1. Roll Call.

2. Pledge to the Flag.

3. Approval of June 11, 2019 regular meeting minutes.

Quasi-Judicial Process: The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

Time limits will be observed:
- **Staff** – 10 minute presentation.
- **Applicant** – 15 minute presentation (unless time extended by consensus of Board).
- **Public Comment** – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.
- **Applicant Rebuttal and Closing Staff Comments** – 10 minutes each.

4. Quasi-judicial requiring disclosure of ex parte communication:

   Application #3182 – APPLICATION FOR A VARIANCE IN THE AC (AGRICULTURE)

   DISTRICT – request for a 17 foot side yard setback variance for a garage at 2727 County Road 304; Parcel Number: 02-13-30-0650-000C0-0072; 6.369+/- acres. Owner/Applicant: Christopher Barney.
   Project #VAR-000003-2019 (TRC, PDB)
5. Legislative not requiring ex parte communication:
   Application #3183 – APPLICATION FOR DETERMINATION OF USE IN THE C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT – request for determination of use for a Private School. Applicant: Blue Jay Academy
   Project # DETUSE-00000-2019 (PDB)

6. Staff Comments.

7. Board Comments.

8. Public Comments – Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.

9. Adjournment

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.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES STATES THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY A BOARD AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

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.
MEMBERS PRESENT: Chair Michael Boyd, Timothy Conner, Jack Corbett, Michael Goodman, Laureen Kornel, Mark Langello (arrived at 6:05 p.m.) and Anthony Lombardo.

MEMBERS EXCUSED: None

STAFF PRESENT: Adam Mengel, Planning Director; Gina Lemon Development Review Planner III; and Wendy Hickey, Planner

BOARD COUNSEL: Sean S. Moylan, Assistant County Attorney sitting in for Kate Stangle, with Nelson Mullins Broad and Cassel.

Chair Boyd called the meeting to order.

1. Roll Call.

Attendance was confirmed by Ms. Lemon and a quorum was present.

2. Pledge of Allegiance.

Chair Boyd led the Pledge of Allegiance to the Flag.

3. Approval of the April 9, 2019 regular meeting minutes

Motion to approve made by Ms. Kornel, seconded by Mr. Langello.

Motion carried unanimously.

4. Quasi-judicial requiring disclosure of ex parte communication:

Application #3172 – APPLICATION FOR A VARIANCE IN THE AC (AGRICULTURE) DISTRICT – request for a 14.06 foot front yard setback variance for a shed/pump house at 30 County Road 2006 East. Parcel Number: 34-12-29-4850-00040-0021; 4.77 +/- acres. Owner: Peter A. and Susan Lucente Seitzberg/Applicant: Gary McCain of McCain Homes, Inc.

Chair Boyd asked for ex-parte disclosures.

Mr. Conner stated that a neighbor named Danny spoke to him at the last meeting that was cancelled due to no quorum and that he was in support of this variance.

Mr. Mengel presented the staff report describing the history of property and reason for this after the fact variance request. He then proceeded to give staff recommendation that the Planning and Development Board find that all the variance criteria as listed in the guidelines at the Land Development
Code Section 3.07.03.E have been met and therefore approves the 14.06 foot front yard setback variance from the minimum 50 foot front yard setback for a shed/pump house at 30 County Road 2006 East.

Chair Boyd asked if the applicant would like to speak.

Peter Seitzberg, property owner 30 County Road 2006 E, he explained the current situation noting how the shed/pump house was placed and asked the Board for their approval.

Chair Boyd opened the public hearing see no one he closed the Public Hearing and opened to Board comments.

Motion to approve made by Mr. Connor, seconded by Mr. Goodman.
Motion carried unanimously.

5. Staff Comments
None

6. Board Comments
None

7. Public Comments - Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.
None

8. Adjournment
Meeting adjourned at 6:11
Prepared by: Wendy Hickey
Reviewed by: Adam Mengel
SUBJECT: QUASI-JUDICIAL – Application #3182 – Request for a 17 Foot Side Yard Setback Variance in the AC (Agriculture) District at 2727 County Road 304. Parcel #02-13-30-0650-000C0-0072; 6.36+/- acres. Owner/Applicant: Christopher M. Barney (Project #VAR-000003-2019).

DATE OF MEETING: July 9, 2019

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a side yard setback variance in the AC (Agriculture) District for relief from the 25 foot minimum side yard setback. This parcel is 6.36+/- acres in size, identified as parcel #02-13-30-0650-000C0-0072 and is located on the east side of County Road 304, approximately 3,700 feet north of its intersection with Old Haw Creek Road.

On May 29, 2019, Christopher Barney submitted an application for a side yard setback variance, requesting a 17 foot variance from the minimum 25 foot side yard setback for a storage building. The variance is being sought on the right (West) side of the parcel. This is a before-the-fact variance request.

