

3

**AGENDA ITEM
Planning & Zoning**

Meeting

1/18/2024

MEETING DATE

TO: Planning and Zoning Board Members

DATE: January 8, 2024

FROM: Keisha Fink, AICP, Principal Planner

PHONE: 904 209-0598

SUBJECT OR TITLE: ZVAR 2023-28 7006 Middleton Ave

AGENDA TYPE: Business Item, Ex Parte Communication, Order, Report

PRESENTER: Joshua Foster

BACKGROUND INFORMATION:

Request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Front Yard setback of fourteen (14) feet in lieu of the required twenty-five (25) feet; a Rear Yard setback of nine (9) feet, six (6) inches in lieu of the required ten (10) feet; a Side Yard setback of four (4) feet, six (6) inches in lieu of the required eight (8) feet; and a maximum lot coverage by all buildings of 32% in lieu of the required 25% in the Residential General (RG-1) zoning district.

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to approve ZVAR 2023-28 7006 Middleton Ave., based upon five (5) findings of fact and seven (7) conditions as provided in the Staff Report.

DENY: Motion to deny ZVAR 2023-28 7006 Middleton Ave., based upon four (4) findings of fact as provided in the Staff Report.



Growth Management Department
Planning Division Report
Application for Zoning Variance
ZVAR 2023-28 7006 Middleton Ave

To: Planning and Zoning Agency

From: Keisha Fink, AICP, Principal Planner

Date: January 8, 2024

Subject: **ZVAR 2023-28 7006 Middleton Ave.,** a request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Front Yard setback of fourteen (14) feet in lieu of the required twenty-five (25) feet; a Rear Yard setback of nine (9) feet, six (6) inches in lieu of the required ten (10) feet; a Side Yard setback of four (4) feet, six (6) inches in lieu of the required eight (8) feet; and a maximum lot coverage by all buildings of 32% in lieu of the required 25% in the Residential General (RG-1) zoning district, located at 7006 Middleton Ave.

Applicant: Jason Foster

Owner: Joshua and Hearty Joy Foster

Hearing Dates: Planning and Zoning Agency – January 18, 2024

Commissioner District: District 3

SUGGESTED MOTION/ACTION

APPROVE: Motion to approve **ZVAR 2023-28 7006 Middleton Ave** based upon five (5) findings of fact and seven (7) conditions as provided in the Staff Report.

DENY: Motion to deny **ZVAR 2023-28 7006 Middleton Ave** based upon four (4) findings of fact as provided in the Staff Report.

MAP SERIES

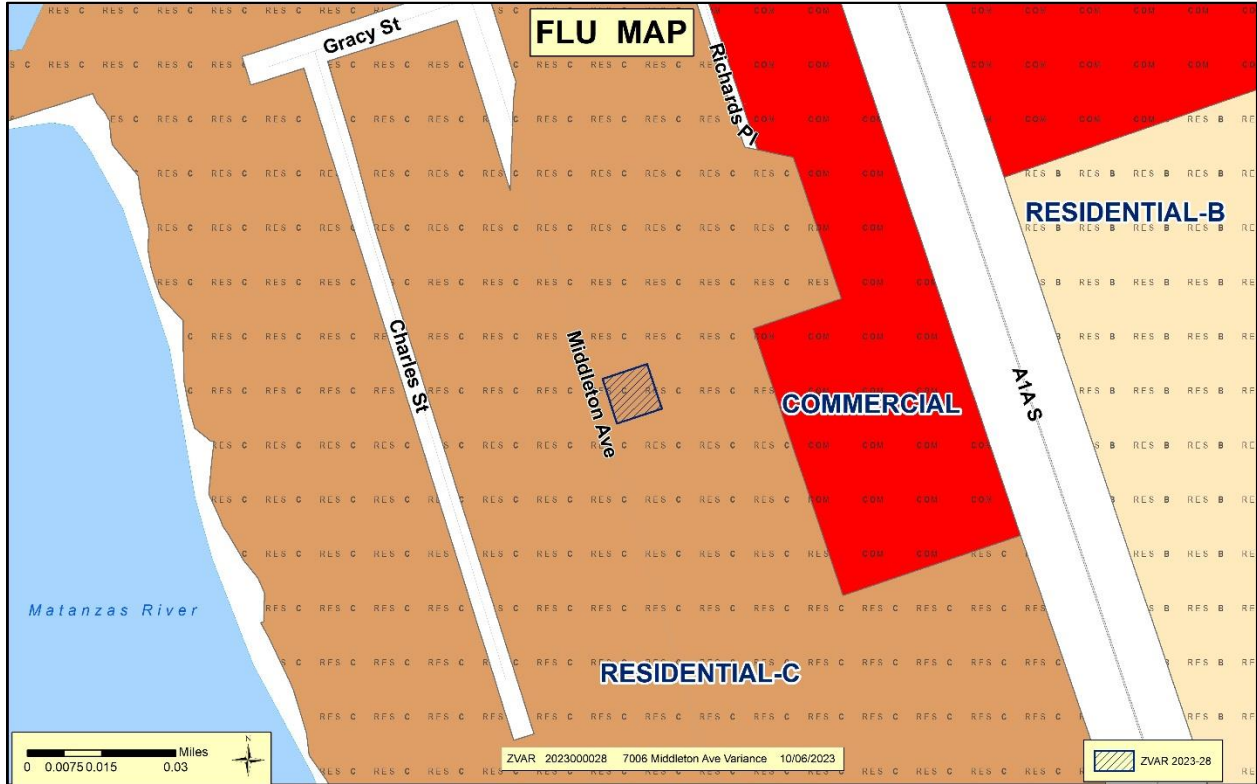
Location: The subject property is located on Middleton Ave, west of A1A South, and south of Cubbedge Road.



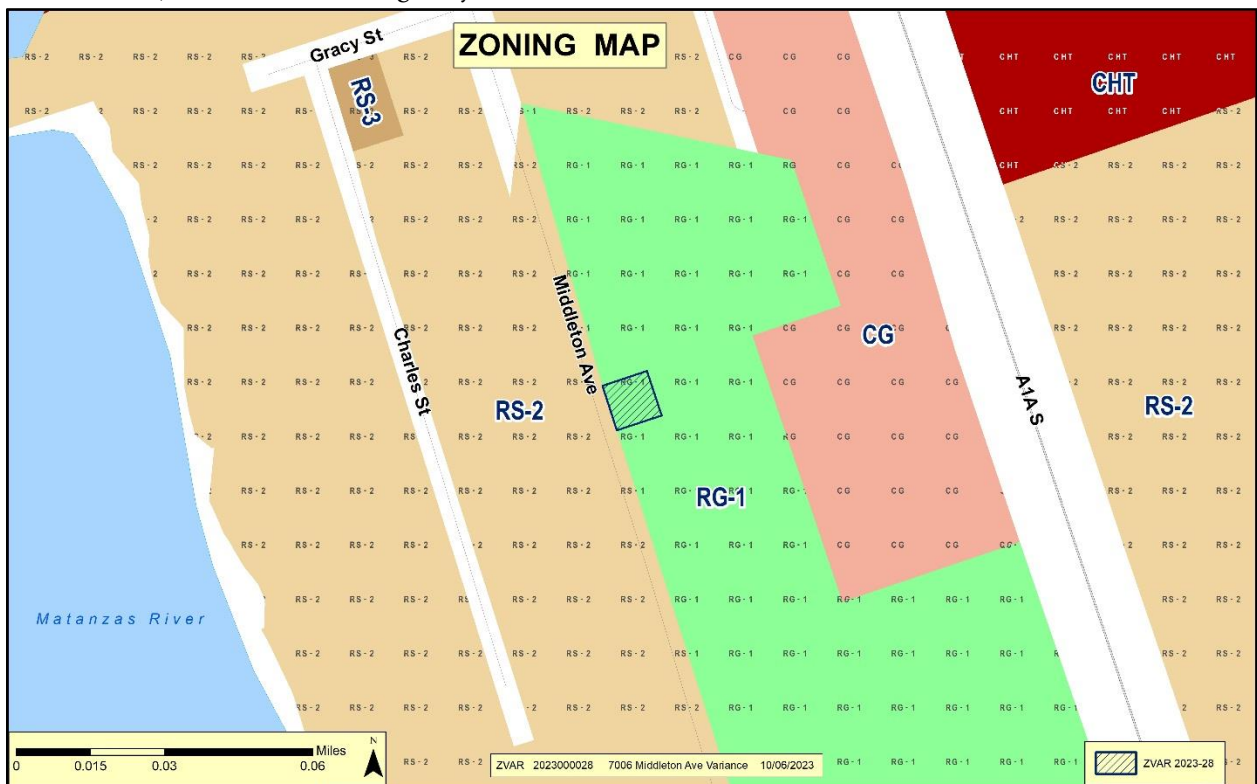
Aerial Imagery: The subject property is located within the existing Gracy’s Crescent Beach Unit 2 Subdivision. The surrounding area is developed with a mixture of multi-family and single-family homes, with commercial uses along A1A South.



Future Land Use: The subject property and immediate surrounding properties are designated Residential-C (RES-C). Other properties along A1A South are designated Commercial.



