

5

**AGENDA ITEM
Planning & Zoning**

Meeting

1/18/2024

MEETING DATE

TO: Planning and Zoning Board Members

DATE: January 3, 2024

FROM: Trevor Steven, Planner

PHONE: 904 209-0587

SUBJECT OR TITLE: ZVAR 2023-34 Miller Accessory Structure

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

PRESENTER: Vernon Miller

BACKGROUND INFORMATION:

Request for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a Front Yard setback of five (5) feet in lieu of the 25-foot requirement, a Second Front Yard setback of five (5) feet in lieu of the twenty (20) foot requirement for a Corner Lot, and to Section 2.02.04.B.4 to allow for the eave height of a detached Accessory Structure (garage) to exceed the maximum eave height of the Main Use structure so long as the height of the roof of the garage does not exceed seventeen feet nine inches (17'9") in Residential, Single Family (RS-3) zoning, located at 871 CR 13 South.

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to approve ZVAR 2023-34 Miller Accessory Structure, based on eight (8) conditions and five (5) findings of fact as provided in the Staff Report.

DENY: Motion to deny ZVAR 2023-34 Miller Accessory Structure, based on four (4) findings as provided in the Staff Report.



Growth Management Department
Planning Division Report
Application for Zoning Variance
ZVAR 2023-34 Miller Accessory Structure

To: Planning and Zoning Agency

From: Trevor Steven, Planner

Date: January 3, 2024

Subject: **ZVAR 2023-34 Miller Accessory Structure**, a request for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a Front Yard setback of five (5) feet in lieu of the 25-foot requirement, a Second Front Yard setback of five (5) feet in lieu of the twenty (20) foot requirement for a Corner Lot, and to Section 2.02.04.B.4 to allow for the eave height of a detached Accessory Structure (garage) to exceed the maximum eave height of the Main Use structure so long as the height of the roof of the garage does not exceed seventeen feet nine inches (17'9") in Residential, Single Family (RS-3) zoning, located at 871 CR 13 South.

Applicant: Vernon Miller

Owner: Vernon & Kathleen Miller

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

Commissioner District: District 2

SUGGESTED MOTION/ACTION

APPROVE: Motion to approve **ZVAR 2023-34 Miller Accessory Structure** based upon five (5) findings of fact and eight (8) conditions as provided in the Staff Report.

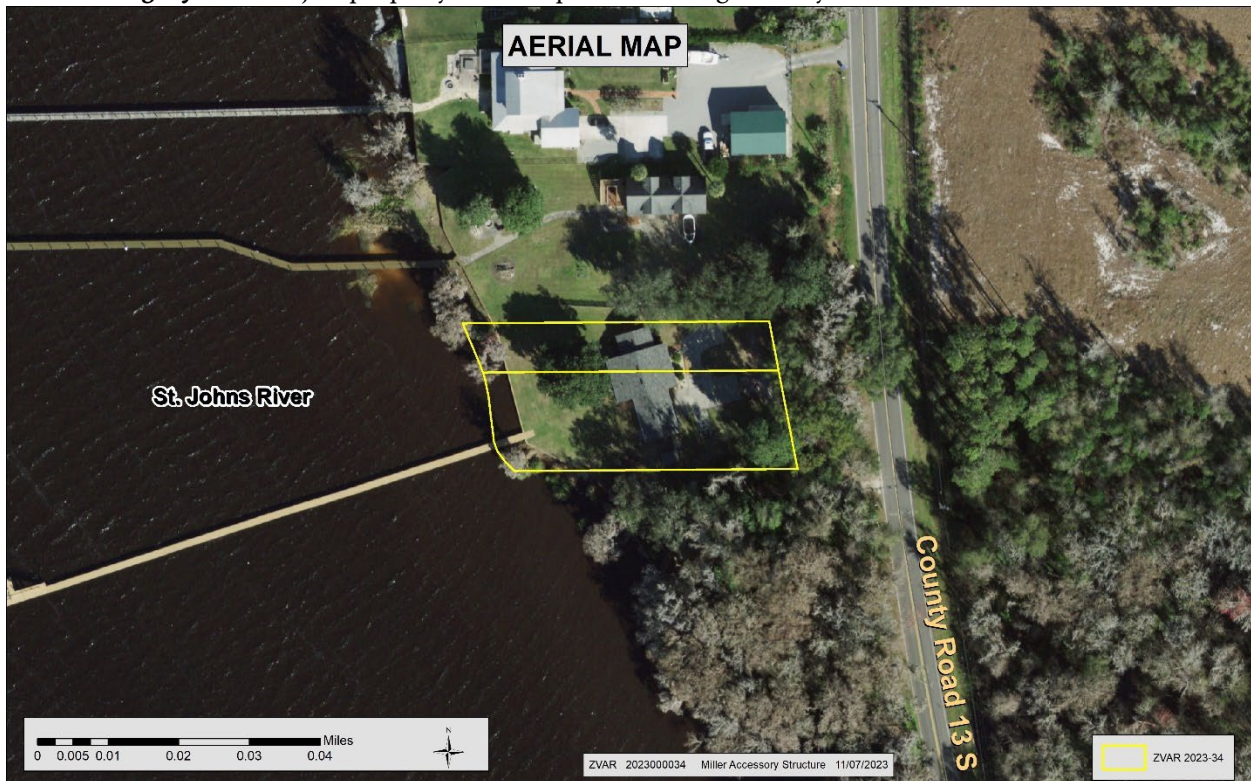
DENY: Motion to deny **ZVAR 2023-34 Miller Accessory Structure** based upon four (4) findings of fact as provided in the Staff Report.