This application was discussed by the Technical Review Committee on June 19, 2019. All staff comments were substantially addressed by the applicant in advance of the Planning and Development Board meeting.

Public notice has been provided for this application according to FCLDC Section 2.07.00.

This agenda item is:

X quasi-judicial, requiring disclosure of ex parte communication; or

legislative, not requiring formal disclosure of ex parte communication.
RECOMMENDATION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies the 17 foot side yard setback variance from the minimum 25 foot side yard setback for a storage building at 2727 County Road 304 (Parcel #02-13-30-0650-000C0-0072).

Alternative recommendation: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves the 17 foot side yard setback variance from the minimum 25 foot side yard setback for a storage building at 2727 County Road 304 (Parcel #02-13-30-0650-000C0-0072).

ATTACHMENTS:
1. Technical Staff Report
2. Application and supporting documents
3. Public notice
APPLICATION #3182
SIDE YARD SETBACK VARIANCE IN THE AC DISTRICT
2727 COUNTY ROAD 304
TECHNICAL STAFF REPORT

Application/Project #: 3182/VAR-00003-2019

Address: 2727 County Road 304

Owner/Applicant: Christopher M. Barney

Parcel #: 02-13-30-0650-000C0-0072

Parcel Size: 277,433.64 +/- sq. ft. (6.36 +/- acres)

Legal Description:
Part of Tracts 7, 8, and 9, Block C, of Section 2, Township 13 South, Range 30 East, Bunnell Development Company Subdivision, as recorded in Map Book 1 Page 1, Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:
Zoning: AC (Agriculture) District
Land Use: A&T (Agriculture & Timberlands)

Future Land Use Map Classification/Zoning of Surrounding Land:
North: A&T (Agriculture & Timberlands)/AC (Agriculture) District
East: A&T (Agriculture & Timberlands)/AC (Agriculture) District
South: City of Bunnell; Flagler County A&T (Agriculture & Timberlands)/AC (Agriculture) District
West: CR 304; A&T (Agriculture & Timberlands)/AC (Agriculture) District

Land Development Code Sections Affected: Land Development Code (LDC) Section 3.07.03, Procedure for variances and special exceptions, and Section 3.07.03.E, Variance guidelines.

Summary of Request: Earlier this year, Mr. Barney inquired about minimum setback for an accessory building in the AC zoning district with staff. Based on the information provided to him he had determined that the location proposed would need a variance. On May 29, 2019, Mr. Barney applied for this variance.

Variance Guideline Analysis
LDC Section 3.07.03.E, Variance Guidelines, states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed below followed by the applicant’s statements (included below and attached in their entirety) and staff’s analysis:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and

Applicant’s response: The building cannot feasibly be built elsewhere on the property due to multiple reasons. Other locations would impede on pasture needed for livestock, would impede the driveway access to the home and not allow for adequate turning radius.

Staff analysis: The subject parcel, though slightly triangular in shape and narrowing from North to South, is otherwise unexceptional. In addition, at 6.36 acres this parcel is slightly above the minimum parcel size for the zoning district. Based on the size, shape and topography of this property it does not create an unnecessary hardship for the applicant.

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

Applicant’s response: All other location options have been exhausted to be compliant with the setback requirements without a variance.

Staff analysis: The applicant, while acting in good faith, could locate the storage building in an area on the parcel that conforms to the setback and eliminates the need for the variance. There appear to be other options available for the location of the proposed storage building.

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

Applicant’s response: Would not create any impact for the immediately adjacent neighbor. Would also not adversely affect the general public.

Staff analysis: The encroachment into the side setback would not create substantial detriment to the public health, welfare, safety and morals of the community. In addition; a letter of no objection from adjacent neighbor has been provided by the applicant and is attached to this report.

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

Applicant’s response: This is an approved building project that is permitted.

Staff analysis: The property is zoned AC (Agriculture) and is developed with a single family dwelling, barn, and shed, and the proposed storage building all of which are
permitted structures and uses within the AC district. This is a before-the-fact variance request.

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 variances the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

Applicant's response: [No response provided.]

