

Date filed
with Clerk September 21, 1994

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

RE: Stephen M. Parkin
1380 San Juan St.
St. Augustine, FL 32084

FILE NUMBER: V-94-022

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

The above-referenced applicant appeared before the Planning and Zoning Agency (Agency) on June 16, 1994, requesting a variance pursuant to the St. Johns County Zoning Ordinance for the reduction of the required side yard setback from 8 feet to 0 feet to allow an existing porch to remain, on west 1/2 of lots 10 and 12, Block 3, Menendez Park Subdivision, located at 1380 San Juan Street. The property is zoned RS-3. The Agency denied the variance, and the applicant timely filed an appeal. On September 13, 1994, the matter came before the St. Johns County Board of County Commissioners on appeal from the Agency's order denying the variance. The appellant did not appear at the September 13, 1994 hearing.

FINDINGS OF FACT AND ORDER

Having considered the application for appeal and supporting documents; the June 16, 1994 Agency minutes; the Agency order dated June 23, 1994; the staff report dated June 3, 1994 and its supporting documents; and statements of witnesses and staff, the Board of County Commissioners makes the following findings of fact:

1. The application for appeal was filed in a timely manner as prescribed by law and the zoning code; and
2. The applicant failed to establish hardship in accordance with Section 6-1-86 of the Zoning Code.

ACCORDINGLY, the Board of County Commissioners affirms the Agency's action in denying the requested variance for a reduction in the required side yard setback on the parcels of land described above.

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 filing of this Order with the Clerk.

Date of Commission action: September 13, 1994

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Alan Roberts
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK,

By: *Anna Sacchi*
Deputy Clerk

cc: Stephen M. Parkin
1380 San Juan Street
St. Augustine, FL 32084

Planning and Zoning Agency

(2.3437)

PUBLIC HEARING - APPEAL TO DENIAL OF A VARIANCE - V-94-022 -
STEPHEN M. PARKIN. THE REQUEST FOR VARIANCE IS A REDUCTION OF
REQUIRED SIDE YARD SETBACK FROM 8 FEET TO 0 FEET TO ALLOW AN
EXISTING PORCH TO REMAIN, ON WEST 1/2 OF LOTS 10 AND 12, BLOCK 3,
MENENDEZ PARK SUBDIVISION, LOCATED AT 1380 SAN JUAN STREET. THE
PROPERTY IS ZONED RS-3. ON JUNE 16, 1994, THE PLANNING AND ZONING
AGENCY DENIED THE REQUEST FINDING THAT THE REQUEST FAILED TO
PROVIDE SUFFICIENT HARDSHIP IN ACCORDANCE WITH SECTION 6-1-86 OF
THE ZONING ORDINANCE. THE APPLICANT FILED AN APPEAL WITHIN THE
PRESCRIBED TIME LIMITS. THE PROPERTY IS CURRENTLY UNDER NOTICE OF
VIOLATION BY THE CODE ENFORCEMENT DEPARTMENT, WHICH PROCEEDINGS ARE
BEING HELD IN ABEYANCE UNTIL SUCH TIME AS THE COUNTY VARIANCE

PROCEDURE IS COMPLETE

Proof of publication of the notice of public hearing for the purpose of appeal was received having been published in The St. Augustine Record on August 5, 1994.

Napier explained the appeal of a request for variance. Napier recommended that a motion be passed upholding the decision of the PZA for denial, and adopting Findings of Fact. The applicant Mr. Stephen M. Parkin was not present at the hearing. (2.3516) Carolyn Zamoyta, 1684 Leon St., St. Augustine, explained that she was the realtor that sold the property to the Pasquales, and was present to give support to the Pasquale's efforts to have the variance denied. The Pasquale's property is adjacent to the applicant's. (2.3646) Armond Pasquale, 1353 San Juan Street, St. Augustine, voiced his concern relating to the porch and the concrete portion of the porch which is on the property line. Mr. Pasquale stated that he is opposed to the granting of this variance because it has an adverse affect on the value of his property. Brief discussion followed. (3.0099) Motion by Brinkhoff, seconded by Ward, carried 6/0 with Floyd absent, to deny the Variance upholding the decision of the PZA, adopting Findings of Fact 1 and 2 to support the motion.