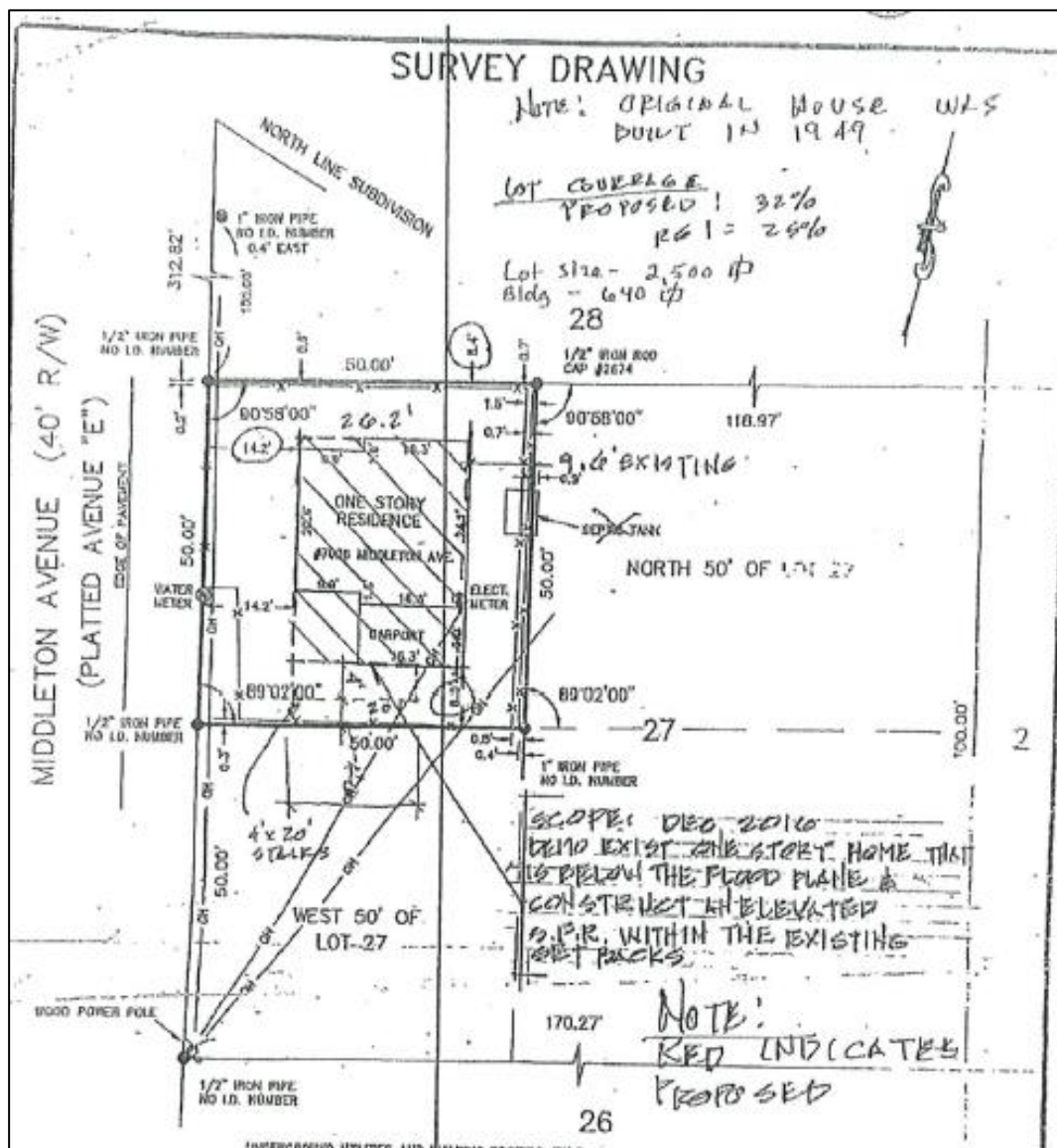
Zoning District: The subject property and surrounding properties are zoned Residential, General (RG-1). Other surrounding zoning designations include Residential, Single Family (RS-2 and RS-3), Commercial General (CG), and Commercial Highway Tourist (CHT).



APPLICATION SUMMARY

The applicant is requesting a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Front Yard setback of fourteen (14) feet in lieu of the required twenty-five (25) feet; a Rear Yard setback of nine (9) feet, six (6) inches in lieu of the required ten (10) feet; a Side Yard setback of four (4) feet, six (6) inches in lieu of the required eight (8) feet; and a maximum lot coverage by all buildings of 32% in lieu of the required 25% in the Residential General (RG-1) zoning district. As stated in the applicant's narrative, "This variance at 7006 Middleton Ave, St Augustine, Florida does not intend to be contrary to the public interest and by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of this property a variance would be required. Our lot is fifty feet square and we would not be able to build with the required setbacks." Please see the complete narrative provided in **Attachment 1 Supporting Documents**.

Proposed Site Plan:



The above proposed site plan depicts the location of the proposed home. The full plans are included in **Attachment 1 Supporting Documents**.

APPLICABLE REGULATIONS

LDC, Section 10.04.02 Zoning Variances

The St. Johns County Planning and Zoning Agency (PZA) may grant Zoning Variances, which are found not to be contrary to the public interest and owing to special conditions, a literal enforcement of this Code will result in unnecessary and undue Hardship. The Planning and Zoning Agency may provide such conditions and safeguards as may be appropriate and in harmony with the purpose and intent of this Code as part of the Variance.

Article XII, Definitions

Variance, Zoning: Variance is a relaxation of the terms of this Code where; i) such Variance will not be contrary to the public interest, and where; ii) by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or by reason of the Use or Development of property immediately adjoining the piece of property in question, iii) the literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code, and iv) the Variance would not be contrary to the spirit and purpose of this Code. In this context personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner, are not considered hardships justifying a Variance.

Lot Frontage: The front of an interior Lot shall be construed to be the portion nearest the street. For the purpose of determining Yard requirements on corner Lots and through Lots, all sides of a Lot adjacent to street shall be considered frontage, and Yards shall be provided as set out in this Code.

Yard: A required open space other than a court unoccupied and unobstructed by a Structure or portion of a Structure from thirty (30) inches above the general ground level of the graded Lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any Yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A required Yard extending between Side Lot lines across the front of a Lot adjoining a public or private street.

DEPARTMENTAL REVIEW

The Planning and Zoning Division has routed this request to all appropriate reviewing departments. There are no open comments.

Office of the County Attorney Review:

Pursuant to Section 10.04.02 of the Land Development Code, the St. Johns County Planning and Zoning Agency (PZA) may grant Zoning Variances, which are found not to be contrary to the public interest and owing to special conditions, a literal enforcement of this Code will result in unnecessary and undue Hardship. The Planning and Zoning Agency may provide such conditions and safeguards as may be appropriate and in harmony with the purpose and intent of this Code as part of the Variance.

As defined in Article 12 of the LDC, a Variance is a relaxation of the terms of this Code where; i) such Variance will not be contrary to the public interest, and where; ii) by reason of the exceptional narrowness, shallowness,

or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or by reason of the Use or Development of property immediately adjoining the piece of property in question, iii) the literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code, and iv) the Variance would not be contrary to the spirit and purpose of this Code. In this context personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner, are not considered hardships justifying a Variance.

The Applicant bears the burden of demonstrating by competent substantial evidence that there exists a special condition or unique circumstance of the property such that the literal application of the Land Development Code constitutes a hardship. The Agency may consider the quality (character convincing power, probative value or weight) of the evidence and testimony in the Staff report as well as by Staff, evidence and testimony produced by the applicant, and of the evidence and testimony produced by public comment, as well as any other evidence presented or disclosed during the hearing.

The Agency may grant such relief to the extent only necessary to alleviate the hardship. If the evidence presented does not warrant the full relief requested, the Agency may grant only a portion of the relief. The Agency may attach additional reasonable conditions to further mitigate the effect of the requested relief along with corresponding findings.

The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.

Please be advised that, pursuant to Section 10.04.02.A of the LDC, the Planning and Zoning Agency may grant a variance that is less than the full requested variance to the extent that a hardship no longer exists. Additionally, the Planning and Zoning Agency may impose reasonable additional conditions in order to mitigate for the harm caused by the granting of the variance.

Technical Division Review:

In the case that the Zoning Variance is approved by the Planning and Zoning Agency, all site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the established Development Review Process to ensure that the development has met all applicable Federal, State, regional, and local regulations.

Planning and Zoning Division Review:

The subject property is a non-conforming 50'x50' lot of record established prior to St. Johns County Land Development Code and is located at 7006 Middleton Ave, St. Augustine, FL. The property has a total area of 0.05 acres or 2,178 sq. ft., zoned RG-1 with a Future Land Use Map of RES-C, within the South Anastasia Overlay District. There once existed a 848 sq. ft single-family home on site that has since been demolished in 2017, per Demo permit 1170811. The proposed Zoning Variance seeks a reduction in the front yard setback from the required 25 feet to 14 feet; a reduction in the side yard setback from the required 8 feet to 4 feet, six (6) inches; a reduction in the rear setback from the required 10 feet to 9 feet, six (6) inches; and to allow a maximum lot coverage of 32% in lieu of the required 25%. The subject property has received prior Planning and Zoning Agency approvals under previous ownership, Order dated March 16, 2016 for ZVAR 2016-22 and Order dated May 16, 2019 for ZVAR 2018-08, for similar requests including Maximum Lot Coverage, a reduction in front, rear and side yard setbacks. These prior approvals have since expired due to the lack of commencement within two (2) years of the signing of the Final Order. Listed below are the standards outline in Table 6.01 of the Land Development Code for RG-1 zoning.

