7	AGENDA ITEM Planning & Zoning								
			М	eeting					
			1/18/2024						
TO: Plann	ing and Zonin	g Board Members	1	DATE:	January	January 4, 2024			
FROM:	Marie Colee	, Assistant Progran	m Manager		PHONE:	904 209-0662			
SUBJECT OR	TITLE:	ZVAR 2023-29 Oa	ak View Circle Sun Room						
AGENDA TY	PE:	Ex Parte Commu	unication, Order, Business Item						
PRESENTER: Kelly Crenshaw			v, Owner						
BACKGROUND INFORMATION:									

Request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Side Yard setback of 2 feet, 8 inches (2'-8") in lieu of the required eight (8) feet in Residential, General (RG-1) zoning to allow for the construction of a sunroom, located at 104 Oak View Circle.

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to approve ZVAR 2023-29 104 Oak View Circle Sun Room, based upon five (5) findings of fact and seven (7) conditions as provided in the Staff Report.

DENY: Motion to deny ZVAR 2023-29 104 Oak View Circle Sun Room, based upon four (4) findings of fact as provided in the Staff Report.



Growth Management Department Planning Division Report Application for Zoning Variance ZVAR 2023-29 104 Oak View Circle Sun Room

То:	Planning and Zoning Agency

From: Marie Colee, Assistant Program Manager

Date: January 4, 2024

Subject: ZVAR 2023-29 104 Oak View Circle Sun Room, a request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Side Yard setback of 2 feet, 8 inches (2'-8") in lieu of the required eight (8) feet in Residential, General (RG-1) zoning to allow for the construction of a sunroom, located at 104 Oak View Circle.

Owner/Applicant:Kelly CrenshawHearing Dates:Planning and Zoning Agency – January 18, 2024

Commissioner

District: District 4

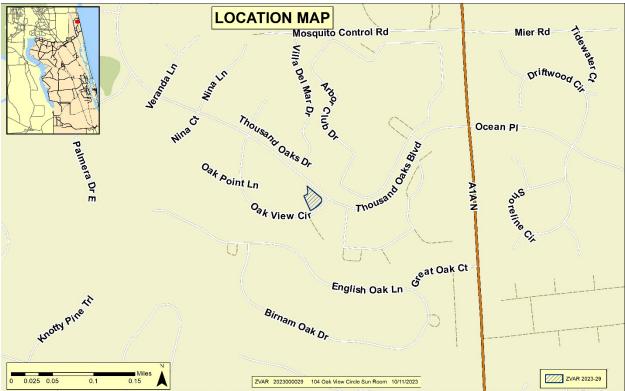
SUGGESTED MOTION/ACTION

APPROVE: Motion to approve **ZVAR 2023-29 104 Oak View Circle Sun Room**, based upon five (5) findings of fact and seven (7) conditions as provided in the Staff Report.

DENY: Motion to deny **ZVAR 2023-29 104 Oak View Circle Sun Room,** based upon four (4) findings of fact as provided in the Staff Report.

MAP SERIES

Location: The subject property is located on the northwest corner of Oak View Circle and Thousand Oaks Drive.



Aerial Imagery: The subject property is a corner lot with the Sawgrass Marriott to the south and Arbor Club to the east.



Future Land Use: The subject property and immediate surrounding properties are designated Residential-D (RES-D) with Caballos Del Mar DRI to the south.

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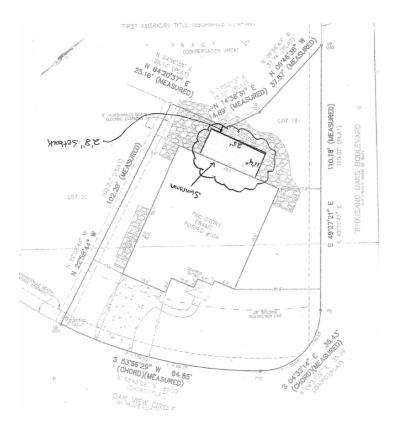
Zoning District: The subject property and immediate surrounding properties are zoned Residential, General (RG-1). Other properties in the area include Open Rural (OR), Residential, General (RG-2) and Planned Unit Development (PUD).

