FLAGLER COUNTY TECHNICAL REVIEW COMMITTEE

GOVERNMENT SERVICES BUILDING
First Floor Conference Room B108

1769 EAST MOODY BOULEVARD BUILDING 2, BUNNELL FL 32110

A G E N D A

DATE – February 20, 2019 TIME – 9:00 A.M.

1. Application #3167 – APPLICATION FOR A VARIANCE IN THE R/C (RESIDENTIAL / LIMITED COMMERCIAL) DISTRICT – request for a 25 foot rear setback Variance in the R/C (Residential / limited commercial) District for a proposed building at 5047 N. Oceanshore Blvd; Parcel Number: 40-10-31-4050-00000-0270; 0.58+/- acres. Owner: Hammock Enterprises, LLC / Applicant: Brent Bruns.

Project #2019010018 (TRC, PDB)

PLEASE TAKE NOTICE THAT INDIVIDUAL COMMISSIONERS OF THE BOARD OF COUNTY COMMISSIONERS MAY ATTEND THIS EVENT. THE COMMISSIONERS WHO ATTEND WILL NOT TAKE ANY ACTION OR TAKE ANY VOTE AT THIS MEETING. THIS IS NOT AN OFFICIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY. THIS NOTICE IS BEING PROVIDED TO MEET THE SPIRIT OF THE SUNSHINE LAW TO INFORM THE PUBLIC THAT COMMISSIONERS MAY BE PRESENT AT THESE DISCUSSIONS. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE PLANNING & ZONING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.
FLAGLER COUNTY
TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: FEBRUARY 20, 2019

APP #3167 - REAR SETBACK VARIANCE - HAMMOCK ENT., LLC

APPLICANT: BRENT BRUNS
OWNER: HAMMOCK ENTERPRISES LLC

Distribution date: Friday, February 15, 2019

Project #: 2019010018
Application #: 3167

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.

Flagler County Building Department 386-313-4002
Flagler County Planning Department 386-313-4009
Flagler County Development Engineering 386-313-4082
Flagler County General Services (Utilities) 386-313-4184
County Attorney 386-313-4005
Flagler County Fire Services 386-313-4258
E-911 GIS Specialist 386-313-4274
Environmental Health Department 386-437-7358
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
1. The parallel parking lot next to the cave and the waterfall building may be hard to access and is too close to the cave wall.
2. How is the Cave to be accessed from the west side of the lagoon?
3. Access to the Cave adjacent to the waterfall building must meet ADA requirements.
4. Has the exemption status with the Water Management District been maintained with the proposed additional improvements?
5. How does the River/lagoon function? Where will the proposed equipment be housed? Please depict on the plan.
6. Provide enough space behind the large waterfall in the rear for maintenance and cleaning.
7. Further comments may be generated with additional submittals.

REVIEWING DEPARTMENT: FIRE INSPECTOR
1. Plans need to include firefighter access to the outside bar area and the cave area.
2. With the cave area and the waterfall along the back edge of the property fire fighters will not have ingress or egress to those areas.
3. What is going to be the wall and ceiling covering in the cave area?

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
1. Justification statements 1 and 2 need to be revised to identify the hardship preventing the location of the structures in compliance with the required setback. As presented, the justification is related to the vision of the proposed business rather than the attempt to design according to the required criteria. Has there been an attempt to modify parking locations to locate the cave within the setbacks? Is the proposed location chosen to preserve existing index trees?
2. Remove fence from vision clearance area at driveway intersection with the right-of-way of N. Oceanshore Blvd.
3. It is assumed that there will be a need for equipment pads for mechanical equipment related to the lagoon/river and waterfall features. If correct, please locate the equipment pads on the site plan.
4. Provide site data table on plan for variance. Include new building and impervious surfaces related to water features and cave.
5. Provide parking calculation in data table inclusive of statement related to limitations on seating.
6. What will be the height of the cave?
7. Show the pedestrian path from the building to the cave.
8. Further comments may be generated with additional submittals.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT
1. Application #3167 (Project # 2018010018) - Hammock Ent. LLC/Brent Bruns - Variance - 5047 N. Oceanshore Blvd.
   - No objection to rear yard setback variance; however the following comments apply to the overall project:
   - A State DOH variance will be required to allow any portion of the septic system (dosing/transmission lines) to be placed underneath the proposed water feature.

Page 2 of 3 Pages
foot setback would otherwise be required. Please note that variance applications require a hardship.

- Please include the accurate location of the newly installed septic system for the rear structure. It appears that the proposed water feature will adversely impact this system.

- Please include the location of the industrial waste holding tank that will hold the waste from the proposed brewing operation.

- Please note that industrial waste may not be pumped by a regular septage hauler and must be handled by a licensed industrial waste disposal service.

- Please note that Engineered designed septic system specifications will be reviewed after a septic system construction permit has been applied for and a soil evaluation has been performed. This cannot be adequately reviewed at this time. Ensure the 2 drainfield areas equal to each other in size as possible.

- An annual operating permit will be required due to both commercial and industrial waste generation. An annual fee of $150.00 and annual inspection will be required.

