

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

NAME OF APPLICANT

Timothy & Christine DeAngelis
2130 Old Tyme Ave.
St. Augustine, Fl. 32084

APPLICATION NUMBER

E-89-082

DECISION OF
COUNTY COMMISSION



GRANTED



GRANTED WITH
CONDITIONS



DENIED

Requested Change

The applicant is requesting an exception in an RMH zoning district to allow a maximum of 8 chickens

Location

The property is located at 1230 Old Tyme Avenue, Lot 1, Block 1, Old Tyme Acres, Phase 1.

Description

The subject property measures approximately 107.67' x 440' and is currently occupied by a double wide mobile home. The surrounding zoning is RMH and OR.

Comment/Recommendation

Although it can be said that the subject property resembles property rural in nature, in that the immediate area is sparsely developed with large residential lots, mobile homes, and adjacent to lands zoned Open Rural, the subject property is specifically zoned for residential uses which would normally not permit the proposed uses commonly found within an agricultural/open rural zoning district. Generally, the raising of poultry/ponies should not be encouraged within residential districts unless it can be satisfactorily shown by the applicant that this use would not result in potential compatibility problems for the nearby residents... namely the concerns of health, noise and odor. The applicant should address the maximum number of animals and the facilities in which they will live, and the effects on nearby residential property values.

*See Attached

DATE OF COMMISSION ACTION: February 27, 1990

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Craze A. Maguire
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Connie E. McDaniel
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)

(02/27/90 - 6 - 2.2406)

Approval, Final Development Plan Phase I Commodore Point Subdivision and Final Plat Phase I-A Commodore Point Subdivision. Tim Gabriel, representing Commodore's Point, Inc. requested approval of the Final Development Plan and stated he had submitted a letter of credit to Clerk Markel. Upon motion by Herold, seconded by Bailey, carried 5/0 to continue this item until March 13, 1990 at 1:30 P M because the Board had not had sufficient time to study this plan.

(02/27/90 - 6 - 3.0040)

Hearing on V-90-001/McDonald, Davis and Leanne; Lot 20, Cunningham Creek II; variance to the required 25' height to allow 28' on an already constructed residence. Zoning District RS-1. Proof of publication was received, having been published in the St. Augustine Record on January 25, 1990; upon motion by Brubaker, seconded by Waldron, carried 5/0 was ordered filed. Upon motion by Waldron, seconded by Herold, carried 5/0 to approve V-90-001/McDonald, Davis and Leanne.

(02/27/90 - 6 - 3.0054)

Hearing on V-90-004/Damon and Patricia VanBrocklin; located 1142 Westwood Drive, off SR #13; allow increase in height from 25 ft. to 28 ft. Proof of publication was received, having been published in the St. Augustine Record on January 22, 1990; upon motion by Brubaker, seconded by Waldron, carried 5/0 was ordered filed. Upon motion by Waldron, seconded by Herold, carried 5/0 to approve V-90-004/Damon and Patricia VanBrocklin.

(02/27/90 - 6 - 3.0056)

Continued hearing on Major Modification to R-PUD-83-66/Ordinance No. 84-30/Mallard Landing, extension of time limit for schedule of Development. Upon motion by Waldron, seconded by Herold, carried 5/0 to continue R-PUD-83-66/Ordinance No. 84-30/Mallard Landing until March 13, 1990 at 1:45 PM.

(02/27/90 - 6 - 3.0082)

Hearing on E-89-082/Timothy and Christine DeAngelis; located Olde Tyme Acres, off SR# 16, appeal to denial of exception for the placement of chickens. Proof of publication was received, having been published in the St. Augustine Record on February 3, 1990; upon motion by Bailey, seconded by Herold, carried 5/0 was ordered filed. Timothy DeAngelis 2130 Olde Tyme Avenue, requested approval of E-89-082/Timothy and Christine DeAngelis. Harry Tennenberg, 3124 Tindell Farm Road spoke in opposition to the Exception. Christine DeAngelis, applicant, requested approval of the Exception. Discussion followed. Upon motion by Herold, seconded by Bailey, carried 5/0 to approve E-89-082 with a limit of eight chickens.

(02/27/90 - 6 - 3.0604)

Bailey requested that height requirements in all three phases in Cunningham Creek II be the same so that residents do not have to request variances and that fees for variances in this subdivision be waived. Napier responded that variances must be based on hardships. He further stated that the problem could be solved by amending the RS-1 regulation throughout the County. Discussion followed. Maguire requested Napier to research the question of whether the Board could waive fees for variances in Cunningham Creek or bring all the requests in on one application and report back to the Board. Waldron commented on a similar problem in Marsh Landing Subdivision.

(02.27/90 - 6 - 3.0857)

Geoffrey Dobson, 66 Cuna Street, representing St. Johns County, commented on Warren Leve's report on the contamination of the DuPont property. Dobson stated that staff is willing, in order to acquire the front portion of the property, to recommend the purchase if W.D. DuPont & Sons, Inc. (DuPont, Inc.) will escrow, out of the proceeds of the purchase price, \$150,000 toward the cost of the cleanup and pay the first \$100,000 out of the escrowed amount, with the County paying the second \$100,000, if necessary, and with DuPont, Inc. paying any remaining costs. Dobson reported that DuPont, Inc. had an environmental report prepared by Robert G. Haines, Ph. D, Advisor in Environmental Affairs, which estimated the cost of the cleanup at under \$100,000. Waldron asked how the cost of cleanup could be determined when there are conflicting reports on the amount of damage. Dobson responded that ultimately the Department of Environmental Regulations would make that determination. Discussion followed. Drew DuPont, President of W.D. DuPont & Sons, stated that in order to demonstrate good faith, his company has signed a contract for sale with the County and has agreed to allow for condemnation of the back parcel of the property. DuPont referred to the report submitted by Dr. Haines and said that Dr. Haines was present to answer questions. DuPont restated his position that his company has acted in good faith and urged the County to do likewise. Herold asked Castle to clarify Staff's position relative to the purchase of the property. Castle stated that the problem as Staff sees it is the environmental problem and the cost of the cleanup. DNR and EPA will determine the cost of the cleanup. The contract price is about \$200,000 below appraisal. Castle's recommendation is that if a cost sharing program is established, the County could contribute up to \$100,000 for the clean up and still have a good deal for the property. Bailey requested that Leve explain his report. Dobson explained why the buyer (County) would be responsible for cleaning up the property. Leve explained