



# Planning and Development Board

December 10, 2019

# Quasi-Judicial Process

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.

# Quasi-Judicial Process

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.



**Agenda Item #4  
Application #3190**

**Amend Development Agreement  
in a PUD for Seaside Landings**

**Bulow Shores Homeowners Association, Inc./  
James J. Roche, Esq., McCabe Ronsman**

**QUASI-JUDICIAL**



BRIDLE RIDGE CT

SEASIDE PT

23RD ST S

PALM AVE

JOHN ANDERSON HWY



# Application #3190

## Amend PUD Development Agreement

This request amends language within the PUD development agreement text by:

- changing the PUD name to Seaside Landings at Flagler Beach PUD;
- specifying lot coverage as the total lot area covered with principal and accessory structures;
- limiting lot coverage to no more than 35% of the lot area;
- excluding docks and boathouses of 1,000 s.f. or less from the lot coverage calculation;

# Application #3190

## Amend PUD Development Agreement

- requiring docks or boathouses exceeding 1,000 s.f. to be permitted by the St. Johns River Water management District;
- deleting the maximum floor area ratio requirement;
- prohibiting construction within easements; and
- allowing for up to 50% of the required replacement index tree inches to be placed on Homeowners' Association common parcels, provided that the minimum caliper inch measurement of the replacement tree is at least 3.5 inches and subject to acceptance by the Association.

# Application #3190

## Amend PUD Development Agreement

### OPTIONS FOR THE BOARD:

1. Option 1 – Recommendation for Approval: The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3190, an amendment to the Development Agreement in a PUD for Seaside Landings at Flagler Beach, finding that the requested change is consistent with the Comprehensive Plan and the Land Development Code.



# Application #3190

## Amend PUD Development Agreement

OPTIONS FOR THE BOARD (continued):

2. Option 2 – Recommendation for Denial: The Planning and Development Board recommends to the Board of County Commissioners denial of Application #3190, an amendment to the Development Agreement in a PUD for Seaside Landings at Flagler Beach, finding that the requested change is inconsistent with the Comprehensive Plan and the Land Development Code.

3. Option 3 – Table: The Planning and Development Board may table the request for additional information.



**Agenda Item #5  
Application #3204**

**Side and Rear Setback Variances  
in the AC District**

**76 Kentucky Avenue  
Joshua T. Gaither**

**QUASI-JUDICIAL**





### Legend

-  Parcels
-  Streams and River
- Unincorporated FLUM**
-  <all other values>
-  AGRICULTURE
-  AGRICULTURE & TIMBERLANDS
-  COMMERCIAL: HIGH INTENSITY
-  COMMERCIAL: LOW INTENSITY
-  CONSERVATION
-  EDUCATIONAL USES
-  INDUSTRIAL
-  MIXED USE: LOW INTENSITY
-  MIXED USE: HIGH INTENSITY
-  RECREATION & OPEN SPACE
-  RESIDENTIAL: HIGH DENSITY
-  RESIDENTIAL: LOW DENSITY / RURAL ESTATE
-  RESIDENTIAL: LOW DENSITY/SINGLE FAMILY
-  RESIDENTIAL: MEDIUM DENSITY

