

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

NAME OF APPLICANT

APPLICATION NUMBER

Frank J. & Elizabeth Martin
c/o Jacob Fitzwater
2706 Old Moultrie Road
St. Augustine, FL 32084

SW-89-018

DECISION OF
COUNTY COMMISSION

GRANTED

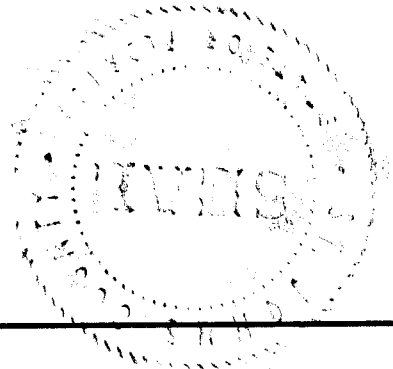
GRANTED WITH
CONDITIONS

DENIED

WITHDRAWN

*See Attached

DATE OF COMMISSION ACTION: January 9, 1990



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Craig A. Maguire
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Rosemary Jones
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)

140 100
December 14, 1989

ST. JOHNS COUNTY
PLANNING & ZONING BOARD
ST. AUGUSTINE, FLORIDA 32086

This letter is regarding Applicant SW 89-018.

We wish to withdraw from our hearing appeal, scheduled for
the County Commission Meeting, January 7, 1990.

Sincerely,

FRANK J. MARTIN

Frank Martin
Elizabeth Martin
ELIZABETH MARTIN

some assistance in letting the public know what businesses are located down Dobbs Road. Waldron also was in agreement with putting signage in an effort to help the merchants in the area. Further, Waldron stated that the road can be marked; however, the county cannot mark the businesses, the merchants will have to undertake that task themselves. Castle inquired if it may be possible to give the merchants temporary use for approximately 90 days to advertise their signs on the county right-of-way so long as the signs are away from the travel portion of the roadway, in an effort to get the public used to finding them on the new roadway. Elijah Baker, 2205 Dobbs Road, also expressed that his business has also suffered due to the cut-off on Dobbs Road. Baker requested a slow down of growth on the new Dobbs Road cut-off allowing the merchants to get back on their feet. Joe Orlando, Orlando's Body and Fender, 1941 Dobbs Road commented that he was never informed of a notification of a 10-year planning; Orlando stated that he could not understand the concrete wall and fill dirt to put an overpass over Dobbs Road.

(1/9/90 - 9 - 3.0745)

Ludy Beaver, Director of Data Processing reported on Resolution No. 90-7 and requested approval of such in order to get revenue back into her budget. Further, Beaver reported that Data Processing would like to get copyright and sell their in-house computer programs, the software that is generated. Beaver is requesting the State Legislature to give them that right which will generate revenue back into the budget. Upon motion by Bailey, seconded by Herold, carried 5/0, to approve Resolution No. 90-7.

RESOLUTION NO. 90-7

SUPPORT OF THE BILL AS PRESENTED BY THE FLORIDA LOCAL GOVERNMENT DATE PROCESSING ASSOCIATION

The meeting thereupon recessed and reconvened at 1:30 p.m. with Waldron, Bailey, Brubaker, Herold, Maguire, Sisco, Castle, and Jones present. Also present was Planning Coordinator Jerry Napier.

(1/9/90 - 9 - 3.0788)

Hearing on SW-89-013/Clemens Byatt, waive Article V - definition of a subdivision - division of parcel with creation of easement, and further to waive requirement of fire hydrants, Section 90.6. Proof of publication of notice of hearing on SW-89-013 was received, having been published in The St. Augustine Record on December 20, 1989; upon motion by Brubaker, seconded by Herold, carried 4/0, Bailey was absent, was ordered filed. Clemens Byatt, 3041 Mac Road requested a re-consideration of his previous application from November to divide lot 43 along Kings Estate Road into 4 one-acre plus parcels; Byatt stated that the lots have been re-drawn since his previous appearance before the BCC and a 20 foot strip has been set aside along Kings Estate Road, which he is willing to deed to the county for future road widening purposes. Napier reported that he has discussed with Sisco item #1 of the conditions - the dedication of right-of-way; Napier stated that he did not know if a time-specific be placed on this to be deeded; it would have to be done prior to issuance of any permits. In conjunction with this, when property is deeded the county would need an updated title opinion and warranty deed on the right-of-way to show clear title, reported Napier. Upon motion by Waldron, seconded by Herold, carried 4/0, Bailey was absent, to approve SW-89-013 with conditions as noted in the January 8, 1990 correspondence from Jerry Napier, Planning Director.

(1/9/90 - 9 - 3.0948)

Hearing on SW-89-017/Roger Hendricks, waive Subdivision Regulations due to creation of an easement to divide property, 850 and 860 Oakridge Road. Proof of publication of notice of hearing on SW-89-017 was received, having been published in The St. Augustine Record on November 15, 1989; upon motion by Brubaker, seconded by Waldron, carried 4/0, Bailey was absent, was ordered filed. Roger Hendricks, 880 Oakridge Road requested the subdivision for deeding the property to his children. Napier reported that the conditions, as recommended by the PZA and staff are; there be no access buffer to prevent any access to lot 43; there can only be two accesses to Oakridge Road; that lot 2 access the easement and that the easement be constructed in conformance with Engineering Department requirements. Upon motion by Herold, seconded by Brubaker, carried 4/0, Bailey was absent, to approve SW-89-017, subject to conditions as recommended by PZA and staff and offered by the applicant, Roger Hendricks.

(1/9/90 - 9 - 3.1079)

Hearing on SW-89-018/Frank J. and Elizabeth Martin, waive Subdivision Regulations due to creation of an easement to divide property, off Watson Road. Proof of

publication of notice of hearing on SW-89-018 was received, having been published in The St. Augustine Record on November 15, 1989; upon motion by Brubaker, seconded by Herold, carried 4/0, Bailey was absent, was ordered filed. Napier called the BCC's attention to the December 14, 1989 letter attached to this application, requesting the application be withdrawn and signed by the applicants, Frank J. and Elizabeth Martin. Upon motion by Herold, seconded by Brubaker, carried 4/0, Bailey was absent, to accept the withdrawal request by the applicants.

(1/9/90 - 10 - 3.1126)

Bailey returned to the Meeting.

Waldron presented to Chairman Maguire, for approval of the BCC, a Certificate to Walter G. Arnold, who merits recognition for dedicated service on the Ponte Vedra Zoning Board from 1986 thru 1989. Upon motion by Waldron, seconded by Brubaker, carried 5/0, approving the presentation of a Certificate to Walter G. Arnold.

(1/9/90 - 10 - 3.1197)

Hearing on V-89-052/Vestor, Ponte Vedra Inc., requested height variance from 35 ft. to 40 ft., property located in Ponte Vedra (Society Woods). Proof of publication of notice of hearing on V-89-052 was received, having been published in The St. Augustine Record on November 29, 1989; upon motion by Brubaker, seconded by Bailey, carried 5/0, was ordered filed. John Metcalf, 3301 Independence Square, requested approval, as a representative of Vestor, Ponte Vedra Inc. Metcalf reported that the project will be known as the Arbor Club at Ponte Vedra and will occupy the site of the existing Society Woods Project, formerly known as Thousand Oaks Trailer Park. The proposed project variance is to allow an increase in the height from 35 feet to 40 feet, reason being, to allow a peaked roof on the buildings as designed making them less massive and obtrusive. Metcalf displayed sketches of the proposed project. John Rudd, President of Vestcor, Ponte Vedra, 3030 Hartley Road, Jacksonville responded that all buildings in the project will exceed 35 feet with the exception of two buildings. Metcalf submitted photos to the Clerk's Office. Rudd submitted photos to the Clerk's Office. Jose Perez, 8431 Baymeadows Way, Jacksonville answered questions regarding the height of the buildings. Mary Hoyt, 505-2 Villa del Mar commented on the access - sub-standard road with approximately 500 new cars. Jean Bell, 505-1 Villa del Mar commented in opposition to this application, and submitted 25 petitions in favor of this application and 2 petitions against this application. Isabel Burgess, 606-2 Villa del Mar commented in favor of the application. Art Beal, 280 Deer Run Drive, commented in favor of the application. Lee Terrell, 54 South Nine Drive commented in opposition to the application. Harold Baker, 4240 Coastal Highway, commented in opposition to the application; further Baker did not feel there was any hardship for the developer. Margie Blocksidge, 3732 Coastal Highway, commented in opposition to the application. Bart Warkley, 336 Deer Run, commented in favor of the application. Cliff Petitt, 960 Alcala Drive, commented in opposition to the application. Linda Ten Broeck Balsavage, 2308 L'Atrium Circle North, commented on the road impact. Jack Hazard, 4230 Blue Heron Drive, commented in favor of the application. Herold questioned Napier with respect to his recommendations that went before PZA. Napier responded that, in addition to the recommendations that went before the PZA, there have been a number of other conditions offered which total 14. Staff met with the applicants both before the PZA meeting and as recent as last week again to go over other matters such as the extent of the variance, which meeting produced new conditions that deal with 20% of the roof area. Napier felt that all variances have to be adjudged on their own merit; however, when there are 14 conditions that ordinarily would not apply to a project, Napier stated that he can see the outcome of a variance resulting in a much more pleasing project than could be developed under existing regulations. Maguire questioned Metcalf regarding the hardship concept - why is there need to go in excess of 35 feet with a pitched roof and have the same floor space - Metcalf responded that the developer is attempting to present a higher quality, better appearance project. (4.0124) Campbell responded on the matter of PUD's stating that PUD conditions the height and in this case, which is RG-2, comes under a strict guideline of the county. Waldron asked Sisco if conditions are unique, are they enforceable to which Sisco replied that on the assumption of the county's existing zoning code, which is the law of the land of St. Johns County, provides that the county can place conditions on exceptions and variances then Sisco felt they are enforceable. Further, Sisco stated that the rule of thumb with respect to zoning changes and exceptions in a variance, which is a form of zoning - it's land control - is that they stay with the land, it does not depend upon who the owner is. Sometimes, as a condition, the county has been known to say that such variance or exception will terminate upon transfer, especially with regard to mobile homes. In that case, if the variance or exception terminates, then the structure is illegal, as it would not meet zoning. Maguire reported that prior to this meeting he had spoken with the developers requesting