

ST. JOHNS COUNTY, FLORIDA
ORDER
REZONING/EXCEPTION/VARIANCE

NAME OF APPLICANT

APPLICATION NUMBER

Barry Kass
3832 Hickory Lane
St. Augustine, FL 32086

R-89-028

DECISION OF
COUNTY COMMISSION

GRANTED

GRANTED WITH
CONDITIONS

DENIED

CONDITIONAL ORDINANCE

*See Attached

DATE OF COMMISSION ACTION: January 9, 1990

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: 
DEPUTY CLERK

(Pursuant to St. Johns County Zoning Code, Section 11-9-5b: failure to exercise an exception or variance by commencement of the use or action approved thereby within one year, or such longer time as approved by the Board, shall render the exception or variance invalid and all rights granted thereunder shall terminate)

that they agree to a non-transferrable variance on the basis that after the building is completed it becomes transferrable, at that point. However, this individual could not get the variance and sell the property to someone else who may not have his same desire to do as good a job. Maguire further stated that the developer is willing to agree to this non-transferrable condition. Herold responded in opposition to this application, stating the desire to hold to the 35 foot limit. In addition, Herold responded that unless there is a wisdom judgment made that this is wrong, then the law should be changed so that there is no need for variances. Moreover, Herold feels this is a violation of a law that has been put into place for very strong and substantial reasons. Maguire suggested adding one additional condition stating that this be non-transferrable before building permit. Metcalf interjected that the construction lender, when the developers go in for a construction loan, will want to be able to complete the project if the present developers don't complete the project. With reference to the wording: "prior to issuance of a building permit", Metcalf felt this would take care of the issue as the developer would not get the loan closed until there is a building permit issued; thus, Metcalf stated that the developers agree to the condition of this wording. Upon motion by Waldron, seconded by Brubaker, carried 3/2, Bailey and Herold dissenting, to approve V-89-052 to a limit of 39 feet, with 14 conditions plus 1 additional condition imposed and agreed to by the developer stating that this application would be non-transferrable to any other owner of the property prior to the issuance of the building permit.

(1/9/90 - 11 - 4.0672)

Hearing on R-89-028/owner Arnold and Jean Hagan - applicant Barry Kass, located at corner of Old Moultrie Road and Kings Estate Road, rezoning from OR to CG with exception for gasoline pumps; hearing contains an appeal to Zoning Board's denial of exception. Proof of publication of notice of hearing on R-89-028 was received, having been published in The St. Augustine Record on December 4, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. Waldron reported that the applicant did not wish to continue his application; however, the application had to be processed accordingly. Upon motion by Waldron, seconded by Bailey, carried 5/0, to deny R-89-028 (denying the rezoning and the appeal on the exception). George Weedman, Moultrie Road, a resident south of the property, thanked the BCC for denial.

(1/9/90 - 11 - 4.0737)

Hearing on E-89-072/James R. Waller, appeal to denial of exception to place mobile home in RS-3 zoning district - located at 235 Monterey Avenue. Proof of publication of notice of hearing on E-89-072 was received, having been published in The St. Augustine Record on November 27, 1989; upon motion by Waldron, seconded by Bailey, carried 5/0, was ordered filed. James R. Waller, 1218 Cypress Road requested the approval of this application for a mobile home to be placed on property located at 235 Monterey Avenue, which is located near his mother's home on Monterey Avenue. Waller directed the BCC's attention to a statement submitted by Mrs. Drew Pacetti and requested that the Commission please read it. Arthur Powers, 75 Monterey Avenue, spoke in opposition to the application. Ray Emory, owns property at 238 Monterey Avenue (just recently moved), spoke in opposition to this application. Minnie Snyder, 256 Monterey Avenue spoke in opposition to this application. Jerry Aunchman, 229 Monterey Avenue spoke in opposition to this application. Debra Wrangle, 1636 Masters Drive spoke in opposition to this application. Valerie Birkett, 250 Monterey Avenue spoke in opposition to this application. Dan Delaney, 228 Monterey Avenue spoke in opposition to this application and submitted to the Clerk's Office a petition containing 46 signatures in opposition to this application. Upon motion by Herold, seconded by Brubaker, carried 5/0, to deny E-89-072.

(1/9/90 - 11 - 4.1298)

Hearing on V-89-054/Tim and Val Anderson - 2233 Hawcrest Drive East, Cunningham Creek III, increase in required maximum height from 33 ft. to 38 ft. Proof of publication of notice of hearing on V-89-054 was received, having been published in The St. Augustine Record on November 25, 1989; upon motion by Brubaker, seconded by Waldron, carried 5/0, was ordered filed. Tim Anderson, 2233 Hawcrest Drive requested approval of this application and reported that a stop work order was issued on November 14th; the developer was building in subdivision 3 of Cunningham Creek, it was zoned RS-1, where Phases I and II of this subdivision was zoned RS-2; at that time their building was about 60% complete; further, the top height of the building is approximately 33 feet; thus, a variance has been filed. There are existing homes in the area that are over 25 feet. Bailey responded that in this particular neighborhood there are three phases in Cunningham Creek and varies from one neighborhood to another - the reason is not known why, but they vary - and the builder is one in the area that had not realized the variations nor did the Building Department catch this. Upon motion by Bailey, seconded by Herold, carried 5/0, to approve V-89-054 due to hardship.

(1/9/90 - 11 - 4.1429)