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							~	PUD	ZVAR 20	23000029	104 Oak \	View Circle	Sun Room	10/11/202	3 PUD	PUD	PUD	PUD	PUD	L		

APPLICATION SUMMARY

The applicant is requesting a Variance to Table 6.01 of the Land Development Code to allow for a Side Yard setback of 2 feet, 8 inches (2'-8") in lieu of the required eight (8) feet in Residential General (RG-1) zoning to allow for the construction of a sunroom. The submitted narrative states the intent is to allow for replacement of an existing screened in porch with glassed in sunroom. The applicant states the hardship is due to exceptional narrowness of the property by reason of protected wetlands behind the property.

Proposed Site Plan:



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.

LDC Section 6.01.03.E.4 Lot Yards; Methods of Measurement; Special Requirements

4. Front Yards on Corner Through Lots Front Yards on corner through Lots shall be construed as extending across the Lot from the interior side Lot line to a point at which the Front Yards meet. Corner through Lots are considered to have two (2) or more Front Yards, and one Side yard. At least one of the Front Yards must meet minimum setback requirements. The required Front Yard of one or more of the other of the frontages may be reduced by up to twenty percent (20%). In Subdivisions where non-conforming Lots exist, one or more of the other Front Yards may be reduced by forty percent (40%), provided the residence is constructed on one Lot only.

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.

Planning and Zoning Division Review:

The applicant seeks a reduction in the Side Yard to allow for the existing screened porch to be made into a glassed enclosed sunroom. The applicant asserts there is a hardship based on an irregular shape of property.

According to the Property Appraiser's website, the existing home was built in 1994. The lot is approximately 0.210 acres, or 9,420 square feet and exceeds the required 7,500 square foot minimum lot area. The base area of the home is 1,970 square feet, conditioned area is 2,203 square feet with an overall area of 3,731 square feet, including porches, patios and garage. The proposed screen room would encroach within the required 8-foot Side Yard setback requirement. The unusual shape of the property would lend to the hardship criteria. If the rear property line were to continue in a straight line from west to east the portion of the lot remaining to the north would be approximately 865 square feet. The proposed sunroom would not interfere with any neighboring properties as it abuts wetlands.

The subject property is viewed as a corner Lot which contains two Front Yards and two Side Yards. Corner Lots are allotted a reduction based on whether it is viewed as a conforming Lot with regard to all design standards as listed in Table 6.01 shown below. The subject property meets the requirements and therefor would be subject to a 20% reduction in the second Front Yard (adjacent to Thousand Oaks Boulevard).

Records indicate a screen porch was permitted in 2010 and met all required setbacks at the time of permitting.

Table 6.01 of the Land Development Code, below, details the standards and requirements for homes in RG-1 zoning.

	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				

Table 6.01 (LDC)

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

SUGGESTED MOTION/FINDINGS/CONDITIONS TO APPROVE REQUEST

Motion to approve **ZVAR 2023-29 104 Oak View Circle Sun Room**, a request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Side Yard setback of 2 feet, 8 inches (2'-8") in lieu of the required eight (8') feet in Residential, General (RG-1) zoning to allow for the construction of a sunroom, located at 104 Oak View Circle, 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 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 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.

(Additional conditions may be added as a result of the public hearing)

Suggested Findings:

- 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-D.

(The Agency may choose any or all of the above Findings or may provide additional Findings to support the motion)

SUGGESTED MOTION/FINDINGS TO DENY REQUEST

Motion to deny **ZVAR 2023-29 104 Oak View Circle Sun Room**, a request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Side Yard setback of 2 feet, 8 inches (2'-8") in lieu of the required eight (8') feet in Residential, General (RG-1) zoning to allow for the construction of a sunroom, located at 104 Oak View Circle:

- 1. The request is not in compliance with Part XII of the Land Development Code, defining Zoning Variance. Competent substantial evidence has not been submitted to support 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-D.

(The Agency may choose any or all of the above Findings or may provide additional Findings to support the motion)

ATTACHMENT 1 APPLICATION and SUPPORTING DOCUMENTS

St. Johns County Growt	h Management De	partment	:						
Application for: Variance									
Date 11/15/21 Property Tax ID	No 061519-1190	99. ang bar sa ang bar Mang bar sa ang bar sa a							
Project Name Crenshaw									
Property Owner(s) Kelly Crenshaw	Phone Number	904-707-	5798						
Address 104 Oak View Circle	Fax Number								
City Ponte Vedra Bothate FL Zip Code 32082	e-mail KELLY	L.COSGR	OVE@GMAIL.COM						
Are there any owners not listed?									
Applicant/Representative Kelly Crenshaw Phone Number 904									
Address 104 Oak View Circle	Fax	Fax Number							
City PVB State F Zip Code 32082	e-mail KELL	Y.L.COSGR	OVE@GMAIL.COM						
Property Location 104 Oak View Circle PVB, FL, 32082									
Major Access Thousand Oaks Blvd Size of Property	85'x102.32'x25.14'x15'x37.74'x11.3	7' Cleared Act	res (if applicable)						
Zoning Class RG-1 No. of lots (if applicable) Over	lay District (if applicable)								
Water & Sewer Provider JEA	Future L	and Use Desig	gnation						
Present Use of Property Primary Residence Proposed Bldg. S.F. 189									
Project Description (use sep	arate sheet if necessary)								
Requesting 2'8" in Lieu of 10' required to allow fo	r replacement of scr	een room v	with sunroom.						