Staff analysis: The relief sought is the minimum relief necessary to place the proposed storage building in the selected location. Staff believes that the hardship is self-created due to the parcel size and other areas available on the subject parcel where the storage building could be placed without the need for a variance.
Future Land Use Map
Zoning Map
# 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 #: 3182/VAR-600503-2019

## PROPERTY OWNERS(S)

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Christopher Barney</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>PO Box 2482</td>
</tr>
<tr>
<td>City:</td>
<td>Bunnell</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32110</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>386 437 1257</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>386 437 4468</td>
</tr>
</tbody>
</table>

## APPLICANT/AGENT

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Christopher Barney</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>PO Box 2482</td>
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<tr>
<td>City:</td>
<td>Bunnell</td>
</tr>
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<td>State:</td>
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<tr>
<td>Zip:</td>
<td>32110</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>386 437 1257</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>386 437 4468</td>
</tr>
<tr>
<td>E-Mail Address:</td>
<td><a href="mailto:chelse@4csconstruction.com">chelse@4csconstruction.com</a></td>
</tr>
</tbody>
</table>

## SITE LOCATION (street address):

2721 CR 304 · Bunnell FL 32110

## LEGAL DESCRIPTION:

(briefly describe, do not use "see attached")

**Parcl # (tax ID #):** 021330-04850-00000-0072

**Parcel Size:** 0.319 Acres

**Current Zoning Classification:** Unincorporated Area (district 5)

**Current Future Land Use Designation:**

**Subject to A1A Scenic Corridor IDO?** Yes

## Relief Requested:

Signature of Owner(s) or Applicant/Agent if Owner Authorization form attached

Signature of Chairman:

Date: 5-14-19

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

*APPROVED WITH CONDITIONS [ ]

*APPROVED [ ]

DENIED [ ]

*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: 2727 CP 304 · Bunnell Fl 32110

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 the building cannot feasibly be built elsewhere on the property due to multiple reasons. Other locations would impede on pasture needed for livestock, would impede on the driveway access of the home and not allow for adequate turning radii.

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 all other location options have been exhausted to be compliant with the setback requirements without a variance.

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 would not create any impact for the immediately adjacent neighbor. Would also not adversely affect the general public.

4. No variance may be granted for a use of land or building that is not permitted by this article. The building shall be used for storage of personal items such as a boat and/or RV, which is accessory to the single family dwelling.

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.

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
QUIT CLAIM DEED

On May 29, 2013 THE GRANTOR(S),
-Christopher M. Barney and Christine M. Barney, husband and wife, for and in consideration of: One Dollar ($1.00) and other good and valuable considerations convey, releases, and quit claims to the GRANTEE(S):
-Christopher M. Barney, a married man, residing at 2727 County Road 304 in Bunnell, Flagler County, Florida 32110

the following described real estate, situated in an unincorporated area in the County of Flagler, State of Florida:

Legal Description: Parcel 4 (South) A part of Tracts 7, 8, 9, Block C, Section 2, Township 13
South, Range 30 East, Bunnell Development Company Subdivision, as recorded in Map Book 1,
Page 1, Public Records of Flagler County, Florida, and being more particularly describes as follows: From a point of References being the Southwest corner of said Section 2, run N.89° -12'
-20"E. along the South line of said Section 2 a distance of 866.60 feet to the Point of Beginning of this description: thence N.36° -21' - 35"W. a distance of 1026.31 feet to the Southeasterly right of-way of State Road 304: thence N.41° -27' -55°E. along said right-of-way a distance of 353.96 feet: thence S.27° -05' -05°E. a distance of 1223.38 feet to the South line of said Section 2: thence N.89° -12' -20"W. along said South line a distance of 182.95 feet to the Point of Beginning. Parcel contains 6.3796 acres more or less. Note: Bearings refer to the South line of said Section 2.
Description created by undersigned as request of client. Property is located in Flood Zone "C"
Grantor does hereby convey, release and quitclaim all of the Grantor's rights, title, and interest in and to the above described property and premises to the Grantee(s), and to the Grantee(s) heirs and assigns forever, so that neither Grantor(s) nor Grantor's heirs, legal representatives or assigns

This is a Transfer of Assets between spouses.

Tax Parcel Number: 021330-0650-000C0-0072

Mail Tax Statements To:
Christopher M. Barney
2727 County Road 304
Bunnell, Florida 32110

[SIGNATURE PAGE FOLLOWS]
Grantor Signatures:

DATED: 05/29/2013

Christine M. Barney
2727 County Road 304
Bunnell, Florida
32110

DATED: 05/29/2013

Christopher M. Barney
2727 County Road 304
Bunnell, Florida
32110

In Witness Whereof,

Witness

Carla S. Sobotka
701 E. Palm Street
Bunnell
Florida
32110

Witness

Chelsea M. Barney
2727 County Road 304
Bunnell
Florida
32110

STATE OF FLORIDA, COUNTY OF FLAGLER, ss:

The foregoing instrument was acknowledged before me this 29th day of
March, 2013 by Christine M. Barney and Christopher M. Barney, who are
personally known to me or who have produced ____________________ as
identification.

