



AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, May 2, 2023, at 1:00 p.m.

Regular Agenda

- 1. Roll Call**
- 2. General Public Comments for Items Not on the Agenda**
- 3. Approval of Minutes**
 - a. None
- 4. Modification and Approval of Agenda**
- 5. Variance**
 - a. 2023-0022 Mark & Heather Tate – Applicant & Owner
[1 Solano Avenue](#)
To increase the lot coverage maximum to 35% on a Residential Single-Family-One (RS-1) lot to allow for the construction of a new shaded sitting area.
- 6. Use by Exception**
 - a. 2023-0025 Charlotte Rogers – Applicant
c/o Star Song School
James Sheils – Owner
c/o FBM Holdings
[105 Masters Drive](#)
To approve a school within the Commercial Low-One (CL-1) zoning district as a permitted use by exception.

7. Use by Exception and Variance

- a. 2022-0009 Casey Fenwick – Applicant & Owner
[93 Keith Street](#)
Originally continued from March 7th Meeting To approve four (4) off-site parking spaces outside of four hundred (400) feet within the Residential Single-Family-Two (RS-2) zoning district as a permitted use by exception and a distance variance from 400 feet to approximately 1,000 feet.

8. Conservation Overlay Zone Development

- ~~a. 2023-0013 Ryan Carter – Applicant
c/o Carter Environmental Services Inc.
Continued from the April 4th Meeting to the June 6th Meeting Nancy & John Fout – Owner
[164 Pelican Reef Drive](#)
To modify an existing dock to change the existing boat lift to a 15' x 38' deck lift and remove the existing boat lift, approve an after the fact modification to the existing bulkhead impacting approximately 0.01 acres of wetlands within Conservation Overlay Zones 1 and 2.~~
- b. 2023-0020 Wolfgang Schau – Applicant & Owner
[151 Inlet Drive](#)
To approve the construction of a new 180-foot bulkhead in Conservation Overlay Zones 1 and 2.
- c. 2023-0021 Ryan Carter – Applicant
c/o Carter Environmental Services Inc.
Kenton Morrison - Owner
[36 N St. Augustine Boulevard](#)
To approve the construction of a new dock that includes two boat lifts totaling approximately 1,993 square feet within Conservation Overlay Zone 1.
- d. 2023-0024 Peter Burkhardt – Applicant & Owner
c/o Jjmrn Properties LLC
[83 Comares Avenue Unit 2C](#)
To approve the installation of a boat lift within Conservation Overlay Zone 1.

e. 2023-0026

Ryan Carter – Applicant
c/o Carter Environmental Services Inc.
Alan Stevenson – Owner
c/o STA Beach Investments, LLC
[34 N St. Augustine Boulevard](#)

To approve the modification of an existing dock to allow for the addition of a new floating dock, the widening of a boat lift, and the widening of a personal watercraft lift within Conservation Overlay Zone 1.

9. Other Business

- a. Review and Recommendation for Adopting Updated Sections in the Land Development Code Regarding Food Truck Regulations.

10. 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
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 2, 2023

RE: **VARIANCE 2023-0022**

AGENDA ITEM	5(a)
APPLICANT & OWNER	Mark & Heather Tate
LOCATION	1 Solano Avenue / PID 220880-0010
REQUEST	To increase the lot coverage maximum to 35% on a Residential Single-Family-One (RS-1) lot to allow for the construction of a new shaded sitting area.
LAND USE	Residential Low Density
ZONING	Residential Single-Family-One (RS-1)

APPLICABLE CODES/ORDINANCES

Sec. 28-2. – Definitions

Lot coverage means that portion of the lot, excluding open water bodies determined using the mean high-water line, that is covered by buildings and structures, measured from the face of the vertical wall of the building or structure, not including roof overhang, but including awnings, carports, or other unenclosed structures.

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.

Yard, rear, means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations, with its inner edge parallel with the rear lot line.

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.

- (2) *Written application.* All applications for variance from this chapter shall be in writing and in such form as may be determined 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 an application for a zoning variance within not more than thirty (30) days from the date of filing of the complete application. Notice of such 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 variances.* The violation of the terms of a variance, 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. 28-119. - 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:

- (1) A single-family dwelling may be constructed on any such lot, lots or portion of a lot or lots which are located in a district where such use is permitted or permitted by exception.
- (2) A multiple-family dwelling containing not more than two (2) dwelling units may be constructed on any lot or lots which are not less than fifty (50) feet in width, not less than

five thousand (5,000) square feet in area, and located in a district where such use is permitted or permitted by exception.

- (3) A multiple-family dwelling containing not more than four (4) dwelling units may be constructed on any such lot or lots which are not less than fifty (50) feet in width, not less than seventy-five hundred (7500) square feet in area, and located in a district where such use is permitted or permitted by exception.
- (4) An existing single-family dwelling constructed prior to the effective date of this chapter on a nonconforming lot of record may be converted to a duplex or to accessory apartments on any such lot or lots which are not less than fifty (50) feet in width, not less than five thousand (5,000) square feet in area, and located in a district where such use is permitted or permitted by exception.
- (5) The minimum lot width requirement shall be waived by the planning and building department if the overall square footage of the nonconforming lot of record is above the minimum required for each multiple-family dwelling within the project. The intent of this section is to give the developer some flexibility in the total site plan. This section shall not apply to conforming lots of record, as described in [section 28-2](#).
- (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.
 - b. **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.**
 - c. The front yard shall meet the requirements of the district where such use is permitted or permitted by exception unless the lot is subject to one (1) of the conditions as specifically modified elsewhere herein (see "yard, front," section [28-2](#)).

(Code 1964, § 33-138; Ord. No. 03-20, § 1, 9-8-03)

Sec. 28-159. - Height restrictions and maximum lot coverage on non-conforming lots of record in single-family residential districts (RS-1 and RS-2).

Notwithstanding any other provisions of this division 3, the allowable maximum height of structures of more than one story proposed for construction within single-family residential districts (RS-1 and RS-2) on a non-conforming lot of record shall be thirty (30) feet, and such structures shall have a minimum roof pitch of 5/12, with dormers limited to twenty (20) percent of the eave length per side. For the proposed structures subject to this provision, **the maximum lot coverage shall be twenty-nine (29) percent in RS-1 and thirty-five (35) percent in RS-2.**

(Ord. No. 05-28, § 1, 9-12-05; Ord. No. 21-26, § 2, 10-11-21)

Sec. 28-161. - Residential, single-family-one: RS-1.

Intent. This district is intended to apply to those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses, so as to create and maintain a stable low intensity residential character.

- (1) *Permitted uses and structures.* Single-family dwelling; home office, private.
- (2) *Permitted accessory uses and structures.* See [section 28-348](#).
- (3) *Permissible uses by exception.* See [section 28-347](#).
- (4) *Minimum lot requirements (width and area):*
 - a. **Minimum lot width, seventy-five (75) feet.**
 - b. **Minimum lot area, one-quarter acre (10,890 square feet).**
- (5) *Maximum lot coverage by all buildings and structures.* Twenty-five (25) percent.
- (6) *Minimum yard requirements:*
 - a. Front, twenty (20) feet minimum.
 - b. **Side, fifteen (15) feet minimum.**
 - c. **Rear, twenty (20) feet minimum.**
- (7) *Maximum height of structures.* Thirty-five (35) feet.

(Code 1964, § 33-21; Ord. No. 99-05, § 2, 2-8-99)

STAFF SUMMARY AND ANALYSIS

The applicant is requesting a variance to the lot coverage limit of 29% for non-conforming lots within the Residential Single-Family-One (RS-1) zoning district. The homeowner is requesting to add a shaded sitting area to their existing home, due to the unique shape and size of the lot this would exceed the lot coverage limits. The current lot coverage percentage is 29% based on plans provided by the applicant.

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 property does suffer disadvantages in terms of size and shape for a property located in the RS-1 zoning district. The minimum lot size for RS-1 properties is 10,890 square feet, much larger than the 5,919 square foot property at 1 Solano Avenue. The excessive suburban type setbacks within the RS-1 zoning district also make much of the property unusable and when coupled with the unique shape of the property a variance request to the lot coverage may be required for any proposed addition .

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

The disadvantage of having to operate under requirements meant for lots roughly 5,000 square feet larger than the one at 1 Solano Avenue make a variance necessary for any type of addition such as a covered sitting area, a shed, or even a front porch.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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

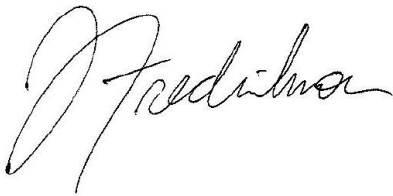
This lot was created, and the existing house was built before the current owner purchased the property. (Permits for a new single-family home were issued in early 2019 and the home was sold to the current owners in mid-2020).

- 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 a variance would not adversely affect neighboring properties due to the nature of the request.

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 variance to increase the maximum lot coverage to 35% at 1 Solano Avenue / PID 220880-0010.



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: 2023-0022
Receipt Number: 2598957 Meeting Date: 05/02/23
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Mark and Heather Tate Contact Number: 904-294-5761
Business (if applicable): _____
Address: 1 Solano Ave City: _____ State: _____ Zip: 32080
E-Mail Address: mtate7@hotmail.com

2. NAME OF PROPERTY OWNER: Mark and Heather Tate Contact Number: 904-294-5761
Business (if applicable): _____
Address: 1 Solano Ave City: St Augustine State: FL Zip: 32080
E-Mail Address: mtate7@hotmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 1 Block: 49
Subdivision: Davis Shores Ocean View Parcel Number: 2208800010

4. PROJECT STREET ADDRESS: 1 Solano Ave, St Augustine, FL 32080

5. SPECIFIC PROPOSED USE: Cover for existing patio

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

7. DESCRIPTION OF ACTION REQUESTED: We are requesting to cover our existing rear patio with a roof to provide an outdoor shaded area. This roof will not cover any more of the lot than the existing pavers currently cover. We are requesting to go to 35 % lot coverage from 29% to accommodate non-conforming, abnormally small lot with existing structure.

8. JUSTIFICATION FOR ACTION REQUESTED: We were not aware that our lot was non-conforming and that covering existing construction would create an issue with our lot coverage percentages. We have no shaded area outside for sitting at this time. We have already spent \$2000 having plans drawn before this was realized as the engineer had informed us that the lot coverage was 35% in our area. We will have our gutters re-routed in order to incorporate this roof and provide an adequate route for rain water to be dispelled into a cistern which we will use for irrigation purposes.

04/18/2019

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, Our lot is non-conforming making our lot coverage percentage a disadvantage. The size and shape of the lot are also both abnormal shape.

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

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

(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

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.

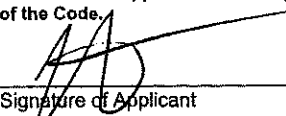
11. AGREEMENT:

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.

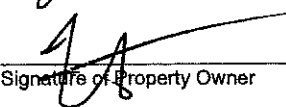
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

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

3/30/2023
Date


Signature of Property Owner

3/30/2023
Date

04/18/2019

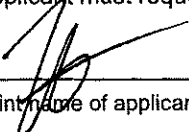


**CITY OF ST. AUGUSTINE
DEVELOPMENT PERMIT APPLICANT WAIVER**

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.



Print name of applicant



Signature of applicant

3/30/2023
Date

10/31/17

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 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
Significant Tree Removal or Appeal of Tree Removal Permit Denial	\$165.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Subdivision Plat Review	\$275.00 + ads, notices & additional associated costs

"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: 1 Solano Ave, St Augustine, FL 32080

Applicant's Name: Maria Tate Applicant's Signature: [Signature]

Owner's Name: Maria Tate Owner's Signature: [Signature]



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

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

[Sales Questionnaire](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID 2208800010
 Location Address 1 SOLANO AVE
 SAINT AUGUSTINE 32080-0000
 Neighborhood Davis Shores South (590)
 Tax Description* 3-101 DAVIS SHORES LOT 1 BLK 49 OR4997/702
**The Description above is not to be used on legal documents.*
 Property Use Code Single Family (0100)
 Subdivision Davis Shores Ocean View Section
 Sec/Twp/Rng 20-7-30
 District City of St Augustine (District 452)
 Millage Rate 18.9763
 Acreage 0.200
 Homestead Y

Owner Information

Owner Name Tate Stanley Mark, Heather D 100%
[Tate Heather D 100%](#)
 Mailing Address 1 SOLANO AVE
 SAINT AUGUSTINE, FL 32080-0000

Exemption Information

Exemption Type	Status	Amount
Homestead		\$50,000

Map



Valuation Information

	2023
Building Value	\$470,766
Extra Features Value	\$0
Total Land Value	\$228,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$698,766
Total Deferred	\$279,306
Assessed Value	\$419,460
Total Exemptions	\$50,000
Taxable Value	\$369,460

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

Historical Assessment Information

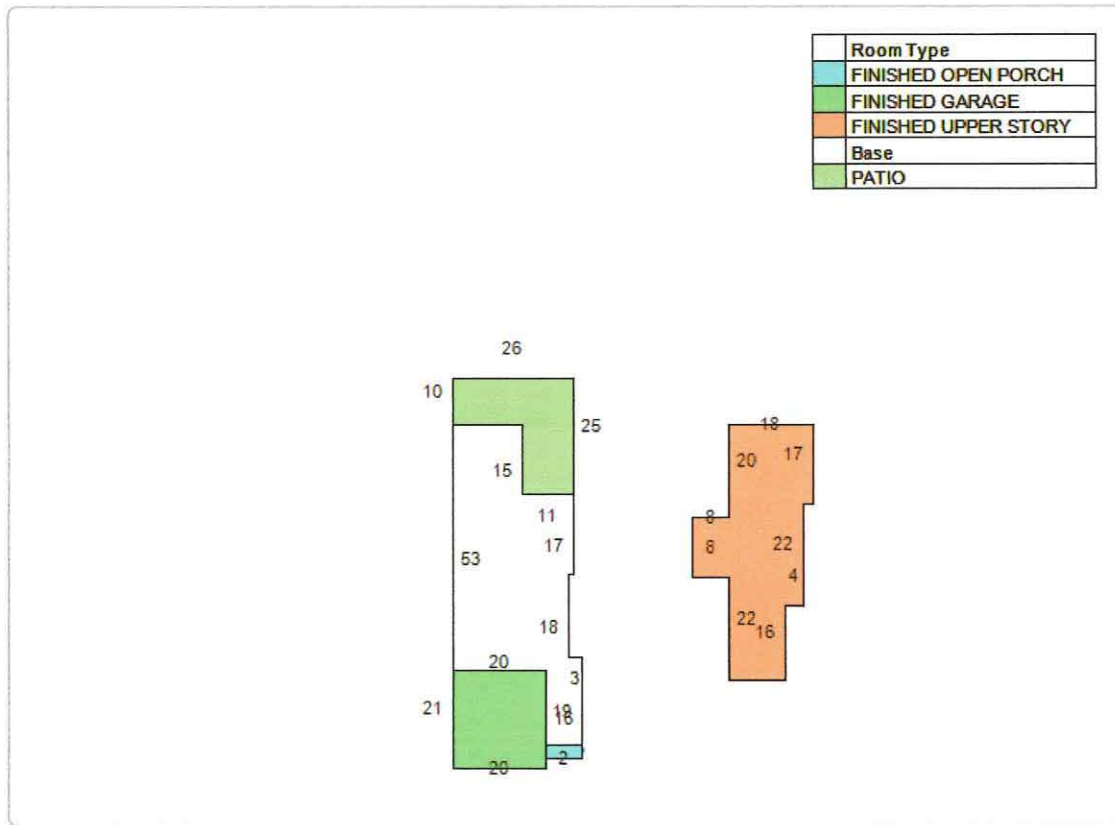
Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$378,370	\$0	\$153,216	\$0	\$0	\$531,586	\$407,243	\$174,343	\$357,243
2021	\$301,194	\$0	\$114,000	\$0	\$0	\$415,194	\$395,382	\$69,812	\$345,382
2020	\$0	\$0	\$90,630	\$0	\$0	\$90,630	\$90,630	\$0	\$90,630
2019	\$0	\$0	\$90,630	\$0	\$0	\$90,630	\$90,630	\$0	\$90,630

Building Information

Building	1	Roof Cover	Composite Shingle
Year Built	2020	Roof Structure	Gable Hip
Actual Area	3152	Interior Flooring	Ceramic Tile, Hardwood
Conditioned Area	2283	Interior Wall	Drywall
Use	Single Family Residence	Heating Type	Air Duct
Style	01	Air Conditioning	Central
Class	N	Bedrooms	4
Exterior Wall	Concrete Siding	Baths	2

Description	Square Footage
PATIO/SLAB	425
BASE AREA	1329
FINISHED UPPER STORY	954
FINISHED GARAGE	420
FINISHED OPEN PORCH	24
Total SqFt	3152

Sketch Information



Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	60	110	60	EF	\$228,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
7/23/2020	7/15/2020	\$515,000.00	WARRANTY DEED	4997	702	Q	I	SOLANO AVE LAND TRUST	TATE STANLEY MARK, HEATHER D
9/25/2018	9/25/2018	\$385,000.00	WARRANTY DEED	4616	1258	Q	V	NELSON JOHN W	SOLANO AVE LAND TRUST
7/14/2015	7/10/2015	\$475,000.00	WARRANTY DEED	4056	1534	Q	I	STEWART LUTHER C III	NELSON JOHN W
2/5/2014	2/4/2014	\$0.00	OTHER INSTRUMENT	3843	716	U	I	US BANK NA TRUSTEE FOR CERT HOLDERS OF BANC OF AMERICA FUNDING CORP 2008-FT1 TRUST	STEWART LUTHER C III
8/23/2012	8/16/2012	\$0.00	LIS PENDENS	3605	229	U	I	US BANK NA TRUSTEE FOR CERT HOLDERS OF BANC OF AMERICA FUNDING CORP 2008-FT1 TRUST	STEWART LUTHER C III
6/5/2012	5/31/2012	\$0.00	QUIT CLAIM DEED	3570	348	U	I	STEWART ERICA L	STEWART LUTHER C III
	4/3/2002	\$20,000.00	QUIT CLAIM DEED	1741	523	U	I	STEWART LUTHER C III	STEWART LUTHER C III & ERICA L
	12/17/1999	\$170,000.00	WARRANTY DEED	1462	906	Q	I	WARD GAIL S	STEWART LUTHER C III & ERICA L
	12/14/1999	\$0.00	OTHER INSTRUMENT	1462	905	U	I	WARD GAIL S & ROBERT E JR (DECD 9/12/94)	WARD GAIL S (AFFIDAVIT OF DEATH)

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Version 3.1.4



Overview



Legend

□ Parcels

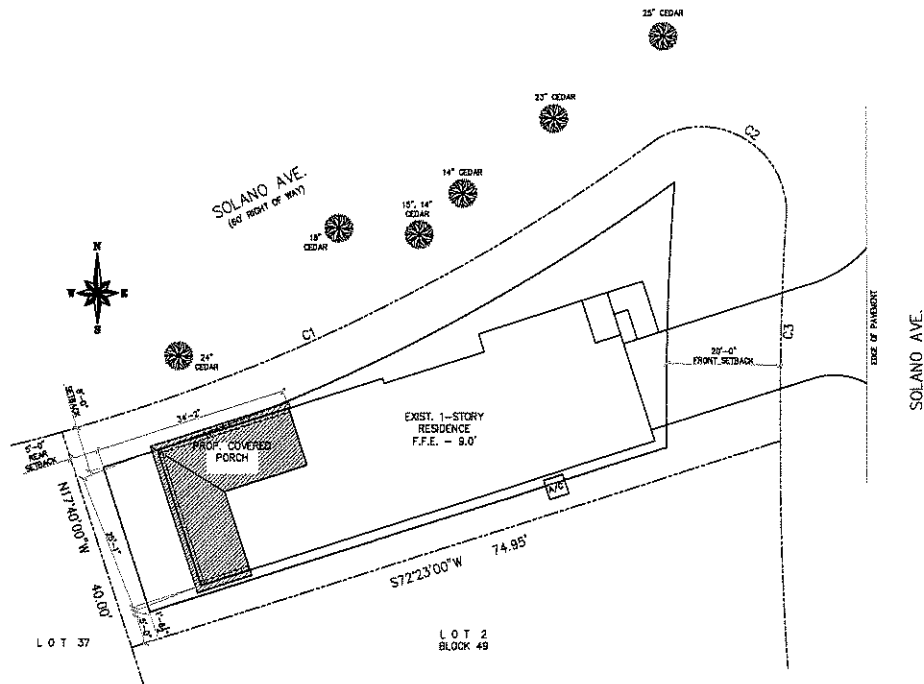
Parcel ID	2208800010	Physical	1 SOLANO AVE	Building Value	\$470,766	Last 2 Sales			
Property	0100 - Single	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class	Family	Mailing	TATE STANLEY	Value		7/15/2020	\$515000	01	Q
Taxing	City of St	Address	MARK, HEATHER D	Total Land Value	\$228,000	9/25/2018	\$385000	05	Q
District	Augustine		1 SOLANO AVE	Just Value	\$698,766				
Acres	0.2		SAINT AUGUSTINE FL	Total Deferred	\$279,306				
			32080-0000	Assessed Value	\$419,460				
				Total	\$50,000				
				Exemptions					
				Taxable Value	\$369,460				

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CURVE C1
CA=20'43'26"
R=320.00'
L=115.74'
CB=N83°46'00"E
CH=115.11'

CURVE C2
CA=129°31'42"
R=15.00'
L=33.91'
CB=N61°49'54"W
CH=27.14'

CURVE C3
CA=2°50'35"
R=806.00'
L=40.00'
CB=S01°31'00"W
CH=39.99'

SCOPE OF WORK

ADDITION TO EXISTING 1-STORY HOME
- NEW COVERED PORCH

PROJECT INFO/ZONING

SITE ADDRESS:
1 SOLANO AVE. AUGUSTINE, FL 32080
PARCEL #: 2208950010

ZONING: RS-1
HEIGHT: 10'-0"
FLOOD ZONE: AE

LOT COVERAGE CALCULATION:

TOTAL LOT AREA	5,919 SQ. FT.
TOTAL RESIDENTIAL BUILDING AREA	50 SQ. FT. PROPOSED STRUCTURE 350 SQ. FT.
BUILDING LOT COVERAGE MAX.	35%
ACTUAL = (350 SQ. FT. / 5,919 SQ. FT.) = 35%	

GENERAL NOTES:

- REFER TO STRUCTURAL DRAWINGS FOR LAYOUT AND LOCATION OF ALL STRUCTURAL MEMBERS.
- REFER TO MECHANICAL DRAWINGS FOR LAYOUT AND LOCATION OF ALL MECHANICAL EQUIPMENT.
- REFER TO ELECTRICAL DRAWINGS FOR LAYOUT AND LOCATION OF ALL ELECTRICAL EQUIPMENT.
- REFER TO PLUMBING DRAWINGS FOR LAYOUT AND LOCATION OF ALL PLUMBING EQUIPMENT.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS.
- CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. ALL DISCREPANCIES TO BE REPORTED TO ENGINEER IMMEDIATELY.
- ALL WORKMANSHIP AND MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE LATEST EDITION OF THE FLORIDA BUILDING CODE, LOCAL CODE AS ADOPTED AND AMENDED BY LOCAL GOVERNING AUTHORITIES.
- NEITHER THE OWNER NOR THE ENGINEER WILL ENFORCE SAFETY MEASURES OR REGULATIONS. THE CONTRACTOR SHALL DESIGN, CONSTRUCT AND MAINTAIN ALL SAFETY SERVICES, INCLUDING SPORING AND BRACING, AND SHALL BE SOLELY RESPONSIBLE FOR CONFORMING TO ALL LOCAL, STATE AND FEDERAL SAFETY, HEALTH, AND WELFARE STANDARDS.
- CONTRACTOR TO VERIFY AND COORDINATE ALL FINISH MATERIALS WITH OWNER.
- CONTRACTOR TO VERIFY ALL UTILITY CONNECTIONS.
- MANUFACTURED MATERIAL SHALL BE INSTALLED PER THEIR PUBLISHED INSTALLATION INSTRUCTIONS. CONTRACTOR SHALL OBTAIN ACCEPTABLE CERTIFICATES OF INSURANCE TO OWNER PRIOR TO BEGINNING WORK UNDER THIS CONTRACT.
- VERIFY SIZE AND REQUIRED CLEARANCES FOR ALL EQUIPMENT, APPLIANCES, AND CASE WORK PRIOR TO INSTALLATION. ADJUST ALL WORK DIMENSIONS AS REQUIRED TO ENSURE PROPER FIT.
- VERIFY REQUIRED SIZE AND ROUGH OPENING DIMENSIONS FOR ALL DOOR AND WINDOWS.
- THE CONTRACTOR SHALL SUPPLY, LOCATE, AND BUILD INTO THE WORK ALL INSERTS, ANCHORS, ANGLES, PLATES, SPINDLES, SLEEVES, HANGERS, SHAL DEPRESSIONS AND PROFILES AS MAY BE REQUIRED TO ATTACH AND ACCOMMODATE OTHER WORK.
- ALL EXTERIOR HARDWARE, BOLTS, NUTS, WASHERS, STRAPS AND FASTENERS INCLUDING NAILS, SHALL BE STAINLESS STEEL. NOT OPEN GALVANIZED CONTINUOUS ANCHORAGE SHALL BE PROVIDED BETWEEN ALL TRUSSES, WALL SECTIONS, BEAMS, POSTS AND FOOTINGS WITH USE OF STRAPS AND CONNECTORS AS SPECIFIED HEREIN.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION OF THE BUILDING TO BE COMPLETELY WATERPROOF. WATERPROOFING, FLASHING, SEALANTS, CHIMNEYS, DRAINAGE AND CONSTRUCTION DETAIL SHOULD BE INSTALLED AND CONSTRUCTED TO PREVENT A WATERPROOF BUILDING. VENTILATION AS REQUIRED BY THE FLORIDA BUILDING CODE SHOULD BE PROVIDED TO PREVENT MOISTURE INTRUSION AND MOLD. THE SELECTION AND INSTALLATION OF BUILDING MATERIALS SHALL BE THE CONTRACTOR'S RESPONSIBILITY. THE DESIGNER WILL NOT BE RESPONSIBLE FOR ANY RESULTING LEAKS, MOISTURE INTRUSION OF ANY KIND, MOLD, MILD, WIND-BLOWN RAIN, ETC.

SITE/SURVEY NOTES

GENERAL SURVEY NOTES:

- SURVEY: ALL SITE INFORMATION WAS TAKEN FROM THE SURVEY PREPARED BY: RICHARD A. MILLER & ASSOCIATES, 1401 CENTRAL PARKWAY, STE. 107, JACKSONVILLE, FLORIDA 32224. DATE: 8/28/2008.
- CLEARING: CLEAR ONLY AREAS FOR HOME & DRIVEWAY TO NO MORE THAN 8'-0" BEYOND SUCH FEATURES.
- EROSION CONTROL: MEASURES (E.G. SILT FENCING) SHALL BE USED AROUND THE PROPERTY BOUNDARY TO PREVENT IMPACT TO ADJACENT PROPERTIES.
- 1% MINIMUM SLOPE WILL BE PROVIDED FROM BUILDING TO DISCHARGE POINT.
- STRUCTURE TO FIT WITHIN THE SETBACKS TO THE FURTHEST PERMITTED BY THE HOIST'S OVERHANG.
- HEIGHT OF STRUCTURE = 10'-0" ABOVE ADJACENT GRADE.
- ALL DIMENSIONS ARE TO OVERHANDS.
- FLOOD ZONE: THIS PROPERTY IS LOCATED IN FLOOD ZONE AE (AROUND) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP NO. 12499C0318J, EFFECTIVE DATE: 12/07/2018.

THIS SITE PLAN DOES NOT CONSTITUTE A SURVEY, FOR LOCATION PURPOSES ONLY. SITE PLAN PROVIDED TO SWANSON STRUCTURAL, INC. BY THE CONTRACTOR, SWANSON STRUCTURAL, INC. ASSUMES NO RESPONSIBILITY FOR ACCURACY OF THE SURVEY.



SWANSON STRUCTURAL, INC.
1010 N. 10TH ST.
ST. AUGUSTINE, FL 32086

Swanson Structural, Inc.
JOB # 22-075
1010 N. 10TH ST.
ST. AUGUSTINE, FL 32086
COA #3433

ADDITION FOR:
HEATHER & MARK TATE
1 SOLANO AVE
ST. AUGUSTINE, FL 32080

REV/DATE/DESCRIPTION

DATE ISSUED 12-08-2008

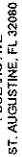
PROJECT NUMBER
22-075

SHEET TITLE
SITE PLANS & GENERAL NOTES

SHEET NUMBER

A-1

 Interior Zones Middle Zones Edge Zones





SWANSON STRUCTURAL, INC.
2950 ALLIANCE BLVD.
ST. AUGUSTINE, FL 32084



Swanson Structural, Inc.
2018-22005
Professional Engineer Seal
COA 83433

ADDITION FOR:
**HEATHER &
MARK TATE**
1 SOLANO AVE
ST. AUGUSTINE, FL 32080

REV/DATE/DESCRIPTION

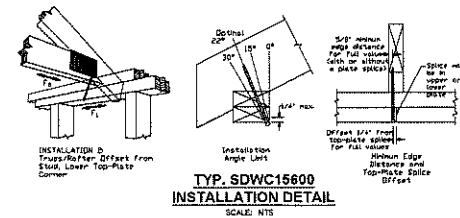
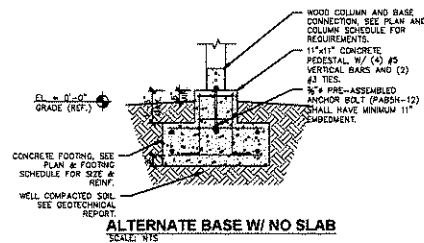
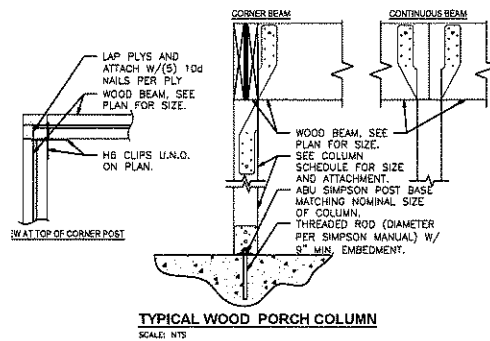
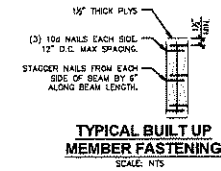
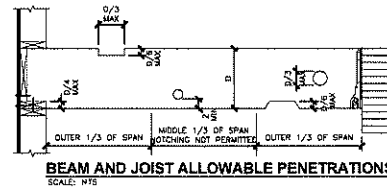
DATE ISSUED: 12/02/2022

PROJECT NUMBER
22-075

SHEET TITLE
TYPICAL DETAILS

SHEET NUMBER

S200



NOTES:

1. WHERE NEW FOOTING INTERSECTS EXISTING FOOTINGS, TOP OF FOOTING DEPTH IS TO MATCH EXISTING AND DEPTH OF NEW FOOTING IS TO MATCH EXISTING.
2. WHERE NEW FOOTING INTERSECTS EXISTING FOOTINGS, REINFORCING INDICATED IN NEW FOOTING AT INTERSECTION IS TO BE SPLICED AND EPOXYED INTO THE EXISTING FOOTING A MINIMUM OF 7". PROVIDE SIMPSON SET 3D EPOXY ADHESIVE.
3. FOOTINGS ARE OVERALL DIMENSIONS. SEE PLAN FOR CUT-OUT AREAS.
4. PROVIDE CORNER BARS FOR ALL BARS IN FOOTINGS.
5. ALL BARS ARE BOTTOM BARS UNLESS NOTED OTHERWISE.
6. S.W. = EACH WAY, T&B = TOP AND BOTTOM, S.W. = SHORT WAY, L.W. = LONG WAY.

1. VERIFY ALL DIMENSIONS AND ELEVATIONS WITH ARCHITECTURAL DRAWINGS. SEE ARCHITECTURAL AND MEP FOR ADDITIONAL INFORMATION.
2. ELEVATIONS SHOWN ARE RELATIVE TO THE GROUND FLOOR SLAB SURFACE SET AT 0'-0" (REF.).
3. ALL WOOD USED IN EXTERIOR APPLICATIONS OR IN CONTACT W/ CONCRETE OR MASONRY SHALL BE PRESSURE TREATED WITH PRESERVATIVE. (P.T.) EXTERIOR CONNECTORS SHALL BE HOT DIPPED GALVANIZED.
4. CENTERLINES OF WALLS AND COLUMNS SHALL COINCIDE WITH CENTERLINES OF FOOTINGS AT ALL LOCATIONS. U.N.O.

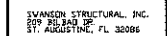
1. (P) INDICATES FOUNDATION CALL OUT. SEE FOUNDATION SCHEDULE FOR SIZE AND REINFORCING REQUIREMENTS.
2. (REBAR) WOOD CONNECTOR OR FASTENERS, TRIM OR SHIM AS REQUIRED (6" EACH SIDE MAX) FOR SNAG FITTING CONNECTION, IF CONNECTION SIZE IS NOT SHOWN, SIZE OR TYPE OF REBAR OR FASTENER SIZES SHOWN ON PLAN.
3. (REBAR) STRUCTURAL THRU COLUMN. SEE COLUMN SCHEDULE FOR SIZE, MATERIAL, AND REQUIREMENTS.
- 3.1. (P) COLUMN BELOW.
- 3.2. (P) COLUMN ABOVE.
4. (SM.) SECTION MARK AT THIS LOCATION IS A SIMILAR CONDITION WITH MINOR DIFFERENCES TO SECTION DRAWN.

1. INDICATES EXISTING. WOOD FRAMED AS IS UNMODIFIED.

COLUMN SCHEDULE NOTES:

1. ALL CONNECTORS SPECIFIED SHALL BE INSTALLED WITH SIZE AND **MAXIMUM** NUMBER OF FASTENERS SHOWN IN LATEST SIMPSON CATALOG.
2. WOOD COLUMNS SHALL BE 6" MIN. ABOVE ADJACENT GRADE. PROVIDE BLOCK & CONCRETE PEDESTAL IF NEEDED TO RAISE COLUMN BASE. SEE TYPICAL DETAIL.