MAP SERIES

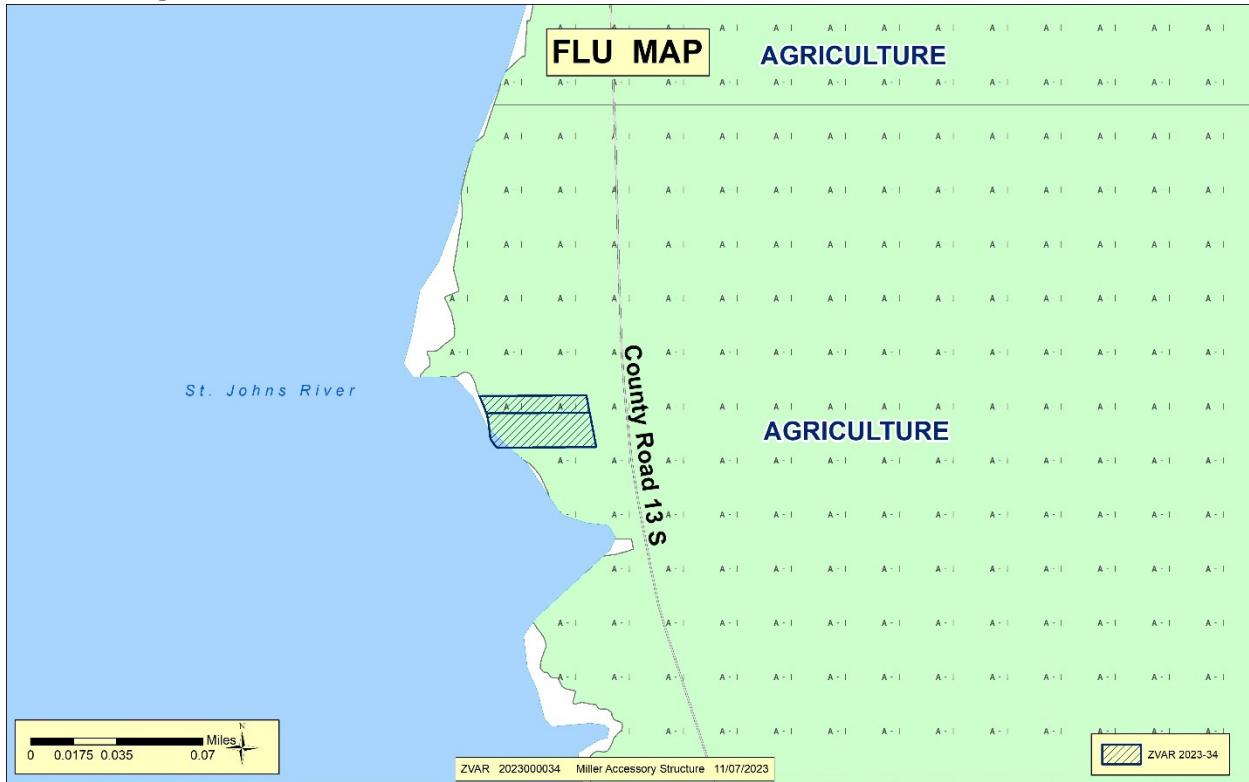
Location: The subject property is part of the Town of Riverdale platted subdivision, and is located on the west side of County Road 13 S on the St. Johns River, approximately 1.25 miles south of County Road 214



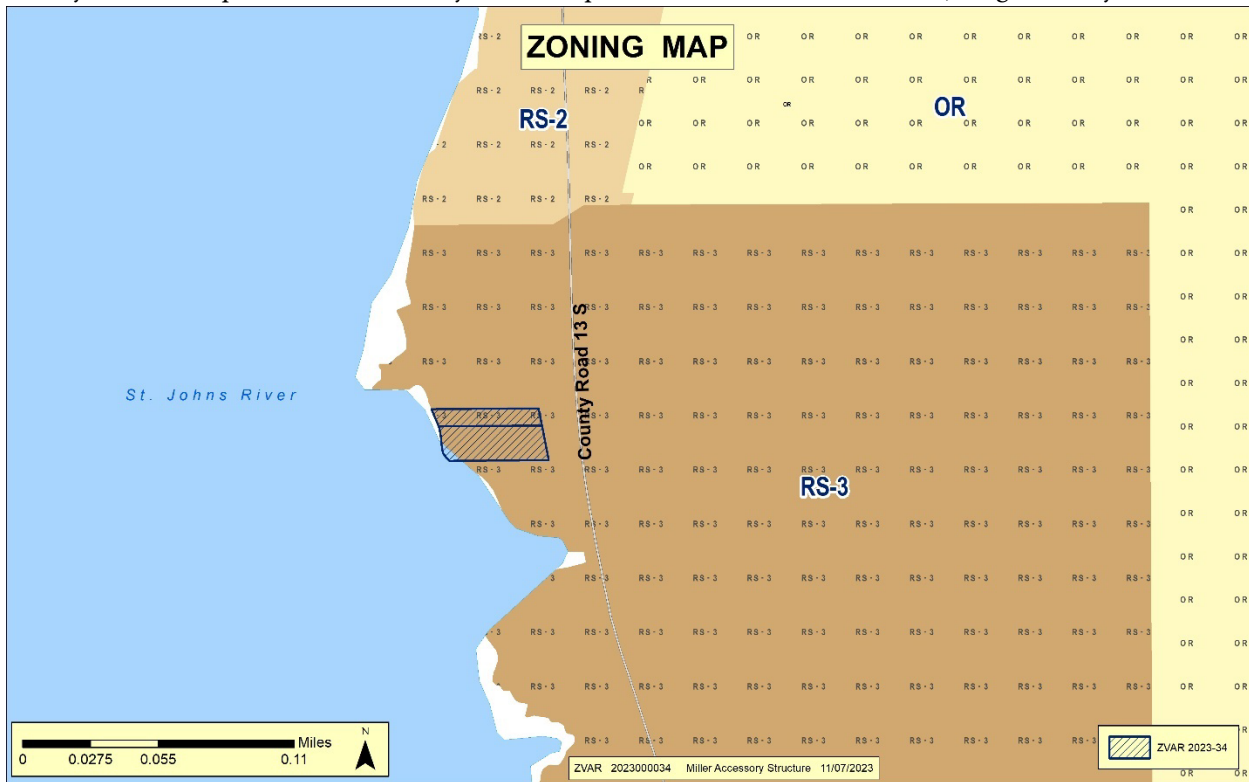
Aerial Imagery: The subject property is developed with a single family residence that was built in 1983.