REVIEWING DEPARTMENT: BUILDING DEPARTMENT
No comments.
**APPLICATION FOR VARIANCE**

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009  Fax: (386) 313-4109

Application/Project #: 3167 / 2019010018

<table>
<thead>
<tr>
<th>PROPERTY OWNER(S)</th>
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<tbody>
<tr>
<td>Name(s): Hammock Ent. LLC c/o Brent Bruns</td>
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<tr>
<td>Mailing Address: 102 Yacht Harbor Drive, Suite 161</td>
<td></td>
</tr>
<tr>
<td>City: Palm Coast  State: FL  Zip: 32137</td>
<td></td>
</tr>
<tr>
<td>Telephone Number 386-986-8207</td>
<td>Fax Number</td>
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</tr>
<tr>
<td>E-Mail Address: <a href="mailto:brentbruns@gmail.com">brentbruns@gmail.com</a></td>
<td></td>
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<tr>
<th>SUBJECT PROPERTY</th>
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<tr>
<td>SITE LOCATION (street address): 5047 N. Ocean Shore Dr.</td>
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<tr>
<td>LEGAL DESCRIPTION: (briefly describe, do not use &quot;see attached&quot;)</td>
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<tr>
<td>Parcel #: (tax ID #): 40-10-31-4050-00000-0270</td>
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<td>Parcel Size: 0.58 AC</td>
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<td>Current Zoning Classification: R/C</td>
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<tr>
<td>Current Future Land Use Designation: Mixed Use, Low Intensity</td>
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| Subject to A1A Scenic Corridor IDO?  
  |  
  | YES  
  |  
  | NO |  |

**Relief Requested:** Relief requested from rear yard building setback from 25 ft to 0 ft

[Signature of Owner(s) or Applicant/Agent]  Date: 1/12/2019

if Owner Authorization form attached

**OFFICIAL USE ONLY**

**PLANNING BOARD RECOMMENDATION/ACTION:**

- [ ] APPROVED
- [ ] APPROVED WITH CONDITIONS
- [ ] DENIED

[Signature of Chairman: ]

Date:  

*approved with conditions, see attached.*

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16
APPLICATION FOR VARIANCE
FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009  Fax: (386) 313-4109

Subject Property: 5047 N. Ocean Shore Dr.

E. Variance guidelines. A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

Hammock Enterprises LLC proposes to convert an existing structure on a half acre of land into a fine dining establishment. The ambiance and aesthetics of this restaurant are vital to the business vision. Due to the fact that this parcel is located in the remote and beautiful Hammock Dunes area, no public sewer is available. Because of this, the applicant is being required to provide a septic system able to support a 40 seat commercial restaurant. This septic system takes up the majority of the rear yard, and its setbacks have greatly affected the design of this site. Because the current structure is existing, limitations exist for locating this septic system. As mentioned above, the aesthetic and ambiance appeal of the restaurant is vital. The vision for this operation includes water features, caves, and waterfalls to create a very exotic dining experience. Because of the aforementioned design constraints, in order to fit these special features, we are requesting a variance to the rear yard building setback from 25 ft to 0 ft.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

As stated above, the preexisting building on site has greatly limited the availability of alternate locations for these features. Also, due to the small size of the parcel, other required infrastructure leaves no space available within the currently required setback.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

It is not anticipated that the construction of these features would inhibit public health, welfare, safety, or morals in any way.

4. No variance may be granted for a use of land or building that is not permitted by this article.

The use of land and building is for a restaurant

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

The variance requested is the minimum that would allow creation of the required features for the vision of the restaurant.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.  Rev. 09/18
January 10, 2019

Adam Mengel
Flagler County
Planning Services
1769 E. Moody Blvd., Ste 105
Bunnell, FL 32110

Re: Ocean Shore Brewery – Variance Application for Consideration on January 9th

Dear Mr. Mengel,

Per the ‘required attachments’ list from the variance application, please find the following items enclosed with this package:

1. One (1) (8.5 x 11) Application for Variance
2. One (1) (8.5 x 11) Warranty Deed
3. One (1) (11 x 17) Civil Engineering Variance Exhibit
4. Ten (10) (24 x 36) Civil Engineering Variance Exhibits
5. One (1) Fee check to BOCC in the amount of $395.00
6. One (1) CD with digital copies of the above-referenced items

Please consider this letter our official request for consideration of variance for the following items:

1. Rear yard building setback from 25 ft to 0 ft.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,
The Alann Engineering Group, Inc.

[Signature]

Melissa H. Tincher E.I.
Project Engineer
cc: File
Warranty Deed
(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 11th day of December, 2017 between Rhonda J. West, a/k/a Rhonda West James, whose post office address is 426 Porpoise Drive, Saint Augustine, FL 32084 of the County of Saint Johns, State of Florida, grantor*, and Hammock Enterprises, LLC, a Florida limited liability company whose post office address is 102 Yacht Harbor Drive, Unit 161, Palm Coast, FL 32137 of the County of Flagler, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Flagler County, Florida, to-wit:

Lot 27, Magnolia Manor, according to the map or plat thereof as recorded in Plat Book 5, Page 31, Public Records of Flagler County, Florida.

Grantor warrants that the real property described herein is not her homestead property, nor is it contiguous to her homestead property.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

"Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Seth D. Corneal

Witness Name: James M. Hughes

Rhonda J. West a/k/a Rhonda West James
State of Florida  
County of Saint Johns

The foregoing instrument was acknowledged before me this 8th day of December, 2017 by Rhonda J. West a/k/a Rhonda West James, who [ ] are personally known or [X] have produced a driver's license as identification.

[Notary Seal]

Seth David Corneal  
Notary Public  
Printed Name: Seth D. Corneal  
My Commission Expires: 4/30/2018
1. Lighting shall conform to Sea Turtle Lighting Requirements located in Article 6 of the County Land Development Code.
2. All paper features to be constructed shall conform to required minimum separation from septic system.
3. Minimum drive aisle width 22 ft.
4. Gravel drive shall be properly maintained in order to ensure all-weather accessibility at fire trucks.
5. Lettering: 20 ft.