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:

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:

Klldon Signed By

Printed or typed name(s)

Kelly Crenshaw

Revised August 24, 2015

Narrative

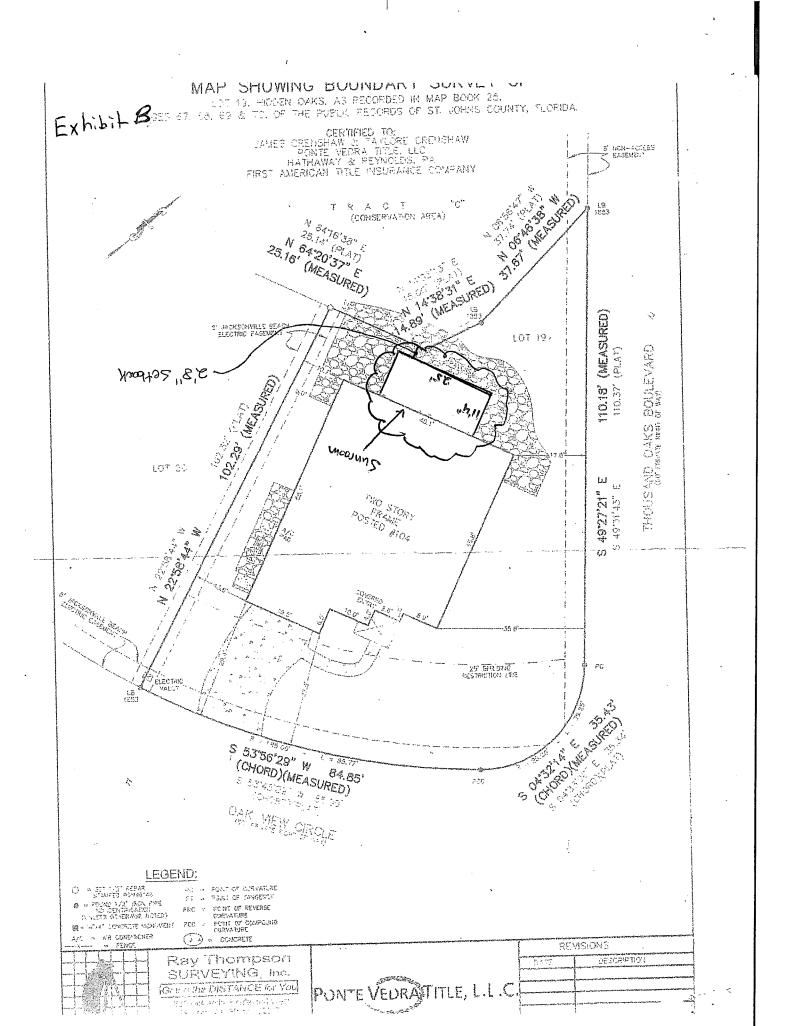
Due to the irregular shape of the rear of the property, unable to meet the required setback.

Exhibit A

Legal Description

Lot 19, HIDDEN OAKS, according to the Plat thereof as recorded in Map Book 25, Pages 67, 68, 69, and 70, of the Public Records of St. Johns County, Florida.

Parcel Identification Number: 0615191190



ATTACHMENT 2 Final Draft Orders



ORDER ST. JOHNS COUNTY, FLORIDA PLANNING AND ZONING AGENCY

<u>RE:</u>	Kelly Crenshaw 104 Oak View Circle St. Augustine, FL 32082
FILE NUMBER:	ZVAR 2023-29
LEGAL:	Exhibit A
<u>SITE PLAN:</u>	Exhibit B
PARCEL ID:	061519-1190
DATE OF HEARING:	January 18, 2024

ORDER GRANTING ZONING VARIANCE REQUEST

The above referenced application for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Side Yard setback of 2 feet, 8 inches (2'-8") in lieu of the required eight (8') feet in Residential, General (RG-1) zoning to allow for the construction of a sunroom, located at 104 Oak View Circle, 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.

