

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

RE: Elaine Sams  
P.O. Box 1527  
St. Augustine, FL 32085

FILE NO: V-93-029

ORDER ON APPEAL GRANTING VARIANCE

The above-referenced applicant appeared before the Planning and Zoning Agency (Agency) on August 5, 1993, requesting a variance pursuant to Section 6-1-86 of the Zoning Ordinance. The purpose of the requested variance was to allow the reduction of the required side yard setback from 8 feet to 3.5 feet for placement of a hobby/storage building on lot 4, block 8, of Surfwood Subdivision as recorded in map book 10, page 43 of the public records of St. Johns County, Florida currently zoned RS-3. At the August 5, 1993 meeting, the Agency voted unanimously to deny the requested variance.

The applicant filed an appeal of the Agency's action on August 27, 1993. On October 12, 1993, the matter came before the St. Johns County Board of County Commissioners (Board) for hearing on the appeal.

### FINDINGS OF FACT

Having considered said application for a variance and supporting documents in the record, including but not limited to Agency minutes from August 5, 1993; St. Johns County Zoning Ordinance Section 6-1-86; the staff reports and supporting documents; as well as statements from the applicant, staff and the public made at the public hearing; the Board of County Commissioners makes the following findings of fact:

1. In accordance with section 6-1-86 of the County Zoning Ordinance, the requested variance will relieve a current hardship caused by the house structure and lot in that the open land area on the subject lot does not allow sufficient room for building the requested hobby/storage shed without waiver of setback requirements.

2. Placement of the structure in the proposed location will not adversely affect adjacent property owners or the owners of such property (i.e. lot 4, block 8, Surfwood Subdivision).

3. The requested variance is consistent with the comprehensive plan.

4. The requested variance is consistent with development trends in the area.

5. Approval of the subject variance has been recommended by the St. Johns County Department of

Engineering and the office of the St. Johns County Fire Service has stated it has no objections to said approval providing that the new structure to be placed within the requested setback would have a metal exterior (sides and roof) and that such structure would not have any windows or other openings on the side (of said structure) facing the adjacent side property line.

6. It is further found that a hardship exists justifying the subject request in that a storage building can not be placed behind the applicant's house due to lack of space and can not be placed further toward the rear of the house on the north side due to interference with electric power lines. Requiring an integral house addition in place of a storage shed within the requested setback would impose undue hardships due to the difference in cost between alleviating space hardships by a storage shed rather than a more expensive house addition.

**ACCORDINGLY**, the decision of the Agency denying the request for a variance is hereby reversed, and the request for a variance is **granted**, conditional on and limited to: compliance with fire marshal conditions use of any hobby/storage building to be placed within the requested reduced setback being limited to non-commercial use only; such hobby/storage building having no access from the adjoining street; having all of such structure and related improvements and landscaping behind the front line of

the house on said lot and that this variance shall be non-transferable and applicable only to the present owner of the subject property and her immediate family.

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: October 12, 1993

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Alan Roberts  
Its Vice Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Yvonne Carter  
Deputy Clerk

cc: Elaine Sams  
Planning and Zoning Agency

