type (ex: brick pier to stem wall) or exterior material (ex: brick to concrete masonry unit/block)
- ☐ and/or to remove 50% or more of the above-grade foundation system
- ✓ *Exception: see staff approval for flood mitigation project*

HARB approval will be based on:

- ☐ An evaluation of how removal of the foundation impacts the overall historic character of the building and historic integrity of the city. Can the building still convey a unique sense of time and place? Is the original foundation significant enough that it should not be altered unless proven technically and/or materially required?
- ☐ The design compatibility of the proposed work to ensure continuity of the building's historic value. Specifically, is the prominent character of historic foundation still the dominant visible feature and do changes match its size, scale, material/pattern?

Example: Constructing a replacement brick pier foundation that restores structural soundness and matches the original design may be approvable and may be recommended for expedited hearing.

Historic Preservation Staff will have the ability to approve the following during the regular permit review:

- ☐ Repair and maintenance of foundations that do not meet the above threshold

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A building elevation project revealed unique coquina stone piers (background) along with traditional brick piers (foreground)

Example: Replacing a singular, deteriorated brick pier with a matching brick pier in the same basic location will be staff approved.

- ☐ Removal of a foundation when necessary for a flood mitigation project if using a best practice approach
Example: Constructing a new but similar foundation using the same materials and scale will be approved by staff.

NOTE: Archaeological review may be required for any work that includes ground disturbances, consult the City Archaeologist and Archaeological Preservation Ordinance for more information.



Foundation (and porch) was removed to allow for the building to be elevated to a new floor height for a flood mitigation project.



Demolition and Design Review Outside HP Districts

Discussion and recommendation regarding an Ordinance to clarify Historic Architectural Review Board (HARB) demolition and partial demolition review applicability and procedures

October 5, 2021 Planning and Zoning Board

Amendments to Chapter 28 Zoning related to partial demolition and the historic building envelope

Agenda item 8a



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Existing City Ordinances:

Architectural Guidelines for Historic Preservation

“Demolition refers not only to the complete razing of a structure but to the permanent removal of significant architectural features. This includes the removal of porches, balconies, steps, dormers, chimneys, walls, additions and similar major features. The destruction of significant archaeological features, such as foundations and wells, also constitutes demolition.”

City Ordinance

“Demolition means the act or process of demolishing; to tear down, destroy, raze or remove all or a significant portion of a building or structure, and including partial demolition.” (Section 28-2)

HARB Responsibilities are: “The review of all applications for demolition permits for structures that are fifty (50) years old or older, which are listed on the Florida Master Site File maintained by the State of Florida Division of Historic Resources, or which have been designated as an historical landmark.” (Section 28-87(3))

“As utilized herein the term “historical landmark” shall mean a building, object, site, or structure of the highest historical, architectural, cultural, or archaeological importance and whose demolition, removal, relocation, or alteration would constitute an irreplaceable loss to the character and quality of the city.” (Section 28-87 (10))

“As a condition of issuing a certificate of demolition, the board may require the replacement design be approved by the board and that no permit be issued for the demolition of said structure until drawings sufficient for a building permit and all necessary requirements for the construction of a new building have been submitted for the new construction.” (Sec. 28-89 (2)d5)

Any decision of a quasi-judicial board may be appealed to the City Commission with affected party status

Discussion Item: Amendments to Chapter 28 Zoning related to Historic Preservation

Agenda item 7(c)



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In Comparison...

Existing Ordinance

1. Defines demolition in a way that leaves room to interpret how to apply partial demolition
2. All buildings 50 years old or older require review by HARB prior to demolition which by above includes partial demolition *(currently approximately 4,000+ buildings)*
3. The requirements section includes language allowing HARB to review replacement design as a condition of demolition approval
4. The administration section requires a 30-day waiting period for demolition which by above includes partial demolition
5. The AGHP is adopted by reference and describes partial demolition by identifying specific building elements “and similar major features”