1. ALL CORROSION RESISTANT FASTENERS SHALL BE INSTALLED WITH SIZE AND MAXIMUM NUMBER OF FASTENERS SHOWN IN LATEST SIMPSON CATALOG.
2. WOOD COLUMNS SHALL BE 6" MIN. ABOVE ADJACENT GRADE. PROVIDE BLOCK & CONCRETE PEDESTAL IF NEEDED TO RAISE COLUMN BASE. SEE TYPICAL DETAIL.



ADDITION FOR:
**HEATHER &
MARK TATE**
1 SOLANO AVE
ST. AUGUSTINE, FL 32080

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ROOF FRAMING PLAN NOTES

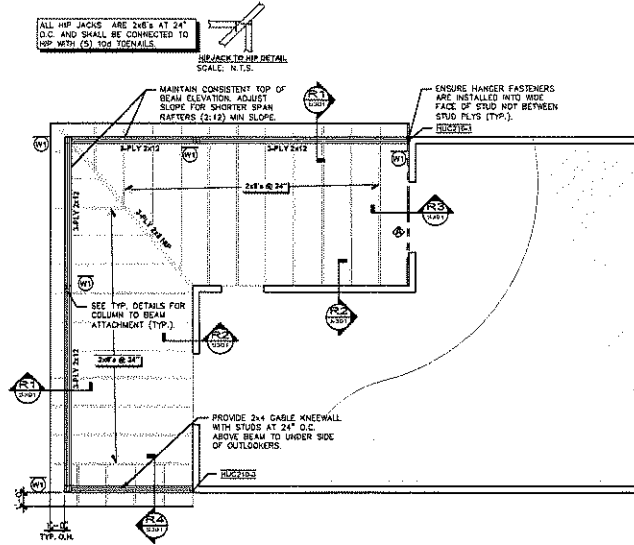
1. VERIFY ALL DIMENSIONS AND ELEVATIONS WITH ARCHITECTURAL DRAWINGS. SEE ARCHITECTURAL AND MEP FOR ADDITIONAL INFORMATION.
2. ROOF FRAMING SHALL BE CONVENTIONAL, 2x6 WOOD ROOF RAFTERS AT 24" O.C. MAX SPACING AS SHOWN ON PLAN.
3. ROOF SHEATHING SHALL BE 18/32" APA RATED EXTERIOR PLYWOOD ROOF SHEATHING BLOCKED AT ALL PANEL EDGES. ATTACHMENT FOR ZONES 1 & 2, AS DEPICTED IN THE COMPONENT AND GLAZING WIND SCHEDULE, SHALL BE MADE W/ 10d NAILS @ 6" O.C. AT SUPPORTED PANEL EDGES AND 12" O.C. IN THE FIELD. ATTACHMENT FOR ZONE 3 IS TO BE MADE W/ 10d NAILS @ 12" O.C. AT SUPPORTED PANEL EDGES AND IN THE FIELD. PROVIDE PLYWOOD "H" CLIPS @ UNSUPPORTED PLYWOOD PANEL EDGES. PROVIDE BLOTTING BETWEEN TRUSSES WHERE REQUIRED FOR CONTINUOUS SHEATHING EDGE ATTACHMENT. ATTACH BLOTTING WITH (2) 10d TOENAILS.
4. PLYWOOD SHEATHING SHALL BE CONTINUOUS ON THE TOP CHORD OF THE TRUSSES AND BOTTOM CHORD OF OPEN PITCH TRUSSES. ALL OVER-FRAMING OR VALLEY SETS SHALL BE PLACED ABOVE THE CONTINUOUS PLYWOOD.
5. ALL WOOD USED IN EXTERIOR APPLICATIONS OR IN CONTACT W/ CONCRETE SHALL BE PRESSURE TREATED WITH PRESERVATIVE (P.T.) EXTERIOR CONNECTORS SHALL BE STAINLESS STEEL OR HOT DIPPED GALVANIZED.
6. PROVIDE MIN. 2x6 P.T. CONT. FASCIA AT EDGE OF ROOF. PROVIDE VENTILATION ACROSS ALL GUTTER LOCATIONS. SPLICES ARE NOT PERMITTED WITHIN 8FT OF ALL CORNERS.
7. SEE WOOD CONNECTOR SCHEDULE (W.C.S. THIS SHEET) FOR UPLIFT CONNECTORS U.A.G. PLAN.
8. SEE HEADER SCHEDULE FOR HEADERS NOT CALLED OUT ON PLAN.
9. ELEVATIONS SHOWN ARE RELATIVE TO THE GROUND FLOOR SLAB SURFACE SET AT 0'-0" (REF.).

ROOF LEGEND

1. WOOD LEDGER FOR TRUSSES/JOISTS OR SHEATHING BEARING. SEE LEDGER SCHEDULE FOR SIZE AND CONNECTION REQUIREMENTS.
2. WOOD CONNECTOR OR FASTENERS. TRIM OR SHIM AS REQUIRED (EACH SIDE MAX.) FOR KNIFE FITTING CONNECTION. IF CONNECTOR SIZE IS NOT SHOWN, SIZE SHALL BE BASED ON MEMBER SIZES SHOWN ON PLAN. CC = EACH END, ES = EACH SIDE.
3. STRUCTURAL THRU COLUMN. SEE COLUMN SCHEDULE FOR SIZE, MATERIAL AND REQUIREMENTS.
- 3.1. COLUMN BELOW.
- 3.2. COLUMN ABOVE.
4. SECTION MARK AT THIS LOCATION IS A SIMILAR CONDITION WITH MINOR DIFFERENCES TO SECTION DRAWN.

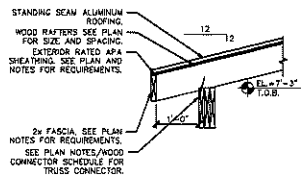
ALL HP JOISTS ARE 2x12 AT 24" O.C. AND SHALL BE CONNECTED TO HP WITH (5) 10d TOENAILS.

SCALE: 1/4" = 1'-0"



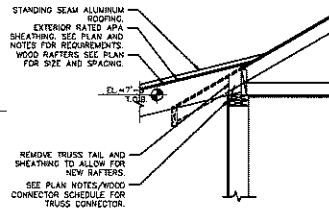
ROOF PLAN

Scale: 1/4" = 1'-0"



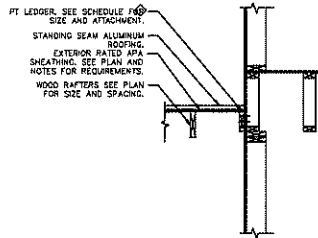
SECTION
SCALE: 3/4" = 1'-0"

R1
S301



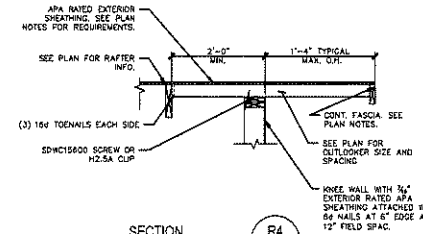
SECTION
SCALE: 3/4" = 1'-0"

R2
S301



SECTION
SCALE: 3/4" = 1'-0"

R3
S301



SECTION
SCALE: 3/4" = 1'-0"

R4
S301

LEDGER/NAILER SCHEDULE				
MARK	PLYS & NON. SIZE (INCH)	SIZE, TYPE, AND SPACING OF FASTENERS/ANCHORS	CONNECTING MATERIAL	SPECIFIC NOTES
⊕	2x6	(3) 10d NAILS AT EACH STUD/MCB (NON STAGGERED)	WOOD STUDS/TRUSS WEBS (2x4 D.C. MAX.)	

1. ALL LEDGERS AND NAILERS ARE SOUTHERN PINE No. 2 GRADE U.A.G.
2. LEDGERS AND NAILERS SHALL BE PRESSURE TREATED WHEN IN CONTACT WITH CONCRETE (C.A.U.).
3. ROOF LEDGERS SHALL MATCH TOP OF TRUSS/RAFTER ELEVATION AND FOLLOW ROOF SLOPE.
4. SEE WALL LEGEND FOR WALL STUD SPACING.



SWANSON STRUCTURAL, INC.
209 BL 345 DR
ST. AUGUSTINE, FL 32086



Swanson Structural, Inc.
JOS. J. SWANSON
Professional Engineer
No. 12098
FLA. REG. EXPI. 12/2/2022
COA #34434

ADDITION FOR:
HEATHER & MARK TATE
1 SOLANO AVE
ST. AUGUSTINE, FL 32086

REV/DATE/DESCRIPTION

REV	DATE	DESCRIPTION

DATE ISSUED: 12/22/2022

PROJECT NUMBER
22-075

SHEET TITLE
ROOF PLAN

SHEET NUMBER
S301

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 2, 2023

RE: **USE BY EXCEPTION AND VARIANCE 2023-0025**

AGENDA ITEM	6(a)
APPLICANT	Charlotte Rogers c/o Star Song School
OWNER	James Sheils c/o FBM Holdings
LOCATION	105 Masters Drive / PID 110130-0000
REQUEST	To approve a school within the Commercial Low-One (CL-1) zoning district as a permitted use by exception.
LAND USE	Commercial Low Intensity
ZONING	Commercial Low-One (CL-1)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Future Land Use Element Goals, Objectives and Policies

FLUE Policy 2.2.1

The City's land use plan shall prioritize infill, redevelopment and mixed-use developments, as well as, compact and contiguous developments within the City of St. Augustine.

FLUE Objective 8.1

Protect the small town mixed use urban context to maintain its industrious and charming character.

Historic Preservation Element Goals, Objectives and Policies

Overall HP Goal

The overall goal of the City's historic preservation program is to protect and preserve the historic resources of the city's built and archaeological environment, understand and enhance the City's historic integrity, and promote an authentic, livable community amid changing economic and environmental circumstances.

HP Goal 10

Facilitate a balance of economic growth and the preservation, continued use, and adaptive use of cultural resources with programs and policies that are user-friendly and responsive to the needs of the community.

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 (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. 28-206. - Commercial low-one: CL-1.

Intent. This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The CL-1 district is not intended for use by medium intensity commercial uses such as service stations, vehicle repair and sales, etc. However, professional and business offices and similar uses are encouraged.

(1) Permitted uses and structures:

- a. Retail outlets such as specialty food stores and drugs (but not supermarkets); clothing, hardware, toy and hobby shops; pet shops (but not kennel or veterinarian); bookstore

- and newsstand; stationery and card shops; leather goods and luggage; jewelry (including repair but not pawn shops); art and photographic supplies; TV and stereo equipment (including incidental repairs); florist or gift shop; bake shop (but not wholesale bakery); sporting goods; sundries and notions; business office supplies; musical instruments, records and tapes; and similar products.
- b. Service establishments such as hair salons, shoe repair shop, restaurant (up to one hundred (100) seats, but not drive-in or fast food), interior decorator, photographic or art studio, dance or music studio, health club or facility, tailoring, catering, self-service laundry or dry cleaner and dry cleaning and laundry package plant in a completely enclosed building using nonflammable liquids with no odor or fumes or steam detectable to normal senses from off the premises and similar activities.
 - c. Tourist homes and bed and breakfast inns.
 - d. All types of professional and business offices.
 - e. Churches (except temporary revival establishments).
 - f. Libraries and museums.
 - g. Single-family dwellings as for RG-1 (section 28-163).
 - h. Multiple-family housing.
 - i. Rooming and boarding houses.
 - j. Housing for the elderly.
 - k. Home office, private.
 - l. Antique shops.
 - m. Stables, provided, however, that property shall have been utilized as of the date of the adoption of this subsection [December 23, 1991,] as a stable for more than two (2) years preceding such adoption, and no other.
 - n. Tattoo parlor or studio.
 - o. The above uses are subject to the following limitations:
 - 1. Sale, display, preparation and storage to be conducted within a completely enclosed building, and no more than twenty (20) percent of floor space to be devoted to storage.
 - 2. Products to be sold only at retail.
 - 3. No sale, display or storage of secondhand merchandise except as incidental to sale of new merchandise.
- (1) *Permitted accessory uses and structures:*
- a. See section 28-348.
 - b. Parking lots complying with section 28-347(3).
- (2) *Permissible uses by exception:*
- a. Hotel/motel, maximum of thirty (30) units.
 - b. Plant nursery.
 - c. Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption, either on the premises or off the premises.
 - d. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.

- e. Medical/dental clinic, intermediate care facility.
 - f. Uses and structures as for RG-1 (section 28-163).**
 - g. Indoor movie theatres.
 - h. Commercial recreational or entertainment facilities in completely enclosed building such as billiard parlor, bowling alley, swimming pool, skating rink, dance hall and similar uses.
 - i. Building trades contractor not requiring outside storage, nor the use of any vehicle in excess of one-ton capacity, nor any machinery, ditching machines, tractors, bulldozers or other heavy construction equipment.
 - j. Micropigmentation clinic.
 - k. Craft alcohol industry, limited to alcohol by volume (ABV) not to exceed fourteen (14) percent, such as but not limited to, beer and wine. Wholesaling from sample stocks only, provided no manufacturing or storage for distribution is permitted on the premises.
- (3) *Minimum lot requirements (area and width).* None, except as needed to meet other requirements specified herein.
- (4) *Maximum lot coverage by all buildings.* Fifty (50) percent.
- (5) *Minimum yard requirements.* All uses, except single-family dwellings:
- a. Front. Ten (10) feet minimum, fifteen (15) feet maximum; except where lot width is less than one hundred (100) feet and buildings (if any) on adjacent lots have provided a lesser front yard, front yard shall be average of buildings on adjacent lots. Buildings must front an arterial road if the property is located along an arterial, and front two (2) arterial roads if the property is located adjacent to two (2) or more arterial roads. The front yard requirement shall be measured from the property line to the building, excluding awnings, portes cochere, balconies, porches, canopies, or other non-occupied appendages.
 - b. Side. Ten (10) feet.
 - c. Rear. Ten (10) feet.
- (6) *Maximum height of structures.* Thirty-five (35) feet.
- (Code 1964, § 33-42; Ord. No. 91-10, § 1, 6-24-91; Ord. No. 91-22, § 1, 12-23-91; Ord. No. 91-30, § 1, 1-13-92; Ord. No. 97-09, § 1, 4-14-97; Ord. No. 03-17, § 4, 6-23-03; Ord. No 06-34, § 1, 11-13-06; Ord. No. 19-01, § 14, 1-28-19; Ord. No. 20-03, § 3, 2-10-20; Ord. No. 21-17, § 2, 10-11-21)

Sec. 28-163. - Residential, general-one: RG-1.

Intent. This district is intended to apply to those neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a medium intensity residential character.

(1) *Permitted uses and structures:*

- a. Single-family dwellings.
- b. Multiple-family dwellings.
- c. Housing for the elderly.
- d. Roominghouses and boardinghouses.
- e. Home office, private.
- f. Tourist homes and bed and breakfast inns.
- g. Neighborhood recreational facility.
- h. Accessory apartments.

(2) *Permitted accessory uses and structures.* See section 28-348.

(3) *Permissible uses by exception:*

- a. **See section 28-347**, special event venue as per section 28-347(8) only allowed as an accessory use to a principal use.
- b. Hospitals and medical clinics, medical and dental offices, and intermediate care facilities.
- c. Professional offices, such as accountant, architect, attorney, engineer, land surveyor, optometrist and similar uses.
- d. Business offices, such as real estate broker, insurance agent, stockbroker, manufacturer's agent and similar uses.
- e. Radio or television broadcasting office.
- f. Marinas, including food service incident to operation of a marina.
- g. Hotels and motels with or without kitchenettes (maximum thirty (30) units).
- h. Restaurants and/or bars in connection with hotels or motels, with a maximum of three (3) seats per hotel or motel unit.
- i. Hair salons, barbershops, interior decorators, photographic and art studios, and dance and music studios.

(4) *Minimum lot requirements:*

- a. *Single-family dwellings:*
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.
- b. *Multiple-family dwellings:*
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, seven thousand two hundred fifty (7,250) square feet for the first two (2) units and one thousand seven hundred fifty (1,750) square feet for each additional unit to a maximum of sixteen (16) units per acre.
- c. *Nonresidential uses:*
 1. Minimum lot width, fifty (50) feet.
 2. Minimum lot area, five thousand four hundred fifty (5,450) square feet.

(5) *Maximum lot coverage by all buildings and structures.* Thirty-five (35) percent.

(6) *Minimum yard requirements:*

a. *Residential uses:*

1. Front, fifteen (15) feet.
2. Side, ten (10) feet.
3. Rear, ten (10) feet.

b. *Nonresidential uses:*

- a. Front, fifteen (15) feet.
- b. Side, ten (10) feet.
- c. Rear, ten (10) feet.

(7) *Maximum height of structures:*

- a. *Single-family dwellings.* Thirty-five (35) feet.
- b. *Multiple-family dwellings.* Thirty-five (35) feet.

(Code 1964, § 33-24; Ord. No. 99-42, § 2, 1-10-00; Ord. No. 03-17, § 2, 6-23-03; Ord. No. 15-02, § 1, 12-14-15)

Sec. 28-347. - Supplementary regulations for certain uses.

In addition to the permissible uses by exception listed in the schedule of district regulations, (article III), the following uses shall be permissible by exception in the districts indicated; and, unless specific provision is made otherwise in the grant of exception, such uses, whether permitted or permissible by exception, shall conform to all supplementary regulations listed under such use:

- (5) *Schools.* Private elementary and high schools with academic curriculum similar to those of public elementary and high schools are permissible uses by exception in all residential districts.

(Code 1964, § 33-103; Ord. No. 15-02, § 1, 12-14-15; Ord. No. 22-07, § 1, 3-28-22)

STAFF SUMMARY AND ANALYSIS

The applicant's proposed plan at 105 Masters Drive is for an existing homeschool group to transition into becoming a "brick and motor" private school. The current school at 105 Masters Drive is leaving the location which opens the opportunity for another school to take over the building.

Previous activity at 105 Masters Drive includes: The Pioneer School, which received Planning and Zoning Board approval in 2017, a home office use, Day Dream Day Care, and Ethel's Day Care Center which was also approved by the PZB in 1986.

The approval of a use by exception for a private school within the CL-1 zoning district does not seem to be detrimental to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare at 105 Masters Drive.

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 a school at 105 Masters Drive / PID 110130-0000.



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: 2023-0025

Receipt Number: 2600863 Meeting Date: 5/2/23

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

1. NAME OF APPLICANT: Charlotte Rogers Contact Number: 541 914 4849

Business (if applicable): Star Song School

Address: _____ City: St. Aug State: FL Zip: _____

E-Mail Address: lolly.rogers59@gmail.com

2. NAME OF PROPERTY OWNER: James Sheils (FBM Holdings) Contact Number: 904 303 9939

Business (if applicable): _____

Address: PO Box 589 City: St Aug State: FL Zip: 32085

E-Mail Address: jamillee@18summers.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 95, 93, north 29' of lot 91 Block: 59F

Subdivision: Ravenswood (Whitney) Parcel Number: 110130-0000

4. PROJECT STREET ADDRESS: 105 Masters Drive, St Aug, 32084

5. SPECIFIC PROPOSED USE: As a school - currently K-3, growing to K-5

6. ACTION REQUESTED:

☐ Conservation Zone Development

☐ Appeal of Staff Determination

☒ Exception

☐ Land Use Plan Amendment

☐ Variance

☐ Rezoning

☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: To have our homeschool group become a private school at the property described.

8. JUSTIFICATION FOR ACTION REQUESTED:

There is already a school there that is moving out. The owners have offered it to us at a school site. They have invested in the building as a school and have done appropriate work on it to meet various standards.

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 APPPLICATIONS:**

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.

Charlotte M Rogers
Signature of Applicant

4/3/2023
Date

[Signature]
Signature of Property Owner

4/3/2023
Date

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 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
Significant Tree Removal or Appeal of Tree Removal Permit Denial	\$165.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Subdivision Plat Review	\$275.00 + ads, notices & additional associated costs

"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: 105 Masters Drive

Applicant's Name: (Lollu) Charlotte Rogers Applicant's Signature: Charlotte M Rogers

Owner's Name: James Sheils Owner's Signature: [Signature]
(FBM Holdings)



**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.

Charlotte Rogers
Print name of applicant

Charlotte Rogers
Signature of applicant

4/3/2023
Date



Owner's Authorization For Agent

(Lolly)
Charlotte Rogers is/are hereby authorized TO ACT ON BEHALF
OF Star Song School, the owner(s) of those lands described within
☒ James Sheils (FSM Holdings)
☐ 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:

BY: [Signature]
Signature of Owner
James Sheils
Print Name of Owner
904 303 7939
Telephone Number

State of Florida

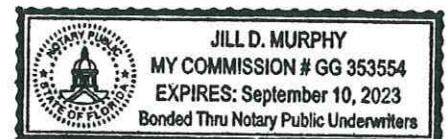
County of St. Johns

Signed and sworn before me on this 3 day of April, 2023

By Jill D. Murphy

Identification verified: yes

Oath sworn: ☒ Yes ☐ No



Notary Signature: Jill D. Murphy

My Commission expires: Sept. 10, 2023



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID	1101300000
Location Address	105 MASTERS DR SAINT AUGUSTINE 32084-0000
Neighborhood	Converted SFRE to K thru Grade Schools (2020.04)
Tax Description*	1-116 RAVENSWOOD SUB N29FT OF LOT 91 & ALL LOTS 93 & 95 BLK 59F OR4407/1830 & 4410/1738 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Private School & Colleges (7200)
Subdivision	Whitneys Subdivision-Part Of Ravenswood
Sec/Twp/Rng	41-7-29
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.460
Homestead	N

Owner Information

Owner Name	Fbm Holdings LLC 100%
Mailing Address	PO BOX 589 SAINT AUGUSTINE, FL 32085-0589

Map



Valuation Information

	2023
Building Value	\$236,639
Extra Features Value	\$2,971
Total Land Value	\$105,525
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$345,135
Total Deferred	\$5,887
Assessed Value	\$339,248
Total Exemptions	\$0
Taxable Value	\$339,248

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
2022	\$198,146	\$4,736	\$105,525	\$0	\$0	\$308,407	\$308,407	\$0	\$308,407
2021	\$189,139	\$4,736	\$105,525	\$0	\$0	\$299,400	\$299,400	\$0	\$299,400
2020	\$191,391	\$4,736	\$105,525	\$0	\$0	\$301,652	\$301,652	\$0	\$301,652
2019	\$190,951	\$4,736	\$105,525	\$0	\$0	\$301,212	\$301,212	\$0	\$301,212
2018	\$178,832	\$4,736	\$105,525	\$0	\$0	\$289,093	\$289,093	\$0	\$289,093
2017	\$50,942	\$4,554	\$66,330	\$0	\$0	\$121,826	\$121,826	\$0	\$121,826
2016	\$83,441	\$4,554	\$66,330	\$0	\$0	\$154,325	\$150,449	\$3,876	\$150,449
2015	\$71,918	\$4,554	\$60,300	\$0	\$0	\$136,772	\$136,772	\$0	\$136,772
2014	\$69,191	\$4,554	\$60,300	\$0	\$0	\$134,045	\$134,045	\$0	\$134,045
2013	\$58,018	\$5,687	\$60,300	\$0	\$0	\$124,005	\$124,005	\$0	\$124,005
2012	\$59,227	\$5,687	\$60,300	\$0	\$0	\$125,214	\$125,214	\$0	\$125,214
2011	\$57,450	\$5,687	\$65,325	\$0	\$0	\$128,462	\$128,462	\$0	\$128,462
2010	\$59,948	\$5,687	\$75,375	\$0	\$0	\$141,010	\$141,010	\$0	\$141,010

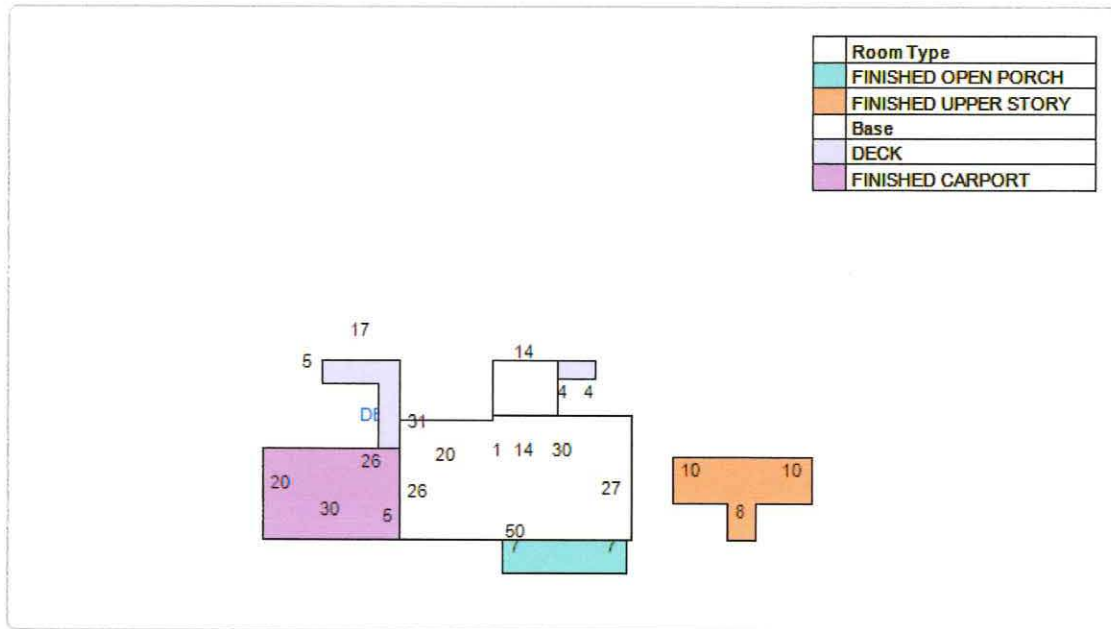
Building Information

Building	1	Roof Cover	Metal, Modular Metal
Year Built	1928	Roof Structure	Gable Hip
Actual Area	2882	Interior Flooring	Pine Wood
Conditioned Area	1846	Interior Wall	Drywall
Use	Single Family Day Care	Heating Type	Air Duct
Style	04	Air Conditioning	Central
Class	N	Bedrooms	
Exterior Wall	Wood	Baths	

Description	Square Footage
FINISHED CARPORT	600
FINISHED DECK	215
BASE AREA	1330
FINISHED UPPER STORY	348

Description	Square Footage
FINISHED OPEN PORCH	189
FINISHED DECK	32
BASE AREA	168
Total SqFt	2882

Sketch Information



Extra Feature Information

Code Description	Status	Value
Wood Fence - 6' and Above (COM)		846
Metal Fence - 4' (COM)		325
Concrete Paving - Under 8" (COM)		1800

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Private Schools	134	162	20100	SF	\$105,525

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
7/27/2017	7/14/2017	\$100.00	WARRANTY DEED	4410	1738	U	I	FAMILY BOARD MEETINGS LLC	FBM HOLDINGS LLC
7/21/2017	7/14/2017	\$358,000.00	WARRANTY DEED	4407	1830	Q	I	HIBISCUS II LLC	FAMILY BOARD MEETINGS LLC
6/13/2016	5/27/2016	\$90,000.00	WARRANTY DEED	4205	1555	Q	I	MCCORMICK GARY L, PEGGY L	HIBISCUS II LLC
	1/9/1996	\$100,000.00	WARRANTY DEED	1149	901	U	I	ETHEL'S DAY CARE CENTER INC	MCCORMICK GARY L, PEGGY L
	4/1/1987	\$0.00		740	705	U	I		ETHEL'S DAY CARE CENTER INC
	7/1/1986	\$59,000.00		709	1899	Q	I		

No data available for the following modules: Sales Questionnaire Form, Exemption Information.

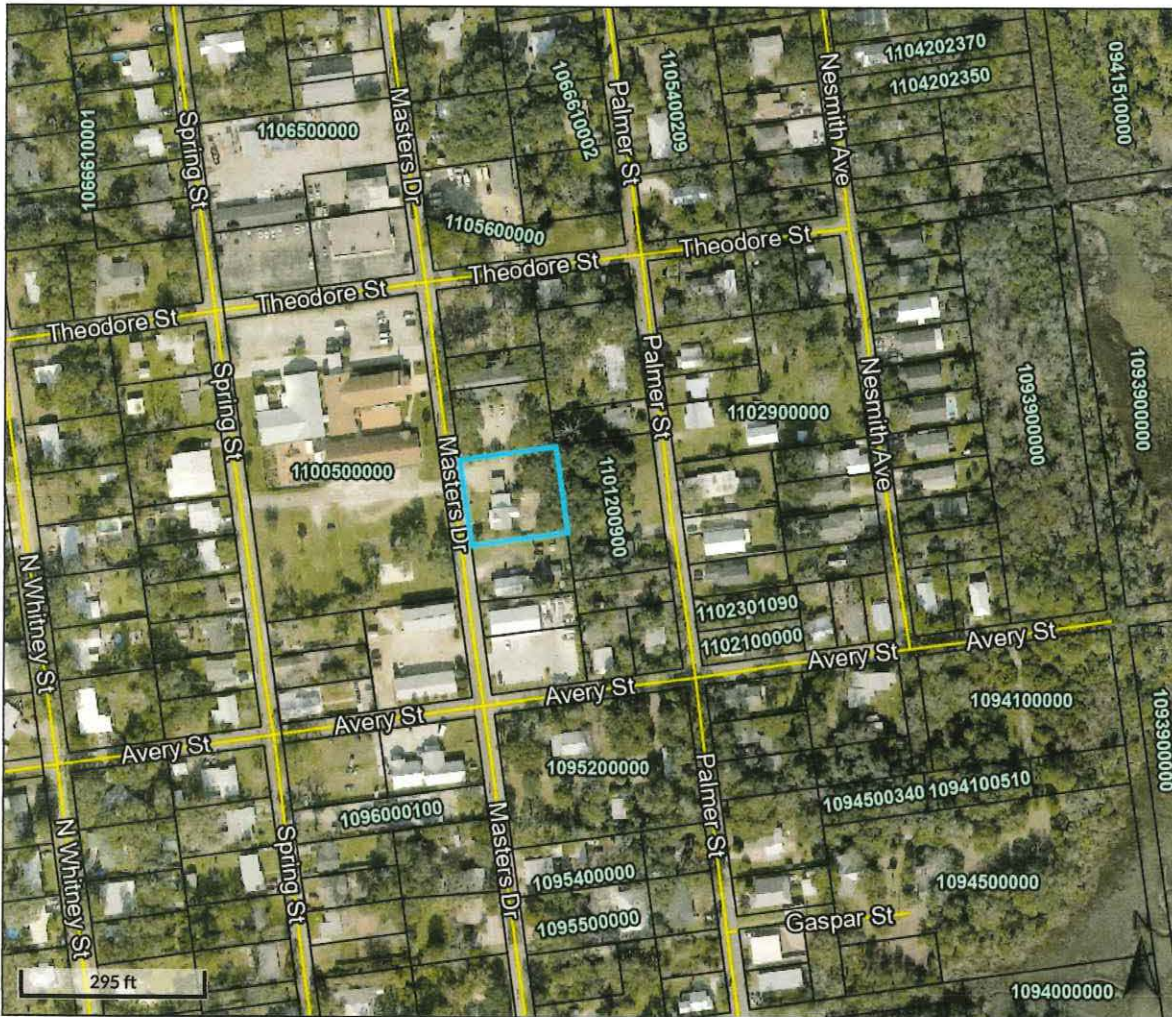
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[GDPR Privacy Notice](#)

Last Data Upload: 4/1/2023, 1:25:39 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.254



Overview



Legend

Parcels

Parcel ID	1101300000	Physical Address	105 MASTERS DR	Building Value	\$236,639	Last 2 Sales			
Property Class	7200 - Private Schools	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	\$2,971	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	FBM HOLDINGS LLC	Total Land Value	\$105,525	7/14/2017	\$358000	01	Q
Acres	0.46		PO BOX 589	Just Value	\$345,135	5/27/2016	\$90000	03	Q
			SAINT AUGUSTINE FL	Total Deferred	\$5,887				
			32085-0589	Assessed Value	\$339,248				
				Total	N/A				
				Exemptions					
				Taxable Value	\$339,248				

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.