Table 6.01 (LDC)

SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT STANDARDS							
Zoning District	Minimum Lot Widths	Minimum Lot Area	Maximum Lot Coverage by All Buildings	Floor Area Ratio	Impervious Surface Ratio	Min. Yard Req. Front/Side/Rear	Maximum Height of Structures
RG-1	75 feet	7,500 square feet	25%	N/A	70%	25/8/10 feet	35 feet

CORRESPONDENCE/PHONE CALLS

As of the writing of this staff report, Staff has not received any correspondence regarding this application.

ACTION

Staff offers five (5) findings of fact and seven (7) conditions to support a motion to approve or four (4) findings of fact to deny. These findings may be subject to other competent substantial evidence received at the quasi-judicial public hearing.

ATTACHMENTS

1. Application and Supporting Documents
2. Final Draft Orders

ATTACHMENT 1
APPLICATION and
SUPPORTING
DOCUMENTS



St. Johns County Growth Management Department

Application for: Variance

Date: 10/02/2023 Property Tax ID No: 181410-0000

Project Name: 7006 Middleton Ave Variance

Property Owner(s): Joshua and Hearty Joy Foster Phone Number: 770.876.8275

Address: 113 C Rio Del Mar Street Fax Number:

City: St Augustine State: FL Zip Code: 32080 e-mail: joshuacalebfooster@gmail.com

Are there any owners not listed? [X] No [] Yes If yes please provide information on separate sheet.

Applicant/Representative: Joshua Foster Phone Number: 770.876.8275

Address: 113 C Rio del Mar Street Fax Number:

City: St Augustine State: FL Zip Code: 32080 e-mail: JoshuaCalebFoster@gmail.com

Property Location: 7006 Middleton Ave, St Augustine, Florida 32080

Major Access: Middleton Ave Size of Property: 2500 Cleared Acres (if applicable):

Zoning Class: No. of lots (if applicable): Overlay District (if applicable):

Water & Sewer Provider: City Future Land Use Designation: Residential

Present Use of Property: Empty Lot Proposed Bldg. S.F.:

Project Description (use separate sheet if necessary)

The above reference application for the zoning variance from Land development code, table 6.01, to allow for the reduction in the required front yard from 25 feet to 14 feet, a reduction in the required rear yard from 10 feet to 9.6 feet, and reduction in the southern side yard from 8 feet to 4'6' and increase the maximum lot coverage by buildings from 25% to 32%, specifically located at 7006 Middleton Ave.

Please list any applications currently under review or recently approved which may assist in the review of this application including the name of the PUD/PRD:

ZVAR-2018-08

I understand that reasonable inspections of the subject property may be made as part of the application review process. I understand that any material misrepresentations or errors contained in this application or supporting documents may void an approved application, at the reasonable determination of the County considering the Land Development Code, Comprehensive Plan, and other applicable regulations.

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:

Signature of owner or person authorized to represent this application:

Signed By: [Handwritten signatures]

Printed or typed name(s): Joshua and Hearty Joy Foster

RECEIVED OCT 03 2023 BY: [Signature]

Narrative

This variance at 7006 Middleton Ave, St Augustine, Florida does not intend to be contrary to the public interest and by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of this property a variance would be required. Our lot is fifty feet square and we would not be able to build with the required setbacks. A house was removed from this lot and a house, within reasonable size square footage, will be replacing it. The replacement house will be on elevated so that the living areas will be out of the flood zone. This variance would not be contrary to the spirit and purpose of LDC Article XII.

Please let me know if you need any additional information.

Thanks,

Joshua Foster

770.876.8275

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Exhibit A

Legal Description

Being a portion of Lot 27 of Gracy's Crescent Beach Unit #2, according to plat thereof recorded in Map Book 6, page 10, public record of St. Johns County, Florida, and more particularly described as follows:

Beginning at a point on the easterly side of Avenue E distant 837.92 feet southerly from the center line of Third Street as shown on the Plat of Gracy's Crescent Beach Unit #2, running thence easterly along the southerly line of Lot 28 of said Gracy's Crescent Beach Unit #2, fifty (50) feet; thence southerly on a line parallel with the west line of Lot 27, fifty (50) feet to a point; thence westerly on a line parallel with the south line of said Lot 28, fifty (50) feet to the west line of said Lot 27, fifty (50) feet to the point of beginning.

★

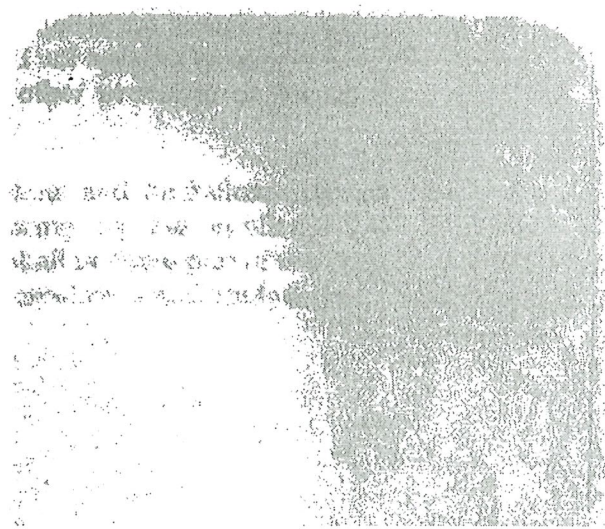


Exhibit B

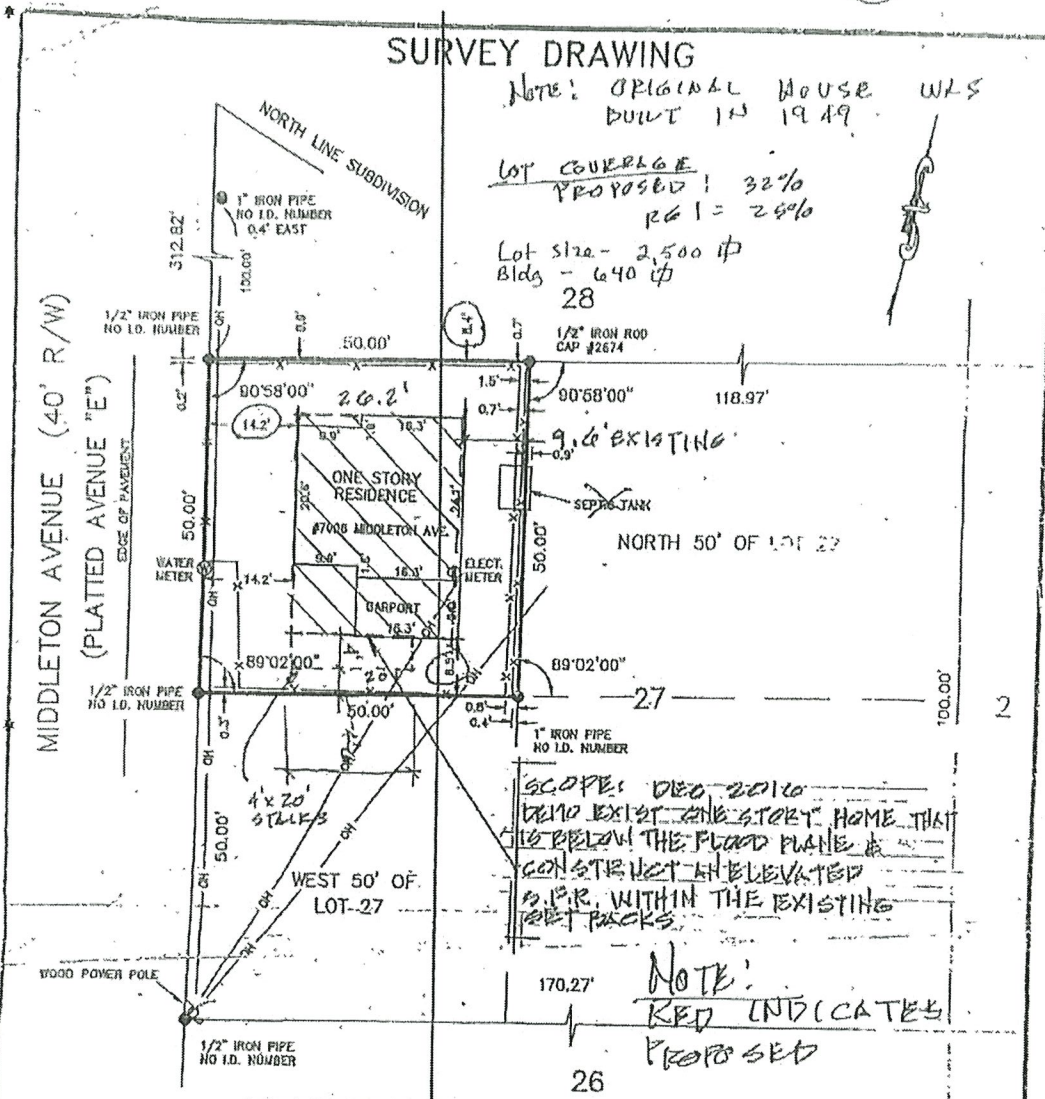
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11-27
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SURVEY DRAWING

NOTE: ORIGINAL HOUSE WLS
BUILT IN 1949

LOT COVERAGE
PROPOSED: 32%
261 = 29%

Lot size - 2,500 sq ft
Bldg - 640 sq ft
28



SCOPE: DEC 2010
NO EXIST. ONE STORY HOME THAT
IS BELOW THE FLOOD PLANE &
CONSTRUCT AN ELEVATED
S.P.R. WITHIN THE EXISTING
REAR YARD.

