

Filed with the
Clerk of the BCC
on: 10/21/94

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

RE: Billy Turner
1065A Kings Estate Road
St. Augustine, Fl 32086

FILE NUMBER: E-94-046

ORDER GRANTING EXCEPTION

The above-referenced applicant request an exception to place a mobile home on a lot in RS-2 Zoning District and to allow erecting of an addition main use structure on the lot. The applicant has requested the subject mobile home placement for a family member residence. On September 15, 1994, the matter went before the Planning and Zoning Agency (PZA) for public hearing, and the PZA recommended approval of the exception. The matter is now before the Board of County Commissioners pursuant to Section 7-3 of the Zoning Code, which requires exceptions for the erection of more than one main use structure on a lot to be approved by the Board of County Commissioners.

FINDINGS OF FACT

Having considered the application and supporting documents, the planning staff report dated September 2, 1994, the PZA's order recommending approval of the exception dated September 21, 1994, and statements from the applicant, the Board of County Commissioners hereby makes the following findings of fact:

1. The requested Exception has been duly published and noticed in accordance with requirements of the Zoning Code;
2. The requested Exception is not in conflict with surrounding land uses and development;

3. The requested Exception for the placement of more than one main use structure on a lot meets the criteria of Section 7-3 of the Zoning Code;
4. The requested Exception is not in conflict with the County's Comprehensive Plan as to intensity and density of the "B" designation;
5. The requested Exception is not detrimental to the health, safety or welfare of the residents or workers in the area.

ACCORDINGLY, the Board of County Commissioners hereby grants exception E-94-046 subject to the following conditions:

1. The Exception will be non-rental use, will not be transferable, and shall not run with the sale of the land;
2. The Exception shall commence within one year or it shall expire; and
3. The mobile home shall be skirted within 30 days of issuance of certificate of occupancy.

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: OCTOBER 11, 1994

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Debra Roberts
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Steven DeBeauvoir
Deputy Clerk

cc: Planning and Zoning
Billy Turner

TO FINAL REZONING ACTION, APPROVED THE REQUESTED EXCEPTION OF AIR CONDITIONING CONTRACTOR AND THE MOBILE HOME WITH CERTAIN CONDITIONS. THE APPLICANT ALSO REQUESTED THE ABILITY TO LATER SEEK SIMILAR EXCEPTIONS FOR BUILDING TRADES CONTRACTORS USES. THE PROPOSED ORDINANCE WITH REGARDS TO USES AND BUILDING SET-BACKS WAS REVIEWED AND RECOMMENDED BY THE PLANNING AND ZONING AGENCY. SECTION 1 OF THE ORDINANCE CONTAINS FINDINGS OF FACT SUPPORTING APPROVAL

Proof of publication of the notice of public hearing to consider passage of an ordinance regarding R-94-013 was received, having been published in The St. Augustine Record on August 20, 1994.

Napier reviewed the requested rezoning and staff's comments. David Powell was present. No public comments were made. (3.1290) Motion by Maguire, seconded by Jordan, carried 5/0 with Floyd and Brinkhoff absent, to approve the ordinance, with Findings of Fact in Section 1 supporting the motion of approval of the rezoning to CI with conditions.

ORDINANCE NO. 94-46

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, COUNTY, FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF IW, INDUSTRIAL WAREHOUSE, TO CI, COMMERCIAL INTENSIVE, WITH CONDITIONS, REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(10/11/94 - 11 - 3.1320)

PUBLIC HEARING - ORDER - EXCEPTION - E-94-046 - BILLY TURNER. THE REQUEST FOR ZONING EXCEPTION IN THE RS-2 ZONING DISTRICT TO ALLOW THE PLACEMENT OF A MOBILE HOME AND ALSO AN EXCEPTION TO ALLOW THE ERECTION OF MORE THAN ONE MAIN USE STRUCTURE ON AN EXISTING LOT, FOR OCCUPANCY BY THE APPLICANT'S SON, BILLY TURNER, JR. THE PROPERTY IS LOCATED AT 1065 KINGS ESTATE ROAD, TRACT 3, UNIT 3, ST. AUGUSTINE HEIGHTS, COMPRISES 3.77 ACRES AND IS LOCATED WITHIN A "B" RESIDENTIAL FUTURE LAND USE AREA, AS DESIGNATED BY THE COMPREHENSIVE PLAN. THE "B" AREA PERMITS A MAXIMUM OF 2 UNITS PER ACRE. THE SURROUNDING ZONING INCLUDES OR. ON SEPTEMBER 15, 1994, THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL, BY UNANIMOUS VOTE, OF THE EXCEPTION FOR THE PLACEMENT OF A MOBILE HOME WITHIN THE RS-2 ZONING DISTRICT, SUBJECT TO THE BOARD OF COUNTY COMMISSIONERS GRANTING APPROVAL TO PLACE MORE THAN ONE MAIN USE STRUCTURE ON THE LOT, AND SUBJECT TO THE MOBILE HOME BEING OCCUPIED BY THE APPLICANT'S SON, BILLY TURNER, JR. THE MOBILE HOME SHALL BE SKIRTED WITHIN 30 DAYS OF ISSUANCE OF THE CERTIFICATE OF OCCUPANCY, NON-TRANSFERABLE AND SHALL NOT RUN WITH THE SALE OF THE LAND, AND THE EXCEPTION SHALL COMMENCE WITHIN ONE YEAR OR IT SHALL EXPIRE

Proof of publication of the notice of public hearing on E-94-046 was received, having been published in The St. Augustine Record on August 26, 1994.

Napier reviewed the request for zoning exception and staff's comments. Billy H. Turner was present but did not speak. There were no public comments. Motion by Ward, seconded by Balsavage, carried 5/0 with Floyd and Brinkhoff absent, to adopt the order of the Board of County Commissioners to approve the exception request, adopting Findings of Fact listed 1 through 5 to support the motion; and adding number 6 as a condition that the occupancy would be for Billy Turner, Jr. (the applicant's son), will be non-rental use, will be non-transferable, shall not run with the sale of the land, the exemption shall commence within one year or it shall expire, and the mobile home shall be skirted within 30 days of issuance of certificate of occupancy.

(10/11/94 - 11 - 3.1481)

PUBLIC HEARING - ORDER - TUP-94-009 - TEMPORARY USE PERMIT - PUBLIX