

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

Re: Willie and Joanne Scott
5169 Farm Creek Road
St. Augustine, FL 32092

File No.: E-94-033

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ORDER GRANTING EXCEPTION

The above-referenced applicant requests an exception to allow an existing mobile home to remain on a 5 acre platted lot, zoned OR, after completion of a single family residence on the same lot. The applicant requests the second home on the lot for use of a family member residence. On July 7, 1994, the matter went before the Planning and Zoning Agency (PZA) for public hearing, and the PZA recommended denial 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 June 17, 1994, the PZA's order recommending denial of the exception dated July 12, 1994, and statements from the applicant and interested persons, the Board of County Commissioners 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, zoning code;
4. The request is not in conflict with the County's Comprehensive Plan as to intensity and density of A-I classification;
5. The request for Exception is not detrimental to the health, safety or welfare of residents or workers in the area provided that;
6. The new dwelling to be added is not a mobile home, the exception is non transferable, that both units be non rental and for applicant's family use only, a new septic system permit being filed, and a lot grading plan being submitted if fill is proposed in excess of 5' from the foundation.

ACCORDINGLY, the Board of County Commissioners hereby grants exception E-94-033, which allows the existing mobile home to remain on the premises after a single (non-mobile) family home is completed subject to the following conditions:

The new dwelling to be added shall not be a mobile home, the exception shall be non transferable, both residential units shall be non rental and for applicant's family use only, a

septic tank permit must be approved for the new unit, and a lot grading plan must be filed and approved if fill is proposed in excess of 5' from the house.

An appeal of this decision may be made by filing a petition for writ certiorari with the Clerk of the Circuit Court of St. Johns County within 30 days of this Order being filed with the Clerk.

DATE OF COMMISSION ACTION August 9, 1994

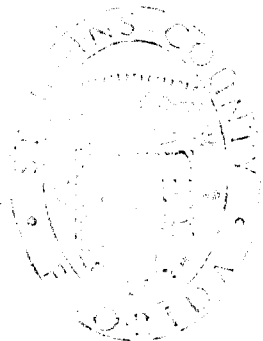
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Alan Roberts
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: Yvonne Carter
Deputy Clerk

cc: Planning and Zoning Agency
Willie and Joanne Scott



(08/09/94 - 11 - 4.0909)

PUBLIC HEARING - ORDER - EXCEPTION - E-94-033 - WILLIE AND JOANNE SCOTT. THE REQUEST IS TO ALLOW THE CONSTRUCTION OF A SECOND DWELLING UNIT ON A FIVE ACRE PLATTED LOT AT 5169 FARM CREEK ROAD FOR THE APPLICANT AND TO PERMIT THE EXISTING MOBILE HOME TO REMAIN FOR THE APPLICANT'S DAUGHTER, ON LOT 43, MILL CREEK ESTATES, WHICH WAS PLATTED IN JUNE 1982. THE PROPERTY IS ZONED OR AND LOCATED IN AN A-I AREA AS DESIGNATED BY THE COMPREHENSIVE PLAN. AT THE PUBLIC HEARING ON JULY 7, 1994, SEVERAL LETTERS AND A PETITION WERE RECEIVED WHICH ARE ATTACHED TO THE PACKAGE. THE PLANNING AND ZONING AGENCY FINDS THE REQUEST TO BE INCONSISTENT WITH SURROUNDING LAND USES AND DETRIMENTAL TO THE GENERAL WELFARE OF THE AREA, AND BY UNANIMOUS VOTE, RECOMMENDS DENIAL OF THE REQUEST

Proof of publication of the notice of public hearing on zoning exception E-94-033 was received having been published in The St. Augustine Record on June 15, 1994.

Napier presented the exception request to allow the construction of a second dwelling unit on a five acre platted lot in the Mill Creek Estates Subdivision located in 5169 Farm Creek Road; the applicant request to retain the existing mobile home for their daughter after the residence is constructed on the property. Discussion followed. (4.1080) Tommy Taylor, 5115 Silo Road, commented in favor of the zoning exception. (4.1195) Charles Lednick, 5140 Silo Road, commented in opposition to the exception request. (4.1263) Chris Raisner, 5130 Silo Road, commented in opposition to the exception request. (4.1401) Francis Henry, 5160 Farm Creek Road, commented in opposition to the exception request. (4.1438) James Schearer, 5184 Farm Creek Road, commented in opposition to the exception request. (4.1540) Sharon Mote, 2937 Coastal Hwy., commented in favor of the exception request. (4.1838) Susan Scott, 5169 Farm Creek Road, commented in favor of the exception request. Discussion followed. Motion by Ward, seconded by Balsavage, carried 6/0 with Floyd out for this vote, to adopt the order, approving findings of fact 1-5 with an addition of #6 (new dwelling not be a mobile home, nontransferable, both units be non rental, family use only, a new septic system permit being filed, and a lot grading plan being submitted if fill is proposed in excess of 5' from the foundation.)