NOTE:
RED INDICATES
PROPOSED

DESCRIPTION:
THE NORTH 50 FEET OF THE WEST 50 FEET OF LOT 27, GRACY'S CRESCENT BEACH UNIT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 6, PAGE 01 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

ESTATE TITLE AND GUARANTY, INC.
OLD REPUBLIC NATIONAL TITLE INSURANCE CO.
BANK OF AMERICA, FSB
PREPARED FOR JOSEPH F. AND MARY M. MAURE CERTIFIED TO JOSEPH F. AND MARY M. MAURE

COMMUNITY NO.	PANEL NO.	SUFFIX	FIRM ZONE	FIRM ELEVATION	EFFECTIVE DATE
125147	0209	D	A6	6 FT.	9/18/85

R/W = Right-of-way
 L = Length of curve
 NR = Non-Radial
 ESMT. = Easement
 P.O.B. = Point of Beginning
 P.O.C. = Point of Commencement
 P.C. = Point of Curvature
 B.M. = Bench Mark

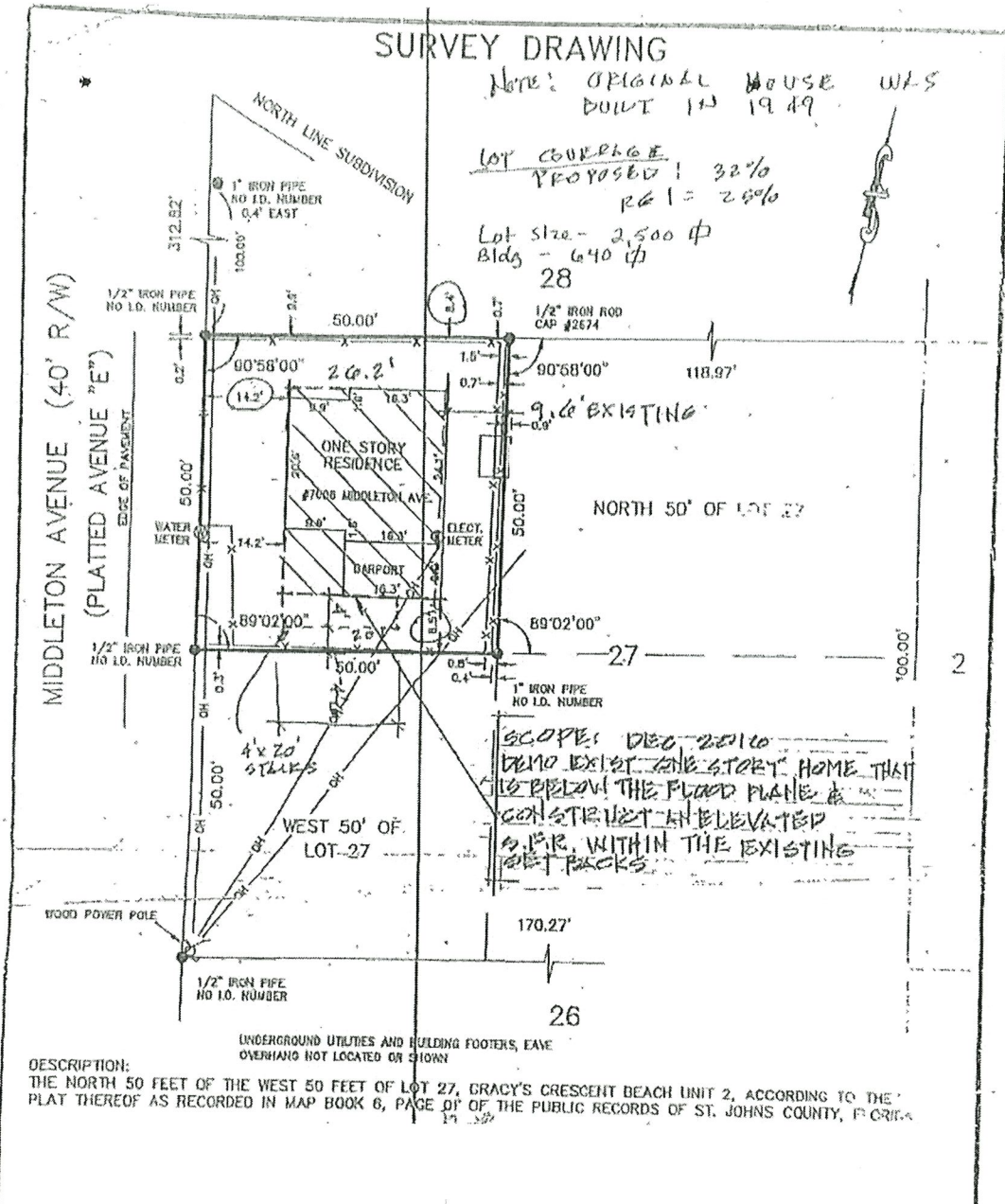
Found Iron Rod/Pipe
 Found Concrete Monument
 Found Nail and Disc

SURVEY DRAWING

Note: ORIGINAL HOUSE WAS BUILT IN 1949

LOT COVERAGE
PROPOSED: 32%
R61 = 28%

Lot Size - 2,500 sq ft
Bldg - 640 sq ft
28



SCOPE: DEC 2010
RENO EXIST. ONE STORY HOME THAT IS BELOW THE FLOOD PLANE & CONSTRUCT AN ELEVATED S.P.R. WITHIN THE EXISTING FOOT PRINTS.

DESCRIPTION:
THE NORTH 50 FEET OF THE WEST 50 FEET OF LOT 27, GRACY'S CRESCENT BEACH UNIT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 6, PAGE 01 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

COMMUNITY NO.	PANEL NO.	SUFFIX	FIRM ZONE	FIRM ELEVATION	EFFECTIVE DATE
125147	0209	0	A6	6 FT.	9/18/85

R/W = Right-of-way	L = Length of curve	NR = Non-Radial	P.O.C. = Point of Commencement
Δ = Central Angle	C = Chord	ESMT. = Easement	P.C. = Point of Curvature
R = Radius	C-BRG = Chord Bearing	P.O.B. = Point of Beginning	B.M. = Bench Mark

○ Found Iron Rod/Pipe	■ Found Concrete Monument	⊙ Found Nail and Pipe
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St. Johns County Board of County Commissioners

Growth Management Department

ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Joe Maure
7006 Middleton
St. Augustine, FL 32080

FILE NUMBER: ZVAR 2016-22

LEGAL: 6-10 GRACYS CRESCENT BCH UT 2 N50 OF W50 FT OF LOT 27
OR1262/1354
(7006 Middleton Avenue)

PARCEL: 181410-0000

DATE OF HEARING: November 3, 2016

ORDER GRANTING ZONING VARIANCE REQUEST

The above referenced application for a Zoning Variance to allow for a reduction in the required Front Yard setback from 25' to 14', a reduction in the required Rear Yard from 10' to 9.5', a reduction in the southern Side Yard from 8' to 4'6" along with a request to allow for Maximum Lot Coverage by Building from 25% to 32% to allow for construction of a new single family residence located at 7006 Middleton Avenue, came before the Planning & Zoning Agency for public hearing on March 16, 2017.

FINDINGS

Having considered the application, along with supporting documents; the Staff report prepared on March 1, 2017; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

1. The request is not contrary to the public interest and is not in conflict with surrounding development.
2. The request meets the criteria established by Section 10.04.02 of the Land Development Code.
3. The request is not in conflict with the Future Land Use Designation of Residential – C.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the Zoning Variance to allow for a reduction in the required Front Yard setback from 25' to 14', a reduction in the required Rear Yard from 10' to 9.5', a reduction in the southern Side Yard from 8' to 4'6" along with a request to allow for Maximum Lot Coverage by Building from 25% to 32% to allow for construction of a new single family residence located at 7006 Middleton Avenue, subject to the follow conditions:

1. The Variance will be transferable and will run with title to the property.
2. Approval of Variance does not release project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Land Use Plan and any other Agency having jurisdiction.
3. The Variance shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Operations Division and subsequent Building Permit as required.
4. **The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the recommendation and interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.**
5. The application, supporting documents, conditions and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.

This decision may be appealed to the St. Johns County Board of County Commissioners within thirty (30) days of the signing of this Order, pursuant to Section 9.07.03 of the Land Development Code.

Deed Restrictions, if any, are not affected by the actions of the Agency or this Order.

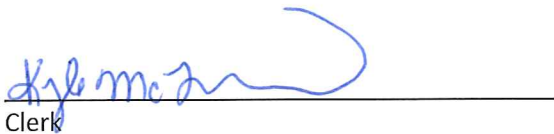
DATED THIS 16 DAY OF March, 2017.