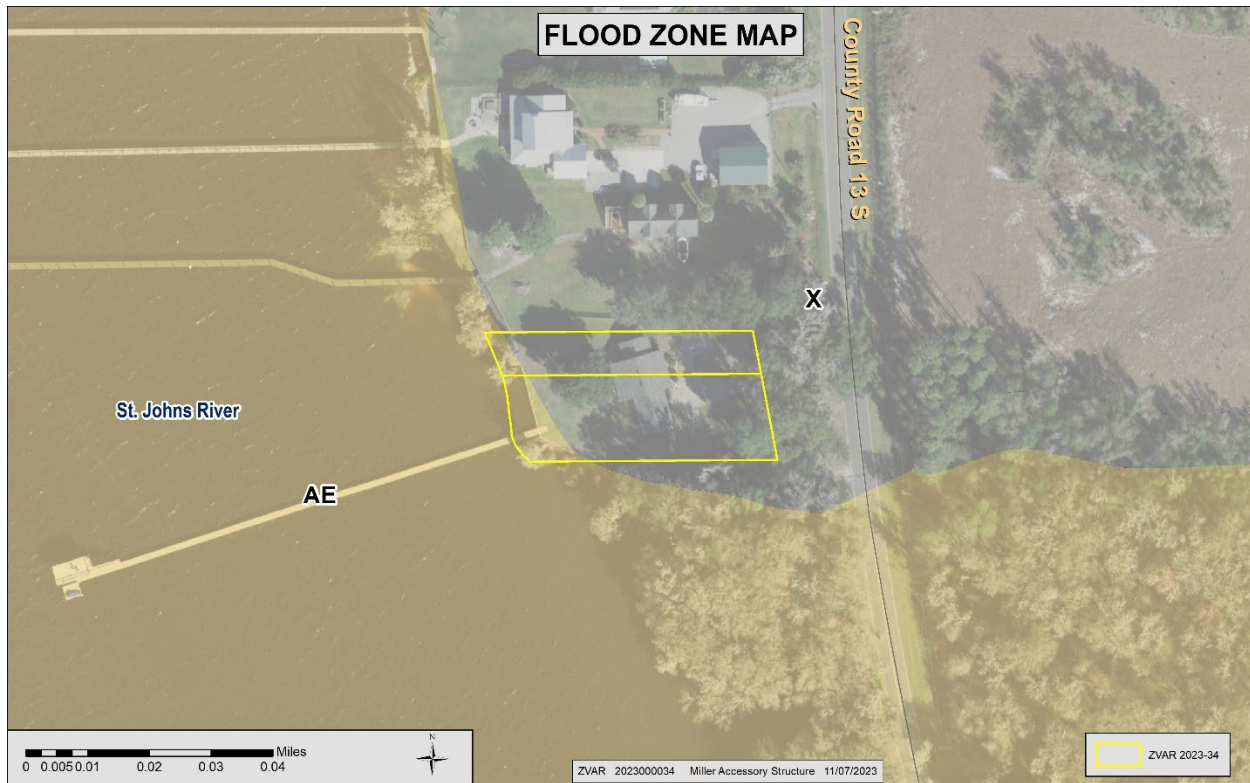
Future Land Use: The subject property and surrounding properties are designated Agriculture on the Future Land Use Map.



Zoning District: The subject property and adjacent properties on all sides are zoned Residential, Single Family (RS-3). Properties in the vicinity include Open Rural (OR) and Residential, Single Family (RS-2)



Flood Zone: The subject property is located in Flood Zone X and AE.



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.

Yard, Rear: A required Yard extending across the rear of the Lot between inner side Yard lines. In the case of through Lots and corner Lots, there will be no Rear Yards, but only Front and Side Yards.

Yard, Side: A required Yard extending from the rear line of the required Front Yard to the Rear Lot line, or in the absence of any clearly defined Rear Lot line to the point of the farthest from the intersection of the Lot line involved in the public street. In the case of through Lots, Side Yards are from the rear lines of Front Yards required. In the case of corner Lots, Yards remaining after Front Yards have been established on both frontages are considered Side Yards. In the case of Lots abutting an Easement thirty (30) feet in width that serves no more than two (2) Dwelling Units, the Yard adjacent to the Easement shall be considered a Side Yard.

Accessory Use or Structure: A Use or Structure of a nature customarily incidental and subordinate to the principal Use or Structure, and unless otherwise provided, on the same premises.

Eaves: The lowest horizontal line of a sloping roof.

LDC Section 2.02.04.B.4 (in part):

Private garages and storage Buildings, provided such Structure shall be accessory in size to the main residential Building and the maximum eave height shall be no greater than the maximum eave height of the main Use Structure, unless the Structure is placed in such a manner on the Lot that the Structure cannot be viewed from the front property line, either due to distance or by being fully screened with opaque fencing or landscape. All private garages and storage buildings shall require a building permit.

LDC Section 6.01.03.E. Lot Yards; Methods of Measurement; Special Requirements (in part)

3. Front Yards on Corner Lots

Front Yards on Corner Lots shall be construed as extending across the Lot from each interior side Lot line to the opposite Street Line. Corner Lots are considered to have two (2) Front Yards. The required Front Yard of the second frontage may be reduced by twenty percent (20%). In Subdivisions where non-conforming Lots exist, the second frontage may be reduced by forty percent (40%), provided the residence is constructed on one (1) Lot only.