Signature of person taking acknowledgment

Brenda McGowan

Name typed, printed, or stamped

Title or rank

Serial number (if applicable)
THIS WARRANTY DEED made the 4th day of October, 2002 by

Wayne Vick and Margaret M. Vick, husband and wife

whose street address is 123 Westchester Lane, Palm Coast, Florida 32164

hereinafter called the grantor*, to

Christopher M. Barney and Christine M. Barney, husband and wife

whose street address is 1210 N. State Street P.O. Box 2682, Bunnell, Florida 32110

hereinafter called the grantee*:

(Whereas said herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assignees of individuals, and the successors and assigns of corporations)

WITNESSETH, that the grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other valuable considerations to said grantees in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed unto the grantee and grantee's heirs forever the following described land situate in County of Flagler, State of Florida, to wit:

Parcel 4 (South) : A part of Tracts 7, 8, and 9, Block C, Section 2, Township 13 South, Range 30 East, BUNNELL DEVELOPMENT COMPANY SUBDIVISION, as recorded in Map Book 1, Page 1, of the Public Records of Flagler County, Florida and more particularly described in attached EXHIBIT "A"

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with the grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31st, 2002. FURTHER SUBJECT TO Restrictions, Reservations, Covenants, Dedications, Resolutions, Conditions and Easements of record, if any, however this reference shall not operate to re impose same.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]

Wayne Vick

[Signature]

Margaret M. Vick

STATE OF FLORIDA
COUNTY OF Flagler
The foregoing instrument was acknowledged before me this 4th day of October, 2002, by Wayne Vick and Margaret M. Vick, husband and wife who is personally known to me or who produced a [identification] as identification and who I did not take an oath.

[Signature]
Notary Public
My Commission Expires:
DESCRIPTION Parcel 4 (South)

A part of Tracts 7, 8, 9, Block C, Section 2, Township 11 South, Range 30 East, BUNNELL DEVELOPMENT COMPANY SUBDIVISION, as recorded in Map Book 1, Page 1, Public Records of Flagler County, Florida, and being more particularly described as follows:

From a Point of Reference being the Southwest corner of said Section 2, run N.89°-12'-20"E., along the south line of said Section 2 a distance of 666.60 feet to the Point of Beginning of this description; thence N.76°-21'-35"W., a distance of 1026.31 feet to the Southeasterly right-of-way of State Road 304; thence N.41°-27'-55"E., along said right-of-way a distance 353.96 feet; thence S.27°-05'-05"E., a distance of 1223.39 feet to the South line of said Section 2; thence N.89°-12'-20"W., along said south line a distance of 102.95 feet to the Point of Beginning.

Parcel contains 6.3796 acres more or less.

NOTE: Bearings refer to the South line of said Section 2.
Description created by undersigned at request of client.
Property is located in Flood Zone C.
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: FIRE INSPECTOR

No comments

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Please provide a survey depicting all improvements to the property. Survey provided does not include all buildings.

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

No comment

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. Please provide a survey depicting all improvements to the property. Survey provided does not include all buildings.

2. Based on current aerial map located at FCPA web site there is an existing building located near the site of the proposed building, with the assumption that this building meets the minimum side setback explain why the proposed building cannot be placed along the north side of this existing building.

3. Based on responses given to variance criteria questions this request would not meet the minimum requirement for a variance.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No comments if it is used as a storage building with no wastewater generated.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

This application does not present enough evidence of extraordinary and exception conditions necessitating a variance. At the TRC meeting, the applicant should expound upon his justifications.
I, JERRY W. HUTCHESON, HAVE NO
OBSESSION TO CHRIS BARNEY BUILDING
A GARAGE 8 FT. OFF OUR PROPERTY
LINE AT 2745 COUNTY ROAD 304.

JUN 25 19

RECEIVED
JUN 26 2019

PLANNING
FLAGLER COUNTY, FL.
<table>
<thead>
<tr>
<th>ParcelId</th>
<th>Property Owner</th>
<th>Address</th>
<th>City, State, Zip</th>
</tr>
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<tbody>
<tr>
<td>02-13-30-0650-000C0-0012</td>
<td>MICHAEL &amp; DONNA R PARRISH</td>
<td>2610 CR 304</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>02-13-30-0650-000C0-0021</td>
<td>MICHAEL &amp; DONNA R PARRISH</td>
<td>2610 CR 304</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>02-13-30-0650-000C0-0011</td>
<td>DAVID WETHERINGTON</td>
<td>PO BOX 321</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>02-13-30-0650-000C0-0070</td>
<td>LEANN &amp; OLIVER JOHNSTON</td>
<td>2807 CR 304</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>11-13-30-0650-000A0-0000</td>
<td>THREE STEPS FOREST LLC</td>
<td>8 CENTER STREET</td>
<td>EXETER, NH 03833</td>
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<tr>
<td>02-13-30-0650-000C0-0071</td>
<td>JERRY &amp; DEBORAH HUTCHESON</td>
<td>PO BOX 2331</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>02-13-30-0650-000C0-0072</td>
<td>CHRISTOPHER M BARNEY</td>
<td>PO BOX 2682</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>02-13-30-0650-000C0-0073</td>
<td>ROBERT ALLEN &amp; GRISELDA M CATALA</td>
<td>2661 CR 304</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>02-13-30-0650-000C0-0017</td>
<td>THOMAS E &amp; WILLA M CALDERONE</td>
<td>2465 CR 304</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>02-13-30-0650-000C0-0100</td>
<td>STEPHEN D STRICKLAND TRUSTEE</td>
<td>PO BOX 729</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>03-13-30-0650-000D0-0011</td>
<td>RAYMOND K &amp; WHITNEY A ANDREWS</td>
<td>2800 COUNTY ROAD 304</td>
<td>BUNNELL, FL 32110</td>
</tr>
</tbody>
</table>