PLANNING AND ZONING AGENCY OF ST. JOHNS COUNTY FLORIDA



Chairman/Vice-Chairman

The undersigned Clerk to the Planning and Zoning Agency of St. Johns County, Florida certifies that the above Order of the Planning and Zoning Agency is a true and correct rendition of the Order adopted by said Agency as the same appears in the record of the Planning and Zoning Agency minutes.



Clerk

Growth Management Department

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SURVEY DRAWING

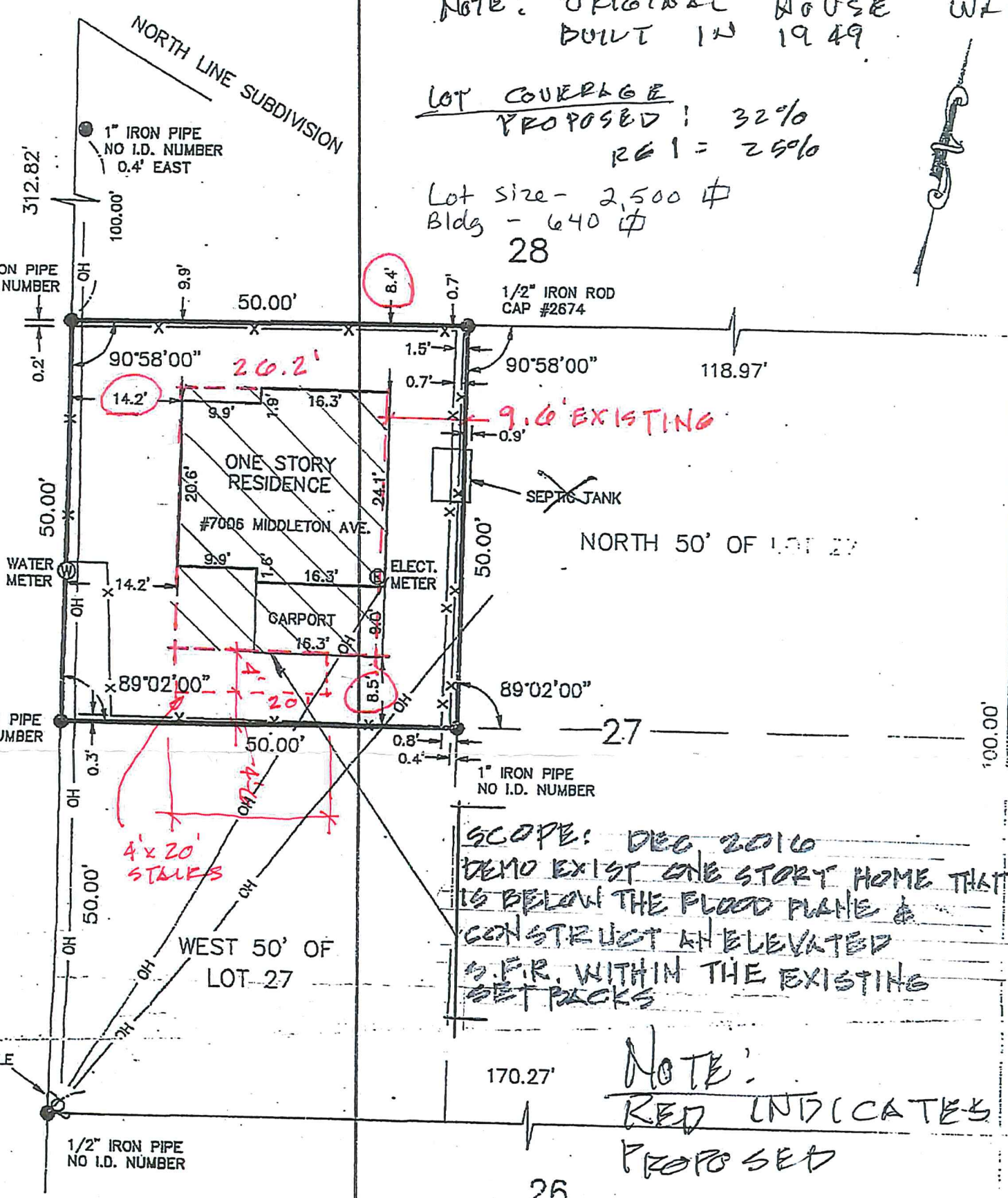
NOTE: ORIGINAL HOUSE WAS BUILT IN 1949

LOT COVERAGE PROPOSED: 32%
 RE 1 = 25%

Lot size - 2,500 ±
 Bldg - 640 ±
 28



MIDDLETON AVENUE (40' R/W)
 (PLATTED AVENUE "E")



SCOPE: DEC 2010
 DEMO EXIST ONE STORY HOME THAT IS BELOW THE FLOOD PLANE & CONSTRUCT AN ELEVATED S.F.R. WITHIN THE EXISTING SETBACKS

NOTE: RED INDICATES PROPOSED

DESCRIPTION:
 UNDERGROUND UTILITIES AND BUILDING FOOTERS, EAVE OVERHANG NOT LOCATED OR SHOWN
 THE NORTH 50 FEET OF THE WEST 50 FEET OF LOT 27, GRACY'S CRESCENT BEACH UNIT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 6, PAGE 01 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA

PREPARED FOR JOSEPH F. AND MARY M. MAURE

CERTIFIED TO ESTATE TITLE AND GUARANTY, INC.
 OLD REPUBLIC NATIONAL TITLE INSURANCE CO.
 BANK OF AMERICA, FSB
 JOSEPH F. AND MARY M. MAURE

COMMUNITY NO. 125147	PANEL NO. 0209	SUFFIX D	FIRM ZONE A6	FIRM ELEVATION 8 FT.	EFFECTIVE DATE 9/18/85
R/W = Right-of-way Δ = Central Angle R = Radius	L = Length of curve C = Chord C-BRG = Chord Bearing	NR = Non-Radial ESMT. = Easement P.O.B. = Point of Beginning	P.O.C. = Point of Commencement P.C. = Point of Curvature B.M. = Bench Mark		
● Found Iron Rod/Pipe	■ Found Concrete Monument	⊙ Found Nail and Disc			



St. Johns County Board of County Commissioners

Growth Management Department

ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Joseph F. Maure
7006 Middleton Avenue
St. Augustine, FL 32080

FILE NUMBER: ZVAR 2018-08

LEGAL: See Exhibit A

PARCEL: 181410-0000

DATE OF HEARING: May 16, 2019

ORDER GRANTING ZONING VARIANCE REQUEST

The above referenced application for a Zoning Variance from Land Development Code, Table 6.01, to allow for a reduction in the required front yard from 25 feet to 14 feet, a reduction in the required rear yard from 10 feet to 9.6 feet, and a reduction in the southern side yard from 8 feet to 4'6" and to increase the Maximum Lot Coverage by Buildings from 25% to 32%, specifically located at 7006 Middleton Avenue, came before the Planning & Zoning Agency for public hearing on May 16, 2019.

FINDINGS

Having considered the application, along with supporting documents; the Staff report; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

1. The request is in compliance with Part XII of the Land Development Code, defining Zoning Variance. Competent substantial evidence has been submitted to support a hardship as defined by the Code.
2. The request is not contrary to the public interest and is not in conflict with surrounding development.
3. The request meets the criteria established by Section 10.04.02 of the Land Development Code.

4. The request is not in conflict with the Future Land Use Designation of Residential – C.
5. The applicant, at the public hearing, has stated no objections to the proposed conditions.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the request for a Zoning Variance from Land Development Code, Table 6.01, to allow for a reduction in the required front yard from 25 feet to 14 feet, a reduction in the required rear yard from 10 feet to 9.6 feet, and a reduction in the southern side yard from 8 feet to 4'6" and to increase the Maximum Lot Coverage by Buildings from 25% to 32%, specifically located at 7006 Middleton Avenue, subject to the follow conditions:

1. The Variance will be transferable and will run with title to the property.
2. Approval of Variance does not release project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Land Use Plan and any other Agency having jurisdiction.
3. Approval pursuant to site plan labeled as Exhibit B submitted by applicant and made a part of this application.
4. This approval of the Zoning Variance may be revoked by the County Administrator or designee, in his/her sole discretion, upon determination of violation of the conditions set forth herein or a violation of any Federal, State, or Local law or regulation. Appeals of decisions by the County Administrator may be appealed to the Board of County Commissioners.
5. The Variance shall commence within **two (2) years** of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Operations Division and subsequent Building Permit as required.
6. The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the recommendation and interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.
7. The application, supporting documents, conditions and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.

This decision may be appealed to the St. Johns County Board of County Commissioners within thirty (30) days of the signing of this Order, pursuant to Section 9.07.03 of the Land Development Code.

Deed Restrictions, if any, are not affected by the actions of the Agency or this Order.

DATED THIS 16th DAY OF MAY, 2019.

PLANNING AND ZONING AGENCY OF ST. JOHNS COUNTY FLORIDA



Chairman/Vice-Chairman

The undersigned Clerk to the Planning and Zoning Agency of St. Johns County, Florida certifies that the above Order of the Planning and Zoning Agency is a true and correct rendition of the Order adopted by said Agency as the same appears in the record of the Planning and Zoning Agency minutes.



