

8

**AGENDA ITEM
Planning & Zoning**

Meeting

1/18/2024

MEETING DATE

TO: Planning and Zoning Board Members

DATE: January 2, 2024

FROM: Keisha Fink, AICP, Principal Planner

PHONE: 904 209-0598

SUBJECT OR TITLE: ZVAR 2023-32 Sasso Residence @ 2827 S. Ponte Vedra Blvd

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

PRESENTER: Brad Wester

BACKGROUND INFORMATION:

Request for a Zoning Variance to Table 6.01 of the Land Development Code to allow a Front Yard setback of 15 feet in lieu of the 20-foot platted BRL requirement to allow for the construction of a new single-family home, located at 2827 S. Ponte Vedra Boulevard.

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to approve ZVAR 2023-32 Sasso Residence @ 2827 S. Ponte Vedra Blvd. based upon five (5) findings of fact and seven (7) conditions as provided in the Staff Report.

DENY: Motion to deny ZVAR 2023-32 Sasso Residence @ 2827 S. Ponte Vedra Blvd. based upon four (4) findings of fact as provided in the Staff Report.



Growth Management Department
Planning Division Report
Application for Zoning Variance
ZVAR 2023-32 2827 S. Ponte Vedra Blvd.

To: Planning and Zoning Agency

From: Keisha Fink, AICP, Principal Planner

Date: December 28, 2023

Subject: **ZVAR 2023-32 2827 S. Ponte Vedra Blvd. New Single-Family Home,** a request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Front Yard setback of 15 feet in lieu of the required 20 feet platted BRL in Residential Single Family (RS-3) zoning to allow for the construction of a new Single-Family Home, located at 2827 S. Ponte Vedra Blvd.

