

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

NAME OF APPLICANT

APPLICATION NUMBER

Mr. Ben Partin
234 North Whitney
St. Augustine, FL 32084

E-90-009

DECISION OF
COUNTY COMMISSION

GRANTED

GRANTED WITH
CONDITIONS

DENIED

*See Attached

DATE OF COMMISSION ACTION: April 10, 1990

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Vice-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)

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION OF CN

(4/10/90 - 9 - 2.1661)
Court Reporter Present.

Hearing on E-90-009/Ben F. Partin; appeal of denial for placement of a mobile home over four years old (mfg. date August 14, 1984); located at Treasure Beach. Proof of publication of notice of hearing on E-90-009 was received, having been published in The St. Augustine Record on March 21, 1990; upon motion by Waldron, seconded by Brubaker, carried 4/0, Maguire was absent, was ordered filed. Ben Partin, 234 North Whitney, requested approval of this application. Partin reported that he complied with all the stipulations necessary from the county to receive permits to move the mobile home onto the property and to move this mobile off the property would constitute a hardship for Partin. Discussion ensued. Robin Connor, Bennett Bedsole, 1750 A1A South, counsel representing the property owners association of Treasure Beach spoke in opposition to this application. Arthur Leopold, 261 Ventura Road, commented in opposition to this application. Napier reported that the code speaks to four years from the date of the manufacture of a mobile home; further, staff has accepted a registration and title as evidence of the mobile home year; however, since this incident has occurred, what is required presently is that the manufacturer data sheet be submitted. Marge Nichols, 4275 U.S. 1 North commented regarding the date and year of the mobile home. Joe Ellen Partin, 234 North Whitney, spoke regarding the move-on permit. Phillip Schwartz, 5925 Rio Real, commented regarding the permit. Willard Dahkamp, 236 Pueblo, commented regarding documents being taken to the PZA from Tallahassee. Joseph Pelletier, 279 Pueblo, commented in opposition to this application. Don Mather, 225 Barco Avenue, commented in opposition to the application. Considerable discussion followed. (3.0530) Sisco reported there are a number of legal issues, and many facts that may not have been completely hashed out. There is a question of estoppel (which is a legal bar to alleging or denying a fact because of one's own previous actions or words to the contrary). Partin is before the BCC today for a zoning exception and since a question of law has been broached Sisco read from the Fla. Jur. regarding a rezoning request, which is in the zoning category as this application is. Discussion ensued. There was a request from Commissioner Bailey to have conditions read that Partin stated during his presentation, to which the conditions were read by the Clerk; the conditions were: 1) the mobile home will be painted; 2) skirted with non-flammable material; 3) carpeted and everything else done that everyone else does; 4) put a cement floor in the garage; 5) shrubbery; 6) roof on the garage will be completely done; 7) purchased a new air conditioner to be placed in the mobile home; 8) decking; 9) mobile home painted and trimmed the same color as the garage; 10) has a carpenter ready to go within 30-45 days; 11) electricity hooked up to code; 12) a washer and dryer in the garage; 13) the actual structure will look as one which will make it look like a two-door garage; the roofs are very close to each other in which they can be brought together. Partin was asked by Commissioner Herold if he accepted the conditions just stated to which Partin responded that there would be washer and dryer hook-ups, not washer and dryer put in. Napier responded that he has a few problems with some of the conditions; however, none with the structural conditions. Napier reported: the windows repaired, driveway paved, interior garage floor paved; garage roof repaired; mobile unit and garage painted the same color; compliance with all building code requirements, including skirting. But when it gets into regulating whether or not the interior is carpeted, air conditioned and those sort of things are not normal to an Exception. Considerable discussion ensued. (3.0918) Partin presented a lease with an option to purchase at the option of the tenant. Said lease was presented to Sisco for his perusal. The lease is from September, 1989 to February, 1991. The tenant has an option to purchase said property in the sum amount of what is stated in the lease at any time the lease agreement is enforced. (3.0999) Upon motion by Bailey, seconded by Herold, carried 2/2, Waldron and Brubaker dissenting, to deny E-90-009/Ben F. Partin; appeal of denial for placement of a mobile home over four years old (mfg. date August 14, 1984); located at Treasure Beach, and to uphold the Zoning Board's denial. (3.1201) Sisco was asked by Herold that with a 2/2 vote what is the status of this application to which Sisco responded that if there is no other motion made either for continuance of this application, that passes, or if there is no other motion made that passes to grant the Exception, then the total effect is that the action of the Zoning Board would stand. (3.1300) Sisco reported that the applicant has 30 days to appeal the BCC's decision today or 35 days to remove the mobile home. Upon motion by Waldron, seconded by Brubaker, carried 4/0, Maguire was absent, allowing the applicant 30 days to appeal the BCC's decision today or 35 days to remove the mobile home.

(4/10/90 - 9 - 3.1372)