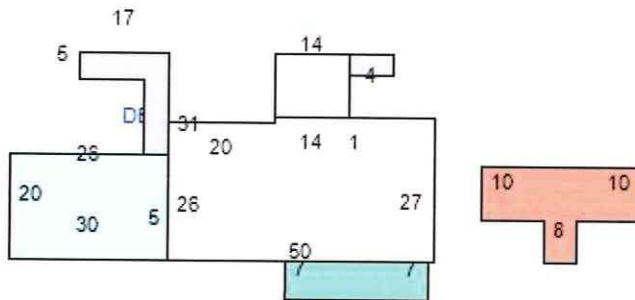
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Developed by  Schneider
GEOSPATIAL

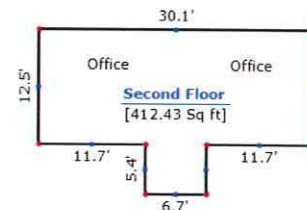
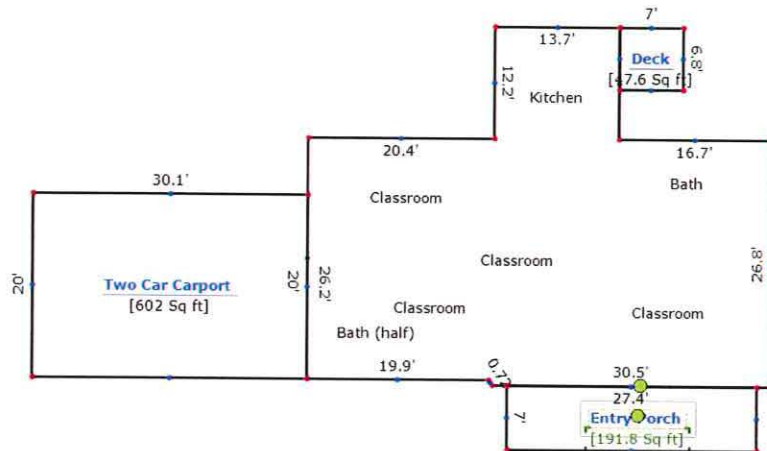
BUILDING SKETCH (ST. JOHNS COUNTY PROPERTY APPRAISER'S RECORDS)

Room Type
FINISHED OPEN PORCH
FINISHED UPPER STORY
UNFINISHED CARPORT
Base
DECK

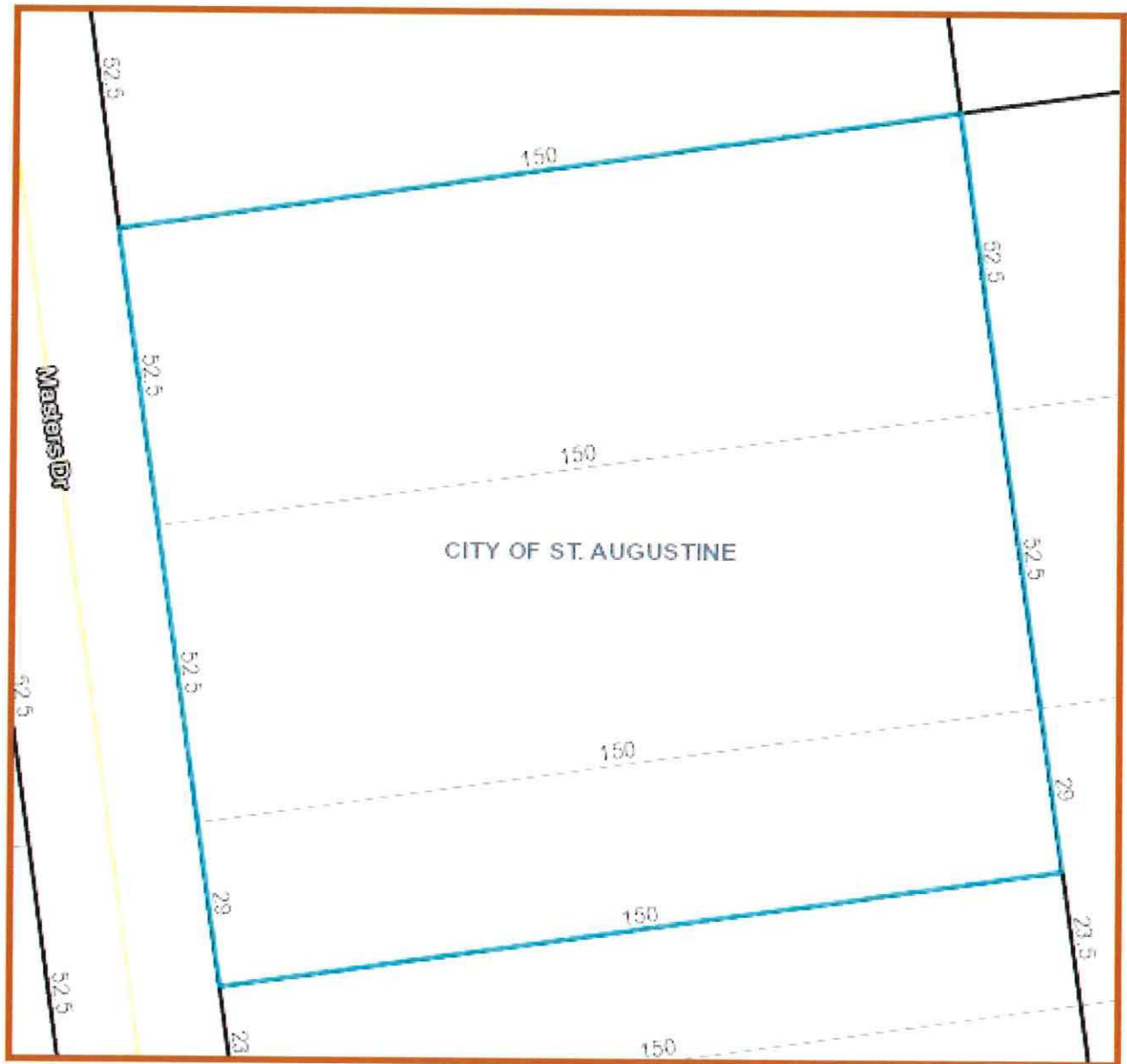


APPRaiser's SKETCH

1ST FLOOR 1,517 S/F
 2ND FLOOR 412 S/F
 TOTAL H/C 1,929 S/F



SUBJECT TAX MAP PARCEL RE #110130-0000

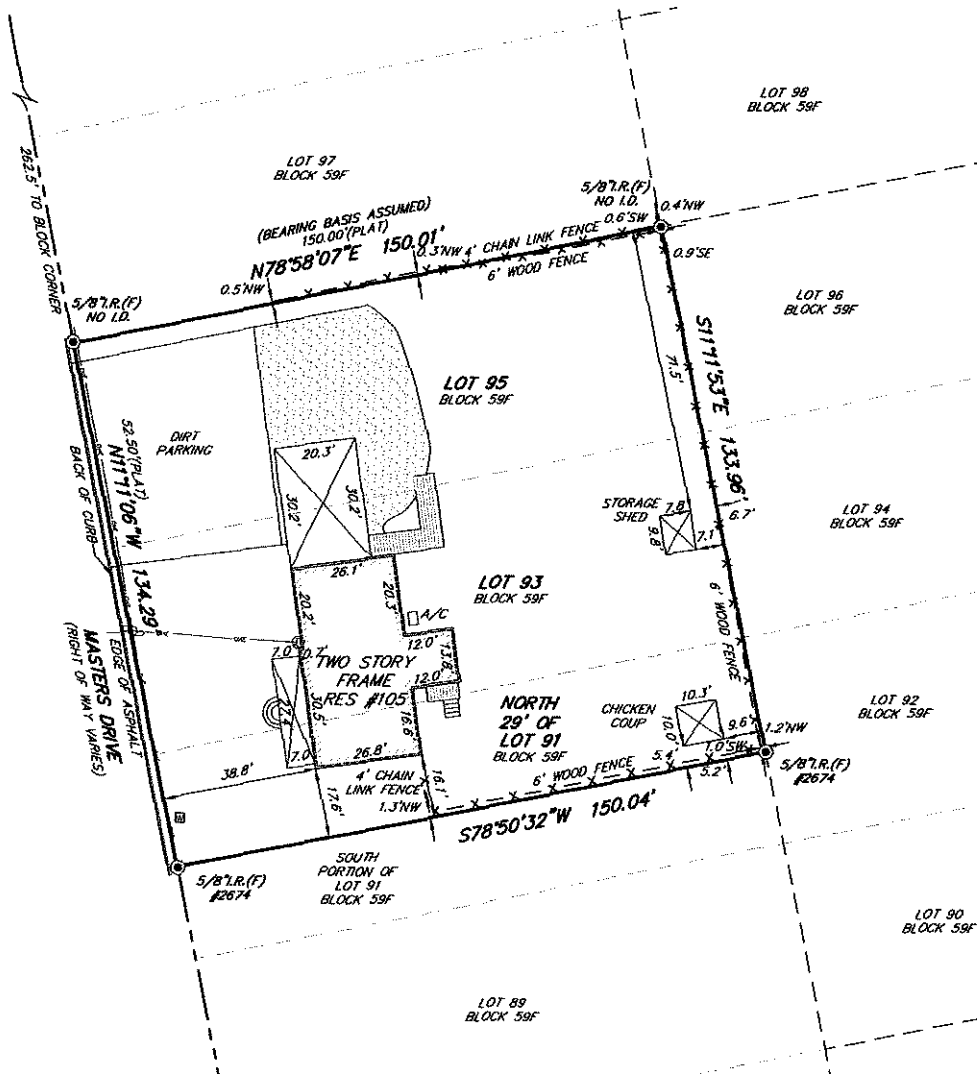


SUBJECT AERIAL PHOTO (2019)



LOTS 95, 93 AND THE NORTH 29 FEET OF LOT 91, BLOCK 59F WHITNETS SUBDIVISION PART OF RAVENSWOOD AS RECORDED IN MAP BOOK 1, PAGE 116, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CERTIFIED TO:
FBM HOLDINGS LLC
BARWICK BANKING COMPANY
FIDELITY NATIONAL TITLE INSURANCE COMPANY
ST. JOHN'S LAW GROUP



A/C - AIR CONDITIONER PAD
ID. - IDENTIFICATION
N.A.V.D. - NORTH AMERICAN VERTICAL DATUM
sq. ft. - SQUARE FEET
I.P.(F) - IRON PIPE FOUND
I.R.(F) - IRON ROD FOUND
I.R.(S) - 3/8" IRON ROD SET (PSM #4620)
O. - WOOD POWER POLE
-OHE- - OVERHEAD ELECTRIC
CONC. - CONCRETE

RES. - RESIDENCE
 £ - CENTERLINE
 + - DENOTES NOT TO SCALE
 M - WATER METER
 [] - EXPOSED CONCRETE
 [] - COVERED AREA
 W - WELL
 TYP. - TYPICAL
 [] - WOOD DECK
 [] - ELECTRIC METER

AREA = 0.46 ± ACRES
OR 20,100 ± sq. ft.

GRAPHIC SCALE



- This survey was made without benefit of an abstract of file. No right-of-way or townships of record were furnished to this firm except as shown.
- The survey was made on the basis of the information furnished by the landowner, and 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, mortgages, liens, or other encumbrances. This position is not intended to constitute any such claims.
- Use of this survey for purposes other than that which it was intended, without the consent of the undersigned, will be at the user's sole risk and without liability. This survey nothing hereon shall be intended to give any rights or benefits to anyone other than the undersigned.
- All disputes here under shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- The location of the boundaries of this survey were here located or determined by this survey.
- All surveying attachments call the appropriate county cadastral enforcement office.
- All alignments, bearings or angles are as fully measured Deed or plat measurements are noted if different.
- The boundaries of this survey were made in accordance with the United States Standard.
- Encroachments as shown herein are only those above ground, visible objects.

This survey is certified to the last field date.
This survey does not reflect or determine ownership.
The specific rights implied by this survey are not transferable.
This surveyor's liability shall not exceed the fee or stated by this surveyor.

NOTE:
THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

* According to the Federal Emergency Management Agency FEMA Map No. 125145-03141
effective date 12/01/2018 the property described herein appears to be in Zone X
- Grade of bearing structure BEARING BASIS ASSUMED

DATE	DESCRIPTION	AMOUNT	CHECK NO.	BANK	INTEREST	TOTAL
1/1/19	OPENING BALANCE	100.00				100.00
1/15/19	PAYROLL	50.00	101			150.00
2/1/19	SALES	200.00	102			350.00
2/15/19	PAYROLL	50.00	103			400.00
3/1/19	SALES	150.00	104			550.00
3/15/19	PAYROLL	50.00	105			600.00
4/1/19	SALES	100.00	106			700.00
4/15/19	PAYROLL	50.00	107			750.00
5/1/19	SALES	150.00	108			900.00
5/15/19	PAYROLL	50.00	109			950.00
6/1/19	SALES	100.00	110			1050.00
6/15/19	PAYROLL	50.00	111			1100.00
7/1/19	SALES	150.00	112			1250.00
7/15/19	PAYROLL	50.00	113			1300.00
8/1/19	SALES	100.00	114			1400.00
8/15/19	PAYROLL	50.00	115			1450.00
9/1/19	SALES	150.00	116			1600.00
9/15/19	PAYROLL	50.00	117			1650.00
10/1/19	SALES	100.00	118			1750.00
10/15/19	PAYROLL	50.00	119			1800.00
11/1/19	SALES	150.00	120			1950.00
11/15/19	PAYROLL	50.00	121			2000.00
12/1/19	SALES	100.00	122			2100.00
12/15/19	PAYROLL	50.00	123			2150.00
1/1/20	SALES	150.00	124			2300.00
1/15/20	PAYROLL	50.00	125			2350.00
2/1/20	SALES	100.00	126			2450.00
2/15/20	PAYROLL	50.00	127			2500.00
3/1/20	SALES	150.00	128			2650.00
3/15/20	PAYROLL	50.00	129			2700.00
4/1/20	SALES	100.00	130			2800.00
4/15/20	PAYROLL	50.00	131			2850.00
5/1/20	SALES	150.00	132			3000.00
5/15/20	PAYROLL	50.00	133			3050.00
6/1/20	SALES	100.00	134			3150.00
6/15/20	PAYROLL	50.00	135			3200.00
7/1/20	SALES	150.00	136			3350.00
7/15/20	PAYROLL	50.00	137			3400.00
8/1/20	SALES	100.00	138			3500.00
8/15/20	PAYROLL	50.00	139			3550.00
9/1/20	SALES	150.00	140			3700.00
9/15/20	PAYROLL	50.00	141			3750.00
10/1/20	SALES	100.00	142			3850.00
10/15/20	PAYROLL	50.00	143			3900.00
11/1/20	SALES	150.00	144			4050.00
11/15/20	PAYROLL	50.00	145			4100.00
12/1/20	SALES	100.00	146			4200.00
12/15/20	PAYROLL	50.00	147			4250.00
1/1/21	SALES	150.00	148			4400.00
1/15/21	PAYROLL	50.00	149			4450.00
2/1/21	SALES	100.00	150			4550.00
2/15/21	PAYROLL	50.00	151			4600.00
3/1/21	SALES	150.00	152			4750.00
3/15/21	PAYROLL	50.00	153			4800.00
4/1/21	SALES	100.00	154			4900.00
4/15/21	PAYROLL	50.00	155			4950.00
5/1/21	SALES	150.00	156			

Base of elevations: **NAVD 88**

FIG NO.	LAST FIELD DATE	SCALE	P.9./PAGE	ONE SET	ONE SET
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21-1014	08/27/2021	1" - 30"	794/36	N.H.F.	R.J.B.
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TYPE: BOUNDARY

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Signature of the Principal

3 Florida Standard subject and chapter additions or deletions should be noted on FR-105 for each item the winning bidder

NICHOLAS H. FRANKLIN

6170 A1A SOUTH #316

ST. AUGUSTINE, FLORIDA 32086
(904) 471-6877 FAX (904) 471-6876

NICHOLAS H. FRANKLIN, P.L.S. 46

FOR LANDTECH AND ASSOCIAT

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P

**AS OF APRIL 24TH 2023, NO ADDITIONAL INFORMATION HAS BEEN
PROVIDED BY THE APPLICANT**

TO: Planning and Zoning Board

DATE: May 2, 2023

RE: **USE BY EXCEPTION AND VARIANCE 2023-0009**

AGENDA ITEM 7(a)

APPLICANT & OWNER Casey Fenwick

LOCATION 93 Keith Street / PID 210750-0000

REQUEST To approve four (4) off-site parking spaces outside of four hundred (400) feet within the Residential Single-Family-Two (RS-2) zoning district as a permitted use by exception and a distance variance from 400 feet to approximately 1,000 feet.

LAND USE Residential Low Density

ZONING Residential Single-Family-Two (RS-2)

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.

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.

(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.

(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: 1) for school, church and governmental agency uses and 2) to provide for handicapped accessibility for buildings constructed prior to December 19, 2019. 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.

Within the historic preservation zoning districts 1, 2 and 3 and national register districts, the board may grant a request for variance for architectural or historic reasons, provided that the variance is necessary for the construction or reconstruction of buildings or structures in the appropriate historic architectural style or form, based upon review of the historic architectural review board's recommendations. The board shall find that granting the variance will not be contrary to the public

interest; will not adversely affect other property and structures in the district; and will be in harmony with the spirit, intent and purpose of this section.

- (2) Written application. All applications for variance from this chapter shall be in writing and in such form as may be determined 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 an application for a zoning variance within not more than thirty (30) days from the date of filing of the complete application. Notice of such 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 variances. The violation of the terms of a variance, 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

The approval of short-term rental registration 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 to provide proof of current parking on-site and of the approval of the off-site parking by exception, or maintenance of valid parking passes in the city parking garage. If the applicant fails to renew parking permits, or off-site parking leases, they will be out of compliance with City Code requirements for short-term rentals, and subject to code enforcement action.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

93 Keith Street is a duplex which was constructed in 1930 with units A and B currently proposed be used as a short-term rental.

- Unit A is a three (3) bedroom unit located on the first floor of the structure.
- Unit B is a two (2) bedroom unit located on the second floor of the structure.

There is also a two (2) bedroom single-family residence on the property recorded as 95 Keith Street being used as a short-term rental which also requires 2 parking spaces to be in compliance with City codes.

- There are a total of seven (7) bedrooms at 93 Keith Street split between three dwelling units and two separate structures. Two bedrooms in the single-family home known as 95 Keith Street constructed in 1910 and five bedrooms in the duplex known as 93 Keith Street constructed in 1930 according to the St. Johns County Property Appraiser's website.
- 7 parking spaces are required for a short-term rental registration application with 7 bedrooms being offered for rent.
- The owner is able to accommodate a three parking spaces at the property but not the seven required for the amount of rooms proposed to be rented.

Following a site visit by staff there are 17 parking spaces at the Lincolnville Museum and Cultural Center overflow lot. The St. Johns County Property Appraiser lists the Lincolnville Museum and Cultural Center as a 4,674 square foot structure; based on this number the museum is required to provide 12 parking spaces. The museum as a surplus of 5 parking spaces which would allow them to lease four parking spaces for the use of a short-term rental at 93 Keith Street.

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 property does suffer from unique disadvantages from the size and physical conditions of the property. 93 Keith Street is an undersized, roughly 6,900 square feet, Residential Single-Family-Two (RS-2) zoned lot even though it accommodates three dwelling units all constructed before 1930. The physical structures, again constructed before the City's zoning code, are also positioned in such a way that limits the amount of space that may be used for off-street parking. With off-street parking not readily available the owner must look elsewhere to provide it while being located in the center of a vastly single-family residential zoned area of Lincolnville.

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

The disadvantage of the existing structures and location within a predominantly non-commercial area of Lincolnville and St. Augustine the owner is unable to make use of commercial parking facilities within 400 feet of 93 Keith Street and must request this variance to the distance allowed for off-site off-street parking.

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

The two structures were built in 1910 and 1930, according to the St. Johns County Property Appraiser, and was zoned RS-2 well before the current owner purchased the property at 93 Keith Street.

- 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 a variance would not adversely affect neighboring properties due to the nature of the request.

This application was originally continued at the March 7th 2023 PZB meeting with the following requests from the board:

- A survey of 93 Keith Street.
 - o Needs to be scalable or show dimensions of drive aisles and parking space sizes on the survey.
- Evidence that all commercial or institutional parking lot owners have been contacted inquiring about leasing parking spaces.
 - o Radius of search can be up to 1,000 feet, options closer than the previously requested Lincolnville Museum and Cultural Center parking lot.

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 four (4) short-term rental off-site parking spaces at the Lincolnville Museum and Cultural Center for 93 Keith Street / PID 210750-0000.

The Board is only able to approve the previously mentioned use by exception if a variance to the distance limitation of 400 feet is granted; which based on a review of Section 28-29, and without the support of evidence to the contrary, staff finds that the Board can **APPROVE** the variance to the distance limitation of 400 feet to allow for the use of the Lincolnville Museum and Cultural Center parking lot for 93 Keith Street / PID 210750-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Tracey Mullins

From: Casey Fenwick <cfenwick2@gmail.com>
Sent: Friday, March 24, 2023 3:27 PM
To: Amy Skinner
Cc: Jacob Fredriksson; Tracey Mullins
Subject: Re: Upcoming April 4th Planning and Zoning Board Meeting

Hi,
I cannot make the meeting April 4th. I would like to be continued to May 2nd.

On Thu, Mar 23, 2023 at 1:17 PM Amy Skinner <askinner@citystaug.com> wrote:

Please send us an email formally requesting to be continued to the May 2, 2023 PZB meeting.

Thank you, Amy

From: Casey Fenwick <cfenwick2@gmail.com>
Sent: Thursday, March 23, 2023 4:04 PM
To: Jacob Fredriksson <jfredriksson@citystaug.com>
Cc: Amy Skinner <askinner@citystaug.com>
Subject: Re: Upcoming April 4th Planning and Zoning Board Meeting

Hi Jacob,

I am not able to make the April 4th meeting. Can we set this for the following month?

On Fri, Mar 10, 2023 at 11:56 AM Jacob Fredriksson <jfredriksson@citystaug.com> wrote:

Good afternoon,

Regarding the upcoming April 4th Planning and Zoning Board meeting there are a few items that need to be submitted before 3/24, the deadline of ten days prior to the meeting for additional information.

The requested additional information may be found below:

- A survey of 93 Keith Street.



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$250 (plus advertising costs) Project Number: 2023-0009
Receipt Number: 2560261 Meeting Date: 3/7/23
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Casey Fenwick Contact Number: 6615105197
Business (if applicable): _____
Address: 6104 doubloon ct City: ELk Grove State: CA Zip: 95758
E-Mail Address: cfenwick2@gmail.com

2. NAME OF PROPERTY OWNER: Casey Fenwick Contact Number: 6615105197
Business (if applicable): _____
Address: 6104 doubloon ct City: elk grove State: ca Zip: 95758
E-Mail Address: cfenwick2@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: _____ Block: _____
Subdivision: keith sub 263 Parcel Number: 2107500000

4. PROJECT STREET ADDRESS: 93 and 95 keith st

5. SPECIFIC PROPOSED USE: STR

6. ACTION REQUESTED:
☐ Conservation Zone Development ☐ Appeal of Staff Determination
☒ Exception ☐ Land Use Plan Amendment
☐ Variance ☐ Rezoning
☐ Other: 510

7. DESCRIPTION OF ACTION REQUESTED: Request is for 4 additional parking spaces for guest parking

8. JUSTIFICATION FOR ACTION REQUESTED: Not enough on site parking

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 APPPLICATIONS:

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

01

Date


Signature of Property Owner

1/30/2023

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.

Casey Fenwick

Print name of applicant



Signature of applicant

1/30/2023

Date

PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 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
Significant Tree Removal or Appeal of Tree Removal Permit Denial	\$165.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Subdivision Plat Review	\$275.00 + ads, notices & additional associated costs

"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.

93 & 95 keith st

Project Address: _____
Casey Fenwick Casey Fenwick

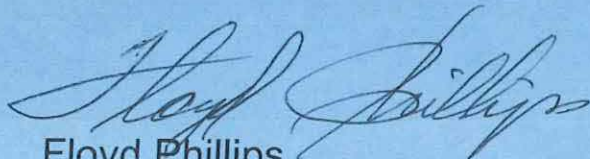
Applicant's Name: _____ Applicant's Signature: _____
Casey Fenwick Casey Fenwick

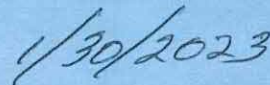
Owner's Name: _____ Owner's Signature: _____

1/30/2023

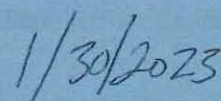
East Florida Property Ventures LLC owns parcel number 2107500000.

In order to satisfy the city code for short term rental parking it has leased 4 designated parking spaces from Lincolnville Museum and Cultural Center overflow lot. The Lincolnville Museum and Cultural Center has agreed to allow East Florida Property Ventures LLC concerning parcel number 2107500000 to lease 4 designated by sign and map parking spaces in the overflow lot towards the back of the property.


Floyd Phillips


Date


Casey Fenwick

Date 



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

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

[Sales Questionnaire](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID	2107500000
Location Address	93 KEITH ST 95 KEITH ST
Neighborhood	SAINT AUGUSTINE 32084-0000
Tax Description*	Keith Subdivision (623) 2/30 KEITH SUBDIVISION OF BLOCKS D E F H LOTS 18 & 19 BLK D (EX E35FT) OR1119/1387 &1221/938(Q/C) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Multi-Family (Less than 10 Units) (0800)
Subdivision	Keith Subdivision, Plat of Block D,E,F,H
Sec/Twp/Rng	19-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.160
Homestead	N

Owner Information

Owner Name	East Florida Property Venture LLC 100%
Mailing Address	5050 LAGUNA BLVD - UNIT 112-470 ELK GROVE, CA 95758-0000

Map



Valuation Information

	2023
Building Value	\$403,828
Extra Features Value	\$0
Total Land Value	\$249,691
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$653,519
Total Deferred	\$0
Assessed Value	\$653,519
Total Exemptions	\$0
Taxable Value	\$653,519

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
2022	\$354,151	\$0	\$249,691	\$0	\$0	\$603,842	\$442,264	\$161,578	\$442,264
2021	\$210,121	\$0	\$213,102	\$0	\$0	\$423,223	\$402,058	\$21,165	\$402,058
2020	\$217,125	\$0	\$170,482	\$0	\$0	\$387,607	\$365,507	\$22,100	\$365,507
2019	\$174,344	\$0	\$170,482	\$0	\$0	\$344,826	\$332,279	\$12,547	\$332,279
2018	\$145,405	\$0	\$157,368	\$0	\$0	\$302,773	\$302,072	\$701	\$302,072
2017	\$150,026	\$0	\$141,631	\$0	\$0	\$291,657	\$274,611	\$17,046	\$274,611
2016	\$153,393	\$0	\$122,944	\$0	\$0	\$276,337	\$249,646	\$26,691	\$249,646
2015	\$158,717	\$0	\$98,355	\$0	\$0	\$257,072	\$226,951	\$30,121	\$226,951
2014	\$127,635	\$0	\$78,684	\$0	\$0	\$206,319	\$206,319	\$0	\$206,319
2013	\$131,828	\$0	\$60,980	\$0	\$0	\$192,808	\$192,808	\$0	\$192,808
2012	\$134,479	\$0	\$53,112	\$0	\$0	\$187,591	\$187,591	\$0	\$187,591
2011	\$138,117	\$0	\$59,013	\$0	\$0	\$197,130	\$197,130	\$0	\$197,130
2010	\$140,768	\$0	\$65,570	\$0	\$0	\$206,338	\$206,338	\$0	\$206,338

Building Information

Building 1
 Year Built 1930
 Actual Area 2750
 Conditioned Area 2388
 Use Duplex
 Style 01
 Class N
 Exterior Wall Cement Fiber

Roof Cover Metal
 Roof Structure Gable Hip
 Interior Flooring Hardwood
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms 0
 Baths

Description	Square Footage
BASE AREA	1464
FINISHED OPEN PORCH	80
FINISHED UPPER STORY	924
FINISHED OPEN PORCH	120

Description	Square Footage
OUTSIDE STAIRS	68
FINISHED DECK	16
FINISHED OPEN PORCH	78
Total SqFt	2750

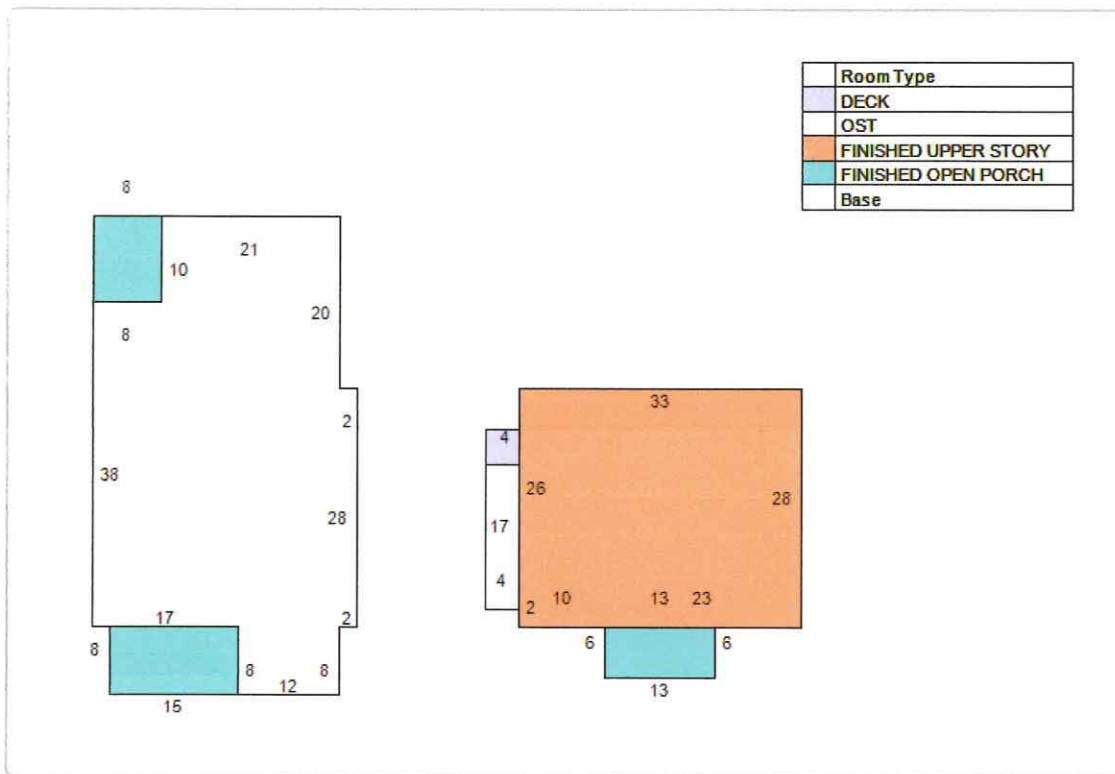
Building 2
Year Built 1910
Actual Area 870
Conditioned Area 630
Use Single Family Residence
Style 01
Class N
Exterior Wall Aluminum Vinyl

Roof Cover Metal
Roof Structure Gable Hip
Interior Flooring Ceramic Tile
Interior Wall Drywall
Heating Type Air Duct
Air Conditioning Central
Bedrooms 0
Baths

Description	Square Footage
BASE AREA	630
FINISHED SCREEN PORCH	80
FINISHED OPEN PORCH	60
FINISHED DECK	100
Total SqFt	870

Sketch Information





Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	83	75	83	EF	\$249,691

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
3/15/2022	3/11/2022	\$1,220,000.00	WARRANTY DEED	5515	1525	Q	I	RUBINICH ELLIOT J	EAST FLORIDA PROPERTY VENTURE LLC
	2/6/1997	\$3,100.00	QUIT CLAIM DEED	1221	938	U	I	KROLL ALBERT III	RUBINICH ELLIOT J
	3/27/1995	\$45,000.00	OTHER INSTRUMENT	1119	1387	U	I	KOONCE EFFIE FRANCIS, GUARDIANSHIP OF	KROLL ALBERT III ETAL

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

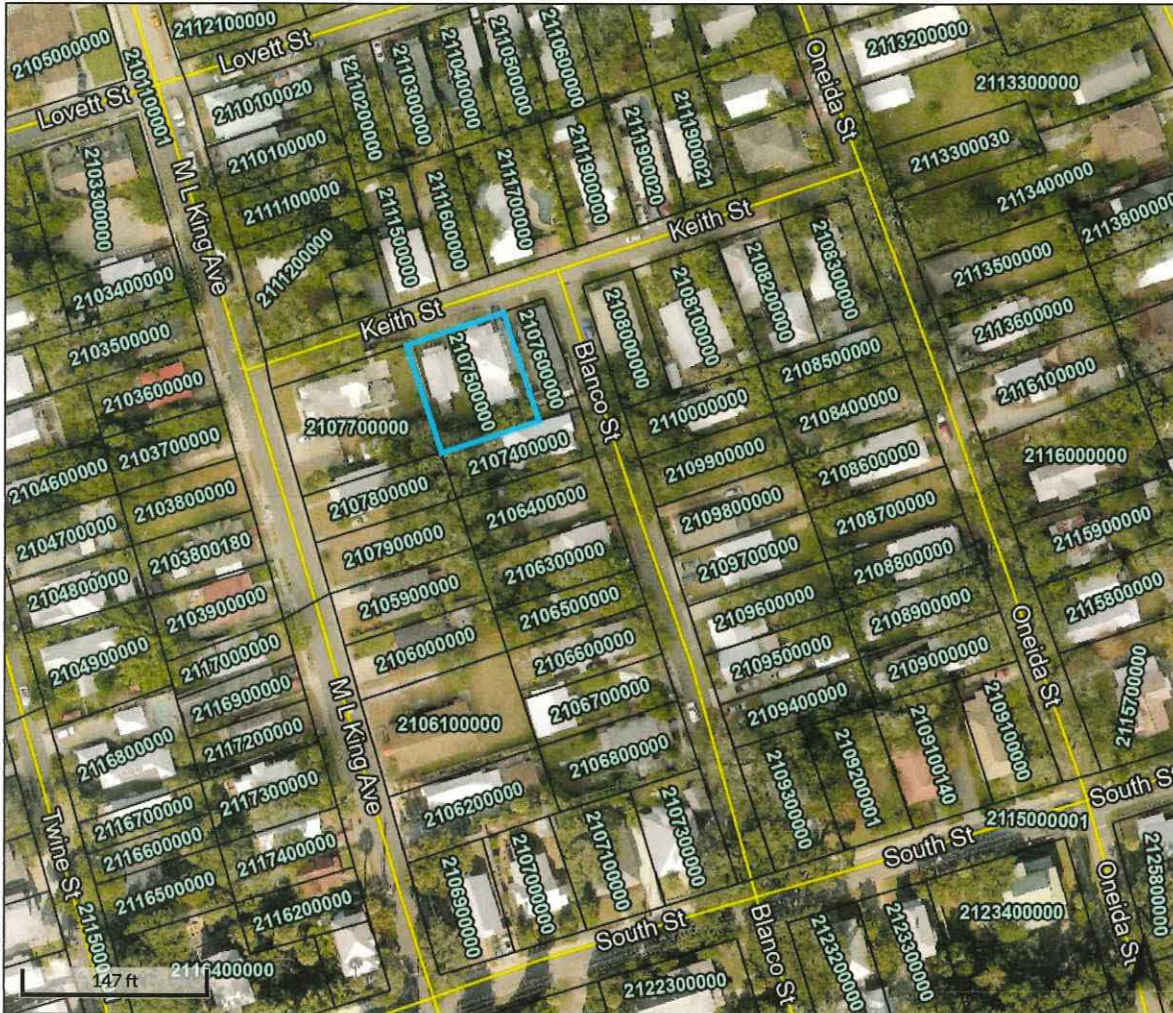
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[GDPR Privacy Notice](#)

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 Schneider
 GEOSPATIAL

Version 2.3.245



Overview



Legend

Parcels

Parcel ID	210750000	Physical Address	93 KEITH ST	Building Value	\$403,828	Last 2 Sales			
Property Class	0800 - Multi-Family (Less than 10 Units)	Mailing Address	SAINT AUGUSTINE EAST FLORIDA PROPERTY VENTURE LLC	Extra	N/A	Date	3/11/2022	Price	\$1220000
Taxing District	City of St Augustine			Feature Value			2/6/1997		\$3100
Acres	0.16		5050 LAGUNA BLVD - UNIT 112-470	Total Land Value	\$249,691	Reason	01	Qual	Q
			ELK GROVE CA 95758-0000	Just Value	\$653,519		11		U
				Total	N/A				
				Deferred					
				Assessed Value	\$653,519				
				Total	N/A				
				Exemptions					
				Taxable Value	\$653,519				

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: 2/6/2023

Last Data Uploaded: 2/4/2023 3:21:22 AM

Developed by  Schneider GEOSPATIAL



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
EAST FLORIDA PROPERTY VENTURE LLC

