

DRAFT B

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

RE: Lawrence and Maria Schineller
326 Shamrock Road
St. Augustine, FL 32086

FILE NUMBER: V-92-019

ORDER REVERSING ACTION OF THE
PLANNING AND ZONING AGENCY
AND GRANTING VARIANCE

The above-referenced applicant appeared before the Planning and Zoning Agency (Agency) on September 3, 1992, requesting a variance to reduce the required rear yard setback from 10 ft. to 6 inches to allow construction of a pool enclosure for an existing pool at 326 Shamrock Road, St. Augustine, Florida. The Agency granted the variance, but approved a reduction in the rear yard setback from 10 ft. to 2 ft. (rather than the requested 6 inches) in order to allow room for proper maintenance of the screen enclosure. The applicant timely filed an appeal on September 28, 1992. On November 10, 1992, the matter came before the St. Johns County Board of County Commissioners on appeal from the Agency's order granting the variance from the required 10 ft. rear yard setback to 2 ft., rather than the requested 6 inches.

FINDINGS OF FACT AND ORDER

Having considered the application for appeal and supporting documents; the September 3, 1992, Agency minutes; the Agency order dated September 11, 1992; the Planning and Zoning

department staff report dated September 3, 1992, and its supporting documents; and statements from the appellants, the Board of County Commissioners makes the following findings of fact:

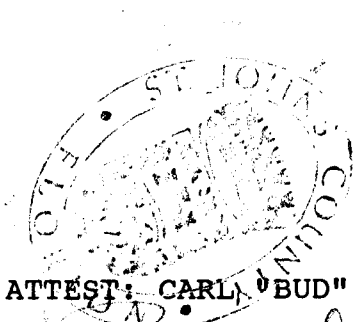
1. The appeal of the Agency's action was properly filed in a timely manner;
2. The appeal of the Agency's action granting a variance to the required 10 foot rear yard setback to 2 ft. rather than the requested 6 inches has been fully considered after public hearing pursuant to legal notice as required by law and the Zoning Code;
3. The request for a variance indicates sufficient hardship as contemplated in section 6-1-86 of the Zoning Ordinance, consisting of an existing swimming pool in the rear yard which limits construction and the applicants' medical conditions which necessitate the pool enclosure;
4. Approval of a variance to the requested 6 inches would not appear to be detrimental to the area with respect to health, safety and welfare of the public;
5. The Agency found that the request was not inconsistent with St. Johns County Comprehensive Plan, which finding the Board hereby adopts.

NOW THEREFORE, in consideration of the above, the Board hereby reverses that portion of the Agency's order which reduces the rear yard setback to 2 ft. rather than the requested 6 inches, and hereby grants the appellant's request for a variance reducing the required rear yard setback from 10 feet to 6 inches. The appellant shall have one year to commence construction, and the variance shall be transferable and shall run with the sale of the land after construction.

Deed restrictions on the subject property, if any, are not affected by this order.

Any appeal of this decision of the Board of County Commissioners 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.

Dated this 10 day of NOVEMBER, 1992.



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *[Signature]*
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: *[Signature]*
Deputy Clerk

cc: Lawrence and Maria Schineller
Planning and Zoning Agency

(3.2090) John Metcalf continued speaking of the project. Discussion ensued. John McDonald stated that he was the Chairman of the PZA when this project was considered and voted affirmatively for the project. Mel Kutzer, 3385 Coastal Highway, commented. (3.2532) William Gunby, Jr. discussed why he chose this site. John Metcalf commented regarding a traffic problem and the possibility of a turn lane. Discussion followed. (3.3158) Motion by Floyd, seconded by Bailey, failed 2/5, with Maguire, Balsavage, Roberts, Herold, and Brinkhoff dissenting, to continue this item until the next regular Board meeting, November 24, 1992 at 6:00 p.m. Discussion followed. (3.3400) Motion by Floyd, seconded by Herold, carried 7/0, to deny for reasons of devaluing existing properties, increasing an already crowded roadway, and not compatible with the existing residents of St. Johns County in that area.

