ST. JOHNS COUNTY, FLORIDA

ORDER

REZONING/EXCEPTION/VARIANCE

NAME OF APPLICANT

Steven and Anita Stombock
c/o Sam Folds Realty
3720 Kori Road
Jacksonville, FL 32257

APPLICATION NUMBER

V-89-010

DECISION OF COUNTY COMMISSION

☐ GRANTED ☐ GRANTED WITH CONDITIONS ☒ DENIED

CONDITIONAL ORDINANCE

Variance to place a horse barn within 10' of property line, reducing the required set back of 50' to 10' for structure housing horse in OR.

*See Attached

DATE OF COMMISSION ACTION: June 13, 1989

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Amy Walker
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)

condition in the ordinance to which he stated yes. Discussion followed. Commissioner Bailey stated that she was in favor of the plan, but the densities are so high that she did not understand how the calculations were made. John Bailey suggested to Muller that he delineate the portion that will not be developed on a site plan that staff has, and delineate it as Parcel E-1 and add a provision to the ordinance which states: "there shall be no development on the portion of Parcel E designated as Parcel E-1 on the site plan". Muller agreed with this suggestion. Discussion followed. (5.0588) Margaret Carter asked Muller how the sewer system would cross the creek to which Muller stated the sewer line will cross where the present road goes over, where the causeway is and be buried in that; further, the developer will redo the causeway to provide a better flow in and out of Robinson Creek. Waldron questioned the special lighting area, and the sidewalks. John Bailey stated the interior roads to the project will all be private, so more than likely the street lighting will be maintained by the homeowners association. Commissioner Bailey questioned how the tree line would not be obstructed with a 45 foot building height; further, she would like to get the height cut back to 35 feet. Muller stated a number of the buildings in the project will be 35 feet and most or all of the buildings are not more than two stories; further, the higher foot buildings are right near the hotel that presently exist in the area; which is 45 feet. Muller mentioned this is a development for older, mature people, retired/semi-retired persons. Discussion followed. Commissioner Bailey asked how many multi-family and single-family homes will exist in the project to which Muller stated there will be approximately 250 single-family homes and approximately 250 multi-family homes. Upon motion by Brubaker, seconded by Maguire, carried 5/0, to approve Ordinance 89-28 with the noted change on the portion of Parcel E, designated in Section 3 of the Ordinance.

(6/13/89 - 13 - 5.1070)

Hearing on R-PSD-89-015/James R. Boyd, III and Benita S. Boyd, owners with applicant, Philip J. Edwards represented by Karen M. Taylor; land located on the east side of A1A in Crescent Beach, just north of the intersection of SR-A1A/SR-206; rezoning from RS-3 to PSD for patio homes. Court Reporter present. Proof of publication on hearing of R-PSD-89-105 was received having been published in The St. Augustine Record on May 4, 1988; upon motion by Brubaker, seconded by Maguire, carried 5/0, was ordered filed. Karen Taylor, representative of the Boyds requested the rezoning. Taylor reported on sketch drawings. Discussion followed. Bailey asked Taylor if there would be a homeowners association to revamp the dune walkover and the road when they need repairs to which Taylor responded in the affirmative. (5.1509) Maguire discussed the denial of this application by PZA; further, the applicants have come to the BCC with a major change seeking approval, which Maguire felt the PZA should review what is now being proposed; thus on this basis, Maguire requested the BCC refer this application back to the PZA with the proposals to a time certain by the PZA on July 20, at 1:00 p.m., and to be brought back to the BCC on July 25 at 1:45 p.m. Napier suggested it be referred back to the PZA to a time certain otherwise re-notifications have to be sent out again Herold supported Maguire's suggestion. Herold went on record as stating that when an application goes through PZA with a denial and comes to the BCC with a variance, then this is really not the same presentation that was brought initially before the PZA; thus it should not come before the BCC but should go back to the PZA for their approval to come to the BCC. Discussion followed. (5.1761) Judy Guinn, 6789 Avenue A, was in favor of Maguire's recommendation to continue until July 25th. Upon motion by Maguire, seconded by Herold, carried 5/0, to move this application back to the PZA on July 6, 1989. Upon motion by Herold, seconded by Maguire, carried 5/0, to continue this application before the BCC on July 25, 1989 at 1:45 p.m. Campbell entered into the record that staff has received 12 individual letters addressed to the Board of County Commissioners concerning this project and one person has written 5 individual letters to each Commissioner. This documentation is attached to the correspondence for this application.