Filing Information

Document Number	L21000299784
FEI/EIN Number	N/A
Date Filed	06/29/2021
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	07/15/2021
Event Effective Date	NONE

Principal Address

7901 4TH ST N STE 300
ST. PETERSBURG, FL 33702

Mailing Address

7901 4TH ST N STE 300
ST. PETERSBURG, FL 33702

Registered Agent Name & Address

REGISTERED AGENTS INC.
7901 4TH ST N STE 300
ST. PETERSBURG, FL 33702

Authorized Person(s) Detail

Name & Address

Title AMBR

LESLIE, ASHLEY
5050 LAGUNA BLVD 112-470
ELK GROVE, CA 95758

Title AMBR

FENWICK, CASEY

5050 LAGUNA BLVD.
112-470
ELK GROVE, CA 95758

Annual Reports

Report Year	Filed Date
2022	03/18/2022

Document Images

03/18/2022 -- ANNUAL REPORT	View image in PDF format
07/15/2021 -- LC Amendment	View image in PDF format
06/29/2021 -- Florida Limited Liability	View image in PDF format

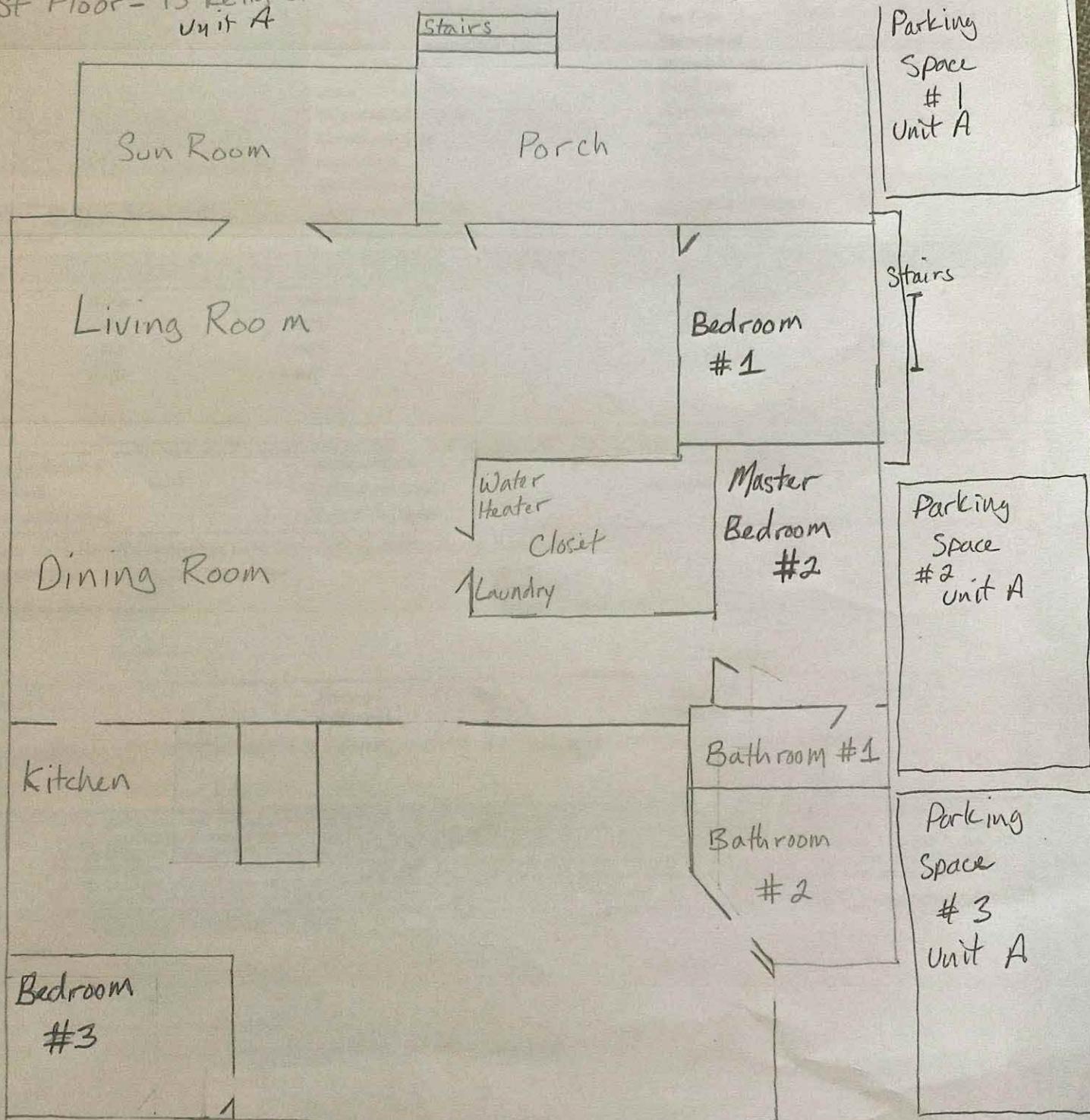
Florida Department of State, Division of Corporations

Keith St

1st Floor - 93 Keith St
Unit A

Frontyard

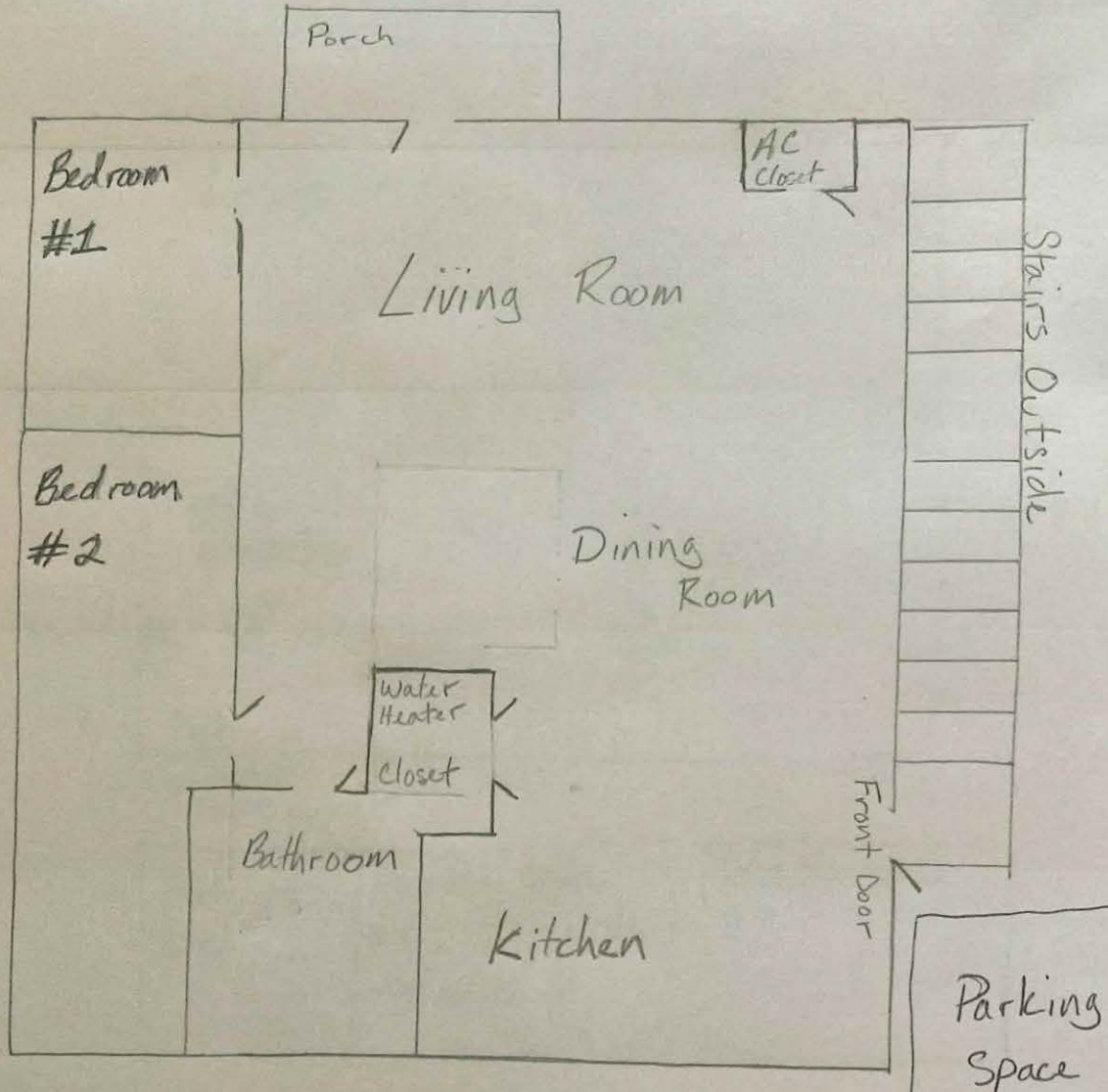
Parcel ID # 210 75 00000



Keith St

Address: 93 Keith St
Unit B

Parcel ID # 2107500000



Parking Space
#2
Unit B

Parking Space
#1
Unit B



CITY OF
ST. AUGUSTINE
EST. 1565
NATION'S OLDEST CITY

April 4, 2023

Ryan Carter / Carter Environmental Services
42 Masters Drive
St. Augustine, FL 32084

Re: Conservation Overlay Zone Development – 164 Pelican Reef Drive –2023-0013

Dear Mr. Carter,

On Tuesday, April 4, 2023, the Planning and Zoning Board (PZB) met and discussed your application to request to modify an existing dock to change the existing boat lift to a 15' x 38' deck lift and remove the existing boat lift, approve an after-the-fact modification to the existing bulkhead impacting approximately 0.01 acres of wetlands within Conservation Overlay Zones 1 and 2, for property located at 164 Pelican Reef Drive.

Specifically, the PZB **approved a portion of your application and continued the bulkhead portion of your application to Tuesday, June 6, 2023**, as described in the attached copy of the executed Order.

Conservation Overlay Zone Development is valid for a period of one (1) year from the date of approval. Failure to exercise the Conservation Overlay Zone Development by commencement of the use or action approved, shall render the Conservation Overlay Zone Development invalid.

Please contact the Planning and Building Department at (904) 825-1065 for the proper permits, fees and requirements to proceed with your project in accordance with the Planning and Zoning Board's decision.

Sincerely,

Amy Skinner, AICP
Director, Planning & Building

AS:sp
Attachment

cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk

BEFORE THE
PLANNING AND ZONING BOARD FOR THE
CITY OF ST. AUGUSTINE, FLORIDA

TYPE OF REQUEST:

- | | |
|---|--|
| ☐ Appeal | ☐ Preliminary Subdivision Plat Approval |
| ☒ Conservation Overlay Zone Development | ☐ PUD Modification/Amendment |
| ☐ Use by Exception | ☐ Rezoning |
| ☐ Final Development Plan | ☐ Variance |
| ☐ Land Use Plan Amendment | ☐ Other Click here to enter text. |

IN THE MATTER OF:

Case No.: 2023-0013
Applicant: Ryan Carter c/o Carter Environmental Services Inc.
Owner: Nancy & John Fout
Address: 164 Pelican Reef Drive
Parcel Number: 1585710005

RE: Request to modify an existing dock to change the existing boat lift to a 15' x 38' deck lift and remove the existing boat lift, approve an after the fact modification to the existing bulkhead impacting approximately 0.01 acres of wetlands within Conservation Overlay Zones 1 and 2.

THE PLANNING AND ZONING BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A PUBLIC HEARING HELD ON APRIL 4, 2023, AND BASED ON THE TESTIMONY AND EVIDENCE, THE BOARD HAS DETERMINED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Applicant is the legal owner, occupant, and/or representative of the owner/occupant of the subject property and duly submitted an application with the owner's knowledge, and was duly notified of the hearing, in accordance with Chapter 28 of the Code of the City of St. Augustine. The applicant and/or representative ☒ was present at the April 4, 2023 Planning and Zoning Board meeting and testified under oath, or ☐ was not present.
2. A public hearing was held, with notice given as required by law, and ☐ members of the public testified under oath, or ☒ no members of the public spoke on this issue.
3. The subject property has a land use designation of Residential Low Density and a zoning classification of Residential Single Family Two (RS-2).
4. The above-described Conservation Overlay Zone Development is subject to Section 11-29 of the Code of the City of St. Augustine.

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action ~~MEETS / DOES NOT MEET~~ the requirements of Section 11-29, City of St. Augustine Code, and ~~APPROVES / DENIES / CONTINUES~~ the Applicant's request to modify an existing dock to change the existing boat lift to a 15' x 38' deck lift and remove the existing boat lift, approve an after the fact modification to the existing bulkhead impacting approximately 0.01 acres of wetlands within Conservation Overlay Zones 1 and 2.

Subject to the following conditions / Findings of the board:

- - approve Conservation Zone 1 dock permit with a major change and is
- consistent with 17 criteria
- - continue bulkhead permit to the June 6, 2023
-
-
-

DONE AND ORDERED, at a public hearing on the 4 day of April, A.D., 2023, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2023-0013

REQUEST APPROVED / DENIED / CONTINUED

Sign Name

Mike Davis

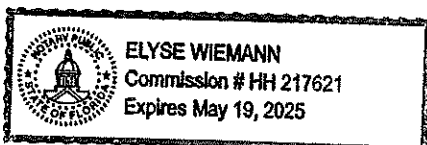
Print Name

PLANNING AND ZONING BOARD
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Michael A. Davis who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 4th day of April, A.D., 2023.



Elyse Wiemann
Notary Public, State of Florida

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 2, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0020**

AGENDA ITEM	8(b)
APPLICANT & OWNER	Wolfgang Schau
LOCATION	151 Inlet Drive / PID 213870-0000
REQUEST	To approve the construction of a new 180-foot bulkhead in Conservation Overlay Zones 1 and 2.
LAND USE	Residential Low Density
ZONING	Residential Single-Family-One (RS-1)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal

Chapter 163.3177(6)(d) F.S.

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. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

APPLICABLE CODES/ORDINANCES

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. 11-27. – Definitions.

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.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

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.

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.

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](#).
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
- (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](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

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.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional

integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in subsections (1)–(4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). **These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts.** The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

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

THIS LANGUAGE MAY BE FOUND UNDER THE STAFF SUMMARY AND ANALYSIS
SECTION OF THIS REPORT

- (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 significant 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:
 1. Ground and surface water stabilization.
 2. Water quality and aquifer recharge.
 3. Ecological impacts.
 4. Noise pollution.
 5. Air movement.
 6. Air quality.
 7. 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.

(e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:

- (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
- (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
- (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
- (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.

(Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19; Ord. No. 21-13, § 1, 8-23-21)

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees. Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

STAFF SUMMARY AND ANALYSIS

This request is to construct a new bulkhead along the landward side of existing rip-rap on site. Along with this new bulkhead the applicant states that approximately sixty feet of an existing concrete bulkhead will be replaced.

A cross-section view submitted by the applicant shows the proposed height of the new bulkhead as well as details regarding fill.

This property is adjacent to City owned property to the southeast. The applicant has been in communication with City staff in efforts to coordinate with future City projects and this proposal does not negatively impact those plans.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, the applicant's responses are italicized.

(1) Site specific conditions.

- *The proposed bulkhead will be located on the interface between the applicant's back yard and large coquina rip rap boulders. A portion of the proposed bulkhead project will entail replacing +/-60' of failing concrete bulkhead.*

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

- *The proposed bulkhead will not extend to the water and will be placed upland of any mangroves or marsh grass. The proposed bulkhead will connect to an adjacent bulkhead to the north and terminate into the ROW of Inlet Drive in the southwest portion of the property.*

(3) Natural and proposed drainage patterns.

- *The proposed bulkhead will have no impact on existing drainage patterns.*

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

- *Point and nonpoint discharge from the proposed bulkhead will be negligible. The proposed bulkhead will actually decrease point and nonpoint discharge by eliminating deposition into the waterbody.*

(5) Proposed soil stabilization and erosion control methods.

- *All necessary silt screens and/or turbidity barriers will be employed during construction.*

(6) Impact on floodplain.

- *No impact to the floodplain will occur with the proposed bulkhead.*

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

- *No impact to vegetative or animal communities will occur with the proposed bulkhead.*

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

- *The proposed bulkhead will reduce any drainage into the adjacent marsh. No storage of pollutants or use of poisonous chemicals and materials will occur with the proposed project.*

- (9) Effect of shade on vegetation and shellfish.
- *N/A*
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- *N/A*
- (11) Impact of development on shoreline by linear feet and percent of site.
- *The proposed bulkhead (+/-220 linear feet) will be located on the interface between the applicant's back yard and large coquina rip rap boundaries and will be placed upland of any mangroves or marsh grass. A portion of the proposed bulkhead project will entail replacing +/-60 feet of failing concrete bulkhead.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- *The proposed bulkhead will have no impact on vistas or scenic opportunities.*
- (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.
- *There will be no impact on water quality with the proposed bulkhead. The proposed bulkhead will eliminate any deposition into the adjacent waterbody.*
- (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.)
- *There will be no impact on water quality with the proposed bulkhead. The proposed bulkhead will eliminate any deposition into the adjacent waterbody.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- *There will be no impact to shellfish or commercial/sport fish and waterfowl with construction of the proposed bulkhead.*
- (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.
- *N/A*

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 construction of a new bulkhead within Conservation Overlay Zones 1 and 2 at 151 Inlet Drive / PID 213870-0000.



Jacob Fredriksson
Senior Planner
Planning and Building Department

Because Pelican Reef is a gated community, please contact the owners David and CeCe Drysdale at 904-669-3300 directly for information about visiting the site.



CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

RECEIVED

MAR 10 2023

Application Fee: \$1165 (plus advertising costs) Project Number: 2023-0020 Planning/Building Dept.

Receipt Number: 2584789 Meeting Date: May 2, 2023

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

1. NAME OF APPLICANT: Wolfgang Schau Contact Number: 904 377 6062

Business (if applicable): _____

Address: 151 Inlet Dr. City: St. Augustine State: FL

Zip: 32080 E-Mail Address: wolfgang.schau@gmx.com

2. NAME OF PROPERTY OWNER: Same as Applicant Contact Number: _____

Business (if applicable): _____

Address: 146 Inlet Drive City: St. Augustine State: FL Zip: 32080

E-Mail Address: Wolfgang.Schau@gmx.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: 71 & 72 Block: 1

Subdivision: Davis Shores Parcel Number: 2138700000

4. PROJECT STREET ADDRESS: 151 Inlet Dr

5. SPECIFIC PROPOSED USE: Construct a Bulkhead

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 to construct a bulkhead

8. JUSTIFICATION FOR ACTION REQUESTED: See attached 17 Point Analysis

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

Date

03/10/2023

Signature of Property Owner

Date

03/10/2023

RECEIVED

MAR 10 2023

Planning/Building Dept.

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.

Wolfgang Schau

Print name of applicant



Signature of applicant

03/10/2023

Date

RECEIVED

MAR 10 2023

Planning/Building Dept.



Owner's Authorization For Agent

Brian Spahr is/are hereby authorized TO ACT ON BEHALF
OF Wolfgang Schau, 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:

BY: _____

Signature of Owner

Wolfgang Schau

Print Name of Owner

904 377 6062

Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 10th day of MARCH, 2023

By WOLFGANG SCHAU

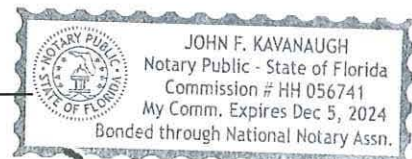
Identification verified: _____

Oath sworn: ☒ Yes ☐ No

Notary Signature: _____

My Commission expires: _____

DEC 05 2024



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St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID	2138700000
Location Address	151 INLET DR SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	3-97 DAVIS SHORES LOTS 71 & 72 BLK 1 OR4882/938 <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	18.9763
Acreage	0.390
Homestead	N

Owner Information

Owner Name	Schau Wolfgang Miki 100%
	Schau Miki 100%
Mailing Address	151 INLET DR SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2023
Building Value	\$223,540
Extra Features Value	\$30,335
Total Land Value	\$1,075,200
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,329,075
Total Deferred	\$179,589
Assessed Value	\$1,149,486
Total Exemptions	\$0
Taxable Value	\$1,149,486

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
2022	\$192,508	\$92,654	\$818,872	\$0	\$0	\$1,104,034	\$1,044,987	\$59,047	\$1,044,987
2021	\$154,423	\$96,685	\$698,880	\$0	\$0	\$949,988	\$949,988	\$0	\$949,988
2020	\$156,329	\$100,715	\$698,880	\$0	\$0	\$955,924	\$955,924	\$0	\$955,924
2019	\$145,043	\$55,900	\$666,624	\$0	\$0	\$867,567	\$636,152	\$281,415	\$586,152
2018	\$146,770	\$58,033	\$666,624	\$0	\$0	\$871,427	\$624,290	\$297,137	\$574,290
2017	\$67,464	\$17,342	\$666,624	\$0	\$0	\$751,430	\$751,430	\$0	\$751,430
2016	\$75,898	\$11,015	\$666,624	\$0	\$0	\$753,537	\$753,537	\$0	\$753,537
2015	\$62,444	\$11,015	\$666,624	\$0	\$0	\$740,083	\$252,724	\$587,859	\$152,224
2014	\$61,326	\$11,015	\$666,624	\$0	\$0	\$738,965	\$250,718	\$588,247	\$150,718
2013	\$62,603	\$11,015	\$666,624	\$0	\$0	\$740,242	\$247,013	\$593,229	\$147,013
2012	\$59,234	\$11,015	\$510,720	\$0	\$0	\$580,969	\$242,884	\$388,085	\$192,884
2011	\$61,556	\$11,015	\$498,355	\$0	\$0	\$570,926	\$235,810	\$385,116	\$185,810
2010	\$63,879	\$11,015	\$553,728	\$0	\$0	\$628,622	\$232,325	\$446,297	\$182,325

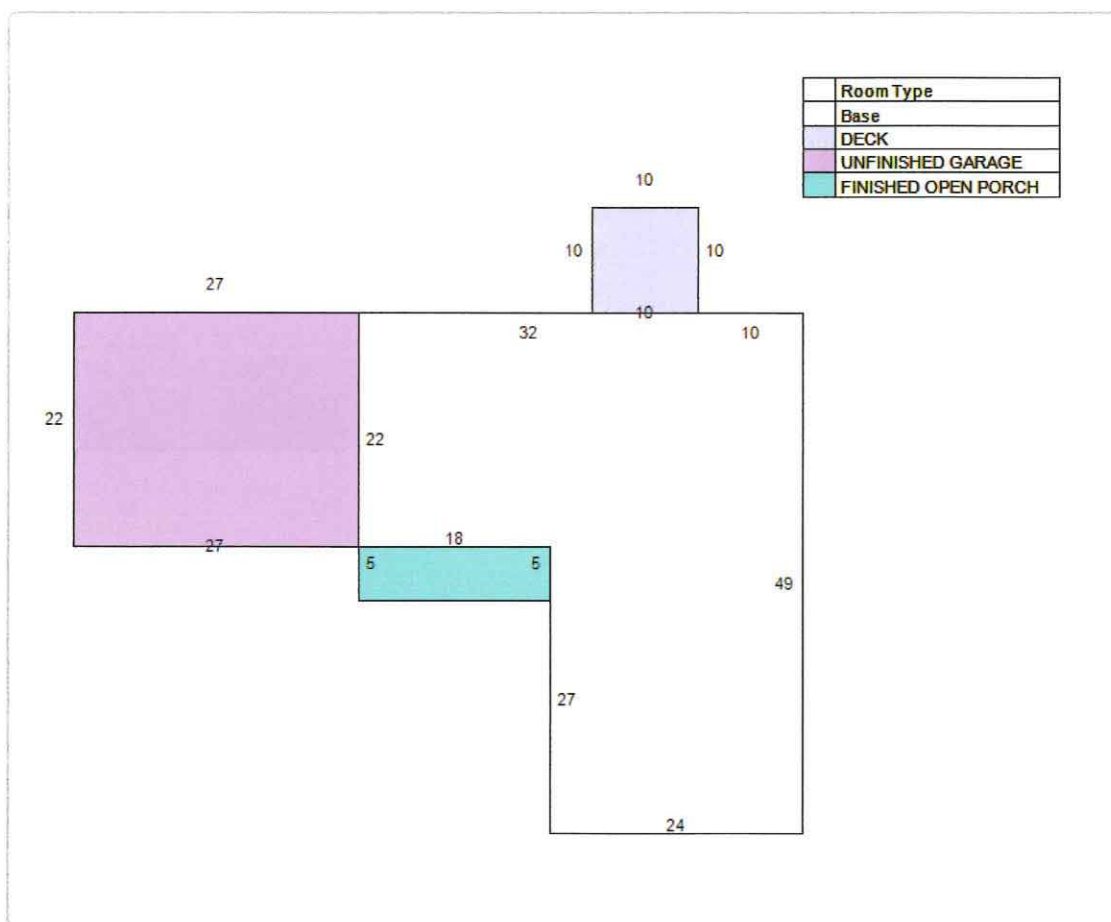
Building Information

Building	1
Year Built	1957
Actual Area	2356
Conditioned Area	1572
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Concrete Block

Roof Cover	Metal
Roof Structure	Gable Hip
Interior Flooring	Hardwood
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	3
Baths	2

Description	Square Footage
FINISHED OPEN PORCH	90
UNFINISHED GARAGE	594
BASE AREA	1572
FINISHED DECK	100
Total SqFt	2356

Sketch Information



Extra Feature Information

Code Description	Status	Value
Bulkhead - Average (Mix)		2640
Pool - Average (RES)		10350
Boat Dock - Excellent (Mix)		13545
Boat Lift - Average (Mix)		1900
Boat Lift - Average (Mix)		1900

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	112	160	112	FF	\$1,075,200

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
2/13/2020	2/12/2020	\$1,125,000.00	WARRANTY DEED	4882	938	Q	I	TRINGALI JOSEPH C,CYNTHIA L	SCHAU WOLFGANG,MIKI
8/8/2016	8/8/2016	\$820,000.00	WARRANTY DEED	4236	395	Q	I	CABEZAS CAROLE LAYFIELD (PERS REP)	TRINGALI JOSEPH C,CYNTHIA L
11/5/2015	11/5/2015	\$0.00	LETTERS OF ADMN	4108	1436	U	I	LAYFIELD MILDRED ESTATE	CABEZAS CAROLE LAYFIELD (PERS REP)
	6/1/1987	\$0.00		749	499	U	I		LAYFIELD MILDRED
	6/1/1987	\$0.00		749	499	U	I		

No data available for the following modules: Sales Questionnaire Form, Exemption Information.

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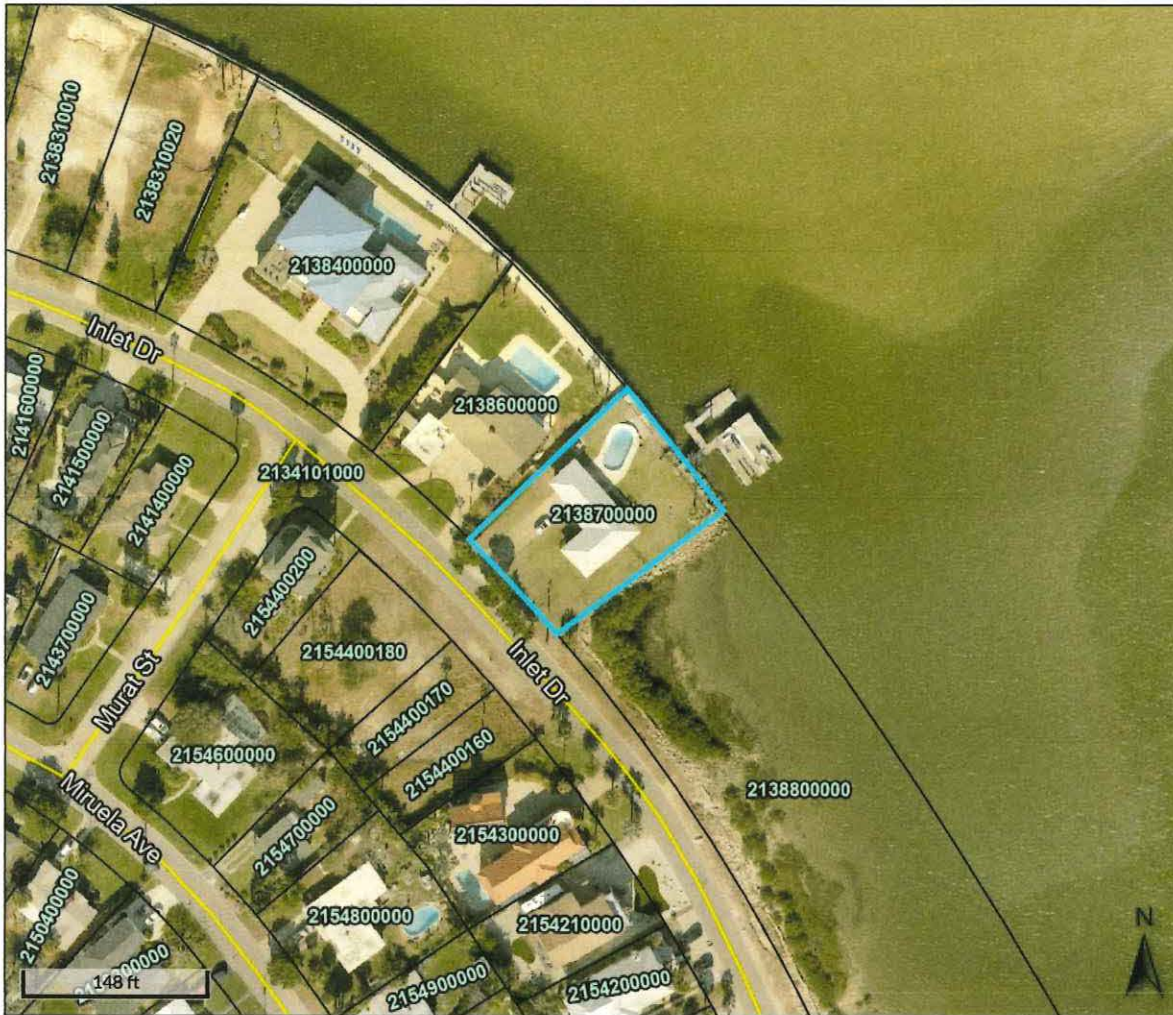
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Version 2.3.253



Overview



Legend

Parcels

Parcel ID	2138700000	Physical Address	151 INLET DR	Building Value	\$223,540	Last 2 Sales			
Property Class	0100 - Single Family	Mailing Address	SAINT AUGUSTINE SCHAU WOLFGANG, MIKI	Extra Feature Value	\$30,335	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	151 INLET DR SAINT AUGUSTINE FL 32080-0000	Total Land Value	\$1,075,200	2/12/2020	\$1125000	01	Q
Acres	0.39			Just Value	\$1,329,075	8/8/2016	\$820000	01	Q
				Total Deferred	\$179,589				
				Assessed Value	\$1,149,486				
				Total	N/A				
				Exemptions					
				Taxable Value	\$1,149,486				

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424 Peregrine Ct., Jacksonville, Florida 32225
(904) 626-1377

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**Schau Bulkhead
151 Inlet Dr.
Parcel No. 2138700000
17 Point Criteria Summary**

(1) Site specific conditions.

The proposed bulkhead will located on the interface between the applicant's back yard and large coquina rip rap bounders. A portion of the proposed bulkhead project will entail replacing +/-60' of failing concrete bulkhead.

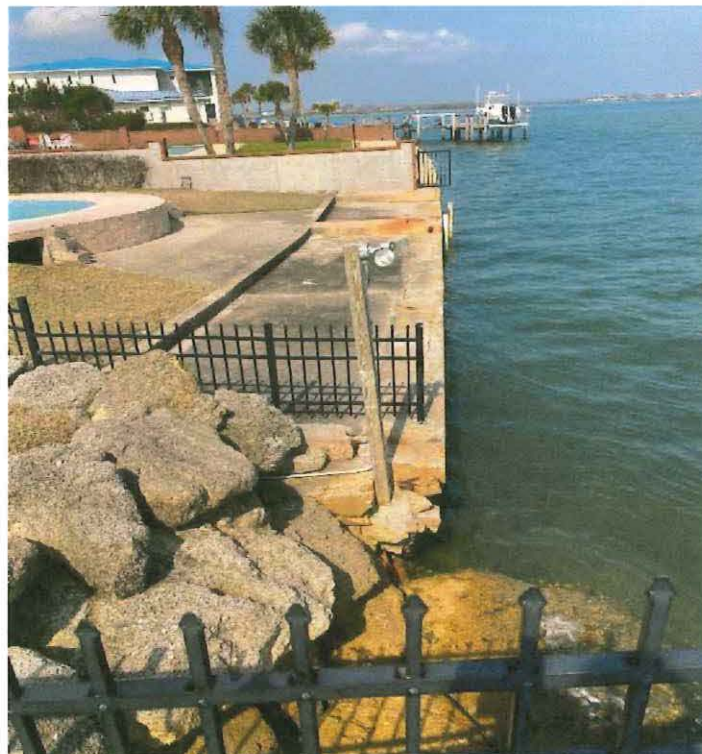


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(2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

The proposed bulkhead will not extend to the water and will be placed upland of any mangroves or marsh grass. The proposed bulkhead will connect to an adjacent bulkhead to the north and terminate into the ROW of Inlet Dr. in the southwest portion of the property.

(3) Natural and proposed drainage patterns.

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

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

Point and nonpoint discharge from the proposed bulkhead will be negligible. The proposed bulkhead will actually decrease point and nonpoint discharge by eliminating deposition into the waterbody.

(5) Proposed soil stabilization and erosion control methods.

All necessary silt screens and/or turbidity barriers will be employed during construction.

(6) Impact on floodplain.

No impact to the floodplain will occur with the proposed bulkhead.

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

No impact to vegetative or animal communities will occur with the proposed bulkhead.

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

The proposed bulkhead will reduce any drainage into the adjacent marsh. No storage of pollutants or use of poisonous chemicals and materials will occur with the proposed project.

(9) Effect of shade on vegetation and shellfish.

N/A

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

N/A

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

The proposed bulkhead (+/-220 Linear Feet) will be located on the interface between the applicant's back yard and large coquina rip rap boundaries and will be placed upland of any mangroves or marsh grass. A portion of the proposed bulkhead project will entail replacing +/-60' of failing concrete bulkhead.

