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

CR 2006 West (formerly SR 318)

Subject Parcel

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.
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).
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.
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
Adjournment