

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

RE: James and Lois Masters
6 Mackerel Street
Ponte Vedra Beach, FL 32092

FILE NUMBER: V-93-050

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

The above-reference applicant appeared before the Planning and Zoning Agency (Agency) on January 6, 1994, requesting a variance pursuant to the St. Johns County Zoning Ordinance to allow parking of the applicant's recreational vehicle (motor home) in the front yard of 6 Mackerel St., Ponte Vedra Beach, Florida, southerly 10 feet of Lot 7, all of Lot 8, and the northerly 20 feet of Lot 9, Block 9, Wellington By The Sea, Unit 1, as recorded in map book 3, page 138 of the public records of St. Johns County, Florida. The Agency granted the variance, and the appellant (the DeLeon Wellington Community Association) timely filed an appeal on February 2, 1994. On April 12, 1994, the matter came before the St. Johns County Board of County Commissioners on appeal from the Agency's order granting the variance.

FINDINGS OF FACT AND ORDER

Having considered the application for appeal and supporting documents; the January 6, 1994 Agency minutes; the Agency order dated January 14, 1994; the staff report dated December 17, 1993 and its supporting documents; and statements from the appellant, and applicant, and other interested parties, the Board of County Commissioners makes the following findings of fact:

1. An appeal was filed in a timely manner as prescribed by law and the County Zoning Code.

2. The request has been fully considered after public hearing pursuant to legal notice as required by law and the County Zoning Code.

3. The request for variance indicates insufficient hardship pursuant to Section 6-1-86 of the Zoning Code because applicant's motor home was purchased after their home was purchased.

4. The request for variance is detrimental to the area with respect to health, safety and welfare of the public because it fails to maintain the integrity and balance of the community.

ACCORDINGLY, the Board of County Commissioners reverses the Agency's action in granting the requested variance to allow parking of applicant's recreational vehicle (motor home) in the front yard of the land described above, and thus denies the

variance. Applicant has 30 days from the date this order is filed with the Clerk to bring the subject property into compliance with applicable provisions of the St. Johns County Zoning Code.

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 of the filing of this order with the Clerk.

Date of Commission action: April 12, 1994.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Allan Roberts
Its Chair - Allan Roberts

ATTEST: CARL "BUD" MARKEL, CLERK

By: Patricia DeStanda
Deputy Clerk

Date filed with the Clerk: April 25, 1994

(04/12/94 - 11 - 3.1230)

RESOLUTION ACCEPTING A WARRANTY DEED FROM MARSH CREEK PARTNERSHIP
CONVEYING PROPERTY TO ST. JOHNS COUNTY

Campbell aired that staff and Gregory Barber were recommending that this item be continued for 4 weeks. Motion by Maguire, seconded by Ward, to table agenda items 10c, 21 and 15 until the Board meeting of May 10, 1994. Maguire withdrew his motion and Ward withdrew her second to the motion. Discussion followed. (3.1360) Motion by Maguire, seconded by Ward, carried 6/0 with Floyd absent, to table this item until May 10, 1994 at 1:30 p.m. (3.1490) Subsequently, Frank Riggle, 153 Marshside Drive, requested regarding the proposal in the exchange of right-of-ways, that the County in its acceptance or exchange of properties, not supersede or overrule anything that has already been written in, specifically the letter dated March 21, 1994 from Marsh Creek Development Corporation.

(04/12/94 - 11 - 3.1427)

PUBLIC HEARING - MAJOR MODIFICATION AND REZONING - MARSH CREEK DEVELOPMENT - R-PUD-86-060 - REPRESENTED BY GERALD DAKE ASSOCIATES, INC. THE REQUEST IS TO REZONE 122.33 ACRES CURRENTLY ZONED OR TO PUD TO ALLOW 161 SINGLE FAMILY DETACHED DWELLINGS, WHICH IS TO BE INCORPORATED INTO THE MARSH CREEK COUNTRY CLUB EXISTING PUD. THE EXISTING PUD IS ALSO TO BE MODIFIED TO PROVIDE A RECREATIONAL AREA, THE CONSTRUCTION OF A SECOND ENTRANCE CONNECTING THE EXISTING MARSH CREEK TO MIZELL ROAD, THE CONVERSION OF 10.7 ACRES, CURRENTLY DESIGNATED AS COMMERCIAL, LOCATED AT THE ENTRANCE OF THE EXISTING MARSH CREEK TO RESIDENTIAL FOR 14 SINGLE FAMILY UNITS, AND A PROVISION TO REQUIRE THE MARSH CREEK ARB TO APPROVE CONSTRUCTION PRIOR TO ISSUANCE OF A BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY BY THE COUNTY. THE MAJOR MODIFICATION AND REZONING ADDS A TOTAL OF 175 SINGLE FAMILY UNITS AND REDUCES 10.7 ACRES OF COMMERCIAL. ON NOVEMBER 18, 1993, THE PLANNING AND ZONING AGENCY RECOMMENDED BY UNANIMOUS VOTE APPROVAL SUBJECT TO INCORPORATING CHANGES ADDRESSED IN LETTER OF NOVEMBER 16, 1993 FROM GERALD L. DAKE. THE ATTACHED ORDINANCE AND RESOLUTION AND EXHIBITS REFLECT THOSE CHANGES. APPROVAL OF THE REZONING ORDINANCE AND ORDINANCE FOR MAJOR MODIFICATION IS SUBJECT TO THE APPROVAL OF THE ABANDONMENT OF THAT PORTION OF THE MIZELL ROAD RIGHT-OF-WAY INCLUDED IN THE PROJECT AREA. CONTINUED FROM MARCH 22, 1994.