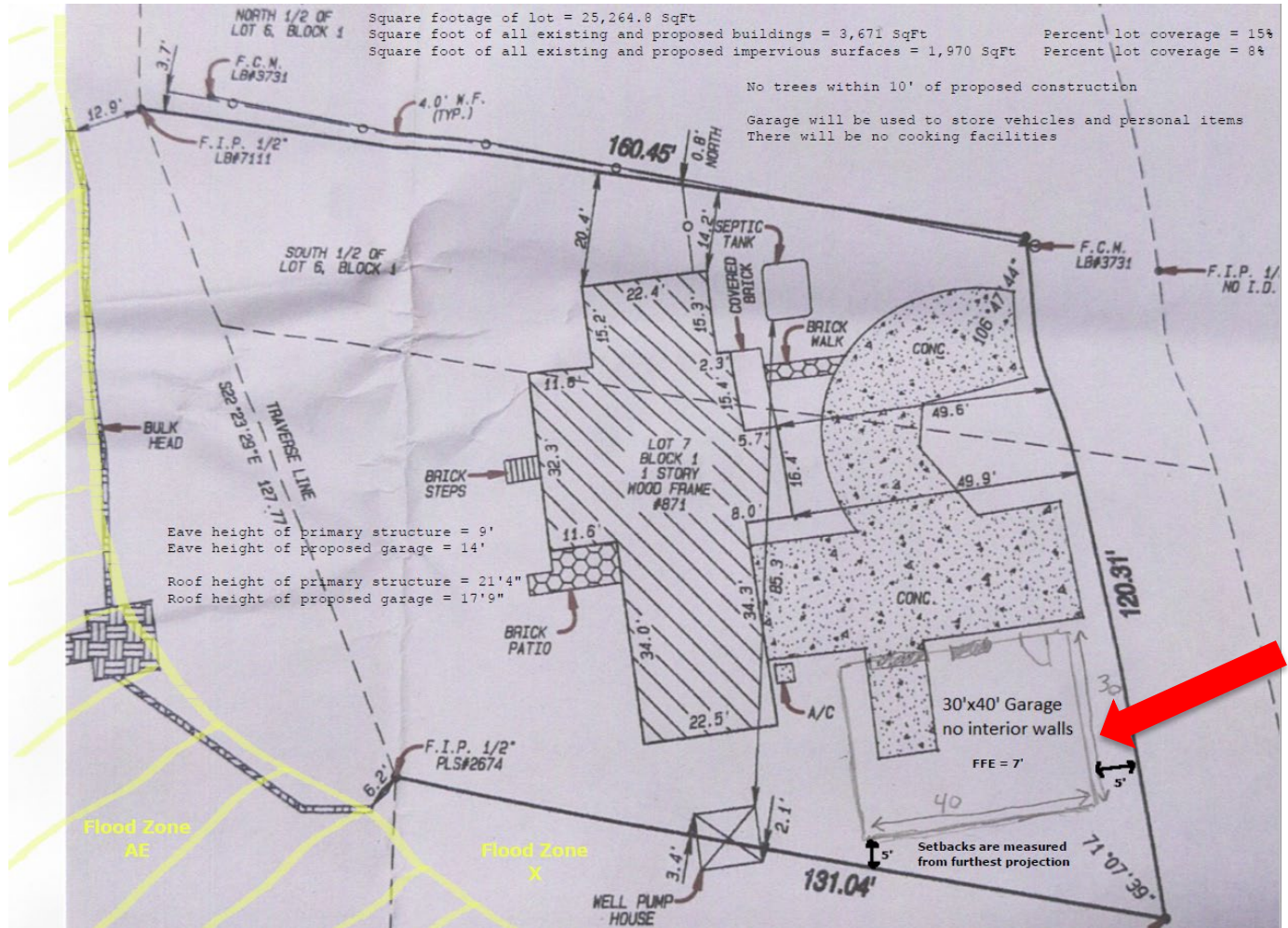
7. Interior Yards on Corner Lots

On Corner Lots, the Side Yard is the Yard along any Interior Lot line which intersects with a Street Lot line. When a Corner Lot has four (4) sides, the two (2) sides not adjacent to the Streets are both Side Yards and the Lot has no Rear Yard.

APPLICATION SUMMARY

The applicant is requesting a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a Front Yard setback of five (5) feet in lieu of the 25-foot requirement, a Second Front Yard setback of five (5) feet in lieu of the twenty (20) foot requirement for a Corner Lot for the construction of a detached garage, and to Section 2.02.04.B.4 to allow for the eave height of a detached Accessory Structure (garage) to exceed the maximum eave height of the Main Use structure in Residential, Single Family (RS-3) zoning for this property so long as the height of the garage does not exceed seventeen feet nine inches (17'9"). The applicant's Narrative submitted with the application is provided in full within **Attachment 1 Supporting Documents**.

Proposed Site Plan:



The above-proposed site plan, provided by the applicant and in its entirety, depicts the location and layout of the proposed detached garage. The full site plan is included in **Attachment 1 Supporting Documents**.

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, and local regulations.

Planning and Zoning Division Review:

The subject property is zoned Residential, Single Family (RS-3) and is considered to be a Corner Lot with two (2) Front Yards and two (2) Side Yards.

Table 6.01 (LDC)

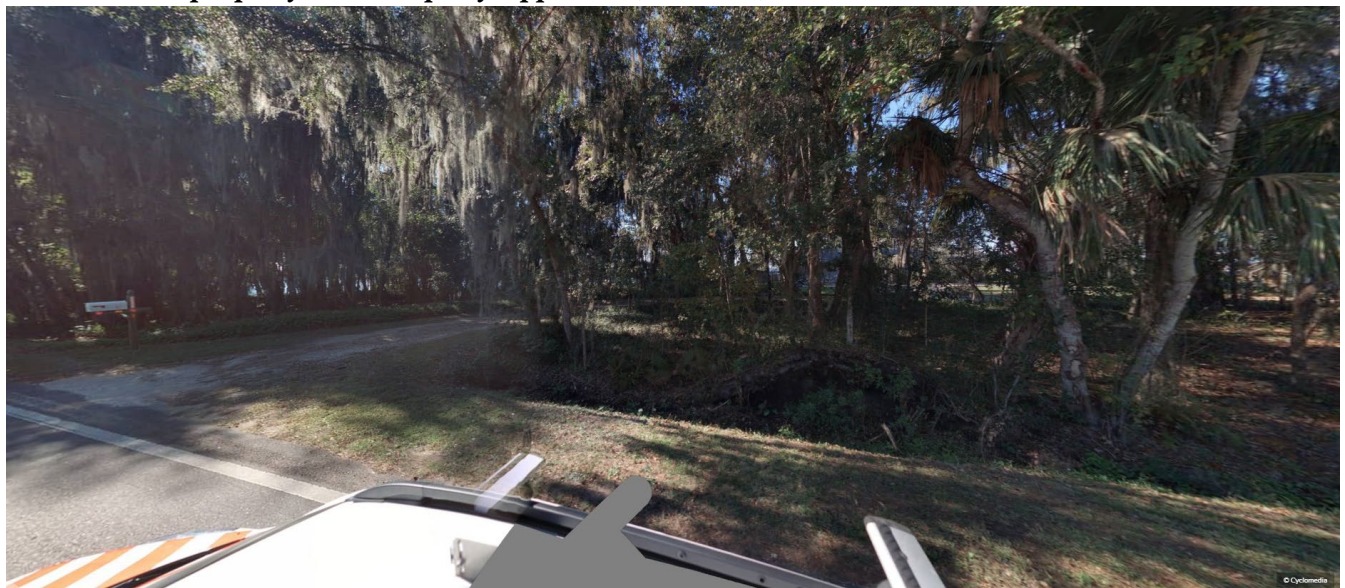
| SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT STANDARDS | | | | | | | |
|--|-------------------|-------------------|---------------------------------------|------------------|--------------------------|--------------------------------|------------------------------|
| Zoning District | Minimum Lot Width | 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 |
| RS-3 | 75 feet | 7,500 square feet | 35% | N/A | 70% | 25/8/10 feet | 35 feet |

The subject property is comprised of two platted lots (half of lot 6 and all of lot 7) within the Town of Riverdale subdivision, which was recorded in 1909. The property is considered a Corner Lot due to the unopened right-of-way bordering the property to the east and south. All other properties within this subdivision that are on the St. Johns River have a front property line on County Road 13 S, with the subject property appearing to be the only exception. The reasoning for this property alignment would appear to be with the construction of County Road 13 S, which was constructed after the Town of Riverdale subdivision was recorded. Comparisons of the current lot boundaries and the originally recorded plat can be found on the next page.