(11/10/92 - 9 - 4.0060)

PUBLIC HEARING - ORDER - V-92-021 - APPEAL - ARIBBA, INC., DOUG BURNETT, PRESIDENT - THE REQUEST IS TO REDUCE THE REQUIRED FRONT YARD SET BACK ON TWO PARCELS OF LAND LOCATED ON A1A NORTH FROM 25 FEET TO 15 FEET. ON SEPTEMBER 17, 1992, THE PLANNING AND ZONING AGENCY DENIED THE REQUEST BY VIRTUE OF THE LACK OF FIVE VOTES (A MAJORITY) AS REQUIRED BY SECTION 11-7-3 OF THE ZONING CODE. THE STAFF HAS NO OBJECTION IF THE APPLICANT CAN PROVIDE SUFFICIENT TURN-AROUND ROOM FOR VEHICULAR TRAFFIC ONTO A1A AND COMPLIANCE WITH ALL OTHER APPLICABLE LAND DEVELOPMENT REGULATIONS: Proof of publication of the public hearing to consider an appeal to the Planning and Zoning Board decision on zoning variance V-92-021 Arribba, Inc. was received having been published in The St. Augustine Record on October 13, 1992. Court Reporter Brenda Rutgers was present. (4.0061) Jewel Kutzer, 3385 Coastal Highway, urged the Board to deny the request. (4.0163) Doug Burnett, 11080 Phillips Highway, Jacksonville, spoke regarding his request for a variance. Jerry Napier commented. Kevin Partel, 23 Bayview Drive, urged denial of the request. (4.0310) Barbara Naler, 3385 Coastal Highway, requested the Board to please deny the request. (4.0390) Bob Suttle, 7160 A1A South, commented. (4.0445) Josh VonKoschembahr, 3395 N. Coastal Highway, requested the Board deny the request. (4.0530) Ray Carter, 3385 Coastal Highway, requested denial of the variance. Discussion followed. Hurst suggested adding a finding to Draft "A" based on Maguire's comments that the applicant created any hardship that might be present. (4.0784) Motion by Balsavage, seconded by Herold, carried 7/0 to approve Order Draft "A" affirming action of the Planning and Zoning Agency and denying variance with the added finding as suggested by Assistant County Attorney Linda Hurst.

(11/10/92 - 9 - 4.0894)

PUBLIC HEARING - ORDER - V-92-019 - APPEAL - LAWRENCE AND MARIA SCHINELLER - THE REQUEST WAS FOR A VARIANCE TO THE REQUIRED REAR YARD SET BACK FROM 10 FEET TO 6 INCHES IN ORDER TO CONSTRUCT A SCREEN ENCLOSURE AROUND AN EXISTING POOL. THE PLANNING AND ZONING AGENCY DID NOT APPROVE THE 6 INCHES REQUEST, HOWEVER GRANTED THE VARIANCE TO REDUCE FROM 10 FEET TO 2 FEET ON SEPTEMBER 3, 1992 BY UNANIMOUS VOTE. THIS APPEAL IS TO REQUEST THE REDUCTION TO 6 INCHES BE ALLOWED. STAFF CONCURS WITH THE AGENCY'S APPROVAL: Proof of publication of the public hearing to consider an appeal to the Planning and Zoning Board decision on zoning variance V-92-019 was received having been published in The St. Augustine Record on October 16, 1992. Lawrence Schineller was present and explained why the variance was being requested. Discussion followed. (4.1060) John Demo, 61 Catalina Circle, spoke opposing the request. (4.1245) Maria Schineller commented. (4.1326) Motion by Maguire, seconded by Roberts, carried 6/1 with Bailey dissenting, to approve Order Draft "B" reversing action of the Planning and Zoning Agency and granting variance.

(11/10/92 - 9 - 4.1494)

PUBLIC HEARING - ORDER - E-92-060 - APPEAL - ALL AMERICAN MINI STORAGE - REPRESENTED BY ERNEST LEE - THE REQUEST WAS TO ELIMINATE A CONDITION OF AN EXCEPTION GRANTED FOR THE PLACEMENT OF MINI-WAREHOUSES IN 1985 (E-85-060) WHICH WAS TO PROVIDE ACCELERATION/DECELERATION LANE ON A1A. ON SEPTEMBER 3, 1992 THE PLANNING AND ZONING AGENCY DENIED THE REQUEST WITH A VOTE OF 4-3. THE STAFF REPORT GENERALLY RECOMMENDED DENIAL, HOWEVER, IF THE REQUEST IS GRANTED, THE REPORT REFLECTS CERTAIN CONDITIONS: Proof of publication of the public hearing to consider an appeal to the Planning and Zoning Board decision on E-92-060 was received having been published in The St. Augustine Record on October 13, 1992. Ernest Lee was present and explained the request. Discussion followed. (4.1844) Motion by Roberts, seconded by Herold, carried 7/0, to approve Order Draft "B" reversing action of the Planning and Zoning Agency and granting variance with the following findings: