

**FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Flagler County Government Services Building
Board Chambers
1769 East Moody Blvd., Bunnell, FL
MEETING MINUTES
Tuesday, July 9, 2019 at 6:00 PM**

Adopted August 13, 2019t

1 **MEMBERS PRESENT:** Chair Michael Boyd, Jack Corbett, Lauren Kornel, Mark Langelo, and
2 Anthony Lombardo.

3

4 **MEMBERS EXCUSED:** Timothy Conner and Michael Goodman.

5

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

8

9 **BOARD COUNSEL:** Kate Stangle, with Nelson Mullins Broad and Cassel.

10

11 **Chair Boyd** called the meeting to order.

12

13 1. **Roll Call.**

14

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

16

17 2. **Pledge of Allegiance.**

18

19 **Chair Boyd** led the Pledge of Allegiance to the Flag.

20

21 3. **Approval of the June 11, 2019 regular meeting minutes**

22

23 *Motion to approve made by Ms. Kornel, seconded by Mr. Corbett.*

24

25 *Motion carried unanimously.*

26

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

28 Application #3182 – **APPLICATION FOR A VARIANCE IN THE AC (AGRICULTURE)**
29 **DISTRICT** – request for a 17 foot side yard setback variance for a garage at 2727 County Road 304;
30 Parcel Number: 02-13-30-0650-000C0-0072; 6.369+/- acres. Owner/Applicant: Christopher Barney.

31

32 **Chair Boyd** asked for ex-parte disclosures; none were provided.

33

34 **Mr. Mengel** presented the staff report describing the property and the reason for this before-the-fact
35 variance request. He then proceeded to give staff's recommendation that the Planning and Development
36 Board find that all the variance criteria as listed in the guidelines at the Land Development Code Section
37 3.07.03.E have not been met and therefore deny the 17 foot side yard setback variance from the
38 minimum 25 foot side yard setback for a storage building at 2727 County Road 304. He also provided
39 to the Board an alternative recommendation that the Board could find that the Variance criteria had

**FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Flagler County Government Services Building
Board Chambers
1769 East Moody Blvd., Bunnell, FL
MEETING MINUTES
Tuesday, July 9, 2019 at 6:00 PM**

Adopted August 13, 2019t

1 been met thereby approving the 17 foot side yard variance from the minimum 25 side yard setback for
2 a storage building.

3

4 **Chair Boyd** asked if the applicant would like to speak.

5

6 **Christopher Barney, property owner, 2727 County Road 304**, explained the current situation that
7 he has livestock and he needs as much land as possible for grazing and asked the Board for their
8 approval.

9

10 **Ms. Kornel** asked why can't the fence be moved to remedy the situation?

11

12 **Mr. Barney** replied he would lose pasture land and would have to build a road.

13

14 **Mr. Langello** asked what was the front fenced area for?

15

16 **Mr. Barney** replied that since he does not have a lot of property he rotates the livestock so they have
17 grass to eat.

18

19 **Mr. Langello** asked if he had enough land to raise his animals. He also asked if he could make the
20 building smaller.

21

22 **Mr. Barney** replied that he needed more land and that he was trying to buy more. He stated that he
23 could make a change in the building's length but not in width.

24

25 **Mr. Lombardo** asked is the existing slab 30 feet by 96 feet?

26

27 **Mr. Barney** replied the slab is about 30 feet by 50 feet.

28

29 **Ms. Kornel** asked if the setback was appropriate for the zoning district?

30

31 **Mr. Mengel** replied that the Agriculture zoning district includes agriculture-related uses such as
32 growing crops and the keeping of animals and the five acre minimum parcel size makes agriculture-
33 related uses appropriate.

34

35 **Mr. Langello** stated he feels there is an unusual shape to the lot, and the paddock is existing and the
36 use of the property would require more hardscape to get the building moved to the back. If it were
37 closer to the property line and the neighbor sees no harm to it, what would be the planning harm to it
38 or would there be one?