The applicant states in their Narrative, which can be found in **Application and Supporting Documents**, that their property is unique due to its two front yards containing unopened right-of ways, and a side yard that is on the river. Furthermore, the existing vegetation and distance that exist from the subject property to County Road 13 S is already sufficient enough for screening the new structure. Staff provides the configuration of the lots with two front setbacks could reasonably be considered a hardship.

Regarding the proposed height of the eaves of the garage, the applicant states that the current 9' eave height of the main residence would be difficult to adhere to if wanting to store a boat in the garage. The applicant has provided the overall height of the proposed accessory structure (garage) is 17'-9". Staff finds the location of the proposed garage along an unopened ROW and the existing vegetation will limit visibility of the garage to CR 13 S, which might allow the proposed garage to be built without this variance to eave height. Since the applicant requested the variance and because landscaping of the property could change, it is reasonable to consider the proposed accessory structure (garage) would be less height that the overall main use structure, which is 21' 4".

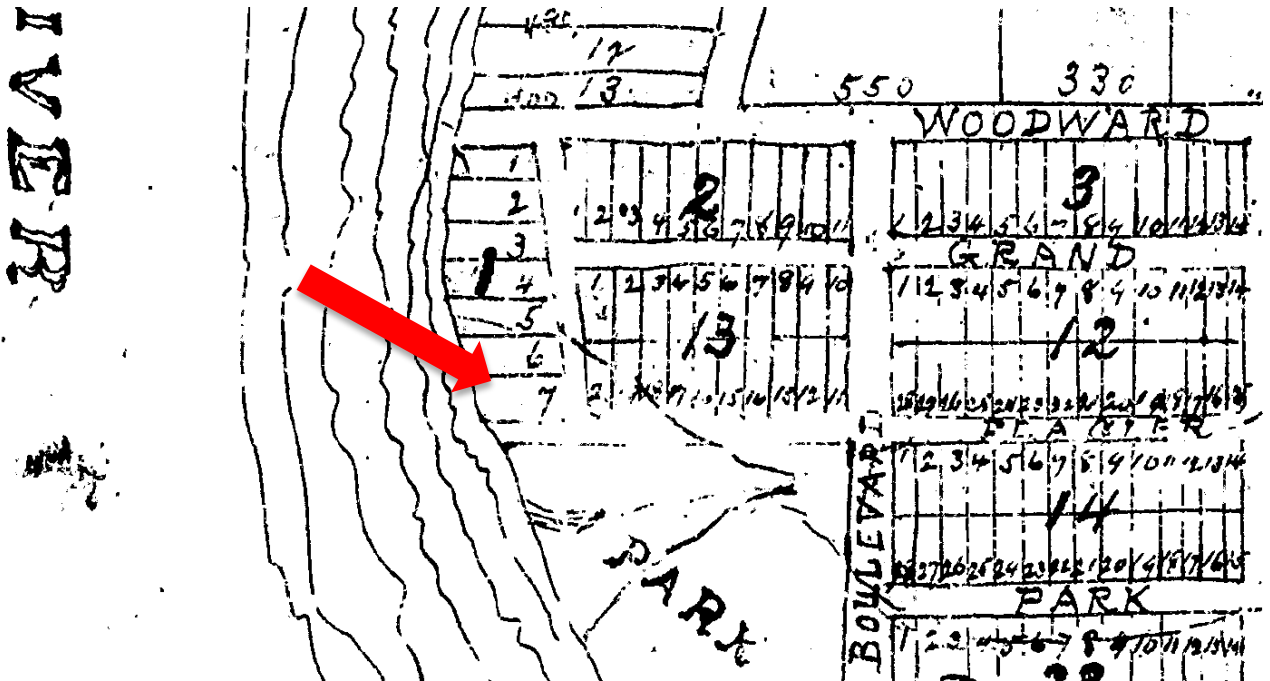
Street view of property from Property Appraiser (12/9/2020):



Aerial Imagery showing the current lot lines:



Map book 1, page 149, Block 1 showing how lot 6 and 7 were originally platted, prior to County Road 13 S being built:



CORRESPONDENCE/PHONE CALLS

As of the writing of this staff report, Staff has received no correspondence or phone calls regarding this request.

ACTION

Staff offers five (5) findings of fact and eight (8) 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



Application for: Zoning Variance

Date 10/30/2023 Property Tax ID No 0219800000

Project Name Detached Garage

Property Owner(s) Kathleen Miller & Vernon Miller Phone Number 904-697-6814

Address 871 County Rd 13 S Fax Number

City St. Augustine State FL Zip Code 32092 e-mail vernon@imiller.net

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

Applicant/Representative Vernon Miller Phone Number 904-697-6814

Address 1220 Norwich Rd Fax Number

City Jacksonville State FL Zip Code 32207 e-mail vernon@imiller.net

Property Location 871 CR 13 S, St. Augustine, FL 32092

Major Access CR 13 Size of Property 0.580 Cleared Acres (if applicable) 0.580

Zoning Class RS-3 No. of lots (if applicable) 1 Overlay District (if applicable)

Water & Sewer Provider Well & Septic Future Land Use Designation A-1

Present Use of Property Homestead Proposed Bldg. S.F. 1200

Project Description (use separate sheet if necessary)

Detached steel building garage to store boat and car

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: Clearance Sheet: R2023-006163

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 Signature]

Printed or typed name(s) Vernon Miller

PREPARED BY AND RETURN TO:

Name: Johnni Nicole Causey, of
Landmark Title, LLC
Address: 7220 Financial Way
Jacksonville, FL 32256

File No: 22-1277
Parcel No.: 021980-0000

(Space Above This Line For Recording Data)

Quit Claim Deed

THIS QUIT-CLAIM DEED is made as of this 18th day of March, 2022, by **Kathleen O'Brien Miller f/k/a Kathleen J. O'Brien and Vernon Miller, wife and husband ("Grantor")**, whose post office address is **871 County Road 13 South, St. Augustine, FL 32092**, given to second party, **Kathleen O'Brien Miller and Vernon Miller, wife and husband**, whose post office address is **871 County Road 13 South, St. Augustine, FL 32092 ("Grantee")**.