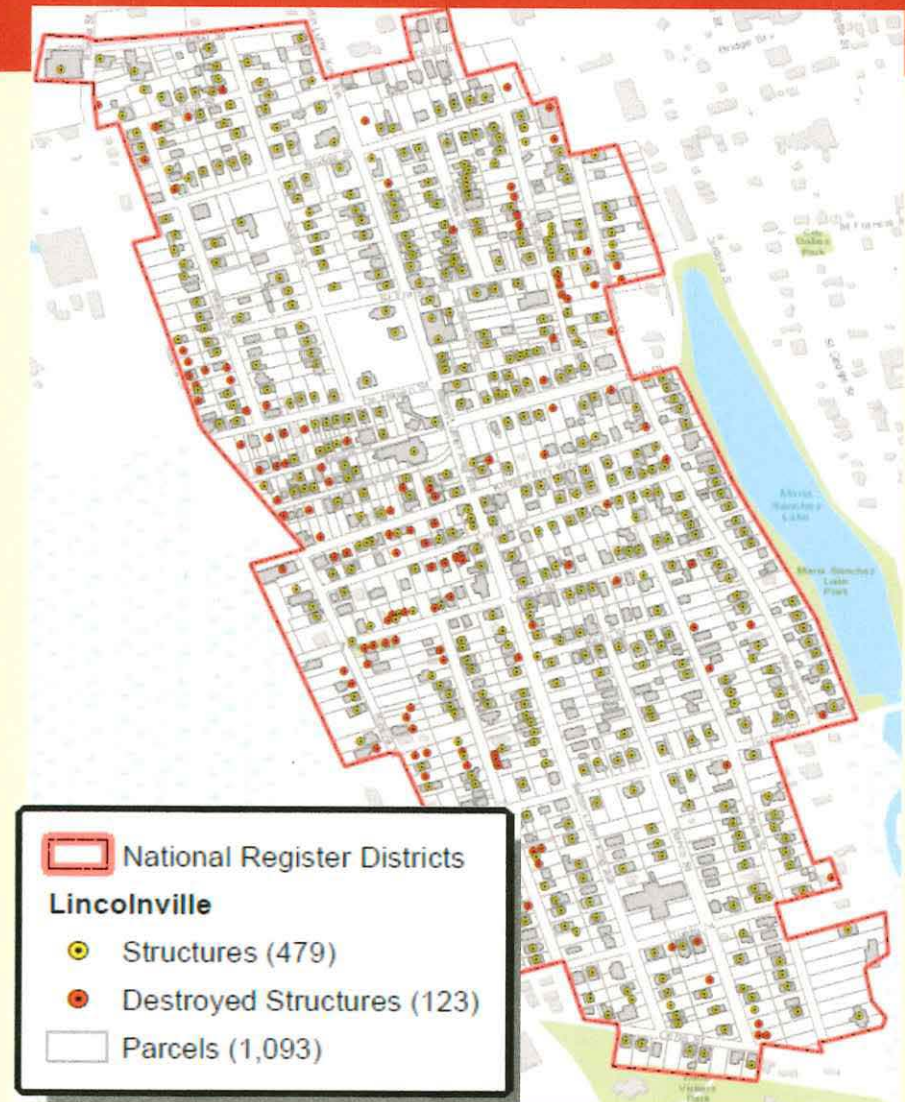
Proposed Amendments

1. Definitions modified to include the following which are referenced in the “Exterior Building Renovations for Historic Properties in St. Augustine” policy proposal
2. Reduces partial demolition to designated buildings *(currently at approximately 1,659 buildings depending on final list)*
3. Qualifies the requirements section and expands HARB authority to include design review for the rehabilitation of elements associated with partial demolition application
4. Excludes partial demolition from the 30-day waiting period
5. Adopts “5 Critical Elements of the Historic Building Envelope” as an addendum to the AGHP

What is at stake:

- ✓ Loss of historic building integrity* means loss of historic structures
- ✓ Quality of life for residents
- ✓ Status of current National Register District designations (rule of thumb is 50% must be contributing buildings)
- ✓ Ability of current and future historic property owners to get economic incentives
- ✓ Heritage assets are valued at \$2.9B and will decrease exponentially with loss of historic fabric
- ✓ Historic preservation grants

*Integrity per NPS: location, design, setting, materials, workmanship, feeling, and association



Amendments to Chapter 28 Zoning related to partial demolition and the historic building envelope