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

The proposed bulkhead will have no impact on vistas or scenic opportunities.

(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.

There will be no loss of plant and animal habitat with the proposed bulkhead.

(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.)

There will be no impact on water quality with the proposed bulkhead. The proposed bulkhead will eliminate any deposition into the adjacent waterbody.

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

There will be no impact to shellfish or commercial/sport fish and waterfowl with construction of the proposed bulkhead.

(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

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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.

N/A



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:

Wolfgang Schau
151 Inlet Drive
St. Augustine, Florida 32080, St. Johns County
Wolfgang.schau@gmx.com

Schau Bulkhead

Authorized Agent:

Brian Spahr
424 Peregrine Court
Jacksonville, Florida 32225
brianspahr@yahoo.com

Environmental Resource Permit

State-owned Submerged Lands Authorization –Not Applicable

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required**

**St. Johns County
Permit No.: 55-0347477-002-EI**

**Permit Issuance Date: February 16, 2023
Permit Construction Phase Expiration Date: February 16, 2028**

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Environmental Resource Permit

Permittee: Wolfgang Schau
Permit No: 55-0347477-002-EI

PROJECT LOCATION

The activities authorized by this permit are located at 151 Inlet Drive, (Parcel ID 2138700000), St. Augustine, Florida 32080, in Section 17, Township 7 South, Range 30 East in St. Johns County, at latitude 29° 53' 57.3145" N longitude - 81° 17' 53.6943" W.

PROJECT DESCRIPTION

The permittee is authorized to construct a 180-foot bulkhead with an 80-foot wing wall on the northern end. Existing rip rap will remain at a 2:1 slope waterward of the new bulkhead. The new bulkhead will be located at the Mean High Water Line with approximately 130 total cubic yards of backfill in uplands. The bulkhead will be located within the landward extent of Salt Run, a Class III Waterbody. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Schau Bulkhead

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook:

(<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General

Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

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SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

1. Prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction to the Department of Environmental Protection, Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

2. This permit does not authorize the removal of any vegetation within the jurisdictional area. No dredging, filling, or other construction activity, including the removal of tree stumps and/or vegetative root masses, shall be conducted within the wetlands other than that performed within the specifically authorized work corridor.
3. Outside the specific limits of construction authorized by this permit, any disturbance of or damage to wetlands shall be corrected by restoring pre-construction elevations as to maintain natural hydrology, drainage patterns, and planting vegetation of the same species, size, and density that exist in adjacent undisturbed wetland areas.
4. The project shall comply with applicable State Water Quality Standards, namely:
 - a. Surface waters, Minimum Criteria, General Criteria – Rule 62-302.500, F.A.C.
 - b. Class III waters – Recreation, propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife. – Rule 62-302.400, F.A.C.
5. There shall be no storage or stockpiling of tools, equipment, materials (e.g., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters of the state unless specifically approved in this permit. Any and all construction debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized by this permit.

SPECIFIC CONDITIONS – MANATEE

6. The Standard Manatee Construction Conditions for In-water Work (2011) must be followed for all in-water activity.

SPECIFIC CONDITIONS – SHORELINE STABILIZATION

7. The bulkhead shall be constructed, and an interior silt screen shall be in place prior to the placement of any backfill material.
8. A silt screen or interior fabric shall be in place prior to the placement of the riprap.
9. In accordance with Florida Administrative Code Rule 62-330.021, F.A.C., “riprap” shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.

10. In order to comply with the requirements of Section 373.414(5)(a), Florida Statutes, riprap shall be placed at the toe of the bulkhead at a slope of 2:1 (horizontal:vertical) to an elevation of one foot above Mean High Water. This shall be done within 14 days of completion of the bulkhead.
11. The work shall be done during periods of average or low water.
12. The bulkhead with backfill shall be constructed in a manner which does not change existing drainage patterns or redirect additional stormwater to adjacent properties.

SPECIFIC CONDITIONS – OTHER LISTED SPECIES

13. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.
14. If new information (e.g. listing of new species, new critical habitat, etc.) shows that the magnitude of impacts to federally listed species has the potential for adverse effects, the U.S. Fish and Wildlife Service (USFWS) will notify the Department. The Department will initiate coordination with the permittee and with the USFWS to determine what adverse impacts are likely and if additional minimization measures, reporting, or monitoring are required in order to be consistent with the Endangered Species Act, as deemed necessary by USFWS.
15. The Permittee shall report any injured, sick, or dead federally or state listed animal(s) discovered onsite to the Florida Fish and Wildlife Conservation Commission Wildlife Alert number at 888-404-FWCC (3922).

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
5. Unless the permit is transferred under rule 62-330.340, F.A.C., or transferred to an operating entity under rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms, and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities – "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in chapter 62-330, F.A.C.
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

19. In addition to those general conditions in subsection (1), above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While

you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under [Sections 120.569](#) and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

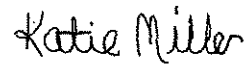
Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Permittee: Wolfgang Schau
Permit No: 55-0347477-002-EI
Page 11 of 14

Permit Expiration: February 16, 2028

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Katie Sula Miller
Permitting Program Administrator
Submerged Lands & Environmental
Resource Program

KM:tf

Attachments:

Standard Manatee Construction Conditions 2011

Location Map

Project Drawings, 3 pages

Construction Commencement Notice/Form 62-330.350(1)

Construction Completion and Inspection Certification for Activities Associated with a Private
Single-Family Dwelling Unit/Form 62-330.310(3)

Request to Transfer Permit/Form 62-330.340(1)

Permittee: Wolfgang Schau
Permit No: 55-0347477-002-EI
Page 12 of 14

Permit Expiration: February 16, 2028

Copies furnished to:

Brian Spahr, briansphr@yahoo.com

Paul Duff, FDEP NED

Katie Miller, FDEP NED

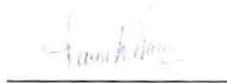
Tatianna Floyd, FDEP NED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on February 16, 2023, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.



Clerk

February 16, 2023

Date

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

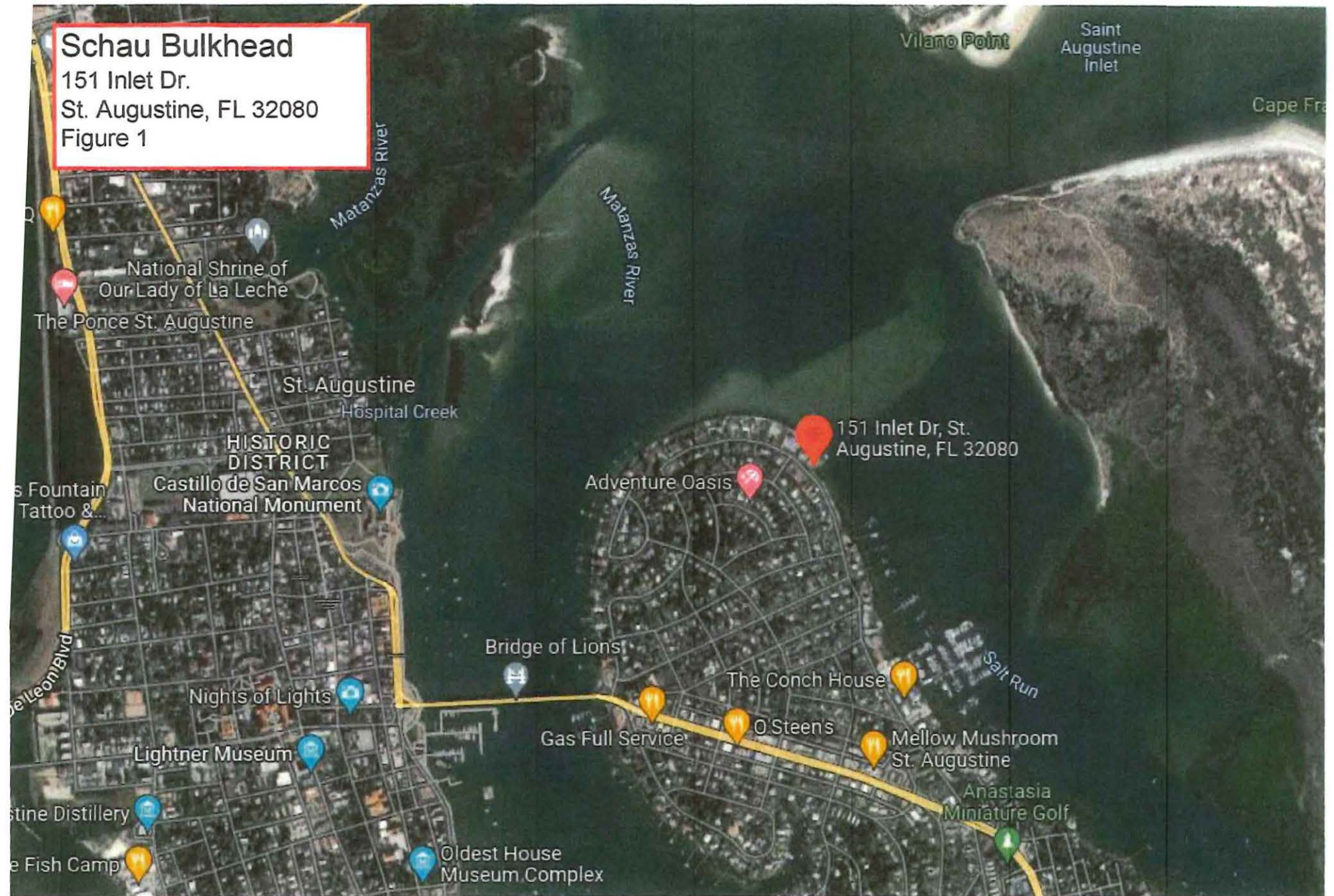


Schau Bulkhead

151 Inlet Dr.

St. Augustine, FL 32080

Figure 1

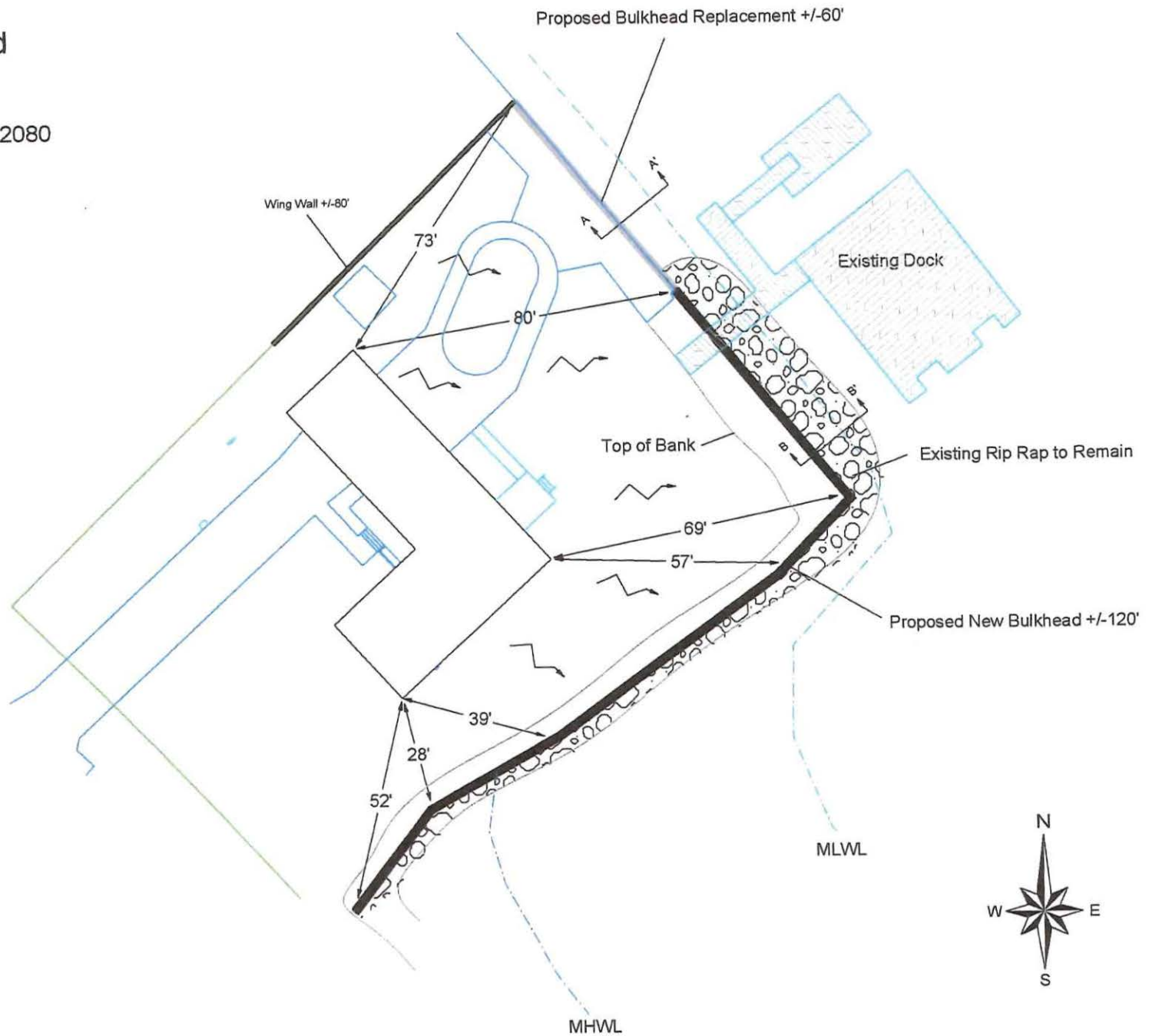


Schau Bulkhead

151 Inlet Dr.

St. Augustine, FL 32080

Figure 2

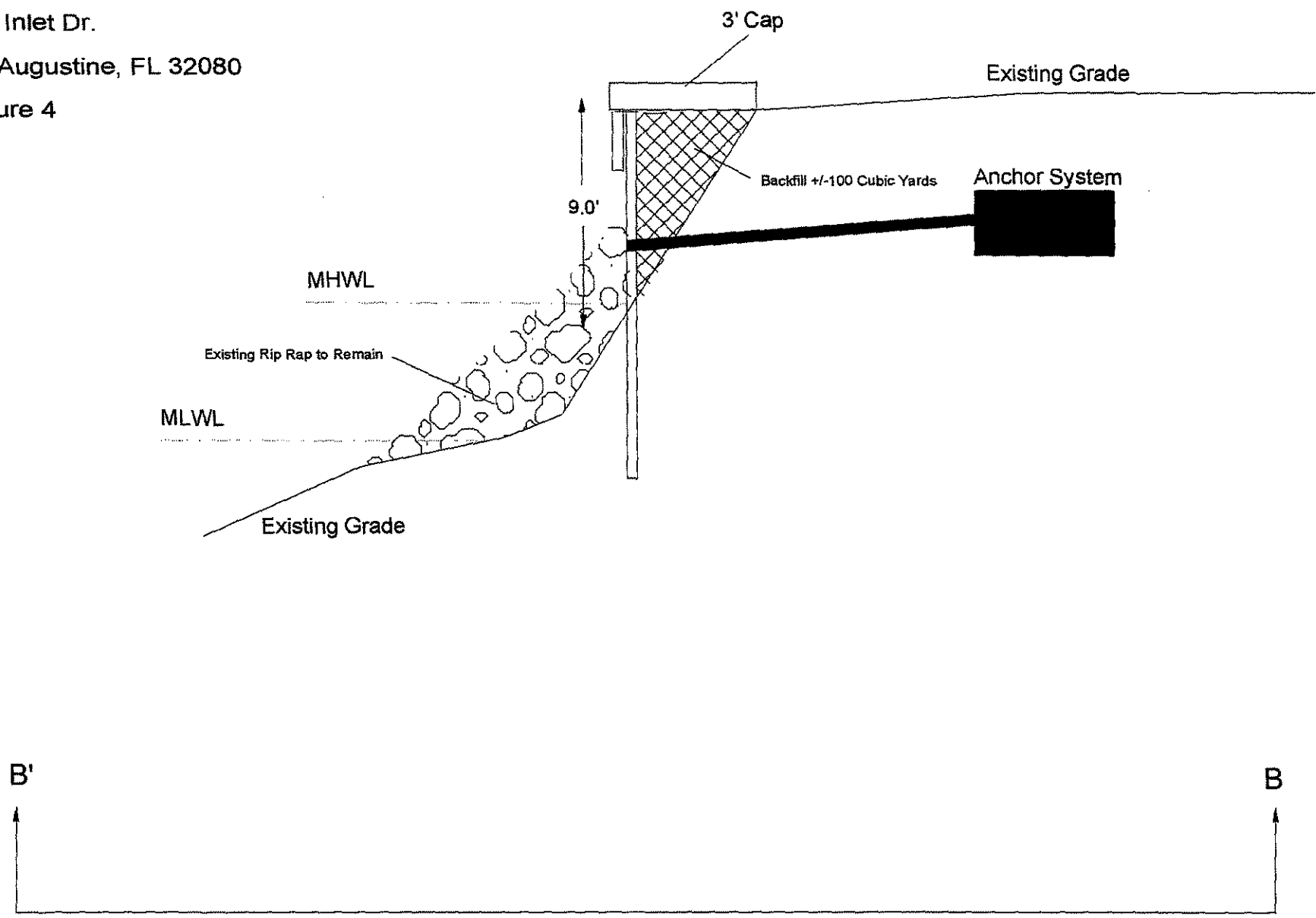


Schau Bulkhead

151 Inlet Dr.

St. Augustine, FL 32080

Figure 4

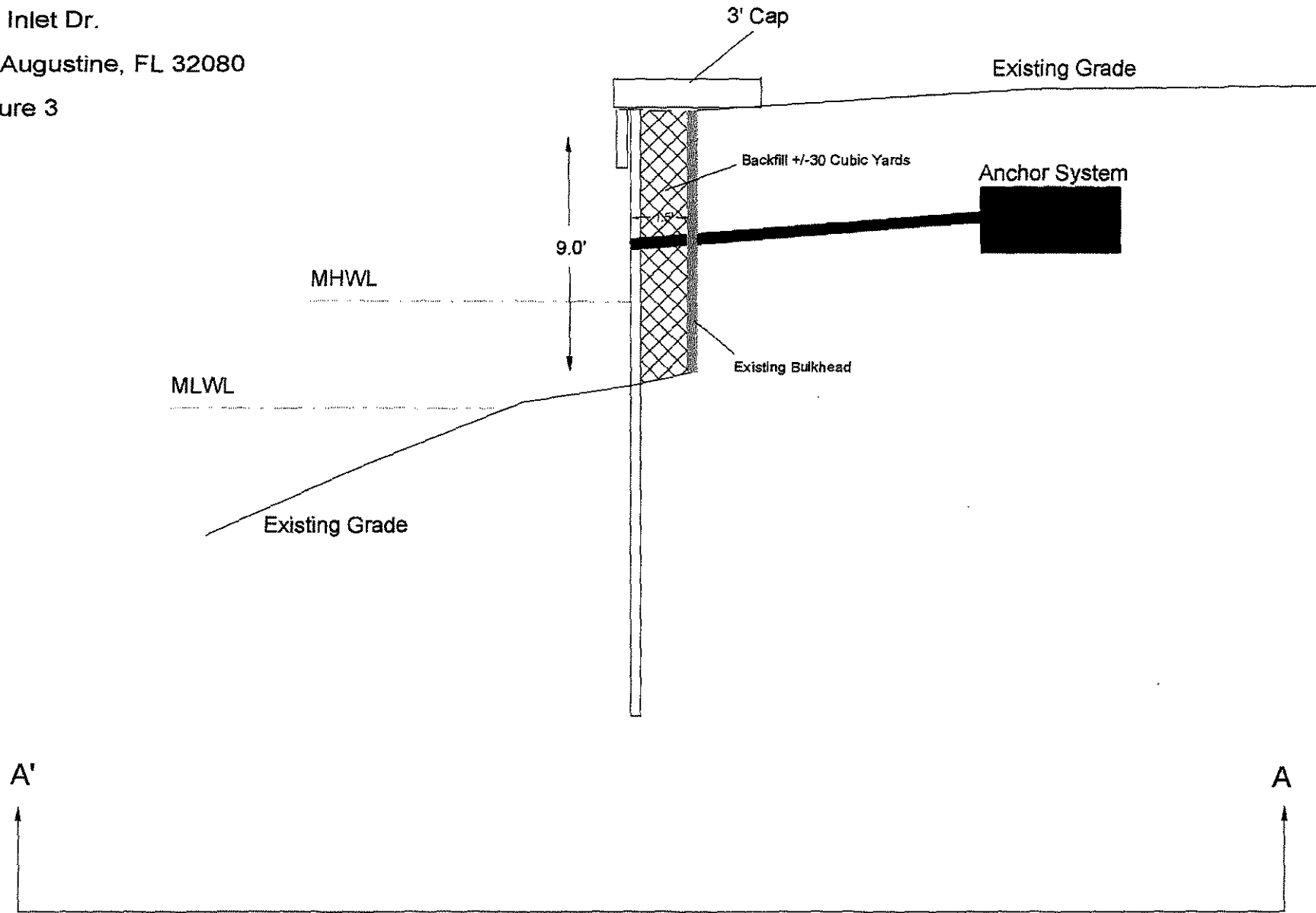


Schau Bulkhead

151 Inlet Dr.

St. Augustine, FL 32080

Figure 3



CONSTRUCTION COMMENCEMENT NOTICE

Instructions: In accordance with Chapter 62-330.350(1)(d), F.A.C., complete and submit this form at least 48 hours prior to commencement of activity authorized by permit.

Permit No. _____ Application No. _____
Project _____
Name _____ Phase _____

Construction of the system authorized by the above referenced Environmental Resource

Permit and Application, is expected to commence on _____, 20____
and will have an estimated completion date of _____, 20____

PLEASE NOTE: If the actual construction commencement date is not known within 30 days of issuance of the permit, District staff should be so notified in writing. As soon as a construction commencement date is known, the permittee shall submit a completed construction commencement notice form.

Permittee's or Authorized Agent's Signature Company

Print Name Title Date

E-mail Phone Number



REQUEST TO TRANSFER PERMIT

Instructions: Submit this form to the Agency within 30 days after any transfer of ownership or control of the real property where the permitted activity is located.

Note: Use of this form is not required when a valid permit is in the operation and maintenance phase. In such case, the owner must notify the Agency in writing within 30 days of a change in ownership or control of the entire real property, project, or activity covered by the permit. The notification may be letter, e-mail, or using this form, sent to the office that issued the permit. A processing fee is not required for this notice. The permit shall automatically transfer to the new owner or person in control, except in cases of abandonment, revocation, or modification of a permit as provided in Sections 373.426 and 373.429, F.S. (2012). If a permittee fails to provide written notice to the Agency within 30 days of the change in ownership or control, or if the change does not include the entire real property or activity covered by the permit, then the transfer must be requested using this form.

Permit No.: _____ Application No(s): _____ Date Issued: _____

Identification or Name of Surface Water Management System: _____

Phase of Surface Water Management System (if applicable): _____

PART 1: PROPOSED PERMIT HOLDER

The undersigned hereby notifies the Agency that I have acquired ownership or control of the land on which the permitted system is located through the sale or other legal transfer of the land. By signing below, I hereby certify that I have sufficient real property interest or control in the land in accordance with subsection 4.2.3 (d) of Applicant's Handbook Volume I; attached is a copy of my title, easement, or other demonstration of ownership or control in the land, including any revised plats, as recorded in the Public Records. I request that the permit be modified to reflect that I agree to be the new permittee. By so doing, I acknowledge that I have examined the permit terms, conditions, and drawings, and agree to accept all rights and obligations as permittee, including agreeing to be liable for compliance with all of the permit terms and conditions, and to be liable for any corrective actions required as a result of any violations of the permit after approval of this modification by the Permitting Agency. Also attached are copies of any recorded restrictive covenants, articles of incorporation, and certificate of incorporation that may have been changed as a result of my assuming ownership or control of the lands. As necessary, I agree to furnish the Agency with demonstration that I have the ability to provide for the operation and maintenance of the system for the duration of the permit in accordance with subsection 12.3 of Applicant's Handbook Volume I.

Name of Proposed Permit Holder: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____ E-mail: _____



Signature of Proposed Permittee

Date

Title (if any)

PART 2: RESPONSIBLE REGISTERED PROFESSIONAL

Name of Registered Professional who will be responsible for system inspections and reporting as required by Chapter 62-330, F.A.C. (if applicable): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____ E-mail: _____

Enclosures:

- ☐ Copy of recorded transfer of title for surface water management system
- ☐ Copy of plat(s)
- ☐ Copy of recorded restrictive covenants, articles of incorporation, and certificate of incorporation
- ☐ Other



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

December 15, 2022

Regulatory Division
North Permits Branch
Jacksonville Permits Section
SAJ-2022-03376 (NW-BJC)

Mr. Wolfgang Schau
146 Inlet Drive
St. Augustine, Florida 32080
Sent Via Email to: Wolfgang.schau@gmx.com

Dear Mr. Schau:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit. Your application was assigned file number SAJ-2022-03376. A review of the information and drawings provided indicates that the proposed work would result in the extension of an existing bulkhead 1.5 feet waterward with a new 120-foot-long vinyl bulkhead. The applicant would remove 10 cubic yards of rip rap from in front of the existing bulkhead and discharge it in front of the new bulkhead. An additional 100 cubic yards of fill material would be discharged to backfill behind the new vinyl bulkhead. Furthermore, the applicant would replace an existing 60-foot-long concrete bulkhead. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344). The project site is located at 151 Inlet Drive in Section 17, Township 7 South, Range 30 East, St. Augustine, St. Johns County, Florida. The central coordinate is Latitude 29.899317°, Longitude -81.298136°. The affected waters of the United States is Salt Run.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) 13 (Bank Stabilization). **This verification is valid until March 14, 2026.** In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the Nationwide Permit General Conditions, the Jacksonville District Regional Conditions, and the General and Project-Specific Special Conditions listed below. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP. You can access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Source Book webpage for links to view NWP information at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>. Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there, you will need to select "Nationwide Permits." Among other things, this part of the Source Book contains links to the federal register containing the text of the pertinent NWP authorization and the associated NWP general conditions, as well as separate links to the regional conditions applicable to the pertinent NWP verification.

You must comply with all of the special and general conditions for NWP-13 including any project-specific conditions included in this letter and all conditions incorporated by reference as described above.

General Conditions (33 CFR PART 320-330):

1. The time limit for completing the work authorized ends on **March 14, 2026**.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the transfer form attached to this letter and forward a copy to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Project Specific Special Conditions:

The following project specific special conditions are included with this verification:

1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

- a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
- b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2022-03376 (NW –BJC), on all submittals.

2. **Commencement Notification:** Choose one, the Permittee shall submit a completed "Commencement Notification" form.

3. **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011". The most recent version of the Manatee Conditions must be utilized.

4. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance in toxic amounts, in accordance with Section 307 of the Clean Water Act.

5. **Eastern Indigo Snake Protection Measures and Inspection:** Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013. All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered,

the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.

6. Jacksonville District Programmatic Biological Opinion (JAXBO): Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Johnson's seagrass and its critical habitat were delisted from the Endangered Species Act on May 16, 2022. Therefore, JAXBO PDCs required to minimize adverse effects to Johnson's seagrass and its critical habitat are no longer applicable to any project. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at:
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of the JAXBO must be utilized during the design and construction of the permitted work.

7. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect, impact, or disturb properties listed in the *National Register of Historic Places* (NRHP), or those eligible for inclusion in the NRHP.
- b. If, during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with native cultures or early colonial settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps at the addresses listed in the **Reporting Address Special Condition** within the same business day (8 hours). The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions.

- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.

8. Self-Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attachment X) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

Jurisdictional Determination:

A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or

threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This letter of authorization does not preclude the necessity to obtain any other Federal, State, or local permits, which may be required.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Should you have any questions related to this NWP verification or have issues accessing the documents reference in this letter, please contact Mr. Brad Carey at the via telephone at 904-553-6018, or via e-mail at Brad.J.Carey@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Brad Carey". The signature is written in a cursive, flowing style.

Brad Carey
Project Manager

Enclosures

Cc:
Mr. Brian Spahr – Briansphr@yahoo.com.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

DA PERMIT NUMBER: SAJ-2022-03376 (NW-BJC)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or submit via electronic mail to: SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

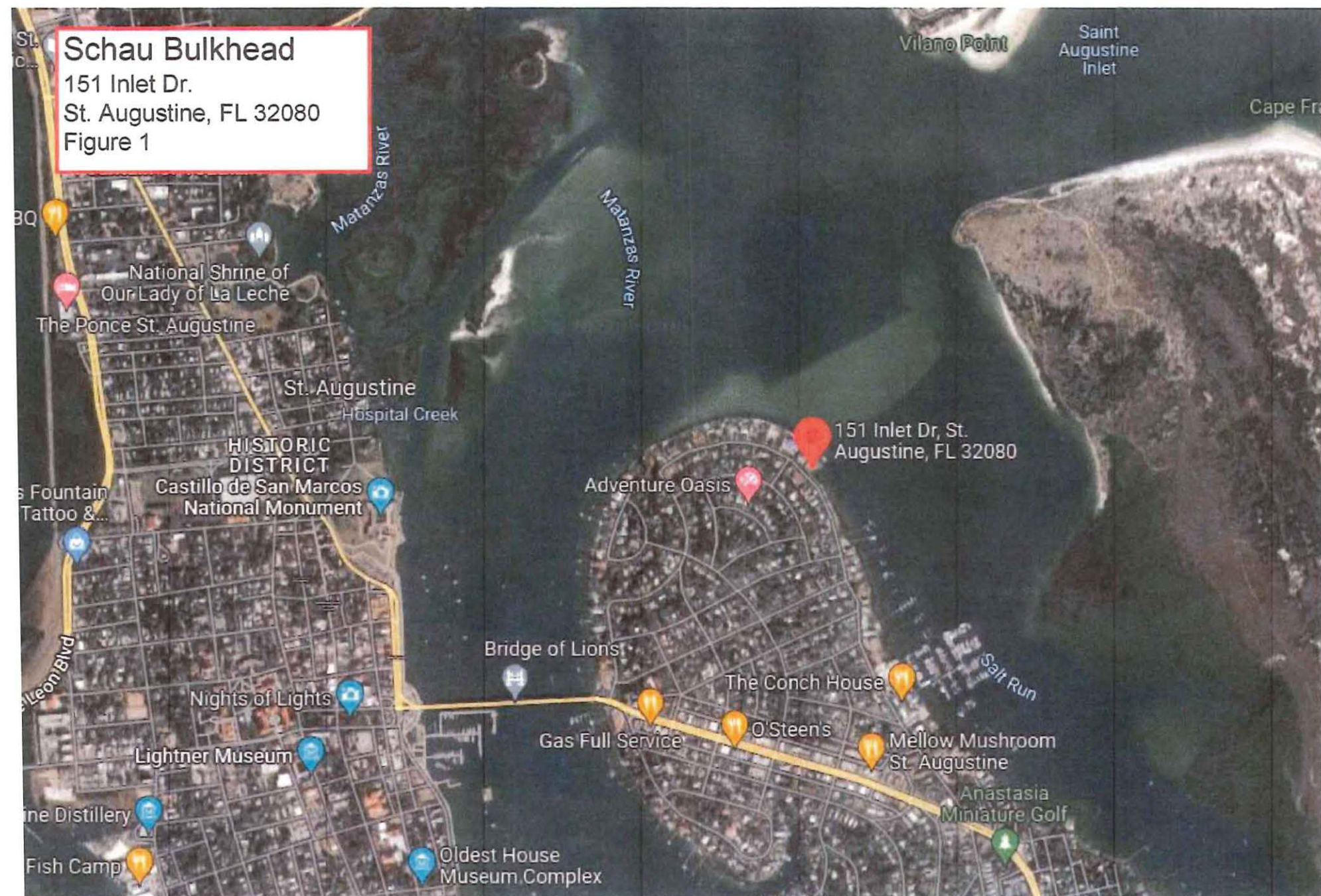
(CITY, STATE, ZIP CODE)