Kyle Doty
Growth Management Department

5-16-19
Date Filed

Exhibit A

Legal Description

Being a portion of Lot 27 of Gracy's Crescent Beach Unit #2, according to plat thereof recorded in Map Book 6, page 10, public record of St. Johns County, Florida, and more particularly described as follows:

Beginning at a point on the easterly side of Avenue E distant 837.92 feet southerly from the center line of Third Street as shown on the Plat of Gracy's Crescent Beach Unit #2, running thence easterly along the southerly line of Lot 28 of said Gracy's Crescent Beach Unit #2, fifty (50) feet; thence southerly on a line parallel with the west line of Lot 27, fifty (50) feet to a point; thence westerly on a line parallel with the south line of said Lot 28, fifty (50) feet to the west line of said Lot 27, fifty (50) feet to the point of beginning.

Exhibit B

RECEIVED
 11/27
 AH

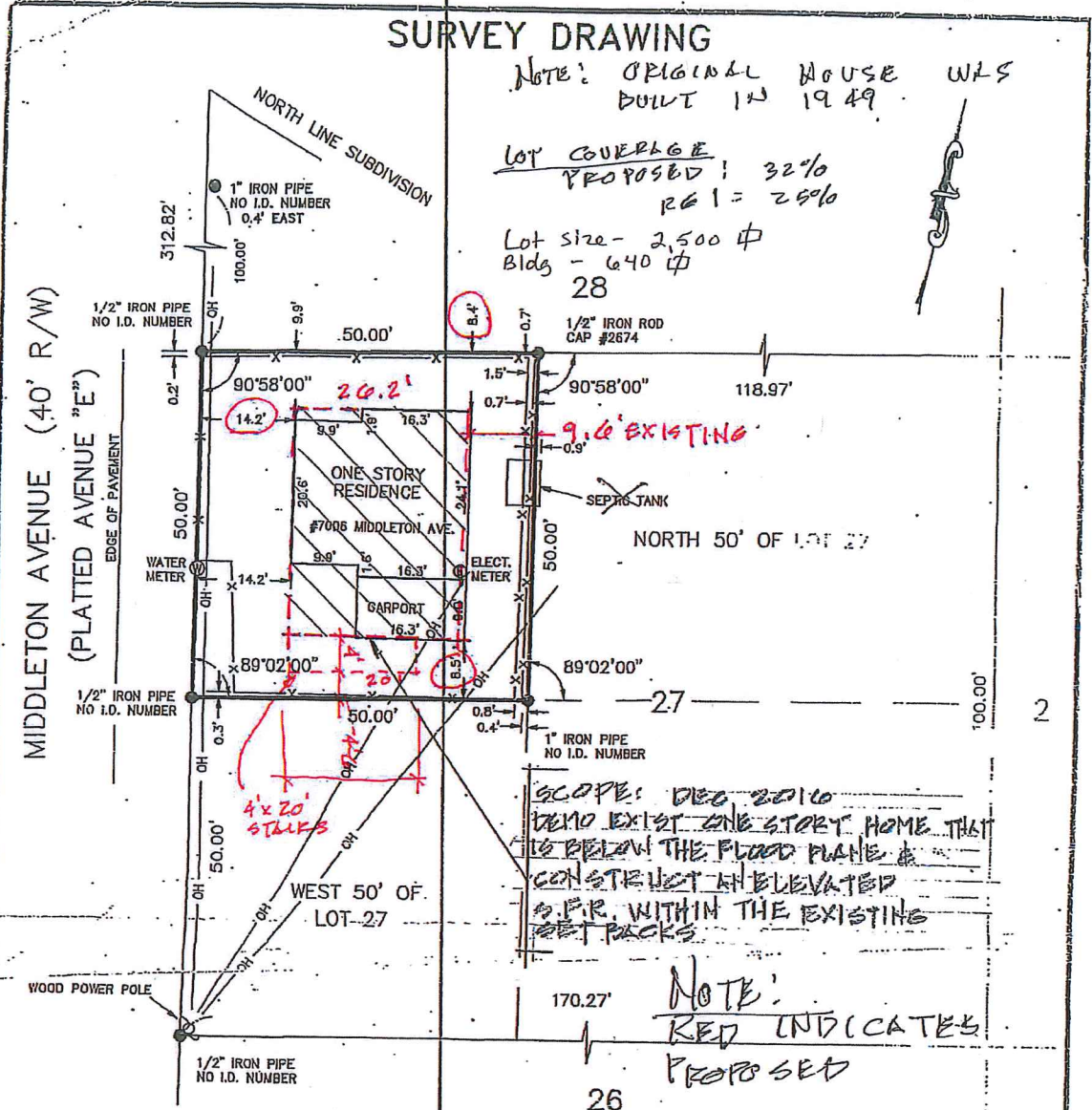
SURVEY DRAWING

NOTE: ORIGINAL HOUSE W/FS BUILT IN 1949

LOT COVERAGE
 PROPOSED: 32%
 R/L = 26%

Lot size - 2,500 \pm
 Bldg - 640 \pm
 28

MIDDLETON AVENUE (40' R/W)
 (PLATTED AVENUE "E")



SCOPE: DEC 2010
 DEMO EXIST ONE STORY HOME THAT IS BELOW THE FLOOD PLANE & CONSTRUCT AN ELEVATED S.F.R. WITHIN THE EXISTING FOOT PRINTS

NOTE:
 RED INDICATES
 PROPOSED

DESCRIPTION:
 THE NORTH 50 FEET OF THE WEST 50 FEET OF LOT 27, GRACY'S CRESCENT BEACH UNIT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 6, PAGE 01 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA

ESTATE TITLE AND GUARANTY, INC.
 OLD REPUBLIC NATIONAL TITLE INSURANCE CO.
 BANK OF AMERICA, FSB
 JOSEPH F. AND MARY M. MAURE

COMMUNITY NO. 125147	PANEL NO. 0209	SUFFIX D	FIRM ZONE A6	FIRM ELEVATION 8 FT.	EFFECTIVE DATE 9/18/85
R/W = Right-of-way Δ = Central Angle R = Radius	L = Length of curve C = Chord C-BRG = Chord Bearing	NR = Non-Radial ESMT. = Easement P.O.B. = Point of Beginning	P.O.C. = Point of Commencement P.C. = Point of Curvature B.M. = Bench Mark		

Found Iron Rod/Pipe Found Concrete Monument Found Nail and Disc

**BEGIN DOCUMENTS
TO BE RECORDED**



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Joshua and Hearty Joy Foster
113C Rio Del Mar
St. Augustine, FL 32080

FILE NUMBER: ZVAR 2023-28

LEGAL: Exhibit A

SITE PLAN: Exhibit B

PARCEL ID: 181410-0000

DATE OF HEARING: January 18, 2024

ORDER GRANTING ZONING VARIANCE REQUEST

The above referenced application for a Zoning Variance to allow for a Front Yard setback of fourteen (14) feet in lieu of the required twenty-five (25) feet; a Rear Yard setback of nine (9) feet, six (6) inches in lieu of the required ten (10) feet; a Side Yard setback of four (4) feet, six (6) inches in lieu of the required eight (8) feet; and a maximum lot coverage by all buildings of 32% in lieu of the required 25% in the Residential General (RG-1) zoning district., specifically located at 7006 Middleton Ave, came before the Planning & Zoning Agency for public hearing on January 18, 2024.

FINDINGS OF FACT

Having considered the application, along with supporting documents; the Staff report prepared by staff; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

1. The request for this Zoning Variance has been fully considered after public hearing with legal notice duly published as required by law.
2. The Variance request is in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has been submitted to support a special condition of the property, such that the literal enforcement of the code would produce a hardship as defined by the Code, or why denying the application would be contrary to the spirit and purpose of the Land Development Code.

3. The request is not contrary to the public interest and is not in conflict with surrounding development.
4. The request meets the criteria established by Section 10.04.02 of the Land Development Code.
5. The request is not in conflict with the Future Land Use Map designation of Residential-C.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the request for a Zoning Variance to allow for a Front Yard setback of fourteen (14) feet in lieu of the required twenty-five (25) feet; a Rear Yard setback of nine (9) feet, six (6) inches in lieu of the required ten (10) feet; a Side Yard setback of four (4) feet, six (6) inches in lieu of the required eight (8) feet; and a maximum lot coverage by all buildings of 32% in lieu of the required 25% in the Residential General (RG-1) zoning district, located at 7006 Middleton Ave, subject to the following conditions:

1. The Variance will be transferable and will run with title to the property for the lifetime of the proposed structure.
2. Approval of the Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Plan, or any other Agency having jurisdiction.
3. Approval is pursuant to site plan labeled as **Exhibit B**, submitted by applicant, and made a part of this application.
4. The Variance shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Operations Division.
5. The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the recommendation and interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.
6. The application, supporting documents, conditions, and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.
7. The applicant, at the public hearing, has stated no objections to the proposed conditions.

This decision may be appealed to the St. Johns County Board of County Commissioners within thirty (30) days of the signing of this Order, pursuant to Section 9.07.03 of the Land Development Code.

Deed Restrictions, if any, are not affected by the actions of the Agency or this Order.

All applicable state or federal permits must be obtained before commencement of the development. Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

DATED THIS _____ DAY OF _____, 2023.

