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ORDER OF THE ST. JOHNS COUNTY
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

RE: Harwell Mosley
7160 A1A South
St. Augustine, FL 32086
Represented by Robert L. Suttle

FILE NUMBER: V-92-025

ORDER AFFIRMING ACTION OF THE
PLANNING AND ZONING AGENCY
AND DENYING VARIANCE

The above-referenced applicant appeared through his agent, Mr. Robert Suttle, before the Planning and Zoning Agency (Agency) on October 1, 1992, requesting a variance to reduce the required front yard setback for a single family home on lot 5, Block 7, Unit A, Vilano Beach Amended, St. Johns County, currently zoned RS-3. The Agency denied the variance. The applicant filed an appeal on October 26, 1992. On November 24, 1992, the matter came before the St. Johns County Board of County Commissioners on appeal by the applicant from the Agency's order denying the variance.

FINDINGS OF FACT AND ORDER

Having considered the application for appeal and supporting documents; the October 1, 1992 Agency minutes; the Agency order dated October 9, 1992; the staff report dated October 1, 1992 and its supporting documents; and statements from

the appellant, the Board of County Commissioners makes the following findings of fact:

1. The appeal of the Agency action was properly filed in a timely fashion;
2. The appeal of the Agency's action denying the requested variance has been fully considered after public hearing pursuant to legal notice as required by law and the Zoning Code;
3. The Department of Natural Resources coastal construction line for the subject property is approximately 300 to 350 ft. west of the lot. The house contemplated for construction on the lot will fit on the lot within the County's setbacks established by the Zoning Code. Moving the proposed house westward on the lot would not place the house west of the coastal construction line.
4. The applicant purchased the property approximately one year ago through a foreclosure sale, and knew or should have known that the location of the property well eastward of the coastal construction line could present difficulties in developing the property. Section 6-1-86 of the Zoning Ordinance prohibits the approval of a variance when the claimed hardship is created by "any act of the owner."

ACCORDINGLY, the Board of County Commissioners affirms the Agency's action in denying the requested variance for a reduction in the required front yard setback and hereby

incorporates the Agency's order denying the variance by reference and makes it a part hereof.

Any appeal of this decision may be made by filing a petition for writ of certiorari with the Clerk of the Circuit Court of St. Johns County within 30 days.

Date of Commission action: November 24, 1992

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Linda Balducci*
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: *Jeanne Carter*
Deputy Clerk

cc: Harwell Mosley
c/o Robert L. Suttle
Planning and Zoning Agency