(6/13/89 - 13 - 5.1944)

Hearing on V-89-010/Steven and Anita Stombock, appeal to denial of zoning variance to reduce the required setback for horse barn; located lot 7, Hodges unrecorded subdivision, 1090 SR 13, Orangedale. Court Reporter present. Proof of publication of hearing on V-89-010 was received having been published in The St. Augustine Record on May 5, 1989; upon motion by Bailey, seconded by Brubaker, carried 5/0, was ordered filed. Hamilton Upchurch, 780 No. Ponce de Leon Boulevard, representing the Stombocks requested the variance. Upchurch referred to sketch drawings on display. Upchurch stated this variance has been denied by the PZA before any conditions could be proposed by the Stombocks. Therefore, Upchurch presented conditions that will give the neighborhood substantially greater protection than any other lot that might be 120 feet wide in an OR zone. Upchurch further stated that the section of OR that this application addresses is 5112 (Permitted Principle Uses and Structures). Discussion followed from the sketch drawings. (5.2751) Bailey asked how can an individual have a hardship on property

that doesn't belong to them to which Upchurch stated that the owner has a hardship because he can't sell it to the Stombocks and the Stombocks have a hardship as they want to use this property and afford the neighbors six times more protection than in a standard OR. Herold asked if the conditions stated by Upchurch were offered to the PZA to which Napier said no. Maguire motioned this item be referred back to PZA for July 6 at 1:30 p.m. and be brought back to the BCC on July 25 at 1:45 p.m. and Bailey seconded it. Upchurch asked Sisco what the posture would be before the PZA. Sisco stated the BCC can continue the appeal, go back to the PZA and ask for another recommendation. Discussion followed. Waldron stated this is a residential area and this application for a horse barn does not fit into the neighborhood, whether there are conditions or not. Discussion followed. (5.3251) Joseph Warner, 4796 SR 13 North, commented in opposition to have horses on the property as he felt the property is too small. Cameron Paulk, 5145 SR 13, commented on site location submitted in opposition to the variance. Paulk did not feel a continuance is necessary in this case. Paulk also submitted a site location sketch. Ann Cameron, 5115 SR 13 spoke in opposition to this variance. Diana Smith, Vilano Beach, spoke in opposition to this variance. (6.0312) Upchurch asked Sisco is an appeal to the County Commission from the PZA an appeal to no-vote? Sisco replied that it is. Upchurch explained that an appeal to no vote means the applicant can start from scratch and bring out new things when the appeal is brought before the appellate body. Some appeals are appeals on the record and you only have to argue what was made below. Upchurch stated they were perfectly legal within their rights to bring up additional conditions or other facts that his clients, the Stombocks, may not have brought up before the PZA when they represented themselves. Napier stated in the minutes of the PZA hearing most of these were talked about. (6.0367) Sisco stated that on rezonings with conditions they have to be offered; on variances and exceptions the applicant does not have to offer conditions. Napier stated the PZA could have imposed conditions, but their determination was there was no real hardship involved. (6.0389) Upchurch submitted photos into the record as Exhibits 1 through 8 and a large placard marked Exhibit 9. Herold stated he would like to vote this issue up or down now. Upon motion by Bailey, seconded by Herold, carried 5/0, to deny this variance by upholding the PZA's decision.
(6/13/89 - 14 - 6.0483)
Sisco stated there is a strong possibility that a lawsuit will be filed concerning the bond issue for the courthouse or the location of the county seat and since there is much money riding on this, if the bond issue goes through, Sisco would like staff to be instructed to give Sisco a legal description of the proposed expansion of the county seat by next Board meeting. By this time, public hearings can be scheduled that are necessary to expand the county seat. Castle stated staff is presently working on a legal description and have been in contact with Dr. Walter Sobel on the size of the bond issue.
(6/13/89 - 14 - 6.0548)
Sisco requested that the Deputy Clerk reflect in the minutes that the St. Johns County Industrial Development Authority Resolution No. 89-2 was filed with the Clerk.
(6/13/89 - 14 - 6.0559)
Sisco stated for information purposes, that the County lawsuit with Jax Liquors got an adverse decision. Sisco stated he has given Linda Bryant the authority to go ahead and move for a rehearing on this.
(6/13/89 - 14 - 6.0579)
Waldron requested Ludy Beaver, Director of Data Processing, to explain the aspects of Bid No. 89-38, which was Item #8(a) on this morning's agenda (- 5 - 2.1099). Beaver reported there were three items on the bid package; (1) 5 "4207 Tektronic Terminals" which are the graphic terminals being used in Engineering to perform digitized mapping; (2) 1 additional digitizer needed to catch up on the work; and (3) 1 larger screen Tektronic terminal, which is a 19 inch, to pull up and see a greater resolution on these mappings. The bids were put out to the vendors and a response was received back from 4 of them. The Arco Group is a distributor and they can get the equipment - they came in at $42,857.75; Calcomp is the manufacturer of the digitizer - they only bid the #2 item, the digitizer; the third vendor, Tektronix is the manufacturer of the terminals - they bid items #1 and 3 and no bid item #2. Tektronix could not supply these other items. The fourth bidder, ESRI out of California, bid the whole package, they are a valued added resaler vendor; they sell software that runs on this equipment, therefore they get a bigger break from the manufacturer. ESRI came in as the low bid with the full package. ESRI will come in and install, plus have the one year warranty and can deliver everything. Therefore, Beaver recommended the low bid. Upon motion by Brubaker, seconded by Bailey, carried 5/0, to award ESRI with the bid of 89-38.
(6/13/89 - 14 - 6.0682)