Agenda item 8a



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Community Outreach

Account

Archaeology

Demolitions

Historic Architectural Review Board Applications

Incentives

Master Plan

Preservation Projects

Zoning Districts

Flooding and Historic Properties

Architectural and Demolition Guidelines Updates, 2021-2022

Home > Services > Planning & Building > Historic Preservation > Architectural and Demolition Guidelines Updates, 2021-2022

Architectural and Demolition Guidelines Updates

Changes to the Architectural Guidelines for Historic Preservation may affect buildings throughout the city and all buildings in the local Historic Preservation Element of the Comprehensive Plan.

Guiding this process is The City of St. Augustine Historic Preservation Element of the Comprehensive Plan. The following goals:

- Preserve and protect the historic and authentic character of St. Augustine to minimize the demolition of historic structures.
- Preserve and enhance the authentic features of St. Augustine's heritage and scale of the built environment, neighborhoods, districts, structures, buildings, and vistas to strengthen St. Augustine's ability to maintain its diversity and development patterns.

Specific objectives provide direction to revise the Historic Architectural Review Board ordinance to update demolition review thresholds and to revise the Architectural Guidelines for Historic Preservation (AGH) to reflect current materials, technologies, staff approval guidelines, and provide property owners an expectation of approval by using more illustrations and descriptions that can be easily applied. The 2018 Historic Preservation Ordinance inspired the adopted Comprehensive Plan and is also a resource for considering potential change to the demolition review process.

Will your property be affected? [Click here to review a map](#) that identifies the local historic districts, neighborhoods, and other historically designated properties. These properties represent less than 25% of the city's buildings and are the buildings that the city is striving to preserve.

and engage in information you care about.

DATE	LOCATION	TITLE	DETAILS
9/11/21 (10a-12p)	Galimore Center	Preservation Forum, Part One	Video
9/28/21 (5.30p)	Zoom/Digital Media	Preservation Forum, Part Two	Access meeting link here
TBD	TBD	TBD	Future meetings can be posted here

Public Surveys:

Results of survey 1 St. Augustine Design Guidelines

Take Public Survey 2 here: St. Augustine Design Guidelines Part II

and engage in information you care about.

Meetings Related to HARB Design Review Associated with Partial Demolition Ordinance

Date	Entity	Link	Video
September 30, 2021	Historic Preservation Officer	Webinar Link	To be posted
August 25, 2021	Neighborhood Council	Webinar Link (expired)	Video link
June 16, 2021	PZB Workshop	Meeting Packet	Video
June 1, 2021	PZB	Meeting Packet	Video
February 18, 2021	HARB	Meeting Packet	Video
November 19, 2020	HARB	Meeting Packet	Video
October 15, 2020	HARB	Meeting Packet	Video
February 20, 2020	HARB	Meeting Packet	Video
January 16, 2020	HARB	Meeting Packet	Video

Previous meetings held for discussion regarding HARB design review tied to partial demolition approval of zoning districts for approximately 1,600 historic buildings in the city limits.

***Documents related to partial demolition and expanded HARB design review only:**

- [Summary of ordinance revision as proposed](#)
- [Proposed ordinance revision text](#)
- [Preserving the Historic Building Envelope is the proposed accompanying policy requirements for the designated historic buildings throughout the city](#)
- [List of historic district contributing buildings with associated maps \(contact Historic Preservation for discrepancies\)](#)

References for more information:

- [2018 Historic Preservation Master Plan \(PDF\)](#)

- ☐ HARB meetings: Jan 2020, Feb 2020, Nov 2020, Feb 2021
- ☐ PZB meeting June 1 and June 15, 2021
- ☐ July 11, 2021 Neighborhood Association Council Chairs
- ☐ Mailouts sent to designated property owners
- ☐ StoryMaps and city communications
- ☐ September 11, 28 and 30 workshop/webinar

Amendments to Chapter 28 Zoning related to partial demolition and the historic building envelope

Agenda item 8a



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(Proposed Ordinance)

Discussion comments/questions

Amendments to Chapter 28 Zoning related to partial demolition and the historic building envelope

Agenda item 8a



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