WITNESSETH:

For good and valuable consideration to Grantor, the receipt whereof is hereby acknowledged, Grantor does hereby quit-claim, grant, bargain, sell, alien, remise, release and convey unto Grantee, its successors and assigns all of Grantor's right, title and interest in and to that certain property interest (the "Property") in **St. Johns County, Florida**, as more particularly described as follows:

South Half of Lot 6 and all Lot 7, Block 1, Riverdale, according to the map or plat thereof, as recorded in Map Book 1, Page(s) 149, of the Public Records of St. Johns County, Florida.

SUBJECT to taxes for 2022 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any, without intention of creation or reimposing same.

****SIGNATURE PAGE TO FOLLOW****

IN WITNESS WHEREOF, the Grantor has caused this Quit-Claim Deed to be executed and delivered the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
WITNESS
PRINT NAME: **Howard J. Smith**

[Signature]
Kathleen O'Brien Miller

[Signature]
WITNESS
PRINT NAME: John Denny

[Signature]
WITNESS
PRINT NAME: **Howard J. Smith**

[Signature]
Vernon Miller

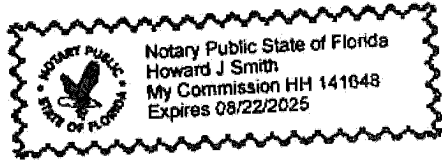
[Signature]
WITNESS
PRINT NAME: John Denny

COPY

STATE OF FLORIDA
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me by means of physical presence or () online notarization this 18 day of April, 2022, by Kathleen O'Brien Miller and Vernon Miller.

[Signature]
Signature of Notary Public
Print, Type/Stamp Name of Notary



Personally Known: _____ OR Produced Identification:
Type of Identification
Produced: FL DL

NORTH 1/2 OF LOT 6, BLOCK 1

Square footage of lot = 25,264.8 SqFt

Square foot of all existing and proposed buildings = 3,671 SqFt

Percent lot coverage = 15%

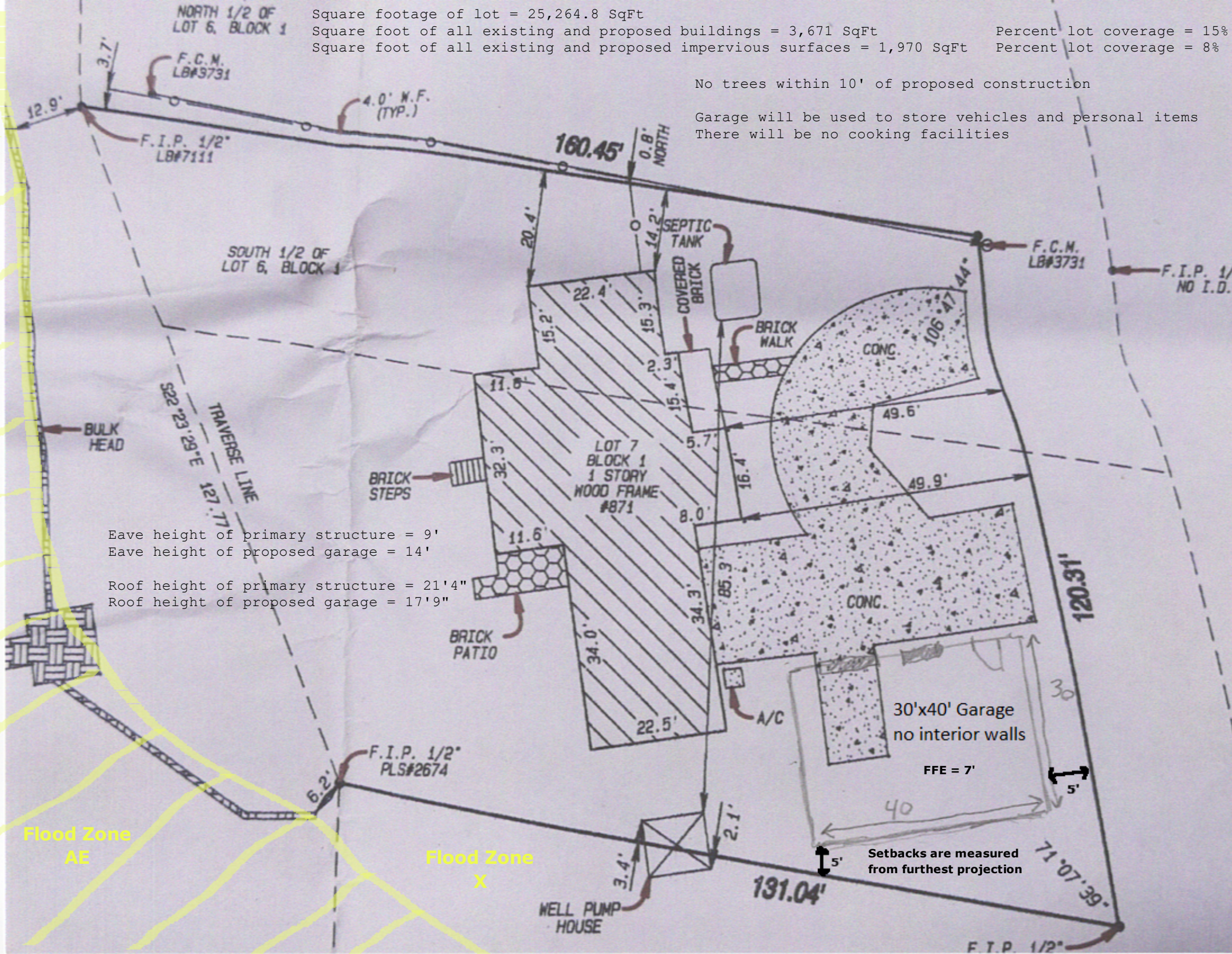
Square foot of all existing and proposed impervious surfaces = 1,970 SqFt