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- 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-D.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Side Yard setback of 2 feet, 8 inches (2'-8") in lieu of the required eight (8') feet in Residential, General (RG-1) zoning to allow for the construction of a sunroom, located at 104 Oak View Circle, 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

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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

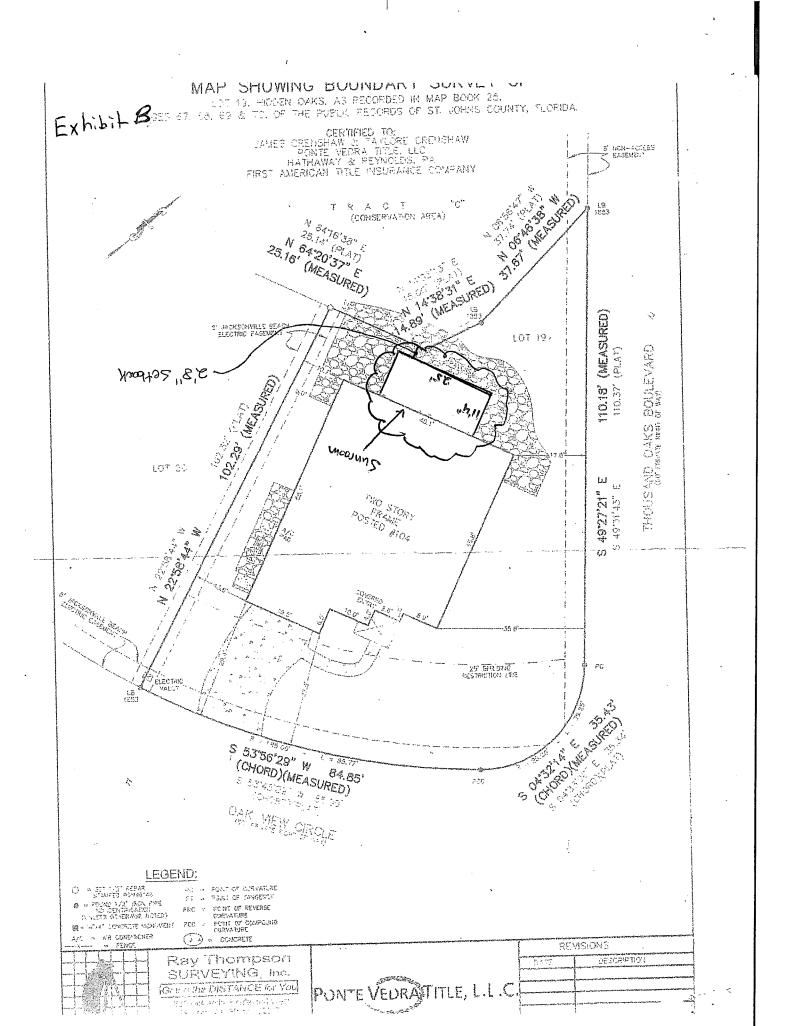
Date Filed

Exhibit A

Legal Description

Lot 19, HIDDEN OAKS, according to the Plat thereof as recorded in Map Book 25, Pages 67, 68, 69, and 70, of the Public Records of St. Johns County, Florida.

Parcel Identification Number: 0615191190





ORDER ST. JOHNS COUNTY, FLORIDA PLANNING AND ZONING AGENCY

<u>RE:</u>	Kelly Crenshaw 104 Oak View Circle St. Augustine, FL 32082
FILE NUMBER:	ZVAR 2023-29
LEGAL:	Exhibit A
PARCEL ID:	061519-1190
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 Side Yard setback of 2 feet, 8 inches (2'-8") in lieu of the required eight (8') feet in Residential, General (RG-1) zoning to allow for the construction of a sunroom, located at 104 Oak View Circle, 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-D.

Growth Management 4040 Lewis Speedway, St. Augustine, FL 32084 904.209.0579 | sjcfl.us **NOW THEREFORE**, based on the said Findings of Fact, the Agency hereby denies the Zoning Variance to Table 6.01 of the Land Development Code to allow for a Side Yard setback of 2 feet, 8 inches (2'-8") in lieu of the required eight (8') feet in Residential, General (RG-1) zoning to allow for the construction of a sunroom, located at 104 Oak View Circle.

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

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