I hereby affirm mailed notice to each owner on June 24, 2019 for the Planning & Development Board Meeting on July 9, 2019 at 6 P.M.

Wendy Hickey, Planner
June 24, 2019

DAVID WETHERINGTON
PO BOX 321
BUNNELL, FL 32110

RE: Application #3182 - Variance Request in the AC (Agriculture) District.

Dear Property Owner:

As an owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by Property Owner Christopher Bamey for a 17 foot side yard setback variance from the minimum 25 foot setback requirement for an accessory structure on 6.39 +/- acres located at 2727 County Road 304, Identified as parcel # 02-13-30-0650-000C0-0072.

You are hereby notified that a public hearing before the Flagler County Planning and Development Board, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, on July 9, 2019, beginning at 6:00 p.m. or as soon thereafter as possible.

You are welcome to attend and express your opinion.

Sincerely,

Wendy Hickey
Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS ADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
TO: Chairman and Planning and Development Board Members
FROM: Planning and Zoning Department
DATE: July 9, 2019
SUBJECT: Application #3183 Determination of Use in the C-2 (General Commercial and Shopping Center) District for a private special needs school use (Project #DETUSE-00000-2019)

I. Requested Action & Purpose: This request is legislative in nature (not quasi-judicial) and does not require disclosure of ex parte communication. The request is for a Determination of use in the C-2 (General Commercial Shopping Center) District for a Private School for children with special needs.

II. Applicant: Blue Jay Academy of South Daytona, Inc., 960 Rooster Road, South Daytona, Florida

III. Agent: William D. Brandt, Blue Jay Academy of South Daytona, Inc.

IV. Land Development Code Sections Affected: Section 3.03.17.B.22., C-2 (General Commercial and Shopping Center) District:

“Other commercial uses of a nature similar to those listed may be permitted upon determination by the planning and development board that such uses are appropriate in the C-2 district. The standard industrial classification [SIC] manual will be used as a reference for these determinations.”

V. Report in Brief: The applicant is requesting a determination of use in the C-2 (Neighborhood Commercial) District. The use under consideration is a private school for children with special needs. This requested use is already permitted in the C-1 District. The purpose and intent of this district is to provide commercial uses where compatible business establishments will be planned, organized and grouped in a unified arrangement. Permitted principal uses in the C-2 district are listed below.

The successor regulation to the Standard Industrial Classification, the North American Industry Classification System (NAICS) lists the following for Education Services:

Division: 61: Education Services and Training Services Skills Programs
Industry Group: 611110– Education and training services

Source: North American Industry Classification System (NAICS) Main Page - https://www.census.gov/eos/www/naics/ last visited 07/03/19

The NAICS lists similar uses to the request. It is conceivable that a small private school that provides educational services to the handicapped would be an asset to the surrounding community. The proposed use is likely no more intensive than the other permitted uses in the C-2 zoning district and in some instances may be less intense.

VI. Standards for Review: LDC Section 3.03.17.B.22 permits consideration of other commercial uses similar in nature to the listed permitted principal uses:
C-2 (General Commercial and Shopping Center) District

Permitted principal uses and structures. In the C-2 shopping center district no premises shall be used except for the following uses and their customary accessory uses or structures:

1. Retail sales and services, excluding: motor vehicle sales and rental; automobile driving schools; boat or mobile home sales and service; car washes; mini-warehouses and water slides.
2. Retail specialty shops.
3. Adult congregate living facility.
4. Auction parlors.
5. Automobile service stations.
8. Art, dance, modeling and music schools.
10. Employment agencies.
11. Financial institutions.
12. Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements.
13. Laundry and dry cleaning establishments.
15. Professional offices.
16. Restaurants.
17. Travel agencies.
18. Stamp redemption centers.
19. Taxicab stands.
20. Theaters.
21. One (1) single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises; such single-family dwelling unit shall be an integral and contiguous part of the principal business structure and located behind or above that portion of the business structure devoted to service of the public. The building structure must meet all applicable building codes for the respective residential and commercial uses including fire and public safety laws. In no case shall this permitted use be construed to allow multifamily development behind or above a strip commercial center.
22. Other commercial uses of a nature similar to those listed may be permitted upon determination by the Planning and Development Board that such uses are appropriate in the C-2 district. The standard industrial classification manual will be used as a reference for these determinations.