PLANNING AND ZONING AGENCY OF ST. JOHNS COUNTY FLORIDA

Chair/Vice-Chair

The undersigned Clerk to the Planning and Zoning Agency of St. Johns County, Florida certifies that the above Order of the Planning and Zoning Agency is a true and correct rendition of the Order adopted by said Agency as the same appears in the record of the Planning and Zoning Agency minutes.

Clerk
Growth Management Department

Date Filed

★

Exhibit A

Legal Description

Being a portion of Lot 27 of Gracy's Crescent Beach Unit #2, according to plat thereof recorded in Map Book 6, page 10, public record of St. Johns County, Florida, and more particularly described as follows:

Beginning at a point on the easterly side of Avenue E distant 837.92 feet southerly from the center line of Third Street as shown on the Plat of Gracy's Crescent Beach Unit #2, running thence easterly along the southerly line of Lot 28 of said Gracy's Crescent Beach Unit #2, fifty (50) feet; thence southerly on a line parallel with the west line of Lot 27, fifty (50) feet to a point; thence westerly on a line parallel with the south line of said Lot 28, fifty (50) feet to the west line of said Lot 27, fifty (50) feet to the point of beginning.

★

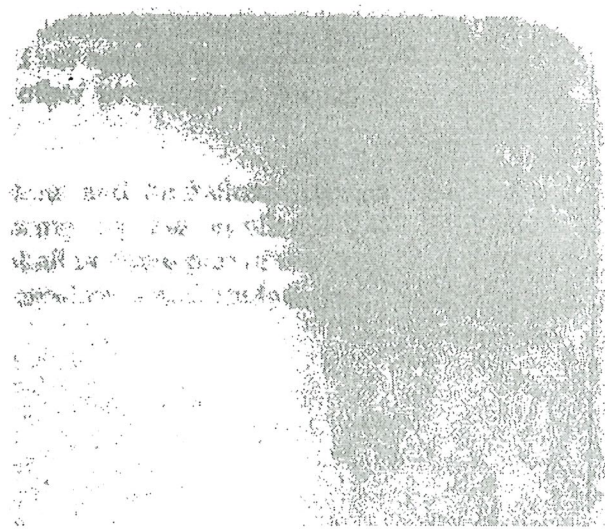


Exhibit B

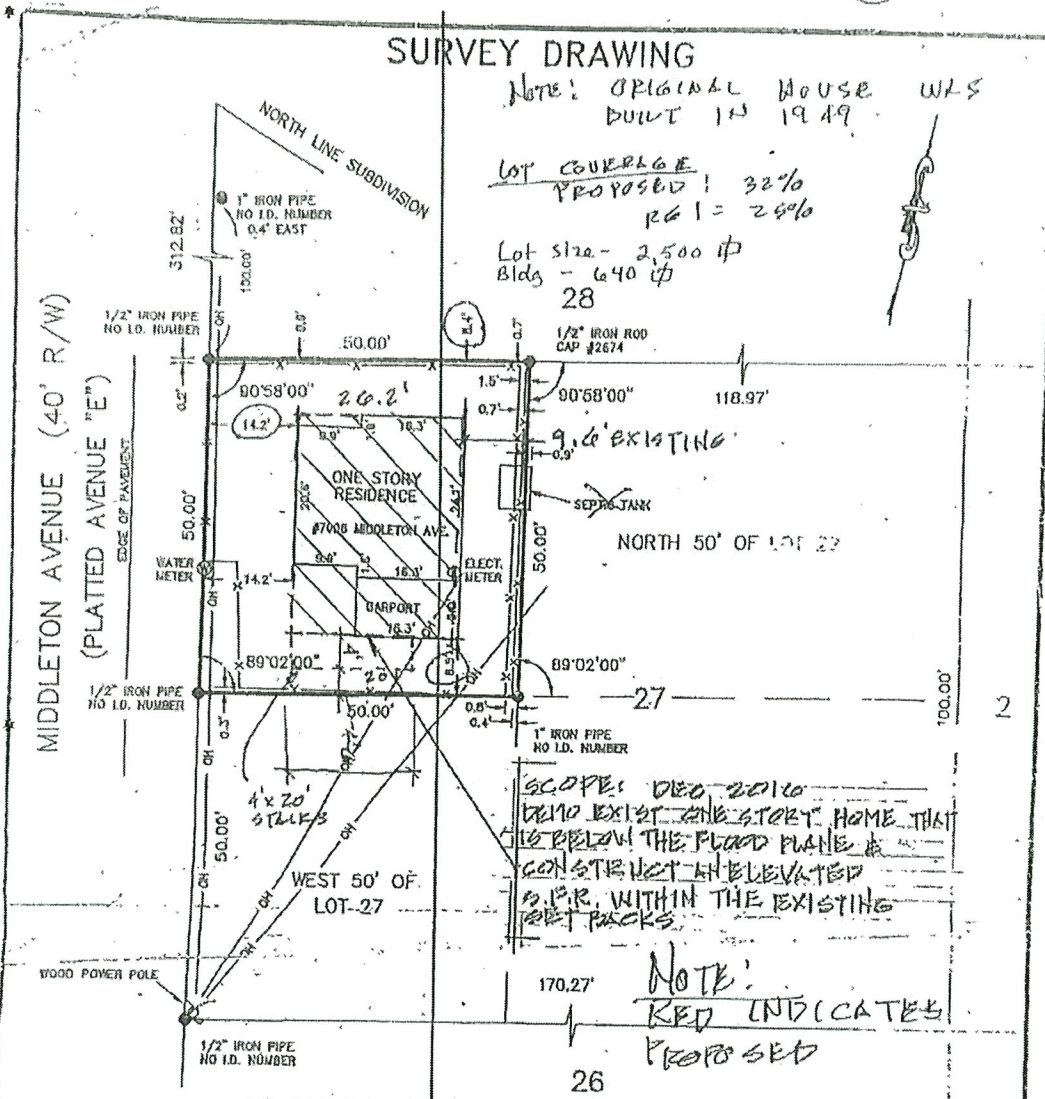
RECEIVED
11-27
1187
AH

SURVEY DRAWING

NOTE: ORIGINAL HOUSE WLS
BUILT IN 1949

LOT COVERAGE
PROPOSED: 32%
261 = 29%

Lot size - 2,500 sq ft
Bldg - 640 sq ft
28



SCOPE: DEC 2010
NO EXISTING HOME THAT
IS BELOW THE FLOOD PLANE &
CONSTRUCT AN ELEVATED
2.5' P.R. WITHIN THE EXISTING
FOOT PRINTS

NOTE:
RED INDICATES
PROPOSED

UNDERGROUND UTILITIES AND BUILDING FOOTERS, EAVE
OVERHANG NOT LOCATED OR SHOWN

DESCRIPTION:
THE NORTH 50 FEET OF THE WEST 50 FEET OF LOT 27, GRACY'S CRESCENT BEACH UNIT 2, ACCORDING TO THE
PLAT THEREOF AS RECORDED IN MAP BOOK 6, PAGE 01 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA

ESTATE TITLE AND GUARANTY, INC.
OLD REPUBLIC NATIONAL TITLE INSURANCE CO.
BANK OF AMERICA, FSB
JOSEPH F. AND MARY M. MAURE

PREPARED FOR JOSEPH F. AND MARY M. MAURE CERTIFIED TO JOSEPH F. AND MARY M. MAURE

COMMUNITY NO. 125147	PANEL NO. 0209	SUFFIX D	FIRM ZONE A6	FIRM ELEVATION 6 FT.	EFFECTIVE DATE 9/18/85
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R/W = Right-of-way	L = Length of curve	NR = Non-Radial	P.O.C. = Point of Commencement
Δ = Central Angle	C = Chord	ESMT. = Easement	P.C. = Point of Curvature
R = Radius	C-BRG = Chord Bearing	P.O.B. = Point of Beginning	B.M. = Bench Mark