Percent lot coverage = 8%

No trees within 10' of proposed construction

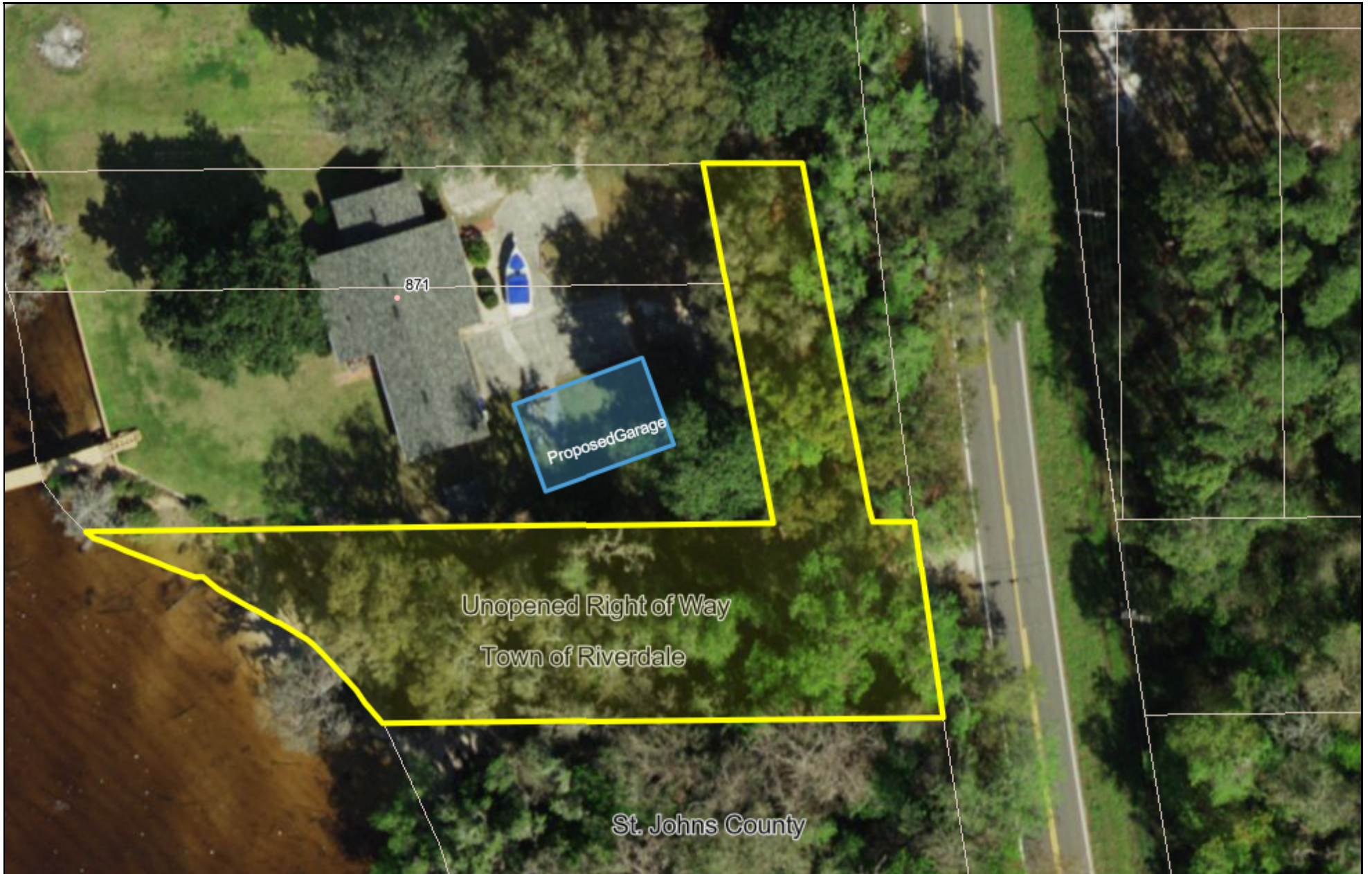
Garage will be used to store vehicles and personal items

There will be no cooking facilities



Eave height of primary structure = 9'
 Eave height of proposed garage = 14'
 Roof height of primary structure = 21'4"
 Roof height of proposed garage = 17'9"

Setbacks are measured from furthest projection



Map created with St. Johns County's iMap

DISCLAIMER:
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown hereon.

Date Created: 10/31/2023



Request for a Zoning Variance to allow a five (5) foot setback in lieu of the twenty-five (25) foot requirement on my First Front property line (east), a five (5) foot setback in lieu of the twenty (20) foot setback on my Second Front property line (south), and a fourteen (14) foot eave height in lieu of the primary structure eave height of nine (9) foot in Residential, Single Family (RS-3) zoning.

I would like a zoning variance to allow me to build a detached garage. My property is unique and poses a problem for building a detached garage due to its riverfront location, an unopened right of way between my property and County Road 13 (CR 13), and an unopened right of way south of my property. This garage is not out of character for the neighborhood. Several nearby houses have similar structures, including 841 CR 13 S that has a garage that is larger and taller than my proposal. In addition, my garage will be approximately 100' from CR 13 and obscured from the road by the line of trees east of the unopened right of way.

The setback ordinances are particularly difficult for my property. The west side of my property is on the river and generally considered the front yard. Normally a garage would not be built on that side of the house. The east side of my lot, the First Front property line, is adjacent to an unopened right of way owned by the town of Riverdale. The south side of my lot, the Second Front property line, is adjacent to another unopened right of way owned by the town of Riverdale. The unopened right of way to the east has limited use because my neighbor to the north has vacated the portion on his property. The setbacks are a hardship because the only location on my property that is appropriate for the garage is 5' from both the east unopened right of way and 5' from the south unopened right of way.

The eave height limitation is a problem because my house is a single-story house, and the eave height is the standard 9'. My boat requires a 12' garage door, which makes the eave height for the garage to be 14'. The total height of the garage (17'9") will be less than the total height of the main structure (21'4").

ATTACHMENT 2
DRAFT FINAL ORDERS
APPROVAL/DENIAL



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Vernon Miller
1220 Norwich Road
Jacksonville, FL 32207

FILE NUMBER: ZVAR 2023-34

LEGAL: Exhibit A

SITE PLAN: Exhibit B

PARCEL ID: 021980-0000

DATE OF HEARING: January 18th, 2024

ORDER GRANTING ZONING VARIANCE REQUEST

The above referenced application for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a Front Yard setback of five (5) feet in lieu of the 25-foot requirement, a Second Front Yard setback of five (5) feet in lieu of the twenty (20) foot requirement for a Corner Lot, and to Section 2.02.04.B.4 to allow for the eave height of a detached Accessory Structure (garage) to exceed the maximum eave height of the Main Use structure so long as the height of the roof of the garage does not exceed seventeen feet nine inches (17'9") in Residential, Single Family (RS-3) zoning, located at 871 CR 13 South 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 Agriculture-Intensive.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the request for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a Front Yard setback of five (5) feet in lieu of the 25-foot requirement, a Second Front Yard setback of five (5) feet in lieu of the twenty (20) foot requirement for a Corner Lot, and to Section 2.02.04.B.4 to allow for the eave height of a detached Accessory Structure (garage) to exceed the maximum eave height of the Main Use structure so long as the height of the roof of the garage does not exceed seventeen feet nine inches (17'9") in Residential, Single Family (RS-3) zoning, located at 871 CR 13 South, 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. Specifically the height of the accessory structure shall not exceed seventeen feet nine inches (17'9").
5. 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.
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.
8. 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 _____, 2024.