Schau Bulkhead

151 Inlet Dr.

St. Augustine, FL 32080

Figure 1

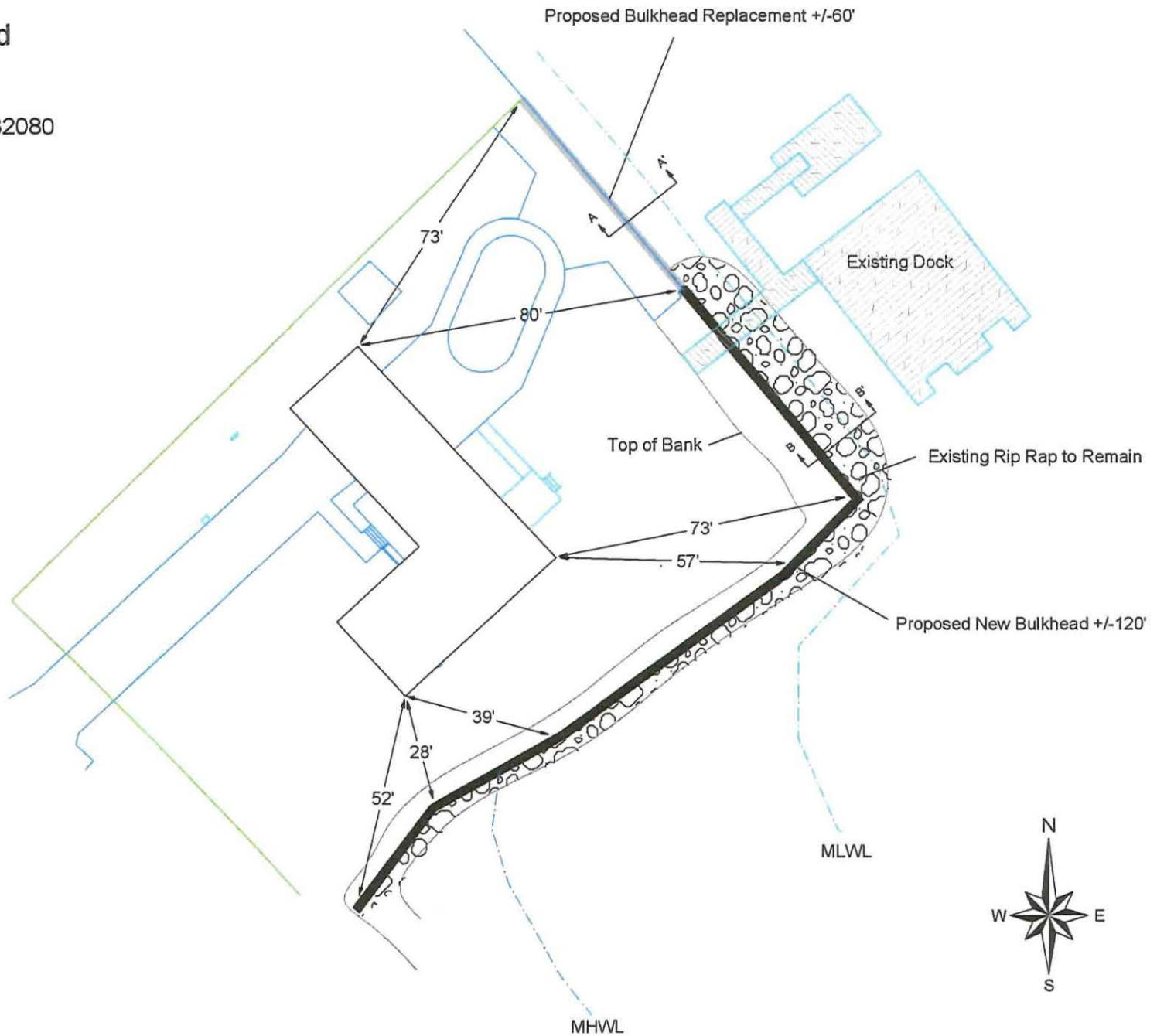


Schau Bulkhead

151 Inlet Dr.

St. Augustine, FL 32080

Figure 2

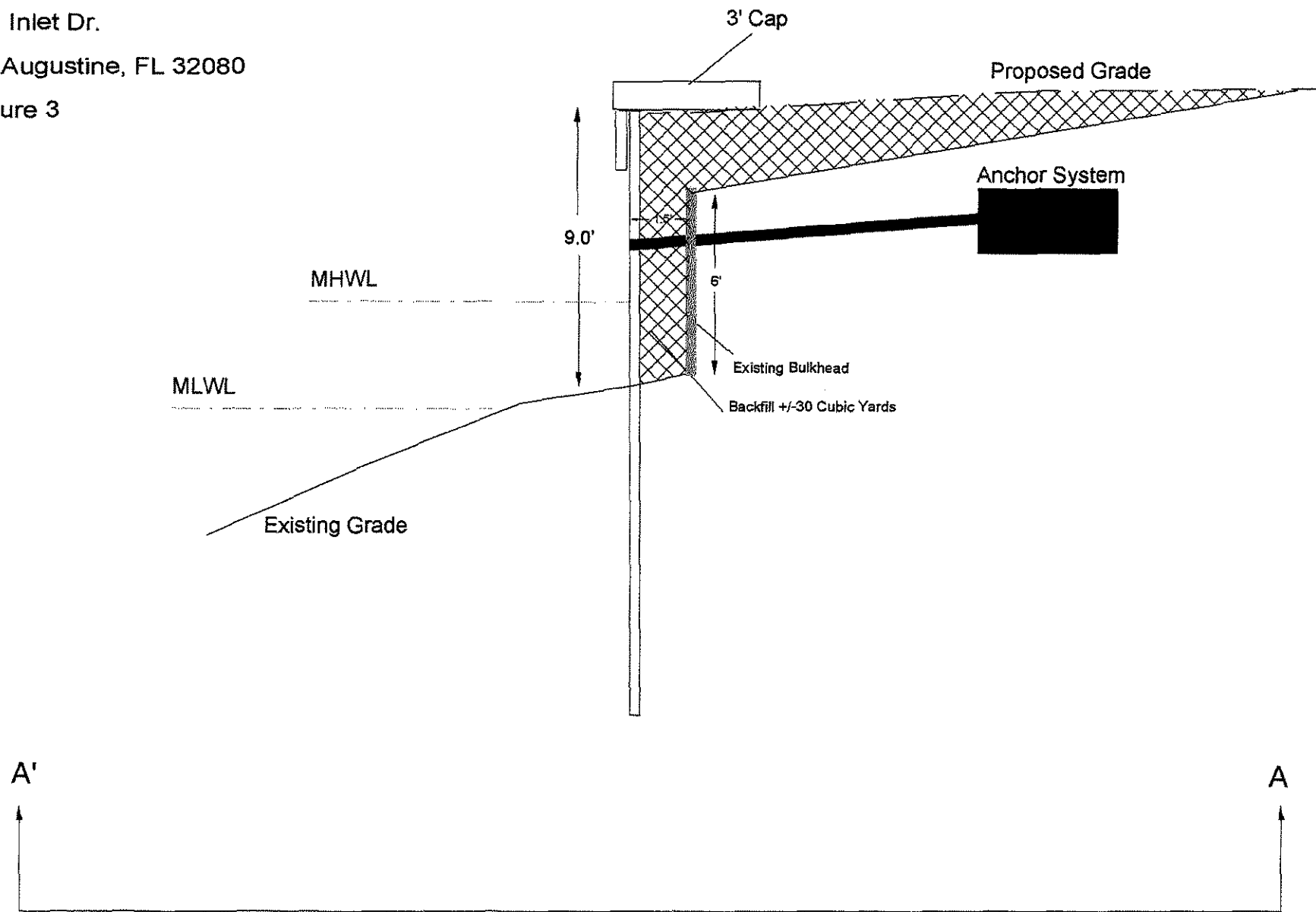


Schau Bulkhead

151 Inlet Dr.

St. Augustine, FL 32080

Figure 3

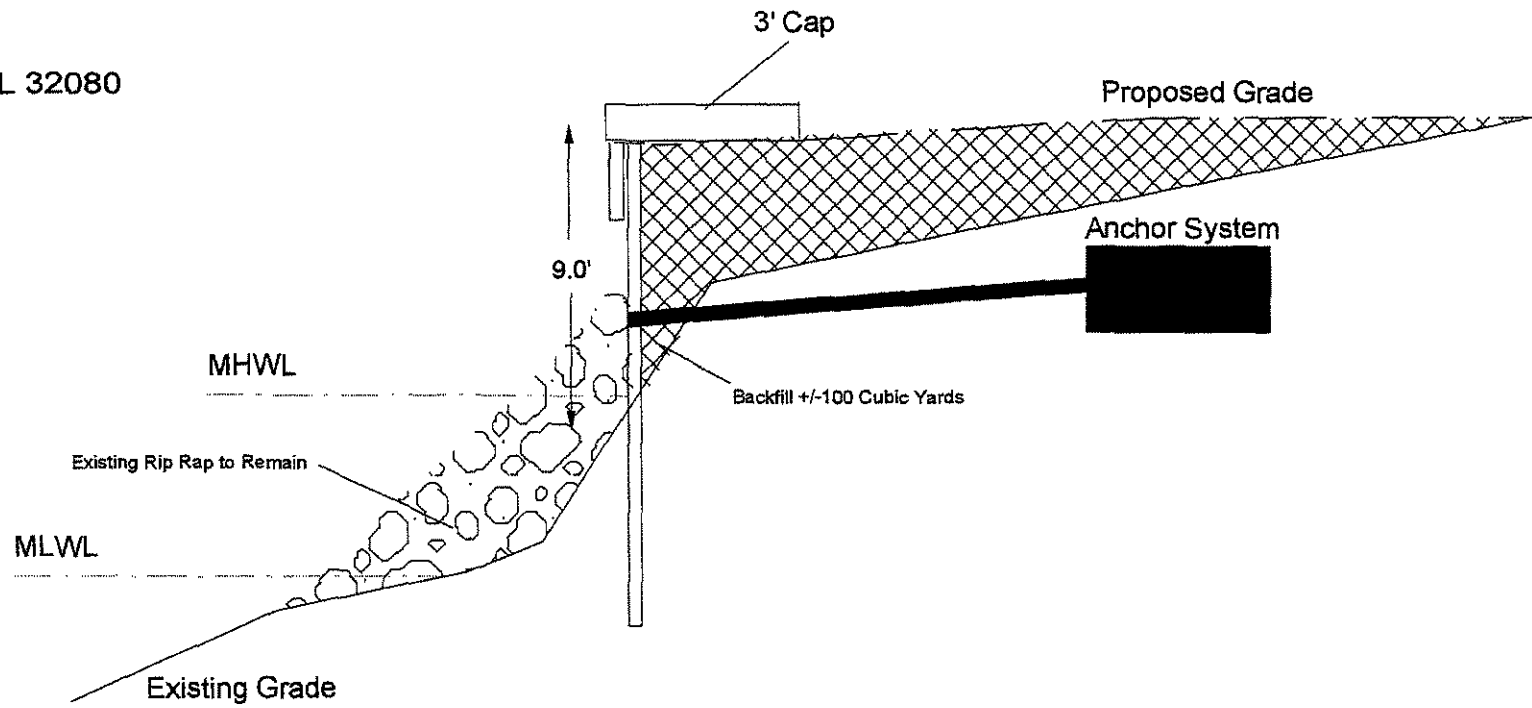


Schau Bulkhead

151 Inlet Dr.

St. Augustine, FL 32080

Figure 4



B'

B

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE
U.S. Fish and Wildlife Service
August 12, 2013

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: jaxregs@fws.gov; South Florida Field Office: verobeach@fws.gov; Panama City Field Office: panamacity@fws.gov). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or “approval” from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

POSTER INFORMATION

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11” x 17” or larger paper and laminated, is attached):

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and **WILL BITE** if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands

and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

PROTECTION UNDER FEDERAL AND STATE LAW: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida Field Office – (904) 731-3336
Panama City Field Office – (850) 769-0552
South Florida Field Office – (772) 562-3909

PRE-CONSTRUCTION ACTIVITIES

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

DURING CONSTRUCTION ACTIVITIES

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

POST CONSTRUCTION ACTIVITIES

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2022-03376

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES _____ NO _____

TO SCHEDULE AN INSPECTION PLEASE CONTACT _____
AT _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks,
dredging,
etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

COMMENCEMENT NOTIFICATION

Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) or by standard mail to U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

1. Department of the Army Permit Number: SAJ-2022-03376

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 2, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0021**

AGENDA ITEM	8(c)
APPLICANT	Ryan Carter c/o Carter Environmental Services Inc.
OWNER	Kenton Morrison
LOCATION	36 N St. Augustine Boulevard / PID 213520-0000
REQUEST	To approve the construction of a new dock that includes two boat lifts totaling approximately 1,993 square feet within Conservation Overlay Zone 1.
LAND USE	Residential Low Density
ZONING	Residential Single-Family-One (RS-1)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal

Chapter 163.3177(6)(d) F.S.

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. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

APPLICABLE CODES/ORDINANCES

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. 11-27. – Definitions.

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.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

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.

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.

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](#).
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
- (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](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

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.

(b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in subsections (1)—(4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any

mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

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

THIS LANGUAGE MAY BE FOUND UNDER THE STAFF SUMMARY AND ANALYSIS
SECTION OF THIS REPORT

- (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 significant 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:
 1. Ground and surface water stabilization.
 2. Water quality and aquifer recharge.
 3. Ecological impacts.
 4. Noise pollution.
 5. Air movement.
 6. Air quality.
 7. 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.
 - (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
 - (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.
- (Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19; Ord. No. 21-13, § 1, 8-23-21)

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees. Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

STAFF SUMMARY AND ANALYSIS

This request is to construct a dock that includes two boat lifts totaling approximately 1,993 square feet.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, the applicant's responses are italicized.

- (1) Site specific conditions.
 - *This property has approximately 91 feet of Matanzas Bay frontage. The property and adjacent properties utilize sea walls and are elevated from the coastline.*
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - *The property sits on the Matanzas Bay and is adjacent to other single-family homes to the North and South.*
- (3) Natural and proposed drainage patterns.
 - *Drainage will not be altered by the proposed work.*
- (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.*

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (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 deeper water within Matanzas Bay. A seawall armors N St. Augustine Boulevard from any erosional forces from wave action. Use of the dock by the 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.

<i>The effects of the proposed project on commercial and sport fish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The proposed new dock supports will provide shelter for larval, juvenile, and adult fish.</i>	<i>Extremely small loss of juvenile habitat from the placement of approximately 64 new pilings for the dock construction.</i>

<i>The effects of the project on shellfish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The pilings used to construct the dock/lift additions could be colonized by barnacles, oysters, and mussels. This will be an addition of habitat.</i>	<i>None</i>

<i>The effects of the project on waterfowl area as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The additional dock area could be used as a resting place or perch for many water fowl.</i>	<i>Extremely small loss of foraging habitat.</i>

- (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.

- *There are no proposed plans for any boathouse, roofed structure or wall within the dock. The deck will be built 6' above MHW; the boat lift has been previously approved and is under 12,000 pounds as well as being a no-profile design.*

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 construction of a new dock with two boat lifts within Conservation Overlay Zone 1 at 36 N St. Augustine Boulevard / PID 213520-0000.



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: 2023-0021
Receipt Number: 2590387 Meeting Date: May 2, 2023
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 DR City: ST. AUGUSTINE State: FL Zip: 32084
E-Mail Address: RYAN@CARTERENV.COM

2. NAME OF PROPERTY OWNER: KENTON MORRISON Contact Number: 229-237-0678
Business (if applicable): _____
Address: PO BOX 845 City: NASHVILLE State: GA Zip: 31639
E-Mail Address: meridian500tp@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 16 & 17/11&12 Block: BLK 1 & BLK 6
Subdivision: DAVIS SHORES Parcel Number: 2135200000

4. PROJECT STREET ADDRESS: 36 N ST. AUGUSTINE BLVD

5. SPECIFIC PROPOSED USE: 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 A SINGLE FAMILY DOCK

8. JUSTIFICATION FOR ACTION REQUESTED: PLEASE SEE OVERLAY ZONE DEVELOPMENT SUPPLEMENT

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.

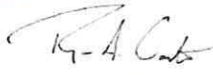
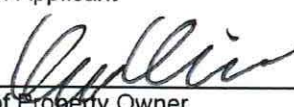
11. AGREEMENT:

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.

	2-27-23
Signature of Applicant	Date
	3/2/23
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.

RYAN CARTER

Print name of applicant

A handwritten signature in black ink, appearing to read "Ryan Carter".

Signature of applicant

2-27-23

Date



Owner's Authorization For Agent

CARTER ENVIRONMENTAL SERVICES is/are hereby authorized TO ACT ON BEHALF
OF KENTON MORRISON, 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:
36 N. ST AUGUSTINE BLVD

BY: [Signature]
Signature of Owner
KENTON MORRISON
Print Name of Owner
229-237-0678
Telephone Number

State of GA

County of Lowndes

Signed and sworn before me on this 02 day of March, 2023

By Kenton Morrison

Identification verified:

Oath sworn: [Signature] Yes _____ No _____

Notary Signature: Raissa M. Hill

My Commission expires: Jan 29 2024



Attachment 1
Overlay Zone Application Narrative

**36 N St. Augustine Blvd
Overlay Zone Development Application Supplement
March 2023**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a proposed dock that includes two new boatlifts. The proposed dock will allow the owners access to Matanzas Bay. Total dock and lifts area over open water will be approximately 1,993 sq. ft. The height of the dock will be 6' 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 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.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

The proposed works enhance the vistas and scenic opportunities for admirers of maritime communities .

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 91 feet of Matanzas Bay frontage. The property and adjacent properties utilize sea walls and are elevated from the coastline.

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

The property sits on the Matanzas Bay and is adjacent to other single-family homes to the North and South.

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 deeper water within Matanzas Bay. A seawall armors N. St. Augustine Blvd. from any erosional forces from wave action. Use of the dock by the 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 64 new pilings for the dock construction.

- 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.

Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.

Boat lifts will be low-profile and not exceed 12,000 pounds.



**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Location Map

Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

St. Augustine, FL

Date: Jan 27 2023

Figure:

1





**CARTER ENVIRONMENTAL
SERVICES, INC.**



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Current Aerial
Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

St. Augustine, FL

Date: Jan 27 2023

Figure:

2





**CARTER ENVIRONMENTAL
SERVICES, INC.**

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Neighboring Structures

Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

St. Augustine, FL

Date: Jan 27 2023

Figure:

3



F:\CES Projects\Project Files\Active\Projects\Project Files\2022\15.22623 Morrison 36 N St. Aug Blvd\GISMXD\04_alignment.mxd



CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Alignment

Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

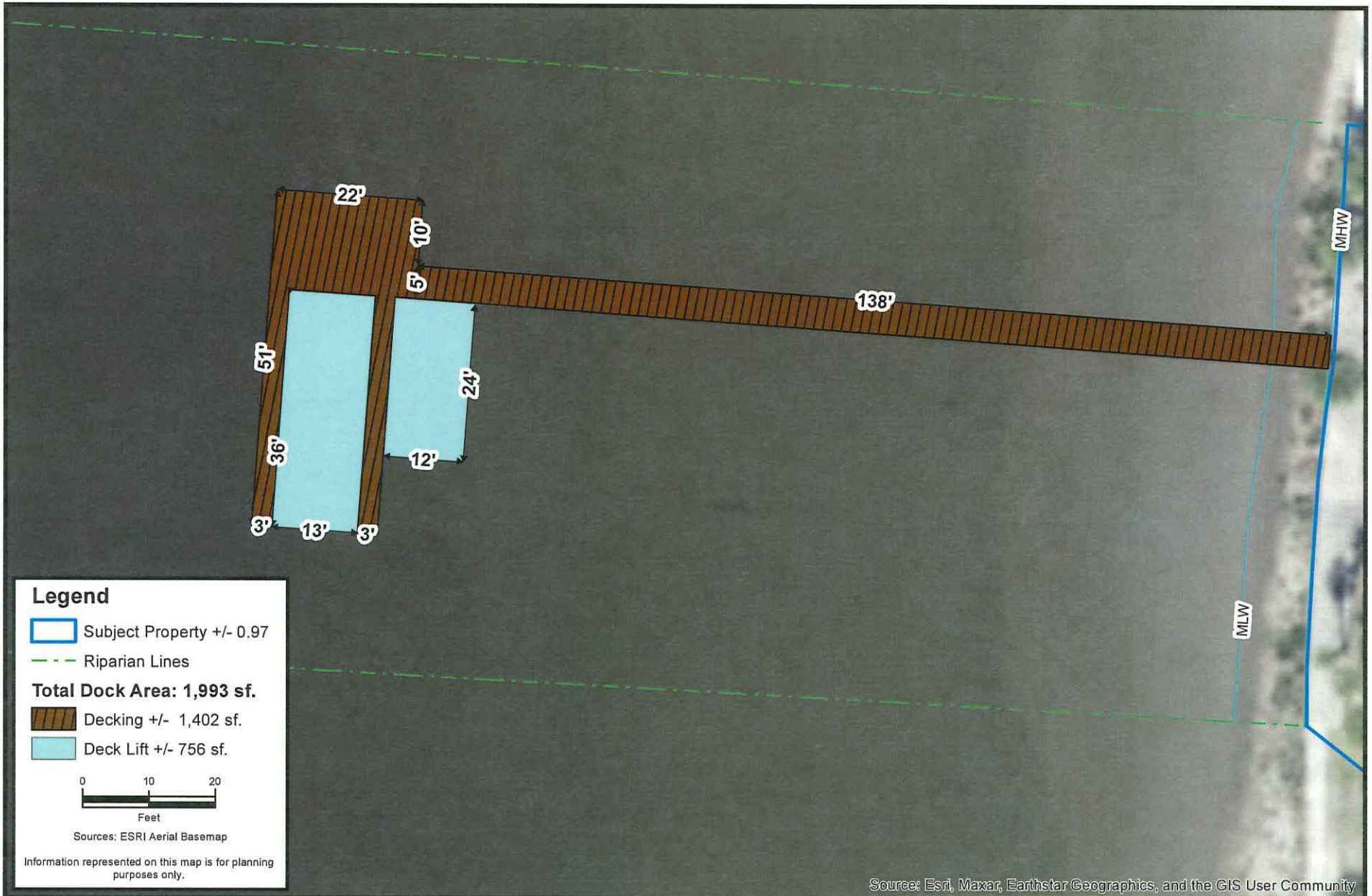
St. Augustine, FL

Date: Mar 06 2023

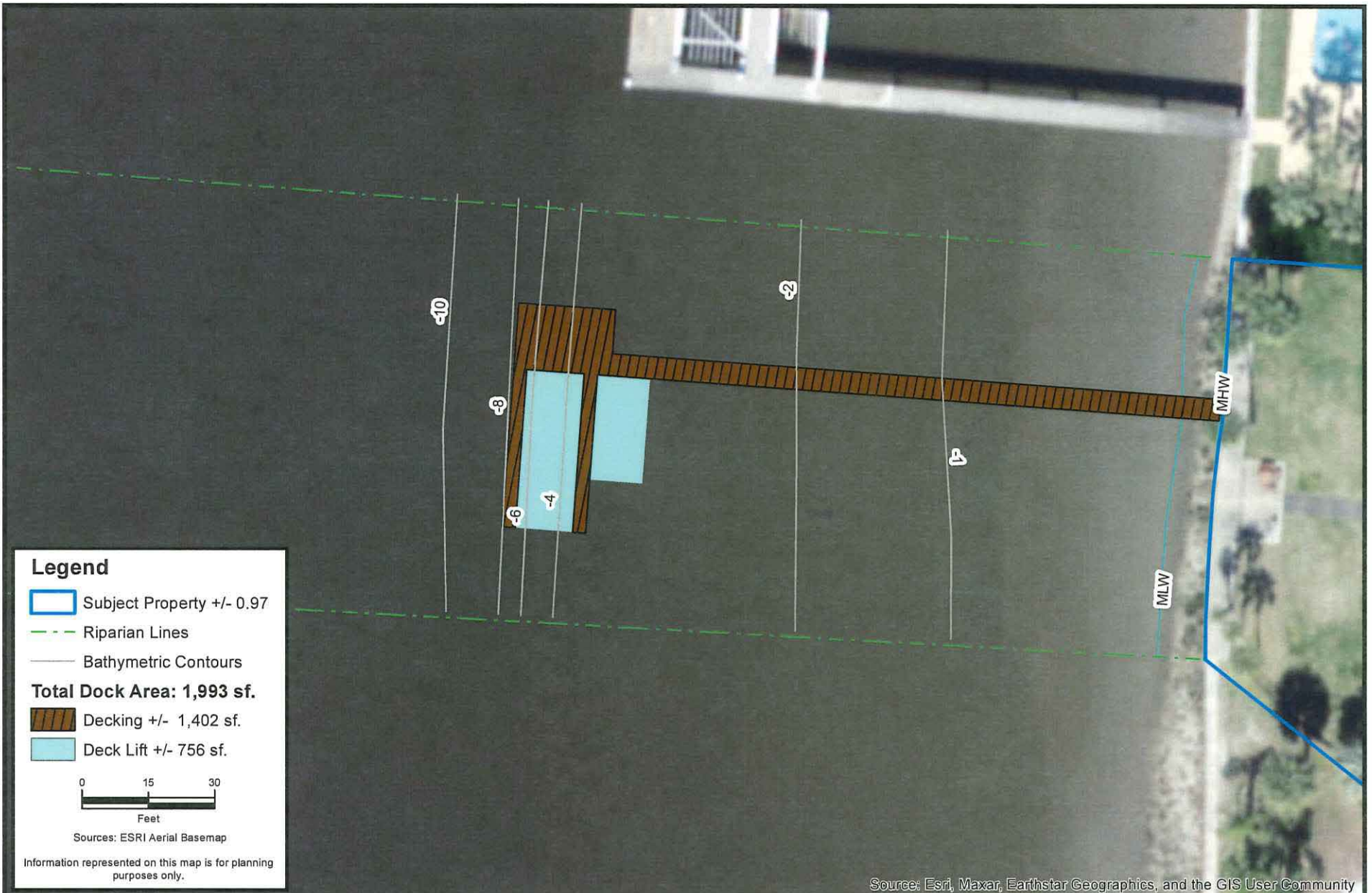
Figure:

4





CARTER ENVIRONMENTAL SERVICES, INC. CES 42 Masters Drive St. Augustine, FL 32084 904-540-1786 www.carterenv.com	Proposed Dock Dimensions Morrison - 36 N St. Augustine Blvd.			
Project:	5.22623	St. Augustine, FL	Date: Mar 10 2023	Figure: 5



CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Bathymetric Assessment

Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

St. Augustine, FL

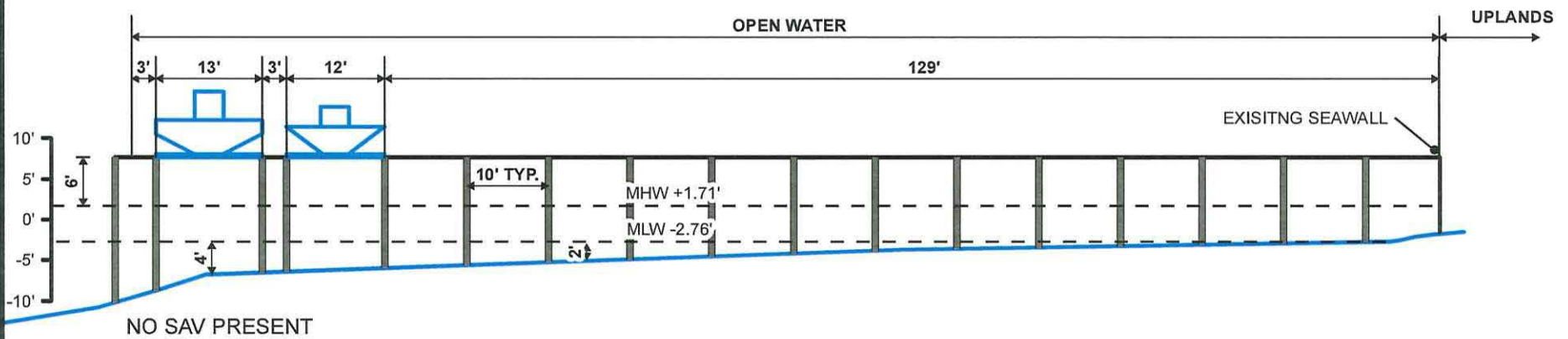
Date: Mar 06 2023

Figure:

6



F:\CES Projects\Project Files\Active\Projects\Project Files\2022\15 22623 Morrison 36 N St. Aug Blvd\GIS\MXD\07_profile.mxd



CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock - Profile View

Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

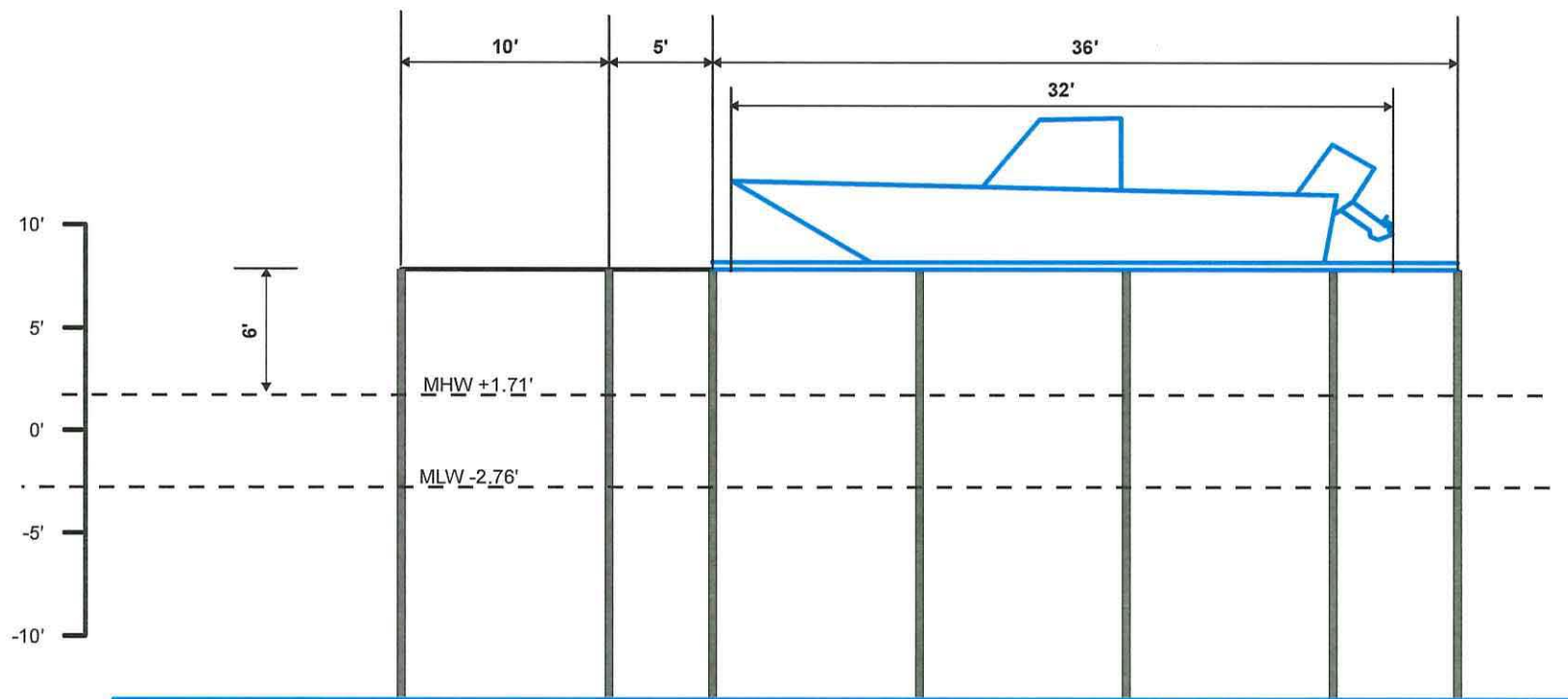
St. Augustine, FL

Date: Mar 06 2023

Figure:

7





CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock - Cross-Section View

Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

St. Augustine, FL

Date: Mar 06 2023

Figure:

8





St. Johns County, FL

Apply for Exemptions

Apply for Exemptions

Sales Questionnaire Form

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

Sales Questionnaire

2022 TRIM Notice

2022 TRIM Notice (PDF)

Summary

Parcel ID	2135200000
Location Address	36 N ST AUGUSTINE BLVD SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	3-97 DAVIS SHORES LOTS 16 & 17 BLK 1 & LOTS 11 & 12 BLK 6 AVISTA SUB OR5526/1592(T/R) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.940
Homestead	N

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



Owner Information

Owner Name	Morrison Kenton Andrew Revocable Trust D:12/28/17 100% Morrison Kenton Andrew Sr Trustee 0%
Mailing Address	PO BOX 845 NASHVILLE, GA 31639-0000

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$8,328
Total Land Value	\$1,358,300
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,366,628
Total Deferred	\$0
Assessed Value	\$1,366,628
Total Exemptions	\$0
Taxable Value	\$1,366,628

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
2022	\$513,663	\$35,486	\$1,025,459	\$0	\$0	\$1,574,608	\$505,742	\$1,119,366	\$455,242
2021	\$379,993	\$35,486	\$886,923	\$0	\$0	\$1,302,402	\$491,012	\$861,890	\$440,512
2020	\$356,537	\$35,013	\$886,923	\$0	\$0	\$1,278,473	\$484,233	\$844,740	\$433,733
2019	\$333,276	\$20,778	\$858,258	\$0	\$0	\$1,212,312	\$473,346	\$789,466	\$422,846
2018	\$341,932	\$21,732	\$854,230	\$0	\$0	\$1,217,894	\$464,520	\$803,874	\$414,020
2017	\$238,054	\$19,805	\$854,230	\$0	\$0	\$1,112,089	\$454,966	\$707,623	\$404,466
2016	\$246,710	\$19,805	\$854,230	\$0	\$0	\$1,120,745	\$445,608	\$725,637	\$395,108
2015	\$205,533	\$19,805	\$793,810	\$0	\$0	\$1,019,148	\$442,510	\$627,138	\$392,010
2014	\$196,722	\$19,805	\$729,362	\$0	\$0	\$945,889	\$438,998	\$557,391	\$388,498
2013	\$203,280	\$19,805	\$729,362	\$0	\$0	\$952,447	\$432,510	\$570,437	\$382,010
2012	\$187,787	\$19,805	\$610,471	\$0	\$0	\$818,063	\$425,280	\$443,283	\$374,780
2011	\$193,748	\$19,805	\$616,884	\$0	\$0	\$830,437	\$412,893	\$468,044	\$362,393
2010	\$196,729	\$19,805	\$685,426	\$0	\$0	\$901,960	\$406,791	\$545,669	\$356,291

Extra Feature Information

Code Description	Status	Value
Bulkhead - Average (Mix)		8328

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	91	250	91	FF	\$955,500
Vacant Residential	152	145	152	EF	\$402,800

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
3/30/2022	3/28/2022	\$3,300,000.00	TRUSTEES DEED	5526	1592	Q	I	EDMISTON FAMILY TRUST	MORRISON KENTON ANDREW REVOCABLE TRUST D:12/28/17
	1/27/2010	\$100.00	LIFE ESTATE	3282	234	U	I	EDMISTON MARGARET ANN TRUSTEE/WMC EDMISTON JR REV	EDMISTON FAMILY TRUST
	2/12/2008	\$0.00	WILL	3111	273	U	I	EDMISTON WILLIAM C JR(DECED)	
	4/25/2002	\$100.00	WARRANTY DEED	1752	1324	U	I	EDMISTON MARGARET ANN JOINED BY WILLIAM JR	EDMISTON MARGARET ANN REV TRUST
	4/25/2002	\$100.00	WARRANTY DEED	1752	1322	U	I	EDMISTON WILLIAM C JR JOINED BY MARGARET ANN	EDMISTON WILLIAM C JR & MARGARET ANN TRUSTEES
	10/1/1989	\$0.00		834	554	U	I		EDMISTON WILLIAM C JR
	7/1/1986	\$0.00		712	710	U	I		
	1/1/1985	\$0.00		689	801	U	I		

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

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.

[User Privacy Policy](#)

[GDPR Privacy Notice](#)

Last Data Upload: 2/25/2023, 2:08:52 AM

Developed by



Version 2.3.249



NOAA is monitoring water levels and winds for Hurricane Fiona



(<https://tidesandcurrents.noaa.gov/inundationdb/storm/Fiona.html>). Click to view real-time water level and meteorological data.

Home (/) / Products ([products.html](#)) / Datums ([stations.html?type=Datums](#)) /
8720576 ST. AUGUSTINE, FL Favorite Stations

Station Info

Tides/Water Levels

Meteorological Obs.

Phys. Oceanography

Datums for 8720576, ST. AUGUSTINE FL

NOTICE: All data values are relative to the NAVD88.

