MEMBERS PRESENT: Chair Michael Boyd, Jack Corbett, Laureen Kornel, Mark Langello, and Anthony Lombardo.

MEMBERS EXCUSED: Timothy Conner and Michael Goodman.

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

BOARD COUNSEL: 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 June 11, 2019 regular meeting minutes

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

Motion carried unanimously.

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.

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

Mr. Mengel presented the staff report describing the property and the reason for this before-the-fact variance request. He then proceeded to give staff’s 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 not been met and therefore deny the 17 foot side yard setback variance from the minimum 25 foot side yard setback for a storage building at 2727 County Road 304. He also provided to the Board an alternative recommendation that the Board could find that the Variance criteria had
been met thereby approving the 17 foot side yard variance from the minimum 25 side yard setback for a storage building.

Chair Boyd asked if the applicant would like to speak.

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

Ms. Kornel asked why can’t the fence be moved to remedy the situation?

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

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

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

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

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

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

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

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

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


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

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

Chair Boyd stated I don’t a problem with this application, its out in the country. I have no objection to it.

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

Motion to approve made by Mr. Lombardo, seconded by Mr. Corbett.

Motion passed 4-1 with Ms. Kornel dissenting.

5. Legislative not requiring ex parte communication:


Mr. Mengel explained the application and how the request is not site-specific but is applied throughout the C-2 zoning district. He then presented the staff recommendation 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 listed permitted uses and consistent with the purpose and intent of the C-2 zoning district. He also provided the Board with an alternative recommendation that 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.

Chair Boyd asked if the applicant would like to speak.
Jeanne Fish, CCIM, DLP Realty, 1501 Ridgewood Avenue, Holly Hill, FL 32117, speaking for the applicant, stated she spoke in support for the item, that it was good for the County.

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

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

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

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

Motion carried unanimously.

6. Staff Comments

None.

7. Board Comments

None.

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.

None.

9. Adjournment

Meeting adjourned at 6:25 p.m.

Prepared by: Wendy Hickey
Reviewed by: Adam Mengel