Proof of publication of notice of public hearing - Major Modification and Rezoning Marsh Creek Development - R-PUD-86-060 was received, having been published in The St. Augustine Record on February 18, 1994.

Frank Riggle, 153 Marshside Drive, questioned if the letter he presented from Marsh Creek Development Corporation dated March 21, 1994, was incorporated into the PUD. Napier replied that it was incorporated into both ordinances. Motion by Maguire, seconded by Ward, carried 6/0 with Floyd absent, to table this item until May 10, 1994 at 1:30 p.m.

(04/12/94 - 11 - 3.1572)

PUBLIC HEARING - APPEAL - V-93-050 (APPEAL APPLICANT - DELEON WELLINGTON COMMUNITY ASSOCIATION APPEALING VARIANCE GRANTED TO JAMES AND LOIS MASTERS). THE APPLICANTS, JAMES AND LOIS MASTERS REQUESTED A VARIANCE TO ALLOW THE PARKING OF THE APPLICANT'S RECREATIONAL VEHICLE WITHIN THE REQUIRED FRONT YARD AT 6 MACKEREL STREET, PONTE VEDRA BEACH. ON JANUARY 6, 1994 THE PLANNING AND ZONING AGENCY GRANTED THE VARIANCE DUE TO THE INABILITY TO PARK THE RECREATIONAL VEHICLE ELSEWHERE ON THE LOT DUE TO SIZE OF THE LOT AND THE LOCATION OF THE EXISTING RESIDENCE. (SEE ORDER OF THE AGENCY). ON FEBRUARY 2, 1994 THE SUBDIVISION'S COMMUNITY ASSOCIATION FILED AN APPEAL TO THE APPROVAL REQUESTING THE COUNTY UPHOLD THE RESTRICTION SET FORTH IN SECTION 7-7 AND DENY THE VARIANCE BASED ON AN INSUFFICIENT SHOWING OF HARDSHIP IN ACCORDANCE WITH SECTION 6-1-86 OF THE ZONING CODE. SET FOR 1:30 P.M.

Proof of publication of notice of public hearing on Appeal - V93-050 (Appeal Applicant DeLeon Wellington Community Association) was received, having been published in The St. Augustine Record on March 12, 1994.

Napier reviewed the variance that is being appealed.

(3.1648) Edra Hauck, 1 Ladyfish Street, voiced opposition to the variance; presented 51 letters of opposition and also provided photographs of the area.

(3.1964) Gay Bonner, Chairperson for the St. Johns County Civic Roundtable, 401 Boating Club Road, announced that the Board of Directors for the Roundtable voted unanimously to oppose the variance and support the appeal.

(3.2045) JoAnn Cody, 541 LeMaster Drive, spoke of the zoning regulations in the County and requested the Board overturn the PZA decision granting the variance.

(3.2156) Steve Brody, 3175 U.S.1 South, commented supporting the appeal.

(3.2274) Ed Pierce, 8 Tarpon Road, offered suggestions and solutions and requested that the variance be overturned.

(3.2510) Clyde James, 12 Ladyfish Lane, expressed opposition to the variance.

(3.2549) Joseph Weinburger, 10 Bonita Drive, spoke opposing the variance and requested the Board uphold the appeal.

(3.2616) Jim Masters, 6 Mackerel Street, the applicant to which the variance was granted, questioned the number of feet that designate a front yard. Masters presented petitions signed by his neighbors who oppose reversal of the variance. Lengthy discussion followed with Mr. Masters answering questions addressed to him by the Board.

(3.3392) Motion by Balsavage, seconded by Brinkhoff, carried 6/0 with Floyd absent, to reverse the Agency approval, which in essence denies the PZA recommendation for approval, and findings of fact 1 through 5, with 4 including because "the motor home was purchased after home was purchased", number 5 including because "maintain the integrity and balance of the community, number 7-7 cited as number 6 in its entirety, number 3 excluded and the numbers readjusted, and allowing 30 days for the Masters to bring their property into compliance. Maguire requested Ed Pierce to clarify recommendations of the Civic Roundtable and the Board of the Civic Roundtable. Discussion ensued.

(3.3591) Balsavage left the meeting at this point.

(04/12/94 - 12 - 4.0274)

MAJOR MODIFICATION TO PUD/GOVERNOR'S PLANTATION. THE REQUEST IS FOR MAJOR MODIFICATION TO PLANNED UNIT DEVELOPMENT KNOWN AS GOVERNOR'S PLANTATION, LOCATED OFF WILDWOOD DRIVE. THE MODIFICATION CONSISTS OF REDUCING THE SIZE OF ROAD RIGHT-OF-WAYS ON THE INTERIOR ROADS FROM SIXTY FEET TO FIFTY FEET AND TO EXTEND THE COMMENCEMENT OF CONSTRUCTION DATED FROM SEPTEMBER 12, 1991 TO SEPTEMBER 12, 1994. ON FEBRUARY 17, 1994, THE PLANNING AND ZONING AGENCY CONSIDERED THE REQUEST AND BY UNANIMOUS VOTE, RECOMMENDED APPROVAL, FIND THE MODIFICATION NOT IN CONFLICT WITH THE COMPREHENSIVE PLAN AND NOT IN CONFLICT WITH SURROUNDING LAND USES. SET FOR 1:30 P.M

Proof of publication of notice of request for Major Modification to PUD/Governor's Plantation was received, having been published in The St. Augustine Record on March 11, 1994.

Napier reviewed the request for Major Modification to PUD/Governor's Plantation. (4.0296) Motion by Maguire, seconded by