Elevations on NAVD88

Station: 8720576, ST. AUGUSTINE, FL

Status: Accepted (May 22 2012)

Units: Feet

Control Station: 8720220 Mayport (Ferry Depot), FL

T.M.: 75

Epoch: ([datum_options.html#NTDE](#)) 1983-2001

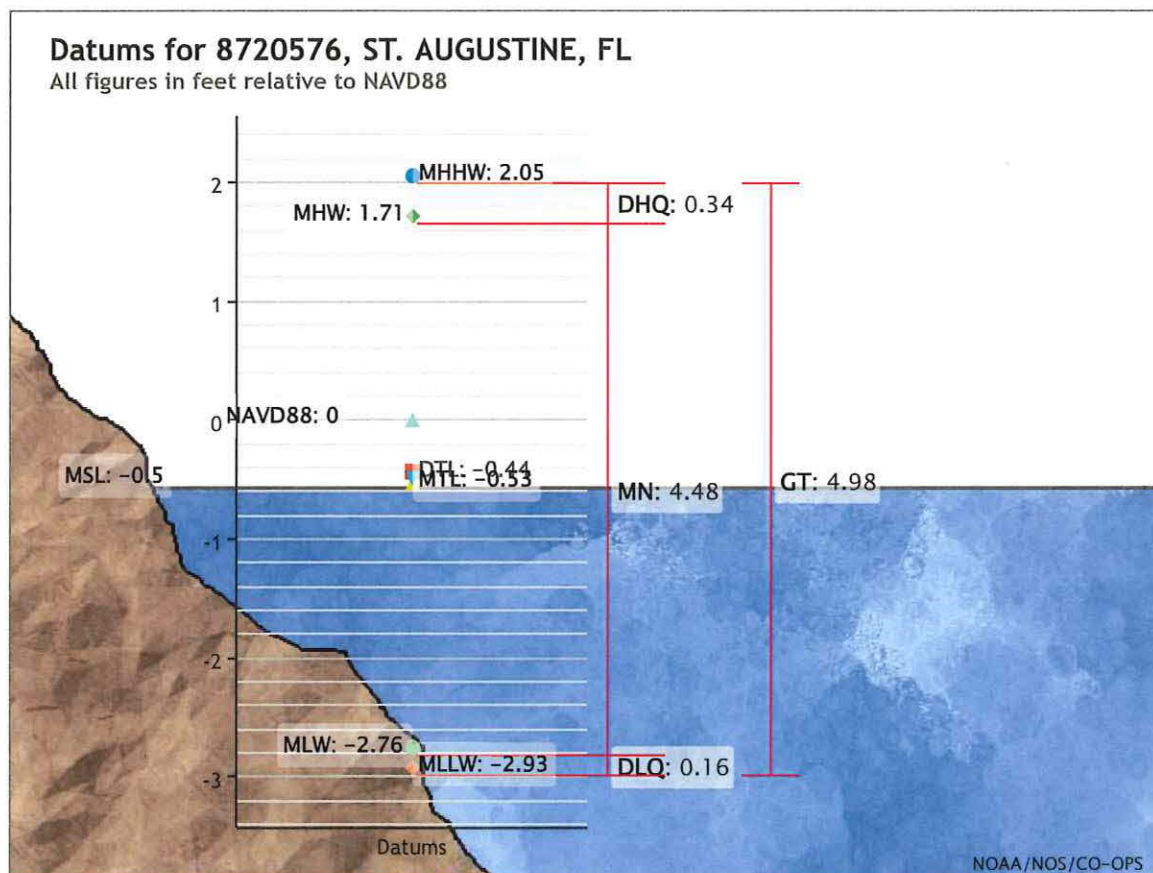
Datum: NAVD88

Datum	Value	Description
MHHW (datum_options.html#MHHW)	2.05	Mean Higher-High Water
MHW (datum_options.html#MHW)	1.71	Mean High Water
MTL (datum_options.html#MTL)	-0.53	Mean Tide Level
MSL (datum_options.html#MSL)	-0.50	Mean Sea Level
DTL (datum_options.html#DTL)	-0.44	Mean Diurnal Tide Level
MLW (datum_options.html#MLW)	-2.76	Mean Low Water
MLLW (datum_options.html#MLLW)	-2.93	Mean Lower-Low Water
NAVD88 (datum_options.html)	0.00	North American Vertical Datum of 1988
STND (datum_options.html#STND)	-4.70	Station Datum
GT (datum_options.html#GT)	4.98	Great Diurnal Range
MN (datum_options.html#MN)	4.48	Mean Range of Tide

Datum	Value	Description
DHQ (/datum_options.html#DHQ)	0.34	Mean Diurnal High Water Inequality
DLQ (/datum_options.html#DLQ)	0.16	Mean Diurnal Low Water Inequality
HWI (/datum_options.html#HWI)	1.03	Greenwich High Water Interval (in hours)
LWI (/datum_options.html#LWI)	7.28	Greenwich Low Water Interval (in hours)
Max Tide (/datum_options.html#MAXTIDE)	4.13	Highest Observed Tide
Max Tide Date & Time (/datum_options.html#MAXTIDEDT)	11/03/1978 15:18	Highest Observed Tide Date & Time
Min Tide (/datum_options.html#MINTIDE)	-5.58	Lowest Observed Tide
Min Tide Date & Time (/datum_options.html#MINTIDEDT)	04/05/1977 19:06	Lowest Observed Tide Date & Time
HAT (/datum_options.html#HAT)		Highest Astronomical Tide
HAT Date & Time		HAT Date and Time
LAT (/datum_options.html#LAT)		Lowest Astronomical Tide
LAT Date & Time		LAT Date and Time

Tidal Datum Analysis Periods

01/01/1977 - 12/31/1978



Showing datums for

8720576 ST. AUGUSTINE, FL

Datum

NAVD88

Data Units ☒ Feet

☐ Meters

Epoch ☒ Present (1983-2001)

☐ Superseded (1960-1978)

Submit

Show nearby stations

Products available at 8720576 ST. AUGUSTINE, FL

TIDES/WATER LEVELS

Water Levels

[NOAA Tide Predictions \(/noaatidepredictions.html?id=8720576\)](/noaatidepredictions.html?id=8720576)

Harmonic Constituents

Sea Level Trends

[Datums \(/datums.html?id=8720576\)](/datums.html?id=8720576)

[Bench Mark Sheets \(/benchmarks.html?id=8720576\)](/benchmarks.html?id=8720576)

[Extreme Water Levels \(/est/est_station.shtml?stnid=8720576\)](/est/est_station.shtml?stnid=8720576)

[Reports \(/reports.html?id=8720576\)](/reports.html?id=8720576)

METEOROLOGICAL/OTHER

Meteorological Observations

Water Temp/Conductivity

PORTS®

This station is not a member of PORTS®

OPERATIONAL FORECAST SYSTEMS

This station is not a member of OFS

INFORMATION

[Station Home Page \(/stationhome.html?id=8720576\)](/stationhome.html?id=8720576)

[Data Inventory \(/inventory.html?id=8720576\)](/inventory.html?id=8720576)

[Measurement Specifications \(/measure.html\)](/measure.html)

Website Owner: Center for Operational Oceanographic Products and Services

[National Oceanic and Atmospheric Administration \(http://www.noaa.gov\)](http://www.noaa.gov)

[National Ocean Service \(http://oceanservice.noaa.gov\)](http://oceanservice.noaa.gov)

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FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

March 31, 2023

Kenton Morrison
36 North St Augustine Blvd,
St Augustine Florida 32080
Meridian500tp@gmail.com

File No. 55-0432568-002 EG, St Johns County

Dear Mr. Morrison:

On March 10th, 2023, we received your notice of intent to use a General Permit (GP), pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a private residential, single-family dock less than 2,000 sq ft within the Matanzas River, a Class III Waterbody, not located within an Aquatic Preserve or Outstanding Florida Waterbody. The project is located at 36 North St. Augustine Boulevard (parcel ID 2135200000) St. Augustine, Florida 32080, Section 17, Township 7 South, Range 30 East, in St Johns County: Latitude 29 ° 53' 46.1362" N, Longitude - 81 ° 18' 19.7960" W.

Your intent to use a general permit has been reviewed by Department staff for three types of authorizations: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

Your project qualifies for all three authorizations. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review – Approved

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached), and the specific conditions of Rule 62-330.427, F.A.C. (attached).

Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review- Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – Not required

The activity does not appear to be located on sovereign submerged lands and does not require further authorization under Chapter 253 of the Florida Statutes, or Chapters 18-20 or 18-21 of the Florida Administrative Code.

3. Federal Review – SPGP Approved

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found online in the Jacksonville District Regulatory Division Sourcebook (<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this general permit. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed

within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

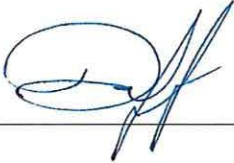
Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Paul Duff, MS, CWE
Environmental Manager

Enclosures:

Ch. 62-330.427 F.A.C.
General Conditions for All General Permits, Ch. 62-330.405, F.A.C.
Special Conditions for Federal Authorization for SPGP V-R1
General Conditions for Federal Authorization for SPGP V-R1
Department of the Army Permit Transfer for SPGP V-R1
Standard Manatee Conditions for in Water Work
Project Drawings, 6 pages
North Atlantic Right Whale Information Form

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

cc:

Michael Carpenter, Carter Environmental Services, Mcarpenter@carterenv.com
Katie Miller, FDEP NED
Paul Duff, FDEP NED
Conor Lucey, FDEP NED

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

March 31, 2023

Date

62-330.427 General Permit for Docks, Piers and Associated Structures

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type. These limits shall not apply to the mooring, storage or other use of the dock or pier by:

a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.

62-330.405 General Conditions for All General Permits

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the “take” of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is

located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) A permittee's right to conduct a specific activity under the general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.

Special Conditions for Federal Authorizations for SPGP V-R1

Note: JAXBO (Jacksonville District's Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at <http://cdm16021.contentdm.oclc.org/utis/getfile/collection/p16021coll3/id/577>. The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at <https://www.saj.usace.army.mil/SPGP/>

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

Special Conditions for All Projects

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities ([Attachment 6](#) from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).
5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
 - a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
 - b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form ([Attachment 32](#)) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
 - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit

will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form ([Attachment 2](#)).

d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.

7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.

8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.

10. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

11. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.

12. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

13. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.

14. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures

1. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).

2. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):

- a. (A.2.2.) For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- (1) (A.2.2.1.) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.
 - (2) (A.2.2.2.) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.
 - (3) (A.2.2.3.) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
3. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):
 - a. (A2.3.) For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
 - (1) (A2.3.1.) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
 - (2) (A2.3.2.) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
4. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form ([Attachment 27](#)) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by [Attachment 29](#), the North Atlantic Right Whale Educational Sign Zones (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).
5. Aids to Navigation. Aids to navigation must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).
6. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).
7. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).

8. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:

a. A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:

(1) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 ([Attachment 5](#))

(2) In addition to (1), above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below (Reference: JAXBO PDC A2.17).

b. For all other Projects,

(1) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" ([Attachment 7](#)). If no survey performed, aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this Special Condition.

(2) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" ([Attachment 7](#)) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.

(3) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 ([Attachment 5](#)).

(4) In addition to (1) to (3) above, IF the proposed dock or proposed structure is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls

within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below. (Reference: The following replicates “Scenario B” as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):

- (i) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:
 - (a) within Johnson’s seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson’s seagrass under the dock; or, Native seagrass, other than Johnson’s seagrass, under the dock; or,
 - (b) within the Range of Johnson’s seagrass (outside of critical habitat) with No current seagrass survey or, Johnson’s seagrass under the dock,
 - (ii) New docks or dock expansions and:
 - (a) within Johnson’s seagrass critical habitat; or,
 - (b) within the Range of Johnson’s seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson’s seagrass within property limit.
- c. The following additional restrictions apply when required by paragraphs 8.a.(2) or 8.b.(4), above (Reference: The following replicates the “Dock PDCs for Scenario B” within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):
- (1) To avoid and minimize impacts to Johnson’s seagrass and native, non-listed seagrasses to the maximum extent practicable:
 - (i) The dock must be positioned to avoid and minimize effects to Johnson’s seagrass.
 - (ii) Over any area that contains Johnson’s seagrass or native, non-listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
 - (iii) If practicable, terminal platforms shall be placed in deep water, waterward of Johnson’s seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson’s seagrass or native, non-listed seagrasses.
 - (iv) Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson’s seagrass to minimize direct impacts.
 - (v) Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
 - (vi) No covered boat lifts are allowed over any Johnson’s seagrass.
 - (2) Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:
 - (i) For grated decking:

- (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
 - (c) Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.
- (ii) For plank decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.
 - (c) Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.
- d. Aids to Navigation in Acropora critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

General Conditions for Federal Authorization for SPGP V-R1

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or Construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
4. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

Department of the Army Permit Transfer for SPGP V-R1

PERMITEE: _____

PERMIT NUMBER: _____ DATE: _____

ADDRESS/LOCATION OF PROJECT:

(Subdivision)

(Lot)

(Block)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(Transferee Signature)

(Date)

(Name Printed)

(Street address)

(Mailing address)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



CARTER ENVIRONMENTAL
SERVICES, INC.



42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Current Aerial

Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

St. Augustine, FL

Date: Jan 27 2023

Figure:

2



F:\CES Projects\Project Files\Active\Project Files\2022\5.22623 Morrison 36 N St. Aug Blvd\GISMXD04_alignment.mxd



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42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock Alignment

Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

St. Augustine, FL

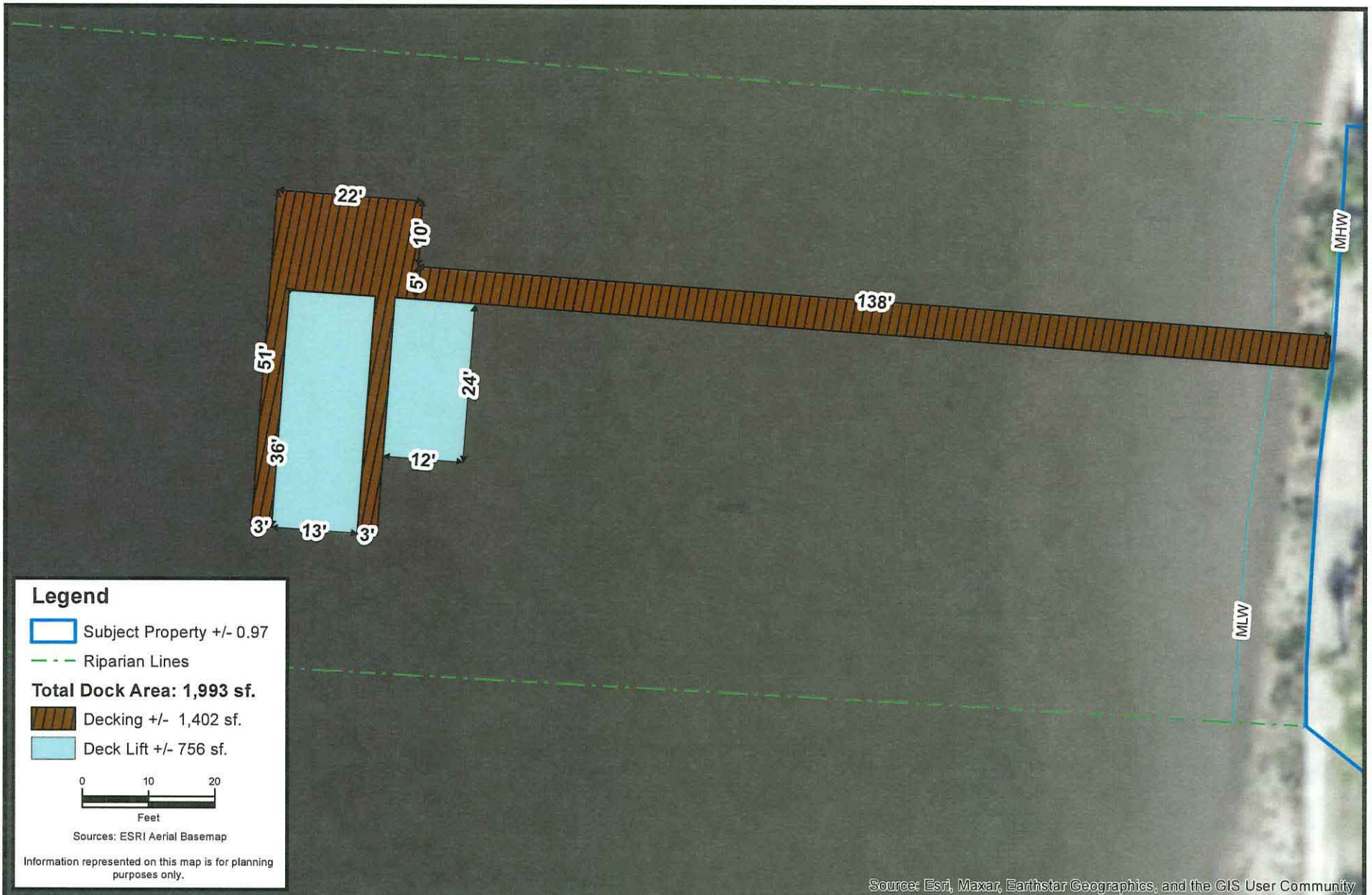
Date: Mar 06 2023

Figure:

4



F:\CES Projects\Project Files\Active\Project Files\2022\25 22623 Morrison 36 N St. Aug Blvd\GIS\MXD\05_dimensions.mxd



CARTER ENVIRONMENTAL
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St. Augustine, FL 32084
904-540-1786

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Proposed Dock Dimensions

Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

St. Augustine, FL

Date: Mar 10 2023

Figure:

5





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Bathymetric Assessment

Morrison - 36 N St. Augustin Blvd.

Project: 5.22623

St. Augustine, FL

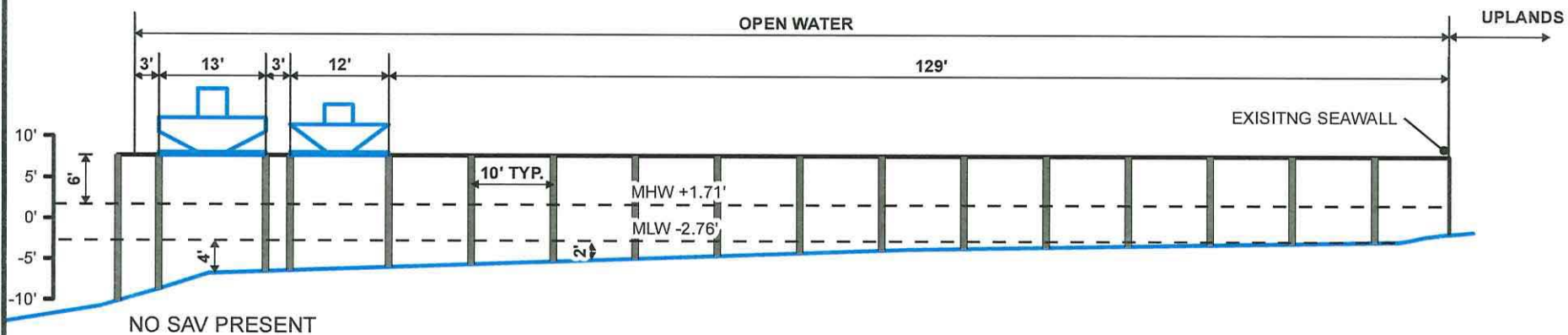
Date: Mar 06 2023

Figure:

6



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Proposed Dock - Profile View

Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

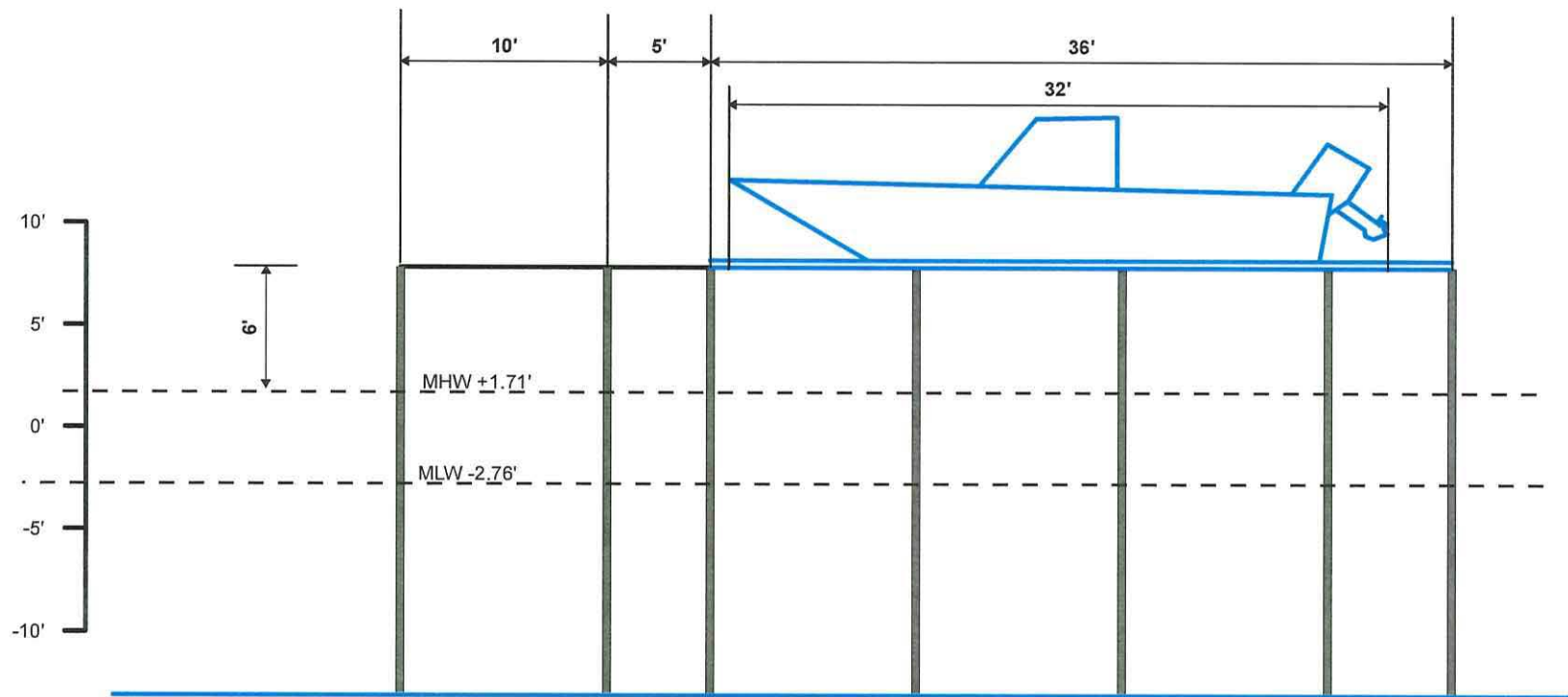
St. Augustine, FL

Date: Mar 06 2023

Figure:

7





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SERVICES, INC.



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St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Proposed Dock - Cross-Section View

Morrison - 36 N St. Augustine Blvd.

Project: 5.22623

St. Augustine, FL

Date: Mar 06 2023

Figure:

8





**US Army Corps
of Engineers®**

**Department of the Army Permit
State Programmatic General Permit
(SPGP V-R1)**

Attachment 27

North Atlantic Right Whale Information Form.

North Atlantic Right Whale Information Form

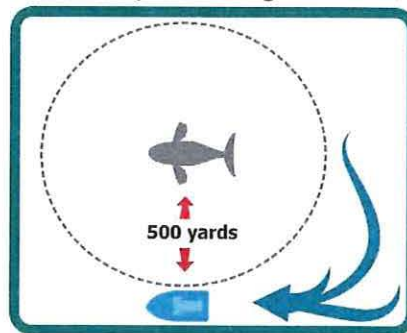
Federal Regulations Governing the Approach to North Atlantic Right Whales



1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.

Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

- (i) *Approach (including by interception) within 500 yards (460 m) of a right whale by vessel*
- (ii) *Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.*



2. Updates can be downloaded from:
 - a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
 - b. www.ecfr.gov

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 2, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0024**

AGENDA ITEM	8(d)
APPLICANT & OWNER	Peter Burkhardt c/o Jjmrn Properties LLC
LOCATION	83 Comares Avenue Unit 2C / PID 218562-0302
REQUEST	To approve the installation of a boat lift within Conservation Overlay Zone 1.
LAND USE	Residential Medium Density
ZONING	Residential General-One (RG-1)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal

Chapter 163.3177(6)(d) F.S.

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. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

APPLICABLE CODES/ORDINANCES

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. 11-27. – Definitions.

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.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

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.

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.

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](#).
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
- (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](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

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.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional

integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in subsections (1)—(4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

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

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SECTION OF THIS REPORT

- (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 significant 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:
 1. Ground and surface water stabilization.
 2. Water quality and aquifer recharge.
 3. Ecological impacts.
 4. Noise pollution.
 5. Air movement.
 6. Air quality.
 7. 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.

(e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:

- (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
- (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
- (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
- (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.

(Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19; Ord. No. 21-13, § 1, 8-23-21)

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees. Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

STAFF SUMMARY AND ANALYSIS

This request is for the installation of a 7,000-pound low profile boat lift at an existing dock within Conservation Overlay Zone 1.

In June of 2021 the Planning and Zoning Board approved a 10,000-pound low profile boat lift also at 83 Comares Avenue and cited that the dock would be safer with a low profile boat lift.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, staff's analysis is italicized.

- (1) Site specific conditions.
 - *This property is a condominium complex with a multi-slip boat dock, some of which have boat lifts. The PZB has approved boat lifts at this dock in the past.*
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - *This property is in Davis Shores, it is an established condominium complex, it is located on Salt Run and the boat dock and boat slip already exists, this application is for a boat lift within an existing slip.*
- (3) Natural and proposed drainage patterns.
 - *N/A*
- (4) Effect of point and nonpoint discharge in the marine environment.
 - *N/A*
- (5) Proposed soil stabilization and erosion control methods.
 - *N/A*
- (6) Impact on floodplain.
 - *N/A*
- (7) Impact of development on vegetative and animal communities.
 - *It would be a minimal impact towards these communities as the multi-slip boat dock is in place.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - *N/A*
- (9) Effect of shade on vegetation and shellfish.
 - *Adding a boat lift to an existing boat slip does not appear to intensify any shading effects.*
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
 - *The proposed boat lift will not create boat wake or increase boat traffic.*
- (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.
 - *The impact of this boat lift on vistas and scenic opportunities is not known, but the current scenic vista includes the multiple boat lifts already on this dock.*
- (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

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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.
 - *N/A*
- (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 application identifies the lift as a low profile boat lift with a 7,000 pound capacity.*

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 installation of a boat lift at 83 Comares Avenue Unit 2C / PID 218562-0302.



Jacob Fredriksson
Senior Planner
Planning and Building Department

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 2, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0024**

AGENDA ITEM	8(d)
APPLICANT & OWNER	Peter Burkhardt c/o Jjmrn Properties LLC
LOCATION	83 Comares Avenue Unit 2C / PID 218562-0302
REQUEST	To approve the installation of a boat lift within Conservation Overlay Zone 1.
LAND USE	Residential Medium Density
ZONING	Residential General-One (RG-1)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal

Chapter 163.3177(6)(d) F.S.

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. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

APPLICABLE CODES/ORDINANCES

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. 11-27. – Definitions.

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.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

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.

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.

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](#).
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
- (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](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

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.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional

integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in subsections (1)—(4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

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- (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.
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- e. Whether the tree has been designated a significant tree.
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- 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.

(e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:

- (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
- (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
- (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
- (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.

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 - *This property is in Davis Shores, it is an established condominium complex, it is located on Salt Run and the boat dock and boat slip already exists, this application is for a boat lift within an existing slip.*
- (3) Natural and proposed drainage patterns.
 - *N/A*
- (4) Effect of point and nonpoint discharge in the marine environment.
 - *N/A*
- (5) Proposed soil stabilization and erosion control methods.
 - *N/A*
- (6) Impact on floodplain.
 - *N/A*
- (7) Impact of development on vegetative and animal communities.
 - *It would be a minimal impact towards these communities as the multi-slip boat dock is in place.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - *N/A*
- (9) Effect of shade on vegetation and shellfish.
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CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

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- *N/A*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
 - *N/A*
- (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 application identifies the lift as a low profile boat lift with a 7,000 pound capacity.*

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 installation of a boat lift at 83 Comares Avenue Unit 2C / PID 218562-0302.



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: 2023-0024

Receipt Number: 2599924 Meeting Date: 5/2/23

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

1. NAME OF APPLICANT: Peter Burkhardt Contact Number: _____

Business (if applicable): Jjmrn Properties LLC

Address: 805 Tuckaway Lane City: St. Augustine State: FL Zip: 32080

E-Mail Address: burkhardtpm@gmail.com

2. NAME OF PROPERTY OWNER: Peter Burkhardt Contact Number: 904-669-4018

Business (if applicable): Jjmrn Properties LLC

Address: 83 Comares Ave, Unit 2C City: St. Augustine State: FL Zip: 32080

E-Mail Address: burkhardtpm@gmail.com

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:

Lot: _____ Block: _____

Subdivision: SALT RUN 3 PH 1 BLDG C Parcel Number: 2185620302

4. PROJECT STREET ADDRESS: 83 Comares Ave, Unit 2C, St. Augustine, FL 32080

5. SPECIFIC PROPOSED USE: Boat Lift Installation

6. ACTION REQUESTED:

☒ Conservation Zone Development ☐ Appeal of Staff Determination

☐ Exception ☐ Land Use Plan Amendment

☐ Variance ☐ Rezoning

☐ Other: 342

7. DESCRIPTION OF ACTION REQUESTED: Installation of a 7K low profile boatlift on (4) P.T. Pilings

8. JUSTIFICATION FOR ACTION REQUESTED: _____

Installation of low profile boat lift in existing marina.

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 APPPLICATIONS:

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.

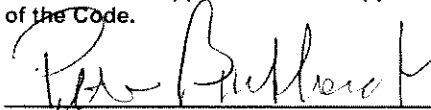
11. AGREEMENT:

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

3/27/23

Date



Signature of Property Owner

3/27/23

Date



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

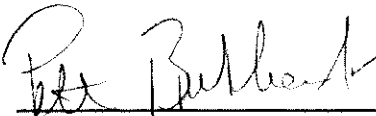
The applicant acknowledges and agrees to waive the limitation of three requests for additional information by the City of St. Augustine, pursuant to Chapter 166.033, Florida Statutes.

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.

Jjmrn Properties LLC
Peter Burkhardt

Print name of applicant


Signature of applicant

3/27/23
Date



Owner's Authorization For Agent

P&G Construction, Inc. _____ is/are hereby authorized TO ACT ON BEHALF
OF Jjmrn Properties LLC - Peter Burkhardt, 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:

BY: 
Signature of Owner
Jjmrn Properties LLC - Peter Burkhardt
Print Name of Owner
904-669-4018
Telephone Number

State of Florida

County of St. Johns

Signed and sworn before me on this 27 day of March, 2023

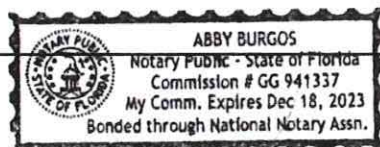
By Peter Burkhardt
6626-673-60-372-0

Identification verified:

Oath sworn: _____ Yes _____ No

Notary Signature: 

My Commission expires: _____



PZB APPLICATION FEE SCHEDULE

Planning and Zoning Board fees are set by Resolution 2021-38 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
Significant Tree Removal or Appeal of Tree Removal Permit Denial	\$165.00 + ads & notices
Appeal of Staff Determination	\$200.00 + ads & notices
Application to Amend Zoning Code	\$600.00 + ads & notices
Subdivision Plat Review	\$275.00 + ads, notices & additional associated costs

"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.

83 Comares Ave, Unit 2C, St. Augustine, FL 32080

Project Address: _____

Applicant's Name: Jimm Properties LLC - Peter Burkhardt Applicant's Signature: Peter Burkhardt

Owner's Name: Jimm Properties LLC - Peter Burkhardt Owner's Signature: Peter Burkhardt



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

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

[Sales Questionnaire](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID	2185620302
Location Address	83 COMARES AVE UNIT 2C SAINT AUGUSTINE 32080-0000
Neighborhood	Salt Run III Condo (ICWFR) (596.03)
Tax Description*	SALT RUN III CONDO (PT OF OR564/234) UNIT 2C & BOAT SLIP D2 (COMB 2003 FKA 218562-0002) OR5577/262 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Condos (0400)
Subdivision	SALT RUN 3 PH 1 BLDG C
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.000
Homestead	N

Owner Information

Owner Name	Jjmrn Properties LLC 100%
Mailing Address	805 TUCKAWAY LN SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2023
Building Value	\$726,800
Extra Features Value	\$0
Total Land Value	\$0
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$726,800
Total Deferred	\$0
Assessed Value	\$726,800
Total Exemptions	\$0
Taxable Value	\$726,800

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
2022	\$365,000	\$0	\$0	\$0	\$0	\$365,000	\$346,189	\$18,811	\$346,189
2021	\$303,000	\$0	\$0	\$0	\$0	\$303,000	\$269,670	\$83,330	\$219,670
2020	\$228,000	\$0	\$0	\$0	\$0	\$228,000	\$228,000	\$0	\$228,000
2019	\$213,000	\$0	\$0	\$0	\$0	\$213,000	\$213,000	\$0	\$213,000
2018	\$188,000	\$0	\$0	\$0	\$0	\$188,000	\$134,118	\$103,882	\$84,118
2017	\$179,550	\$0	\$0	\$0	\$0	\$179,550	\$131,359	\$98,191	\$81,359
2016	\$198,550	\$0	\$0	\$0	\$0	\$198,550	\$142,272	\$106,278	\$92,272
2015	\$190,000	\$0	\$0	\$0	\$0	\$190,000	\$141,283	\$98,717	\$91,283
2014	\$185,000	\$0	\$0	\$0	\$0	\$185,000	\$140,162	\$94,838	\$90,162
2013	\$195,500	\$0	\$0	\$0	\$0	\$195,500	\$138,091	\$107,409	\$88,091
2012	\$195,500	\$0	\$0	\$0	\$0	\$195,500	\$135,783	\$109,717	\$85,783
2011	\$191,750	\$0	\$0	\$0	\$0	\$191,750	\$131,828	\$109,922	\$81,828
2010	\$225,500	\$0	\$0	\$0	\$0	\$225,500	\$129,880	\$145,620	\$79,880

Building Information

Building 1
 Year Built 1965
 Actual Area 1208
 Conditioned Area 1208
 Use Condos
 Style 08
 Class N
 Exterior Wall

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

Description	Square Footage
BASE AREA - FORCED	1208
Total SqFt	1208

Sketch Information

	Room Type

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/10/2022	6/10/2022	\$790,000.00	WARRANTY DEED	5577	262	Q	I	STRATTON-RAVAN FAMILY TRUST D:02/21/14	JJMRN PROPERTIES LLC
4/8/2022	4/7/2022	\$100.00	WARRANTY DEED	5534	1023	U	I	RAVAN BELINDA JO	STRATTON-RAVAN FAMILY TRUST D:02/21/14
3/1/2022	2/28/2022	\$43,000.00	WARRANTY DEED	5504	1524	U	I	MARTINEZ CHARLES ANDREW ET AL	RAVAN BELINDA JO
7/16/2020	7/16/2020	\$365,000.00	WARRANTY DEED	4990	1684	Q	I	MC DARIS RICHARD & LINDA	MARTINEZ CHARLES ANDREW ET AL
	3/28/1996	\$144,000.00	WARRANTY DEED	1164	656	Q	I	MC GANN CAROL A TRUSTEE (& JOHN J H/H)	MC DARIS RICHARD & LINDA
	4/15/1994	\$132,800.00	WARRANTY DEED	1049	370	U	I	MC GANN JOHN J,CAROL A	MC GANN CAROL A TRUSTEE
	4/15/1994	\$100.00	WARRANTY DEED	1049	369	U	I	INSTITUTE OF GRADUATE H S INC	MC GANN JOHN J,CAROL A
	6/1/1988	\$129,500.00		786	1760	Q	I		INSTITUTE OF GRADUATE H S INC
	6/1/1988	\$129,500.00		786	1760	Q	I		
	7/1/1983	\$101,400.00		596	351	Q	I		

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

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.

[User Privacy Policy](#)

[GDPR Privacy Notice](#)

Last Data Upload: 4/1/2023, 1:25:39 AM

Developed by
 Schneider
 GEOSPATIAL

Version 2.3.254



Overview



Legend

Parcels

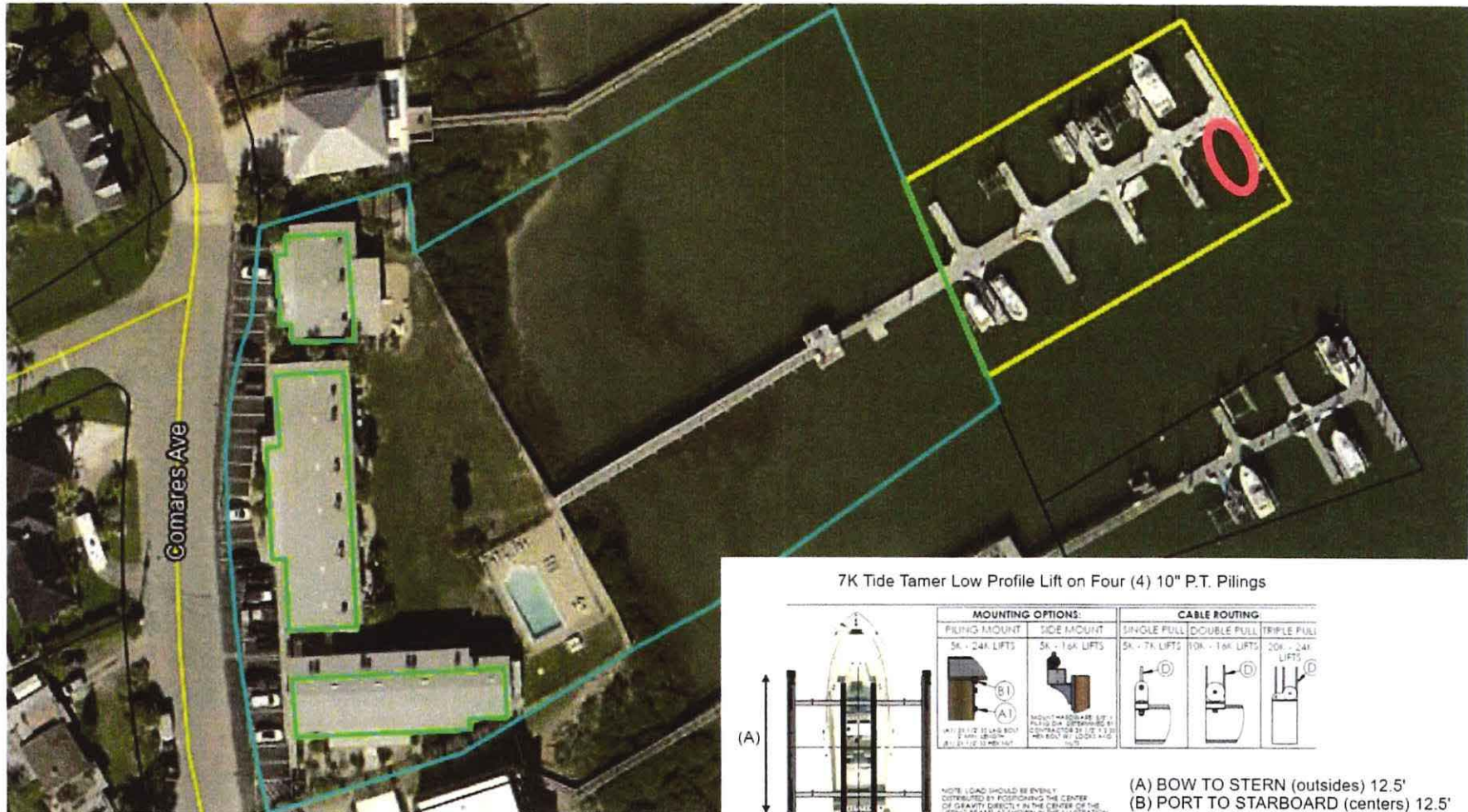
Parcel ID	2185619030	Physical Address	83 COMARES AVE	Building Value	N/A	Last 2 Sales			
Property Class	0902 - Residential Condo Common	Mailing Address	SAINT AUGUSTINE	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	SALT RUN III	Total Land Value	N/A	n/a	0	n/a	n/a
Acres	0.05		CONDO	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				

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.

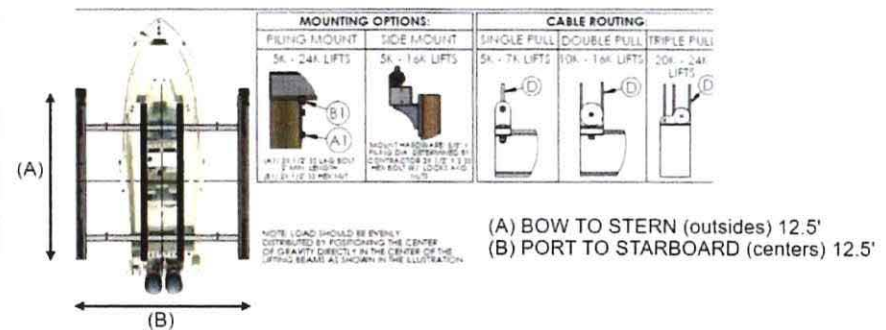
Date created: 4/3/2023

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Developed by  Schneider
GEOSPATIAL



7K Tide Tamer Low Profile Lift on Four (4) 10" P.T. Pilings



**P&G
CONSTRUCTION**

1401 State Road 207
Saint Augustine, FL 32086
904-342-5746

Peter Burkhardt
83 Comares Ave Unit 2C – Boat Slip D2
St. Augustine, FL 32080

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: May 2, 2023

RE: **CONSERVATION OVERLAY ZONE DEVELOPMENT 2023-0026**

AGENDA ITEM 8(e)

APPLICANT Ryan Carter
c/o Carter Environmental Services Inc.

OWNER Alan Stevenson
c/o STA Beach Investments, LLC

LOCATION 34 N St. Augustine Boulevard / PID 213510-0000

REQUEST To approve the modification of an existing dock to allow for the addition of a new floating dock, the widening of a boat lift, and the widening of a personal watercraft lift within Conservation Overlay Zone 1.

LAND USE Residential Low Density

ZONING Residential Single-Family-One (RS-1)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal

Chapter 163.3177(6)(d) F.S.

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. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

APPLICABLE CODES/ORDINANCES

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. 11-27. – Definitions.

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.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

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.

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.

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](#).
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.
- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
- (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](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

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.

- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in subsections (1)—(4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any

mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

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

THIS LANGUAGE MAY BE FOUND UNDER THE STAFF SUMMARY AND ANALYSIS
SECTION OF THIS REPORT

- (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 significant 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:
 1. Ground and surface water stabilization.
 2. Water quality and aquifer recharge.
 3. Ecological impacts.
 4. Noise pollution.
 5. Air movement.
 6. Air quality.
 7. 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.
- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
 - (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.

(Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19; Ord. No. 21-13, § 1, 8-23-21)

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining significant trees. Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

STAFF SUMMARY AND ANALYSIS

This request is to modify an existing dock which includes the addition of a floating dock as well as widening a boat lift and a personal watercraft lift within Conservation Overlay Zone 1.

The proposed floating dock measures 14' x 26' and equaling 364 square feet, the existing boat lift is proposed to be widened by 4', and the PWC lift is proposed to be widened by 2'.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, the applicant's responses are italicized.

- (1) Site specific conditions.
 - *This property has approximately 160 feet of Matanzas Bay frontage. The property and adjacent properties utilize sea walls and are elevated from the coastline.*
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - *The property sits on the Matanzas Bay and is adjacent to other single-family homes to the North and South.*
- (3) Natural and proposed drainage patterns.
 - *Drainage will not be altered by the proposed works.*
- (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.*

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (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 deeper water within Matanzas Bay. A seawall armors N St. Augustine Boulevard from any erosional forces from wave action. Use of the dock by the 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.

<i>The effects of the proposed project on commercial and sport fish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The proposed new dock supports will provide shelter for larval, juvenile, and adult fish.</i>	<i>Extremely small loss of juvenile habitat from the placement of approximately 4 new pilings for the dock construction.</i>

<i>The effects of the project on shellfish are as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The pilings used to construct the dock/lift additions could be colonized by barnacles, oysters, and mussels. This will be an addition of habitat.</i>	<i>None</i>

<i>The effects of the project on waterfowl area as follows:</i>	
<i>Positive</i>	<i>Negative</i>
<i>The additional dock area could be used as a resting place or perch for many water fowl.</i>	<i>Extremely small loss of foraging habitat.</i>

- (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.

- *There are no proposed plans for any boathouse, roofed structure or wall within the dock. The deck will be built 6' above MHW; the boat lifts are under 12,000 pounds as well as being a low-profile design.*

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 to an existing dock to allow for a floating dock as well as the widening of existing boat and PWC lifts within Conservation Overlay Zone 1 at 34 N St. Augustine Boulevard / PID 213510-0000.



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: 2023-0026
Receipt Number: 2600871 Meeting Date: _____
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 DR City: ST. AUGUSTINE State: FL Zip: 32084
E-Mail Address: RYAN@CARTERENV.COM

2. NAME OF PROPERTY OWNER: ALAN STEVENSON Contact Number: 904-826-7242
Business (if applicable): STA BEACH INVESTMENTS, LLC
Address: 580 A1A BEACH BLVD City: ST. AUGUSTINE State: FL Zip: 32084
E-Mail Address: ARSTEVENSONJR@YAHOO.COM

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: 15 & 13 Block: BLK 1 & BLK 6
Subdivision: DAVIS SHORES Parcel Number: 2135100000

4. PROJECT STREET ADDRESS: 34 N ST. AUGUSTINE BLVD

5. SPECIFIC PROPOSED USE: 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 A SINGLE FAMILY DOCK MODIFICATION

8. JUSTIFICATION FOR ACTION REQUESTED: PLEASE SEE OVERLAY ZONE DEVELOPMENT SUPPLEMENT

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

3-28-23

Date



Signature of Property Owner

3-29-23

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.

RYAN CARTER

Print name of applicant

A handwritten signature in black ink, appearing to read "R. A. Carter".

Signature of applicant

3-28-23

Date



Owner's Authorization For Agent

CARTER ENVIRONMENTAL SERVICES is/are hereby authorized TO ACT ON BEHALF OF ALAN STEVENSON, 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: 34 N. ST AUGUSTINE BLVD

BY:
Signature of Owner
ALAN R STEVENSON JR
Print Name of Owner
904-826-7242
Telephone Number

State of Florida

County of St Johns

Signed and sworn before me on this 3RD day of April, 2023

By Alan R. Stevenson Jr.

Identification verified:

Oath sworn: ☒ Yes ☐ No

Notary Signature:

My Commission expires: June 17, 2026





St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

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



Parcel ID	2135100000
Location Address	34 N ST AUGUSTINE BLVD SAINT AUGUSTINE 32080-0000
Neighborhood	Davis Shores (ICWFR) (590.05)
Tax Description*	3-97 DAVIS SHORES LOT 15 BLK 1 & LOT 13 BLK 6 AVISTA SUB OF DAVIS SHORES MB7/7 OR4832/556 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Vacant Residential (0000)
Subdivision	Davis Shores Ocean View Section
Sec/Twp/Rng	17-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.420
Homestead	N

Owner Information

Owner Name	Sta Beach Investments LLC 100%
Mailing Address	580 A1A BEACH BLVD SAINT AUGUSTINE, FL 32080-0000

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$7,234
Total Land Value	\$1,404,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,411,234
Total Deferred	\$202,092
Assessed Value	\$1,209,142
Total Exemptions	\$0
Taxable Value	\$1,209,142

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
2022	\$0	\$31,935	\$1,083,467	\$0	\$0	\$1,115,402	\$1,099,220	\$16,182	\$1,099,220
2021	\$0	\$31,935	\$967,356	\$0	\$0	\$999,291	\$999,291	\$0	\$999,291
2020	\$0	\$31,935	\$967,356	\$0	\$0	\$999,291	\$999,291	\$0	\$999,291
2019	\$0	\$15,922	\$781,200	\$0	\$0	\$797,122	\$797,122	\$0	\$797,122
2018	\$0	\$15,977	\$781,200	\$0	\$0	\$797,177	\$797,177	\$0	\$797,177
2017	\$146,546	\$16,032	\$781,200	\$0	\$0	\$943,778	\$761,480	\$232,298	\$711,480
2016	\$278,287	\$14,776	\$781,200	\$0	\$0	\$1,074,263	\$856,793	\$267,470	\$806,793
2015	\$226,976	\$14,776	\$781,200	\$0	\$0	\$1,022,952	\$850,837	\$222,115	\$800,837
2014	\$216,434	\$14,776	\$781,200	\$0	\$0	\$1,012,410	\$844,084	\$218,326	\$794,084
2013	\$222,056	\$14,776	\$781,200	\$0	\$0	\$1,018,032	\$831,610	\$236,422	\$781,610
2012	\$204,433	\$14,776	\$598,500	\$0	\$0	\$817,709	\$817,709	\$50,000	\$767,709
2011	\$206,988	\$14,776	\$584,010	\$0	\$0	\$805,774	\$805,774	\$50,000	\$755,774
2010	\$172,850	\$14,776	\$648,900	\$0	\$0	\$836,526	\$836,526	\$50,000	\$786,526

Extra Feature Information

Code Description	Status	Value
Bulkhead - Average (Mix)		7234

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	156	175	156	FF	\$1,404,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/15/2019	11/15/2019	\$1,200,000.00	WARRANTY DEED	4832	556	Q	V	WHITMIRE LELAN F & MC CORKLE DENISE M(WIFE)	STA BEACH INVESTMENTS LLC
	2/27/2004	\$1,350,000.00	WARRANTY DEED	2148	1895	Q	I	SCHNEIDER ELIZABETH M	WHITMIRE LELAN F & MC CORKLE DENISE M(WIFE)
	10/1/1990	\$0.00		873	223	U	I		SCHNEIDER FREDERICK E JR
	10/1/1990	\$435,000.00		873	223	Q	I		
	8/1/1988	\$0.00		792	679	U	I		
	8/1/1988	\$250,000.00		791	246	Q	I		

No data available for the following modules: Sales Questionnaire Form, Exemption Information, Building Information, Sketch Information.

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Last Data Upload: 3/28/2023, 2:39:51 AM

Developed by:



Version 2.3.254

**34 N St. Augustine Blvd
Overlay Zone Development Application Supplement
April 2023**

This narrative is intended to supplement the Conservation Overlay Zone Development Application for a modification of an existing PZB approved dock that includes the addition of a 14' x 26 ' floating dock and to modify the existing approved lifts to widen the boat dock by 4' and to widen the PWC lift by 2'. The purpose of the floating dock is for daytime loading and unloading of vessels. No overnight mooring is proposed. 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 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.

4. *The proposed work will enhance vistas and scenic opportunities for the benefit of the public as a whole.*

The proposed works enhance the vistas and scenic opportunities for admirers of maritime communities .

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 160' feet of Matanzas Bay frontage. The property and adjacent properties utilize sea walls and are elevated from the coastline.

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

The property sits on the Matanzas Bay and is adjacent to other single-family homes to the North and South.

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 deeper water within Matanzas Bay. A seawall armors N. St. Augustine Blvd. from any erosional forces from wave action. Use of the dock by the 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 4 new pilings for the floating dock construction.

- 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.

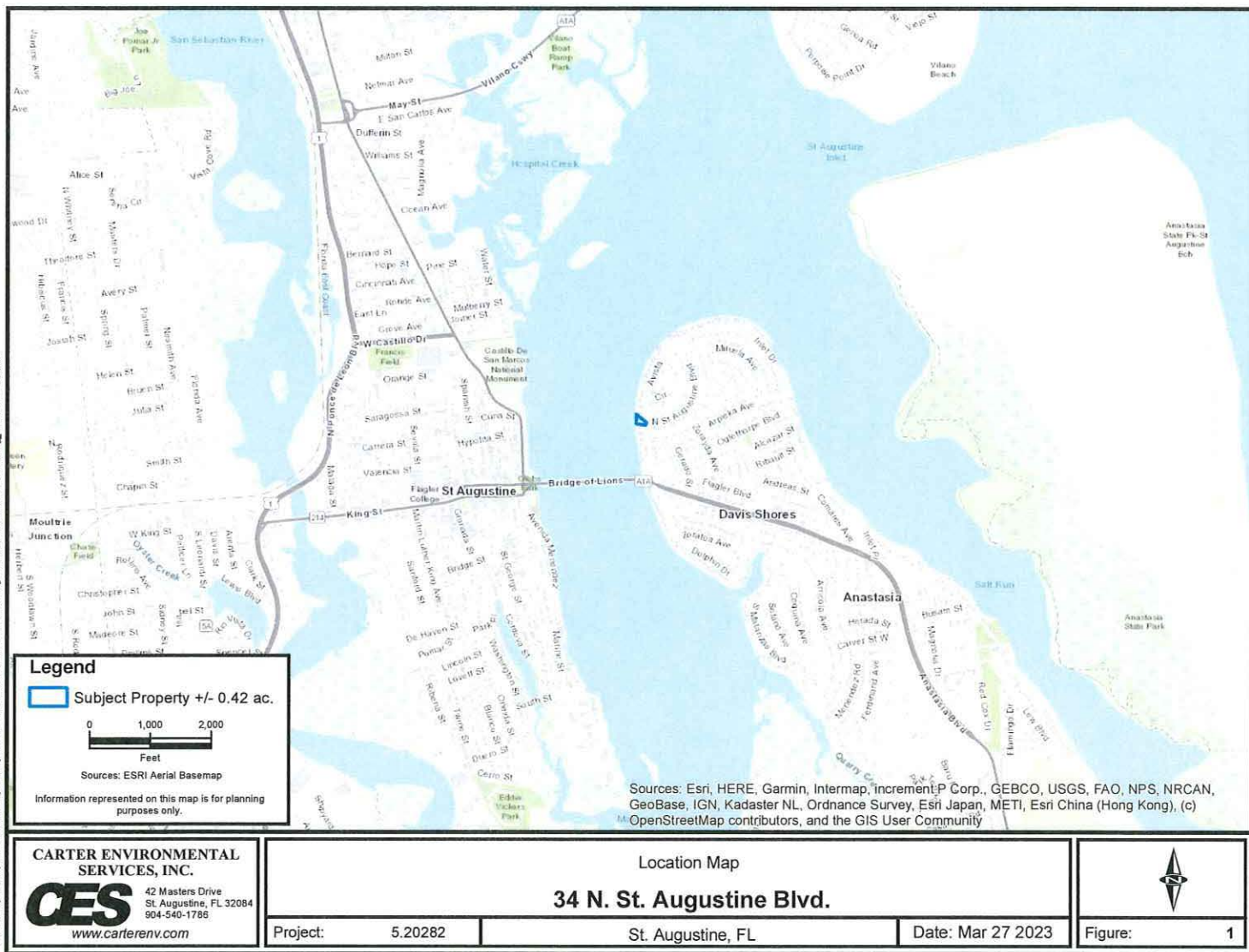
- b) *The deck of any private boat dock shall not exceed six (6) feet in height above the mean high water line.*

The deck will not exceed 6' above MHW.

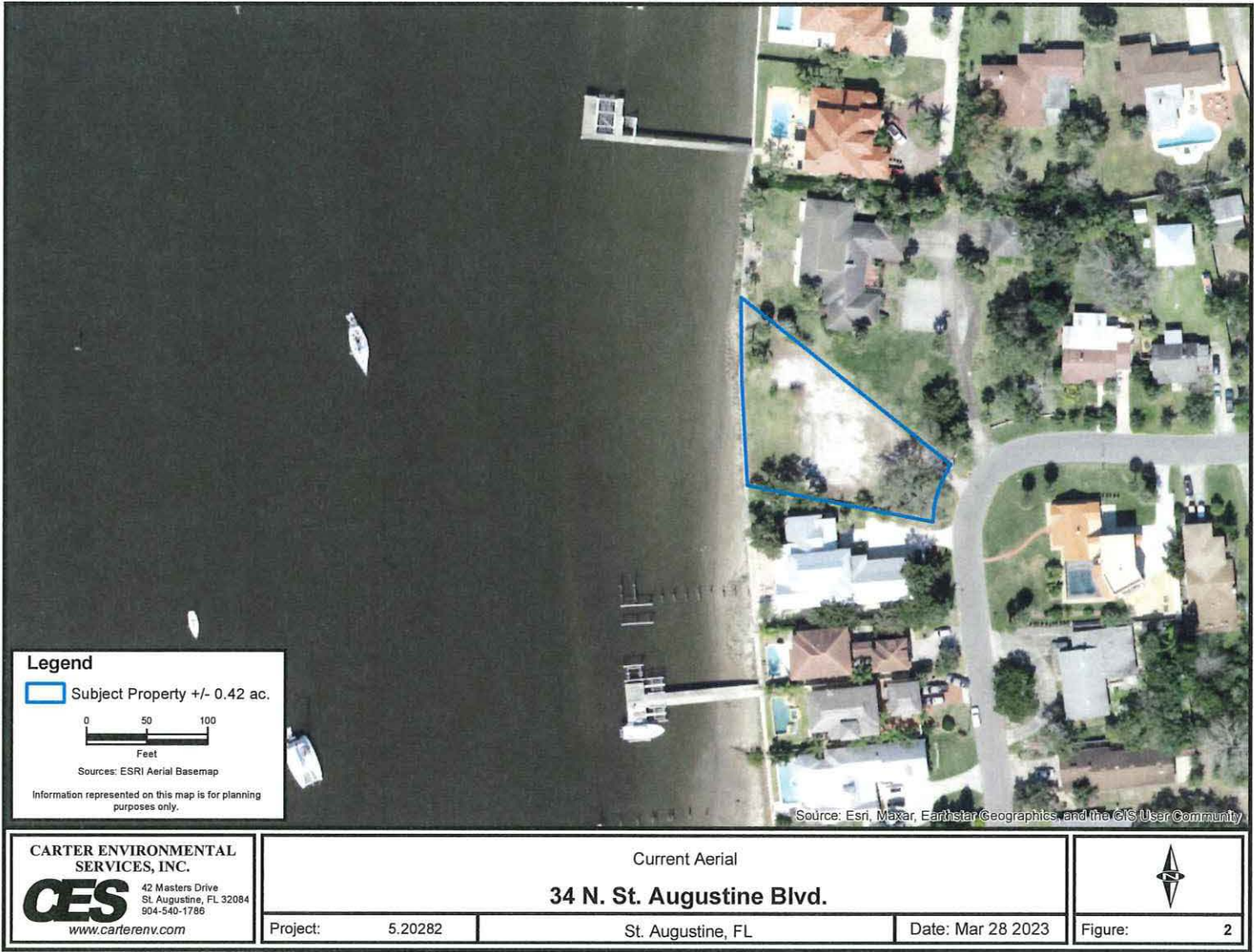
Boatlifts shall have a maximum capacity of 12,000 pounds and shall be low-profile or no-profile.

Boat lifts will be low-profile and not exceed 12,000 pounds.

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Legend

- Subject Property +/- 0.42 ac.
- Total Dock Area: 2,158 sf.**
- Permitted Structures: 1,593 sf.
- Proposed Structures: 565 sf.



Sources: ESRI Aerial Basemap

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

Current and Proposed Conditions
34 N. St. Augustine Blvd.



Project: 5.20282

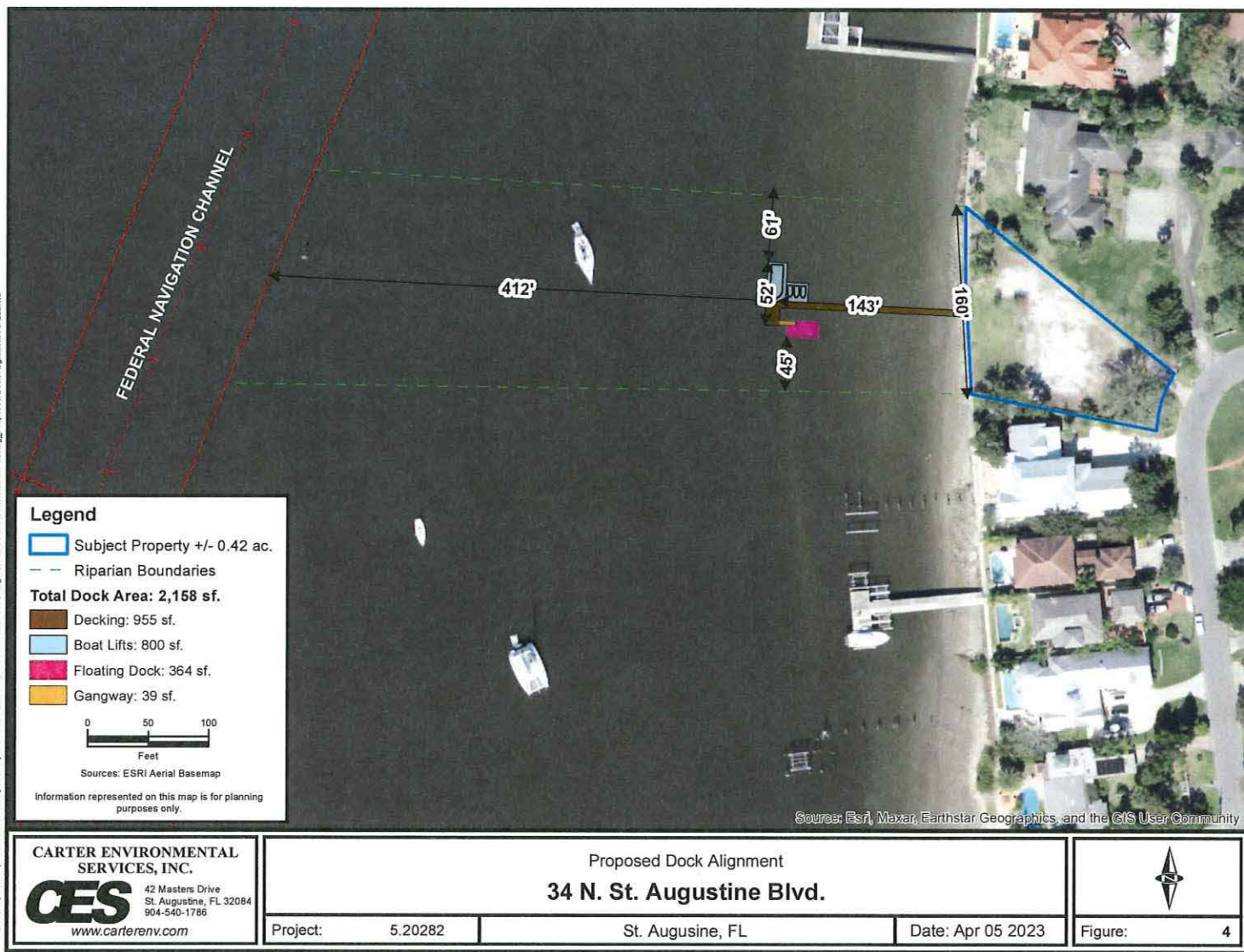
St. Augustine, FL

Date: Apr 05 2023

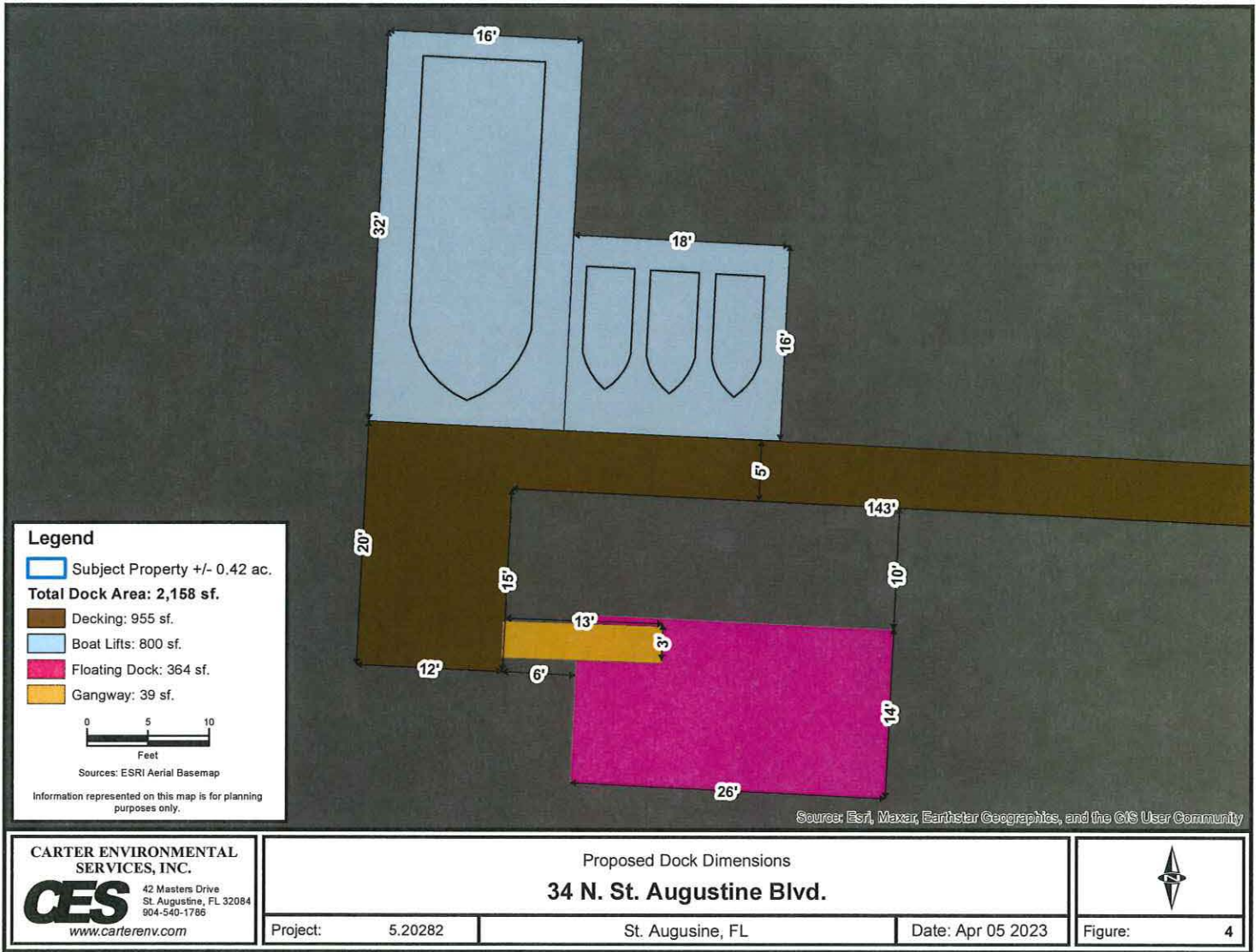
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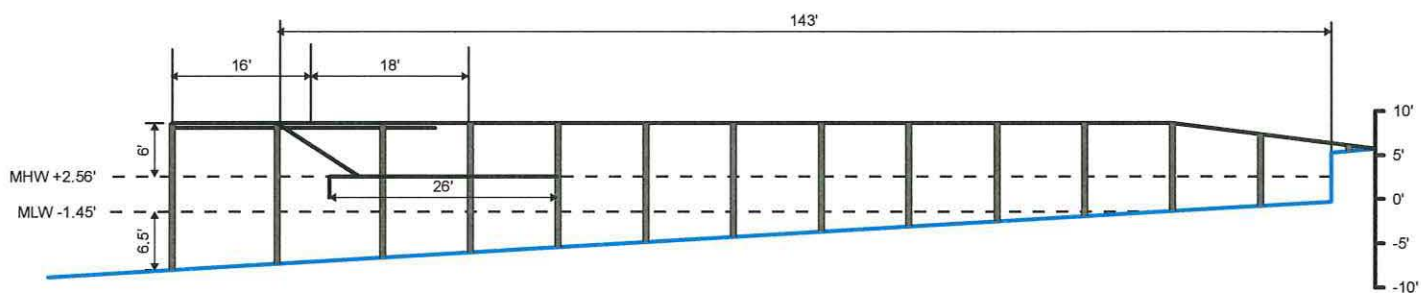
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CARTER ENVIRONMENTAL
SERVICES, INC.

CES

42 Masters Drive
St. Augustine, FL 32084
904-540-1786

www.carterenv.com

Profile View

34 N. St. Augustine Blvd.

Project: 5.20282

St. Augustine, FL

Date: Apr 05 2023

Figure:

6