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

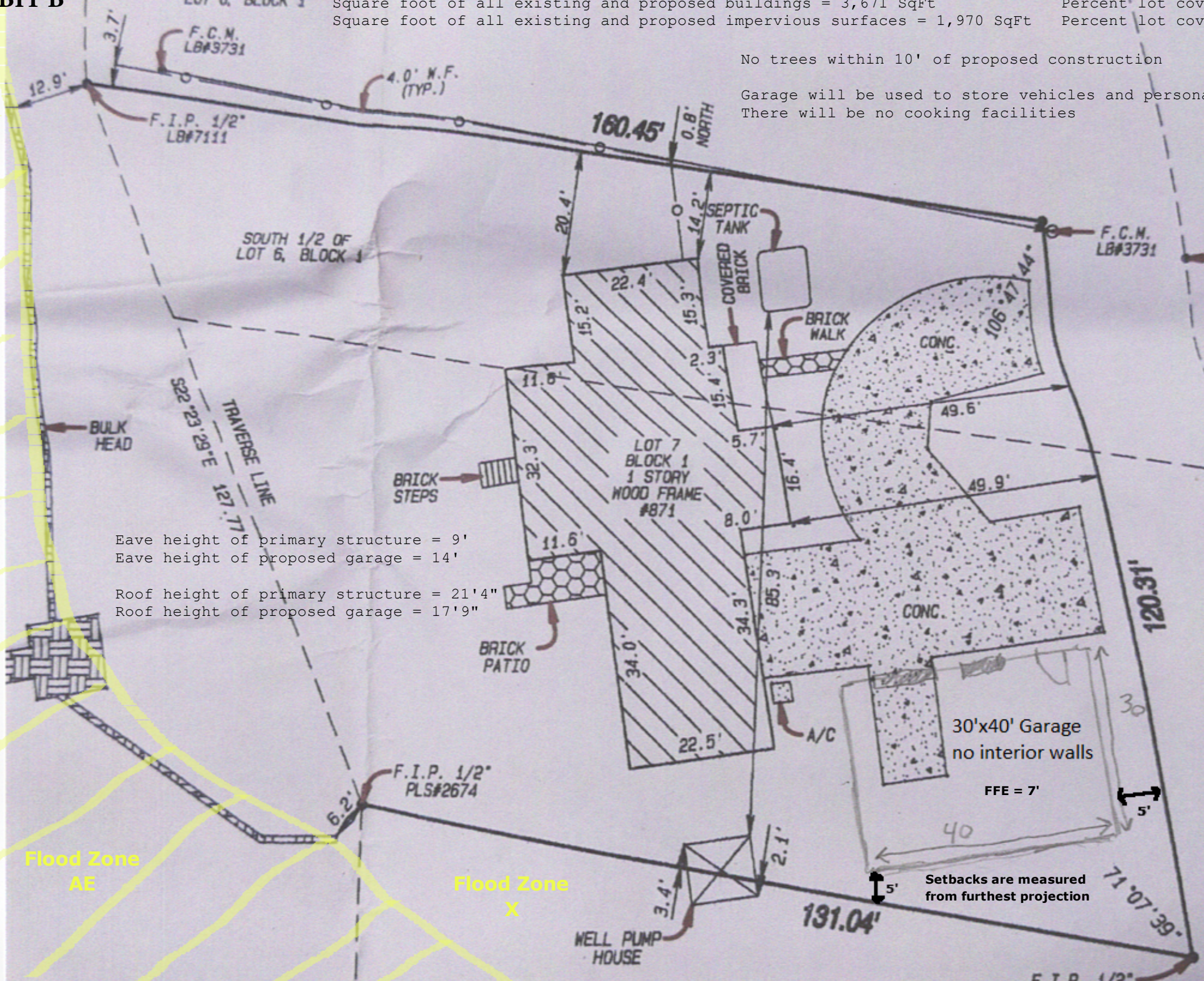
South Half of Lot 6 and all Lot 7, Block 1, Riverdale, according to the map or plat thereof, as recorded in Map Book 1, Page(s) 149, of the Public Records of St. Johns County, Florida.

EXHIBIT B

Square footage of lot = 25,264.8 SqFt
 Square footage of all existing and proposed buildings = 3,671 SqFt Percent lot coverage = 15%
 Square footage of all existing and proposed impervious surfaces = 1,970 SqFt Percent lot coverage = 8%

No trees within 10' of proposed construction

Garage will be used to store vehicles and personal items
 There will be no cooking facilities



Eave height of primary structure = 9'
 Eave height of proposed garage = 14'
 Roof height of primary structure = 21'4"
 Roof height of proposed garage = 17'9"

Flood Zone
 AE

Flood Zone
 X

Setbacks are measured
 from furthest projection



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Vernon Miller
1220 Norwich Road
Jacksonville, FL 32207

FILE NUMBER: ZVAR 2023-34

LEGAL: Exhibit A

SITE PLAN: Exhibit B

PARCEL ID: 021980-0000

DATE OF HEARING: January 18th, 2024

ORDER DENYING SPECIAL USE APPROVAL

The above referenced application for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a Front Yard setback of five (5) feet in lieu of the 25-foot requirement, a Second Front Yard setback of five (5) feet in lieu of the twenty (20) foot requirement for a Corner Lot, and to Section 2.02.04.B.4 to allow for the eave height of a detached Accessory Structure (garage) to exceed the maximum eave height of the Main Use structure so long as the height of the roof of the garage does not exceed seventeen feet nine inches (17'9") in Residential, Single Family (RS-3) zoning, located at 871 CR 13 South 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 in 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 Agriculture-Intensive.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby denies the Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a Front Yard setback of five (5) feet in lieu of the 25-foot requirement, a Second Front Yard setback of five (5) feet in lieu of the twenty (20) foot requirement for a Corner Lot, and to Section 2.02.04.B.4 to allow for the eave height of a detached Accessory Structure to exceed the maximum eave height of the Main Use structure in Residential, Single Family (RS-3) zoning.

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 _____, 2024.

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

South Half of Lot 6 and all Lot 7, Block 1, Riverdale, according to the map or plat thereof, as recorded in Map Book 1, Page(s) 149, of the Public Records of St. Johns County, Florida.