2000/0000/0000



AGRICULTURAL

CONCRETE DRIVE



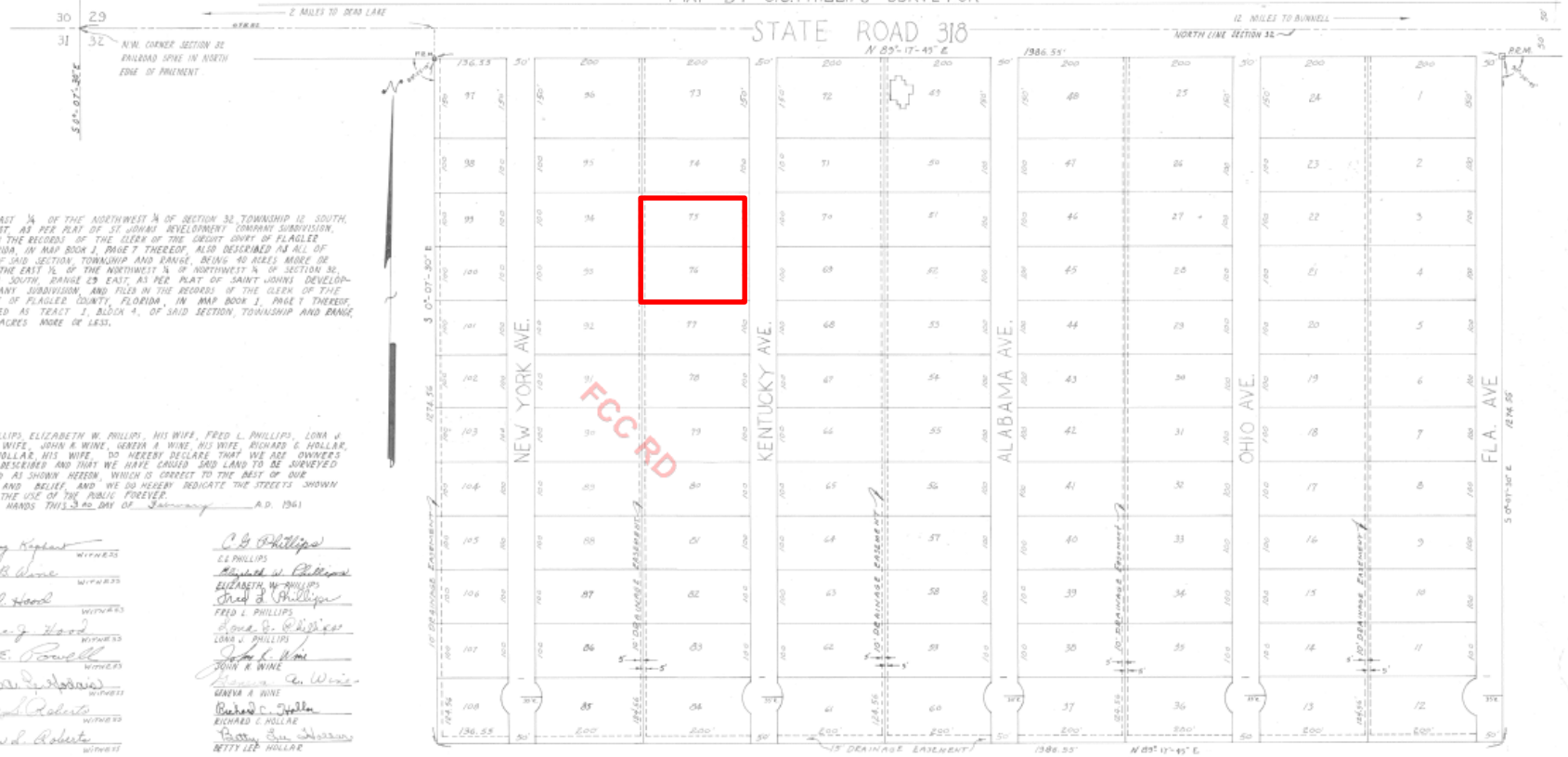


SEMPER PARVA CURA



# FLAGLER TRUCK FARMS

JAN 24 1961 SCALE 1 INCH=100'  
MAP BY C.G. PHILLIPS - SURVEYOR



**DESCRIPTION:**

THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 12 SOUTH, RANGE 23 EAST, AS PER PLAT OF SAINT JOHN'S DEVELOPMENT COMPANY SUBDIVISION, AND FILED IN THE RECORDS OF THE CLERK OF THE CIRCUIT COURT OF FLAGLER COUNTY, FLORIDA, IN MAP BOOK 1, PAGE 7 THEREOF, ALSO DESCRIBED AS ALL OF BLOCK 1 OF SAID SECTION, TOWNSHIP AND RANGE, BEING 40 ACRES MORE OR LESS, AND THE EAST 1/2 OF THE NORTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 23 EAST, AS PER PLAT OF SAINT JOHN'S DEVELOPMENT COMPANY SUBDIVISION, AND FILED IN THE RECORDS OF THE CLERK OF THE CIRCUIT COURT OF FLAGLER COUNTY, FLORIDA, IN MAP BOOK 1, PAGE 7 THEREOF, ALSO DESCRIBED AS TRACT 1, BLOCK 4, OF SAID SECTION, TOWNSHIP AND RANGE, BEING 20 ACRES MORE OR LESS.