23. In other general commercial areas:
   (a) All uses permitted in the shopping center district.
   (b) Automobile driving schools.
   (c) Automobile rental agencies.
   (d) Automotive repair.
   (e) Bus stations.
   (f) Boat, mobile home sales and service establishments.
   (g) Catering services.
   (h) Funeral homes.
   (i) Automobile sales.
   (j) Pawn shops.
   (k) Pest exterminators.
   (l) Private clubs.
   (m) Tailors.
   (n) Trade shops including electrical, plumbing, cabinet maker and heating and air-conditioning.
   (o) Veterinary clinics.
   (p) Car washes.
   (q) Printing.
   (r) Hotels, motels and other tourist accommodations.
   (s) Restaurants.
   (t) Nightclubs, bars.
   (u) Hospitals.
   (v) Medical and dental clinics.
   (w) Miniwarehouses.
   (x) Commercial recreational uses.
VII. **Quasi-judicial/Legislative Review**

- quasi-judicial, requiring formal disclosure of ex-parte communication; or
- ✗ legislative, not requiring formal disclosure of ex-parte communication.

VIII. **Recommendation:** The Planning Department recommends that the Planning and Development Board allow a private school as a permitted use in the C-2 (General Commercial and Shopping Center) District based on the findings that the requested use is similar to the permitted uses listed and consistent with the purpose and intent of the zoning district.

Alternatively, the Board can consider additional restrictions on the size and/or scale of a private school to ensure compatibility with the C-2 zoning district.

**Attachments:**
1. Excerpt of North American Industry Classification System (NAICS)
2. Excerpt of Land Development Code Section 3.03.17. C-2 (General Commercial and Shopping Center) District
3. Application and supporting documents received May 30, 2019
3.03.17. - C-2—General commercial and shopping center district.

A. **Purpose and intent.** The purpose and intent of the C-2, general commercial and shopping center district is to provide commercial uses where compatible business establishments will be planned, organized and grouped in a unified arrangement. Such uses should be designed of sufficient dimension to satisfy all off-street parking needs, and be located along major arterial streets, where the traffic generated can be accompanied in a manner consistent with the public health, safety, and welfare. It is intended that such commercial areas will be located around the interchange of I-95 and Palm Coast Parkway, I-95 and SR 100, I-95 and U.S.1, along arterial roads and other suitable areas when consistent with the Flagler County Comprehensive Plan.

B. **Permitted principal uses and structures.** In the C-2 shopping center district no premises shall be used except for the following uses and their customary accessory uses or structures:

1. Retail sales and services, excluding: motor vehicle sales and rental; automobile driving schools; boat or mobile home sales and service; car washes; miniwarehouses and water slides.
2. Retail specialty shops.
3. Adult congregate living facility.
4. Auction parlors.
5. Automobile service stations.
8. Art, dance, modeling and music schools.
10. Employment agencies.
11. Financial institutions.
12. Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements.
13. Laundry and dry cleaning establishments.
15. Professional offices.
16. Restaurants.
17. Travel agencies.
18. Stamp redemption centers.
19. Taxicab stands.
20. Theaters.
21. One (1) single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises; such single-family dwelling unit shall be an integral and contiguous part of the principal business structure and located behind or above that portion of the business structure devoted to service of the public. The building structure must meet all applicable building codes for the respective residential and commercial uses including fire and public safety laws. In no case shall this permitted use be construed to allow multifamily development behind or above a strip commercial center.
22. Other commercial uses of a nature similar to those listed may be permitted upon determination by the planning board that such uses are appropriate in the C-2 district. The standard industrial classification manual will be used as a reference for these determinations.
23. In other general commercial areas:
   (a) All uses permitted in the shopping center district.
   (b) Automobile driving schools.
   (c) Automobile rental agencies.
   (d) Automotive repair.
   (e) Bus stations.
   (f) Boat, mobile home sales and service establishments.
   (g) Catering services.
   (h) Funeral homes.
   (i) Automobile sales.
   (j) Pawn shops.
   (k) Pest exterminators.
   (l) Private clubs.
   (m) Tailors.
   (n) Trade shops including electrical, plumbing, cabinet maker and heating and air-conditioning.
   (o) Veterinary clinics.
   (p) Car washes.
   (q) Printing.
   (r) Hotels, motels and other tourist accommodations.
   (s) Restaurants.
   (t) Nightclubs, bars.
   (u) Hospitals.
   (v) Medical and dental clinics.
   (w) Miniwarehouses.
   (x) Commercial recreational uses.