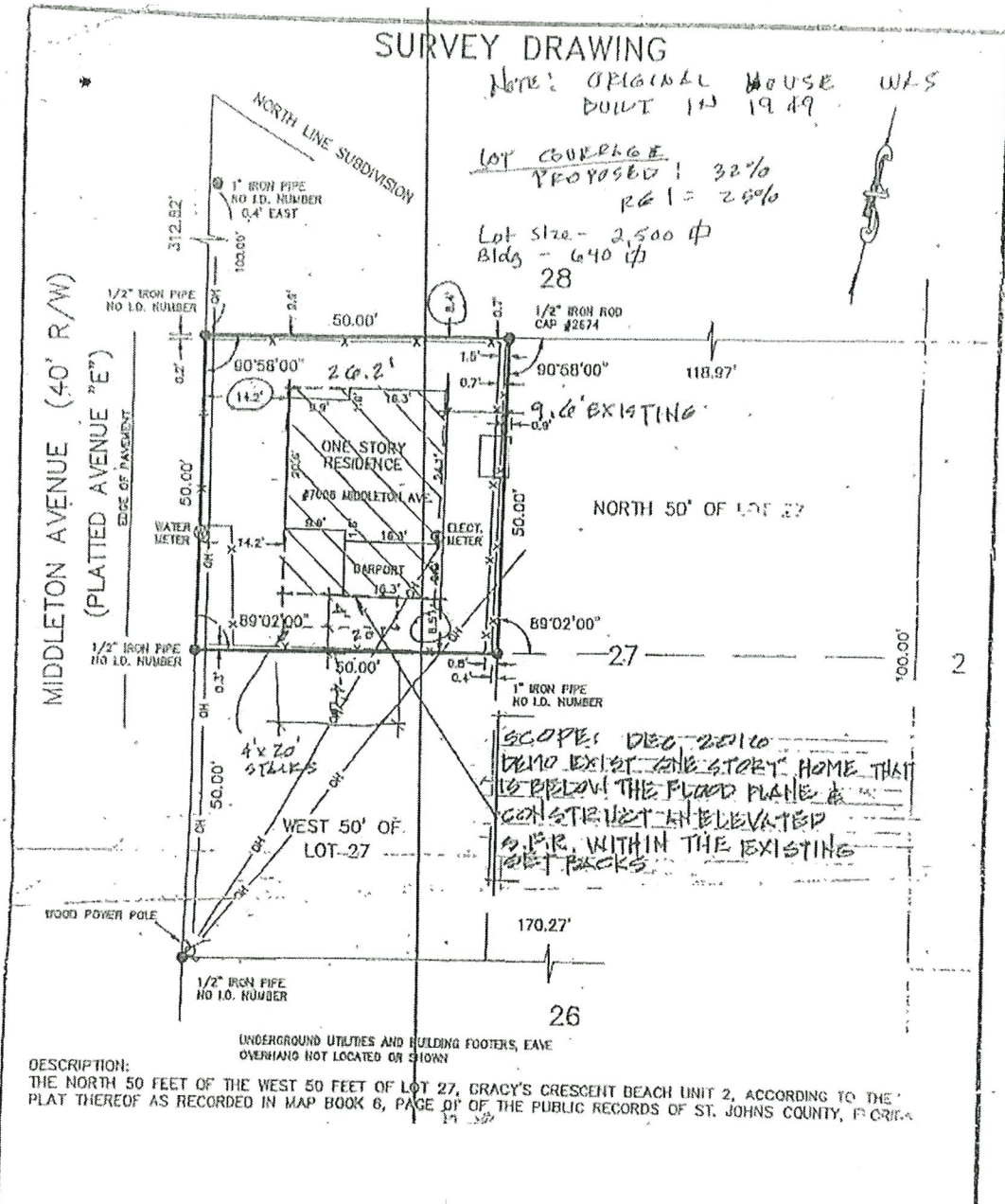
Found Iron Rod/Pipe Found Concrete Monument Found Nail and Disc

SURVEY DRAWING

Note: ORIGINAL HOUSE WAS BUILT IN 1949

LOT COVERAGE
PROPOSED: 32%
R61 = 28%

Lot Size - 2,500 sq ft
Bldg - 640 sq ft
28



SCOPE: DEC 2010
RENO EXIST. ONE STORY HOME THAT IS BELOW THE FLOOD PLANE & CONSTRUCT AN ELEVATED S.P.R. WITHIN THE EXISTING FOOTPRINTS.

DESCRIPTION:
THE NORTH 50 FEET OF THE WEST 50 FEET OF LOT 27, GRACY'S CRESCENT BEACH UNIT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 6, PAGE 01 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

COMMUNITY NO.	PANEL NO.	SUFFIX	FIRM ZONE	FIRM ELEVATION	EFFECTIVE DATE
125147	0209	0	A6	6 FT.	9/18/85

R/W = Right-of-way
 Δ = Central Angle
 R = Radius
 L = Length of curve
 C = Chord
 C-BRG = Chord Bearing
 NR = Non-Radial
 ESMT. = Easement
 P.O.B. = Point of Beginning
 P.O.C. = Point of Commencement
 P.C. = Point of Curvature
 B.M. = Bench Mark

○ Found Iron Rod/Pipe
 ■ Found Concrete Monument
 ⊙ Found Nail and Pipe



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Joshua and Hearty Joy Foster
113C Rio Del Mar
St. Augustine, FL 32080

FILE NUMBER: ZVAR 2023-28

LEGAL: Exhibit A

PARCEL ID: 181410-0000

DATE OF HEARING: January 18, 2024

ORDER DENYING SPECIAL USE APPROVAL

The above referenced application for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Front Yard setback of fourteen (14) feet in lieu of the required twenty-five (25) feet; a Rear Yard setback of nine (9) feet, six (6) inches in lieu of the required ten (10) feet; a Side Yard setback of four (4) feet, six (6) inches in lieu of the required eight (8) feet; and a maximum lot coverage by all buildings of 32% in lieu of the required 25% in the Residential General (RG-1) zoning district., specifically located at 7006 Middleton Ave, came before the Planning & Zoning Agency for public hearing on January 18, 2024.

FINDINGS OF FACT

Having considered the application, along with supporting documents; the Staff report prepared by staff; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

1. The Variance is not in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has not been submitted to support a hardship as defined by the Code.
2. The request is contrary to the public interest and is in conflict with surrounding development.
3. The request does not meet the criteria established by Section 10.04.02 of the Land Development Code.
4. The request is in conflict with the Future Land Use Map designation of Residential-C.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby denies the Zoning Variance to allow for a Front Yard setback of fourteen (14) feet in lieu of the required twenty-five (25) feet; a Rear Yard setback of nine (9) feet, six (6) inches in lieu of the required ten (10) feet; a Side Yard setback of four (4) feet, six (6) inches in lieu of the required eight (8) feet; and a maximum lot coverage by all buildings of 32% in lieu of the required 25% in the Residential General (RG-1) zoning district., specifically located at 7006 Middleton Ave.

This decision may be appealed to the St. Johns County Board of County Commissioners within thirty (30) days of the signing of this Order, pursuant to Section 9.07.03 of the Land Development Code.

Deed Restrictions, if any, are not affected by the actions of the Agency or this Order.

DATED THIS _____ DAY OF _____, 2023.

PLANNING AND ZONING AGENCY OF ST. JOHNS COUNTY FLORIDA

Chair/Vice-Chair

The undersigned Clerk to the Planning and Zoning Agency of St. Johns County, Florida certifies that the above Order of the Planning and Zoning Agency is a true and correct rendition of the Order adopted by said Agency as the same appears in the record of the Planning and Zoning Agency minutes.

Clerk
Growth Management Department

Date Filed



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Joshua and Hearty Joy Foster
113C Rio Del Mar
St. Augustine, FL 32080

FILE NUMBER: ZVAR 2023-28

LEGAL: Exhibit A

SITE PLAN: Exhibit B

PARCEL ID: 181410-0000

DATE OF HEARING: January 18, 2024

ORDER GRANTING ZONING VARIANCE REQUEST

The above referenced application for a Zoning Variance to allow for a Front Yard setback of fourteen (14) feet in lieu of the required twenty-five (25) feet; a Rear Yard setback of nine (9) feet, six (6) inches in lieu of the required ten (10) feet; a Side Yard setback of four (4) feet, six (6) inches in lieu of the required eight (8) feet; and a maximum lot coverage by all buildings of 32% in lieu of the required 25% in the Residential General (RG-1) zoning district., specifically located at 7006 Middleton Ave, came before the Planning & Zoning Agency for public hearing on January 18, 2024.

FINDINGS OF FACT

Having considered the application, along with supporting documents; the Staff report prepared by staff; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

1. The request for this Zoning Variance has been fully considered after public hearing with legal notice duly published as required by law.
2. The Variance request is in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has been submitted to support a special condition of the property, such that the literal enforcement of the code would produce a hardship as defined by the Code, or why denying the application would be contrary to the spirit and purpose of the Land Development Code.

3. The request is not contrary to the public interest and is not in conflict with surrounding development.
4. The request meets the criteria established by Section 10.04.02 of the Land Development Code.
5. The request is not in conflict with the Future Land Use Map designation of Residential-C.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the request for a Zoning Variance to allow for a Front Yard setback of fourteen (14) feet in lieu of the required twenty-five (25) feet; a Rear Yard setback of nine (9) feet, six (6) inches in lieu of the required ten (10) feet; a Side Yard setback of four (4) feet, six (6) inches in lieu of the required eight (8) feet; and a maximum lot coverage by all buildings of 32% in lieu of the required 25% in the Residential General (RG-1) zoning district, located at 7006 Middleton Ave, subject to the following conditions:

1. The Variance will be transferable and will run with title to the property for the lifetime of the proposed structure.
2. Approval of the Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Plan, or any other Agency having jurisdiction.
3. Approval is pursuant to site plan labeled as **Exhibit B**, submitted by applicant, and made a part of this application.
4. The Variance shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void. Commencement shall be defined as issuance of a Development Permit by the St. Johns County Operations Division.
5. The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the recommendation and interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.
6. The application, supporting documents, conditions, and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.
7. The applicant, at the public hearing, has stated no objections to the proposed conditions.

This decision may be appealed to the St. Johns County Board of County Commissioners within thirty (30) days of the signing of this Order, pursuant to Section 9.07.03 of the Land Development Code.

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DATED THIS _____ DAY OF _____, 2023.

PLANNING AND ZONING AGENCY OF ST. JOHNS COUNTY FLORIDA

Chair/Vice-Chair

The undersigned Clerk to the Planning and Zoning Agency of St. Johns County, Florida certifies that the above Order of the Planning and Zoning Agency is a true and correct rendition of the Order adopted by said Agency as the same appears in the record of the Planning and Zoning Agency minutes.

Clerk
Growth Management Department

Date Filed