**DEDICATION:**

WE, C.G. PHILLIPS, ELIZABETH W. PHILLIPS, HIS WIFE, FRED L. PHILLIPS, LONA J. PHILLIPS, HIS WIFE, JOHN A. WINE, GENEVA A. WINE, HIS WIFE, RICHARD C. HOLLAR, BETTY LEE HOLLAR, HIS WIFE, DO HEREBY DECLARE THAT WE ARE OWNERS OF THE LAND DESCRIBED AND THAT WE HAVE CAUSED SAID LAND TO BE SURVEYED AND PLATTED AS SHOWN HEREON, WHICH IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, AND WE DO HEREBY DEDICATE THE STREETS SHOWN HEREON TO THE USE OF THE PUBLIC FOREVER.

**WITNESS OUR HANDS THIS 3rd DAY OF February A.D. 1961**

*C.G. Phillips*  
C.G. PHILLIPS  
*Elizabeth W. Phillips*  
ELIZABETH W. PHILLIPS  
*Fred L. Phillips*  
FRED L. PHILLIPS  
*Lona J. Phillips*  
LONA J. PHILLIPS  
*John A. Wine*  
JOHN A. WINE  
*Geneva A. Wine*  
GENEVA A. WINE  
*Richard C. Hollar*  
RICHARD C. HOLLAR  
*Betty Lee Hollar*  
BETTY LEE HOLLAR

*A. J. King*  
A. J. KING  
*Henry R. Wine*  
HENRY R. WINE  
*Angus R. Hood*  
ANGUS R. HOOD  
*Clarence J. Hood*  
CLARENCE J. HOOD  
*Robert E. Powell*  
ROBERT E. POWELL  
*Betty M. Johnson*  
BETTY M. JOHNSON  
*James M. Roberts*  
JAMES M. ROBERTS  
*William D. Roberts*  
WILLIAM D. ROBERTS

APPROVED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, THIS 6th DAY OF February A.D. 1961



BY *Richard C. Hollar*  
CHAIRMAN OF BOARD  
ATTEST: *Richard C. Hollar*  
CLERK OF COUNTY COURT

STATE OF FLORIDA  
COUNTY OF VOLusia  
ON THIS DAY BEFORE ME, PERSONALLY APPEARED C.G. PHILLIPS, ELIZABETH W. PHILLIPS, HIS WIFE, FRED L. PHILLIPS, LONA J. PHILLIPS, HIS WIFE, JOHN A. WINE, GENEVA A. WINE, HIS WIFE, RICHARD C. HOLLAR, BETTY LEE HOLLAR, HIS WIFE; TO ME WELL KNOWN AND KNOWN TO ME TO BE THE PERSONS ASSIGNED IN THE FOREGOING DEDICATION AS OWNERS AND WHO HAVE ACKNOWLEDGED BEFORE ME THAT THEY HAVE EXECUTED THE SAME FOR THE PURPOSES EXPRESSED; WITNESS MY HAND AND OFFICIAL SEAL THIS 24th DAY OF February A.D. 1961

*A. J. King*  
NOTARY PUBLIC  
STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES: A-4-3-1964

SURVEYOR'S CERTIFICATE:  
I HEREBY CERTIFY THAT THIS IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND THAT NECESSARY PRELIMINARY REQUIREMENTS HAVE BEEN PLACED AT POINTS MARKED "P.M." ACCORDING TO THE SURVEY LAWS OF THE STATE OF FLORIDA -

*C.G. Phillips*  
C.G. PHILLIPS - REGISTERED SURVEYOR #494

10'  
Drainage  
Easement  
(5 feet on  
each side of  
rear lot line)

Subject  
Parcel



CR 2006  
West  
(formerly  
SR 318)