BII. Prohibited uses in the A1A Scenic Corridor.
1. Adult businesses—As defined in Flagler County Ordinance 2000-17.
2. Mobile and modular home dealerships, repair or service establishments.
3. Automobile sales.
4. Recreational vehicle sales.
5. Automotive repair.
6. Establishments for sales or repair of motorized boats (excluding canoes and kayaks).
7. Tattoo parlors and/or body piercing establishments.
8. Pawn shops.
9. Outdoor storage, excluding plant nurseries.
11. Miniwarehouses.
13. Adult arcade amusement center or other similar entertainment enterprise or business at which electronic, mechanical, coin-operated game of amusement, chance or skill are played, whether for consideration or not when the games are similar to, or in the nature of, slot machines.

C. *Permitted special exceptions.*
1. Commercial warehousing and contractor storage yards—Provided outside storage is completely enclosed by a solid fence or otherwise screened from the public view.
2. Building material storage yards including lumber yards.
6. Roofing contractor.
7. Septic tank service.
8. Tractor sales and service.
10. Welding shop.
11. Temporary manufactured housing sales center—The “temporary sales center” will be permitted for a specific time frame and the models and their stem wall foundation removed upon time expiration.
12. Roadside vendor subject to the following provisions:
   (a) Limited to operation at an approved site, but not within five hundred (500) feet of an existing permanent business offering the same services or products.
   (b) Must provide safe ingress and egress to the site.
   (c) Must obtain county occupational license.

D. *Dimensional requirements.*
1. Shopping centers.
   (a) Minimum project size:
       Area: Five (5) acres.
       Width: Three hundred (300) feet.
   (b) Minimum perimeter setback requirements for structures:
       Front yard: One hundred (100) feet.
       Rear yard: Fifty (50) feet.
       Side yard:
       Interior lot: Fifty (50) feet.
       Abutting any street: One hundred (100) feet.

(The minimum required side or rear yards shall be one hundred (100) feet where they abut a residential classification.)
(c) Maximum building height: Forty-five (45) feet.

(d) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35) percent.

(e) Minimum pervious area: Thirty (30) percent.

2. General commercial.

(a) Minimum lot size:
   Area: Ten thousand (10,000) square feet.
   Width: One hundred (100) feet.

(b) Minimum setback requirements for structures:
   Front yard: Thirty-five (35) feet.
   Rear and side yard: Ten (10) feet unless abutting any residentially classified property; then thirty-five (35) feet.

(c) Maximum building height: Sixty-five (65) feet.

(d) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35) percent.

(e) Minimum pervious area: Thirty (30) percent.

Da. Dimensional requirements in the A1A Scenic Corridor:

1. Shopping centers.

(a) Maximum lot size: Five (5) acres except for lots zoned C-2 on the effective date of this section.

(b) Minimum perimeter setback requirements for structures:
   Front yard: A minimum of twenty-five (25) feet for properties with a lot depth of one hundred (100) feet or less, and for properties with a lot depth greater than one hundred (100) feet, a minimum of twenty-five (25) of the lot depth, up to forty (40) feet.
   Rear yard: Fifty (50) feet.
   Side yard:
      Interior lot: Fifty (50) feet, when adjacent to residential zoning districts or uses; ten (10) feet when adjacent to commercial zoning districts or uses.

(c) Maximum building height: Forty (feet) but not more than three (3) stories.

(d) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35) percent.

(e) Minimum pervious area: Thirty (30) percent.

2. General commercial.

(a) Maximum lot size: Five (5) acres except for lots zoned C-2 on the effective date of this section.

(b) Minimum perimeter setback requirements for structures:
   Front yard: A minimum of twenty-five (25) feet for properties with a lot depth of one hundred (100) feet or less, and for properties with a lot depth greater than one hundred (100) feet, a minimum of twenty-five (25) percent of the lot depth, up to forty (40) feet.
Rear yard: Fifty (50) feet.

Side yard:

Interior lot: Fifty (50) feet, when adjacent to residential zoning districts or uses; ten (10) feet when adjacent to nonresidential zoning districts or uses.

(c) Maximum building height: Forty (40) feet and no more than three (3) stories.

E. **Off-street parking and loading requirements.** Off-street parking and loading space meeting the requirements of section 3.06.04 shall be constructed.

F. **Site development plan requirements.**

1. A site development plan meeting the requirements of Appendix B is required. Lots or parcels of five (5) acres or more require site plan approval by the planning board.

2. Lots or parcels less than five (5) acres require site plan review by the technical review committee.

Fa. **Site development plan requirements in the A1A Scenic Corridor.** A site development plan as per the requirements of Appendix B (Site Development Plan Review) of the Flagler County Land Development Code, a sign plan, landscaping plan, and building elevations in conformance with the regulations of the A1A Scenic Corridor shall be required for simultaneous review. The site development plan, with all proposed improvements, shall illustrate a tree survey of all index trees on the site both to be removed or to remain.