39

**FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Flagler County Government Services Building
Board Chambers
1769 East Moody Blvd., Bunnell, FL
MEETING MINUTES
Tuesday, July 9, 2019 at 6:00 PM**

Adopted August 13, 2019t

1 **Mr. Mengel** stated the consent of the adjacent owner helps the request. The adjacent parcel has a home,
2 accessory structures and a pond which will be the immediate adjacent use to the proposed building so
3 there is not an incompatibility necessarily with the placement of the structure with the setback. It does
4 not prevent them from otherwise utilizing their property as they have been. It may affect something in
5 the future. You can always fill in a pond or successive owners may have issue, but they would know it
6 is already there. We record the variances in the public record and the official records are subject to
7 public review. I follow the logic that the parcel is irregular and you have the consent from the adjacent
8 owner is positive, and in some way there is not a true conflict.

9
10 **Mr. Langello** stated the lot is unique, it is not a parallel lot: it is a narrow lot. If he had the width he
11 has in the front continued through the lot there would not be a need for a variance. He spoke of not
12 having enough grazing area on the property. I want to make sure it will not create a negative impact
13 on the neighbor.

14
15 **Chair Boyd** stated I don't a problem with this application, its out in the country. I have no objection to
16 it.

17
18 **Chair Boyd** opened the public hearing; seeing no one approach the podium he closed the Public
19 Hearing and opened to Board comments.

20
21 *Motion to approve made by Mr. Lombardo, seconded by Mr. Corbett.*

22
23 *Motion passed 4-1 with Ms. Kornel dissenting.*

- 24
25 5. Legislative not requiring ex parte communication:
26 Application #3183 – **APPLICATION FOR DETERMINATION OF USE IN THE C-2**
27 **(GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT** – request for
28 determination of use for a Private School. Applicant: Blue Jay Academy.

29
30 **Mr. Mengel** explained the application and how the request is not site-specific but is applied throughout
31 the C-2 zoning district. He then presented the staff recommendation that the Planning and Development
32 Board allow a private school as a permitted use in the C-2 (General Commercial and Shopping Center)
33 District based on the findings that the requested use is similar to the listed permitted uses and consistent
34 with the purpose and intent of the C-2 zoning district. He also provided the Board with an alternative
35 recommendation that the Board can consider additional restrictions on the size and/or scale of a private
36 school to ensure compatibility with the C-2 zoning district.

37
38 **Chair Boyd** asked if the applicant would like to speak.

**FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Flagler County Government Services Building
Board Chambers
1769 East Moody Blvd., Bunnell, FL
MEETING MINUTES
Tuesday, July 9, 2019 at 6:00 PM**

Adopted August 13, 2019t

1 **Jeanne Fish, CCIM, DLP Realty, 1501 Ridgewood Avenue, Holly Hill, FL 32117**, speaking for the
2 applicant, stated she spoke in support for the item, that it was good for the County.

3
4 **Mr. Langelo** asked would the use be a detriment to the other business in the area? My other question
5 would be will that use be harmed by the others around them? Based on the allowable uses, I don't think
6 they will hurt them. He then asked if the LDC allowed for the most intense zoning to include all
7 allowable uses in the less intense districts.

8
9 **Mr. Mengel** stated we do, he then went on to discuss how it works in practice.

10
11 **Chair Boyd** asked if anyone wanted to speak; seeing no one come forward, he then asked for Board
12 comments.

13
14 *Motion to approve made by Ms. Kornel, seconded by Mr. Lombardo.*

15
16 *Motion carried unanimously.*

17
18 **6. Staff Comments**

19
20 None.

21
22 **7. Board Comments**

23
24 None.

25
26 **8. Public Comments** - Each speaker will be allowed up to three minutes to address the Planning and
27 Development Board on any item or topic not on the agenda.

28
29 None.

30
31 **9. Adjournment**

32
33 *Meeting adjourned at 6:25 p.m.*

34
35 Prepared by: Wendy Hickey
36 Reviewed by: Adam Mengel