Kentucky Avenue  
(50' right-of-way)



# Application #3204

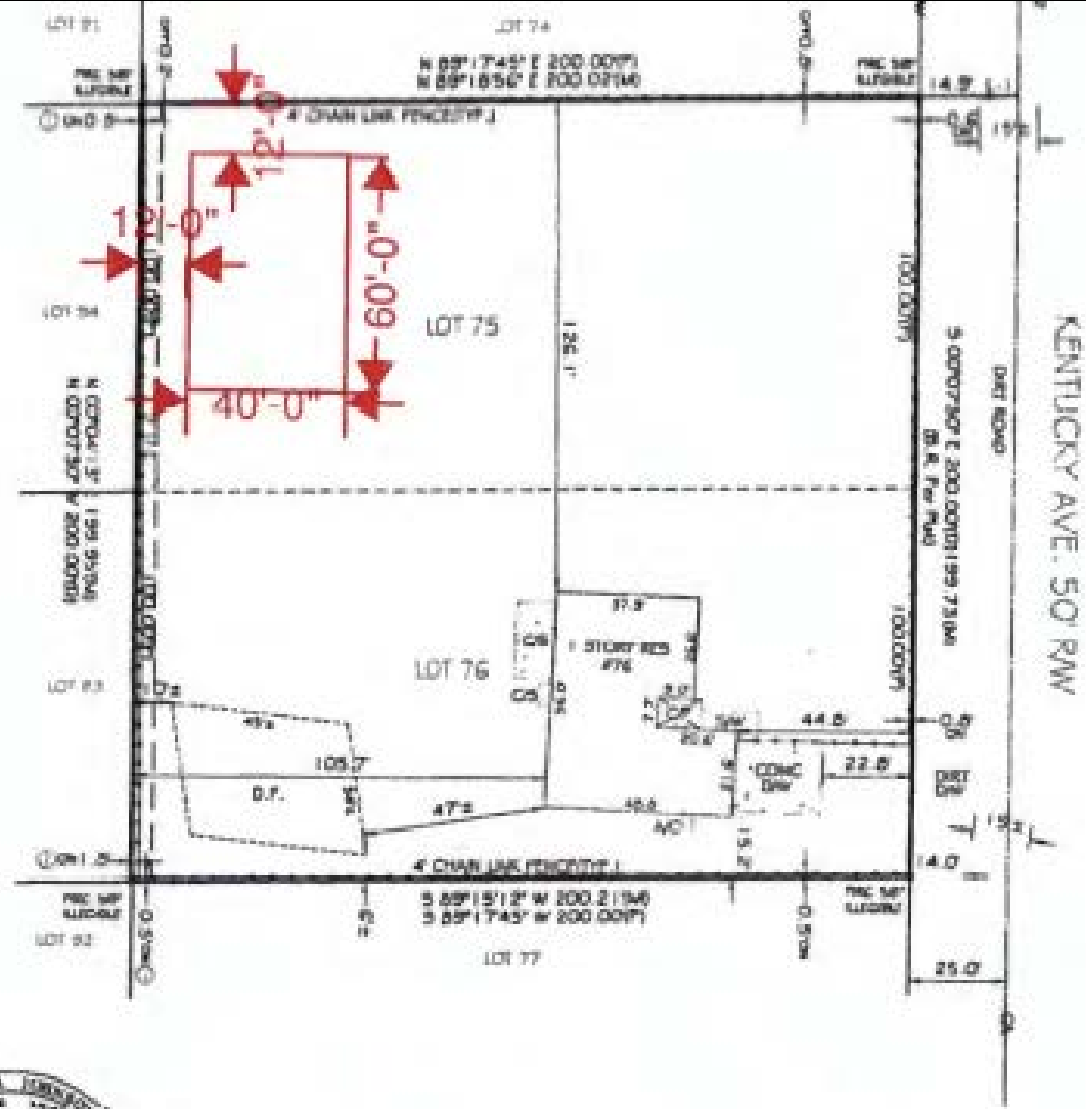
## Side and Rear Variances in the AC

Request for a 13 foot variance from the minimum 25 foot side yard setback (resulting in a 12 foot side yard setback) as well as a 38 foot variance from the minimum 50 foot rear yard setback (resulting in a 12 foot rear yard setback) for a detached garage storage building.