(Ord. No. 92-03, § 3, 3-30-92; Ord. No. 93-11, § 1, 7-19-93; Ord. No. 95-06, § 4, 8-21-95; Ord. No. 01-26, § B., 12-17-01; Ord. No. 04-11, § 3, 8-16-04)
<table>
<thead>
<tr>
<th>Industry Subject Area</th>
<th>Working Group Code</th>
<th>Tri-lateral Detail</th>
<th>National Product Detail</th>
<th>United States</th>
<th>Definition</th>
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<tr>
<td>61</td>
<td>1</td>
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<td>Providing instructional programs, courses, and related experiences involving organized and sustained communication designed to bring about learning to accomplish a pre-determined objective or set of allied objectives, such as preparation for advanced study, qualification for an occupation or range of occupations, or simply the increase of knowledge and understanding.</td>
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<td>- pre-school and educational daycare programs for children at least 3 years old.</td>
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<td>- kindergarten, elementary, and secondary school programs through grade 12.</td>
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<td>- occupational, technical and trade, and professional development and management training programs.</td>
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<td>- higher career, technical, academic, and advanced research qualifications programs.</td>
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<td>- leisure and recreational instructional programs.</td>
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<td>- exam preparation and academic tutoring services.</td>
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<td>- student services sold separately.</td>
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<td>- educational support services.</td>
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<td>- educational consulting services.</td>
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Excludes:
- non-educational daycare services sold separately are in product 2.9, Child daycare services.
- tour packages designed to expose the tourist to the culture, history or natural environment of the destination are in product 2.18, Packaged tours.
- overnight recreational camps.
### NAPCS Product List for NAICS 61: Education Services

<table>
<thead>
<tr>
<th>Industry Subject Area</th>
<th>Working Group Code</th>
<th>Tri-lateral Detail</th>
<th>National Product Detail</th>
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<tr>
<td>61</td>
<td>1.1</td>
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<td>Basic education and skills programs</td>
<td>Providing formal instructional programs and courses at the pre-primary, elementary, and secondary levels for children and adults, designed to develop fundamental knowledge and skills needed by individuals to function productively in society. Includes: • pre-school and educational daycare programs for children at least 3 years old. • kindergarten, elementary, and secondary school programs through grade 12. • literacy and numeracy programs. • adult basic education programs. • non-credit language programs. • personal improvement programs. • special education programs for gifted or disadvantaged children. • academic camps. Excludes: • instruction in recreational and sporting activities is in product 1.4, Leisure and recreational instructional programs. • second language credit programs are in product 1.2 or 1.3, depending on the program level. • tutoring services are in product 1.5.2, Academic tutoring and customized learning programs. • educational testing services are in product 1.7.1, Educational testing services. • sports instruction camps are in product 1.4.3.1, Sports and exercise programs. • non-educational daycare services sold separately are in product 2.9, Child daycare services. • overnight recreational camps.</td>
<td>611110 611699 623990 624410</td>
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APPLICATION FOR
DETERMINATION OF USE
FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Sunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

APPLICANT

Name(s): Bluejay Academy
Mailing Address: 401 Azureon Drive #10
City: Bunnell State: FL Zip: 32110
Telephone Number: 561-288-264 Fax Number:
Email: MJB492@gmail.com

Project/Use: A PRIVATE SCHOOL FOR CHILDREN WITH SPECIFIC ABILITIES. AGE OF CHILDREN IS 6 TO 18 ABOUT 50 STUDENTS.

Description of requested use (add additional pages as necessary)

would be considered a (check one):

- Permitted principal use and structure
- Permitted special exception

in the _____________ Land Use (zoning) District within Flagler County.

Note: Flagler County Land Development Code provides for request for Determination of Use within the O-1, O-2, C-1 and C-2 Districts only.

Signature Applicant

**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.


MAY 30 2019
FLAGLER COUNTY
PLANNING & ZONING DEPT
Mitchell D. Brandt c/o Blue Jay Academy of S Daytona, LLC, is hereby authorized TO ACT ON BEHALF OF Dream Live Prosper Building LLC & Jay Street Ventures LLC, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for a Specialty School.

By: 
Signature of Owner
Donald Wenner — Manager
Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner
Address of Owner: 
Mailing Address
Bethlehem PA 18017
City State Zip
Telephone Number (incl. area code)
(610) 421-4610

STATE OF
COUNTY OF
The foregoing was acknowledged before me this 20th day of May, 2019 by Donald Wenner and who is/are personally known to me or who has produced as identification, and who (did) / (did not) take an oath.

Signature of Notary Public

Revised 5/08