Variances are being sought on the right side (North) and rear (West) of the parcel.

This is a before-the-fact variance request.

L-1  
 N 89°17'45" E 25.00(F)  
 N 89°40'15" E 25.01(F)  
 L-2  
 S 00°07'30" E 300.00(F)  
 S 00°07'30" E 289.33(F)



KENTUCKY AVE. 50' R/W



I hereby certify that this Sketch of Survey of the herein described property has been made under my direction, and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the minimum technical standards set forth by the Florida Board Of Professional Land Surveyors as described in Chapter 3J-17 of the Florida Administrative Code.

Mark A. Johnson  
 State of Florida Professional Surveyor and Mapper  
 License No. 62372

NOTES  
 - FENCE ON LOT 76 NOT DETERMINED  
 - LOT APPEARS TO BE SERVICED BY CITY WATER




GRAPHIC SCALE (In Feet)  
 1 inch = 50' ft.



# Untitled Map

Write a description for your map.

## Legend

 76 Kentucky Ave



RECEIVED  
NOV 26 2019  
PLANNING  
FLAGLER COUNTY, FL



# Application #3204

## Side and Rear Variances in the AC

### OPTIONS FOR THE BOARD:

1. Option 1 – Denial: 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 13 foot side yard setback variance from the minimum 25 foot side yard setback and the 38 foot rear yard setback variance from the minimum 50 foot rear yard setback for a detached garage at 76 Kentucky Avenue (Parcel #32-12-29-2600-00000-0760).

# **Application #3204**

## **Side and Rear Variances in the AC**

### **OPTIONS FOR THE BOARD:**

Specifically, the Board finds that variance criteria 1 is not met: that there are no extraordinary or 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.

# Application #3204

## Side and Rear Variances in the AC

### OPTIONS FOR THE BOARD:

The Board also finds that variance criteria 2 is not met: that while the applicant has acted at all times in good faith, such conditions necessitating the need for the variance were created by the affirmative actions of the applicant. Additionally, the applicant has not demonstrated that the requested variance is the minimum variance necessary to alleviate the hardship.

# Application #3204

## Side and Rear Variances in the AC

OPTIONS FOR THE BOARD (continued):

2. Option 2 – Approval: 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 13 foot side yard setback variance from the minimum 25 foot side yard setback and the 38 foot rear yard setback variance from the minimum 50 foot rear yard setback for a detached garage at 76 Kentucky Avenue (Parcel #32-12-29-2600-00000-0760).

# Application #3204

## Side and Rear Variances in the AC

OPTIONS FOR THE BOARD (continued):

3. Option 3 – Approval in part (rear), denial in part (side): 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 38 foot rear yard setback variance from the minimum 50 foot rear yard setback – but finds that the guidelines have not been met and therefore denies the 13 foot side yard setback variance from the minimum 25 foot side yard setback – for a detached garage at 76 Kentucky Avenue (Parcel #32-12-29-2600-00000-0760).



# Application #3204

## Side and Rear Variances in the AC

### OPTIONS FOR THE BOARD:

Specifically as to the side yard setback variance request, the Board finds that variance criteria 1 is not met: that there are no extraordinary or 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.

# Application #3204

## Side and Rear Variances in the AC

### OPTIONS FOR THE BOARD:

The Board also finds that variance criteria 2 is not met: that while the applicant has acted at all times in good faith, such conditions necessitating the need for the side yard setback variance were created by the affirmative actions of the applicant. Additionally, the applicant has not demonstrated that the requested side yard setback variance is the minimum variance necessary to alleviate the hardship.

# Application #3204

## Side and Rear Variances in the AC

OPTIONS FOR THE BOARD (continued):

4. Option 4 – Table: The Planning and Development Board tables the variance requests on the basis that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision on the variance requests. Tabling the variance requests to a time and date certain will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.



# Staff Comments



# Board Comments



# Public Comments



**Adjournment**