Owner: Molly and Leonard Sasso

Applicant: Brad Wester

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

Commissioner District: District 5

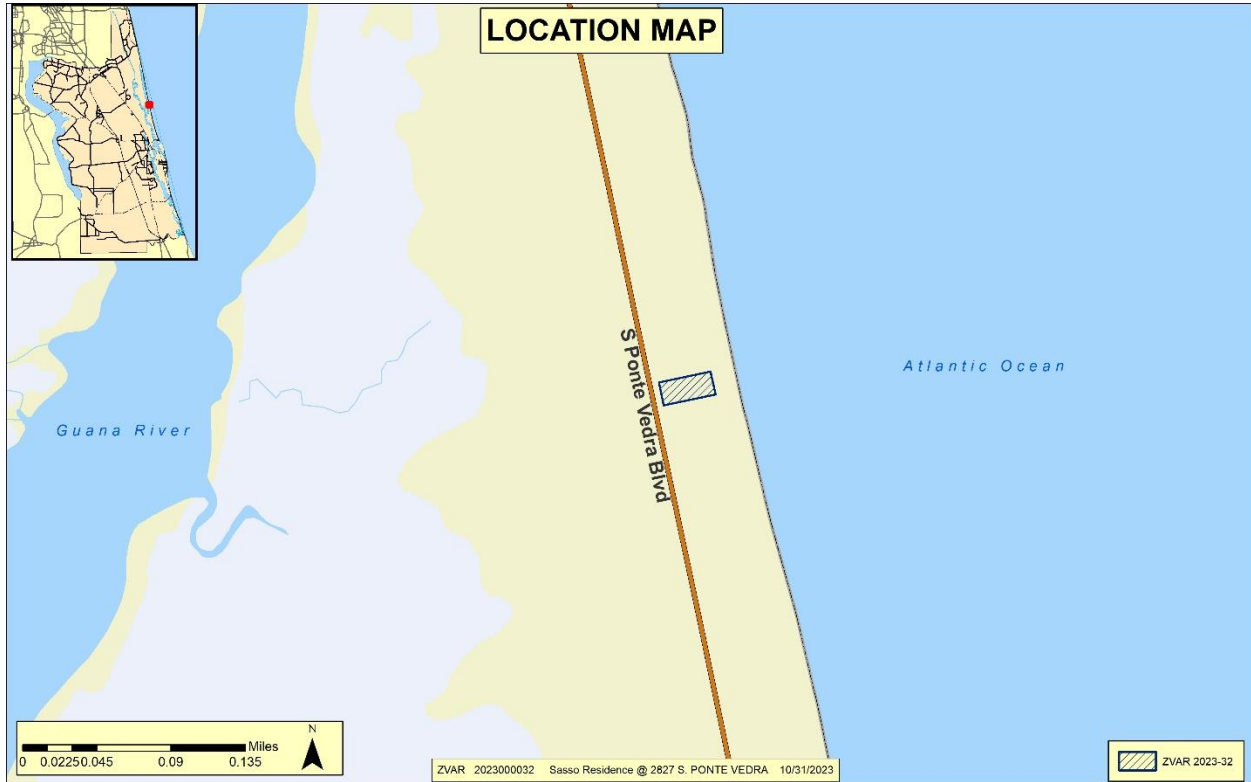
SUGGESTED MOTION/ACTION

APPROVE: Motion to approve **ZVAR 2023-32 2827 S. Ponte Vedra Blvd,** based upon five (5) findings of fact and seven (7) conditions as provided in the Staff Report.

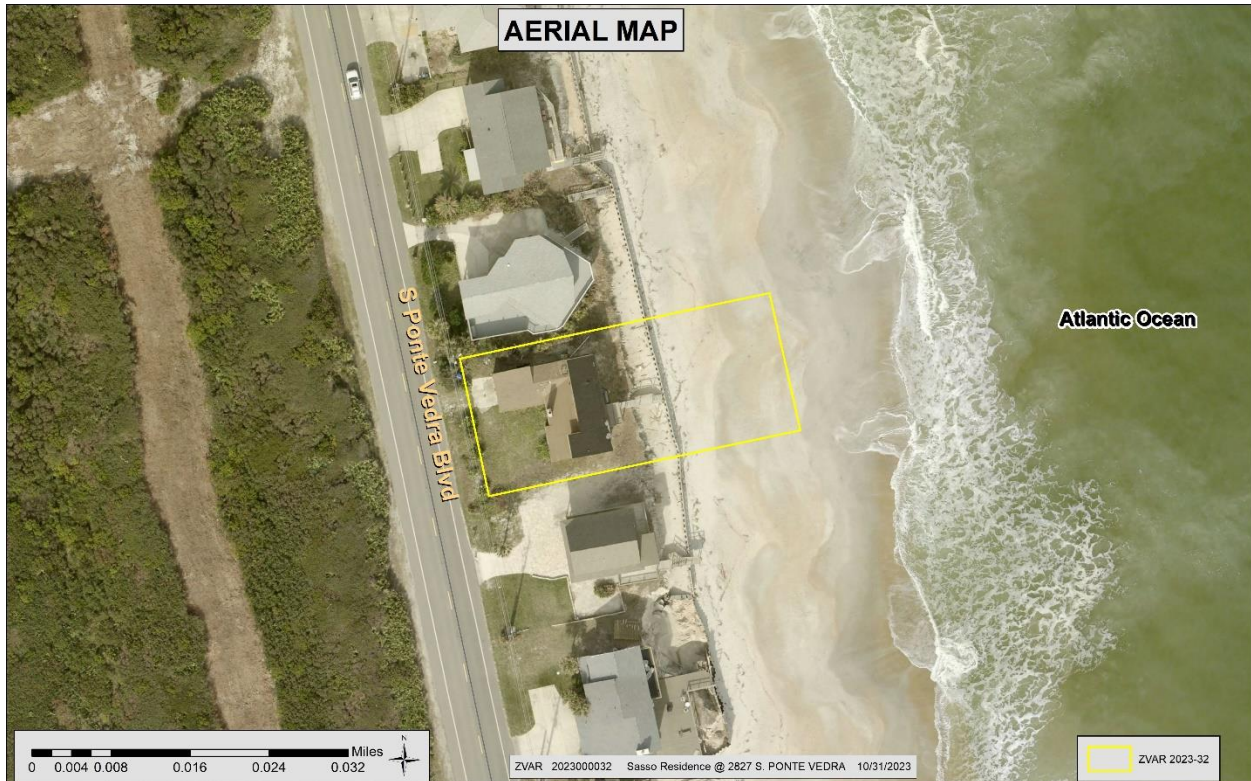
DENY: Motion to deny **ZVAR 2023-32 2827 S. Ponte Vedra Blvd,** based upon four (4) findings of fact as provided in the Staff Report.

MAP SERIES

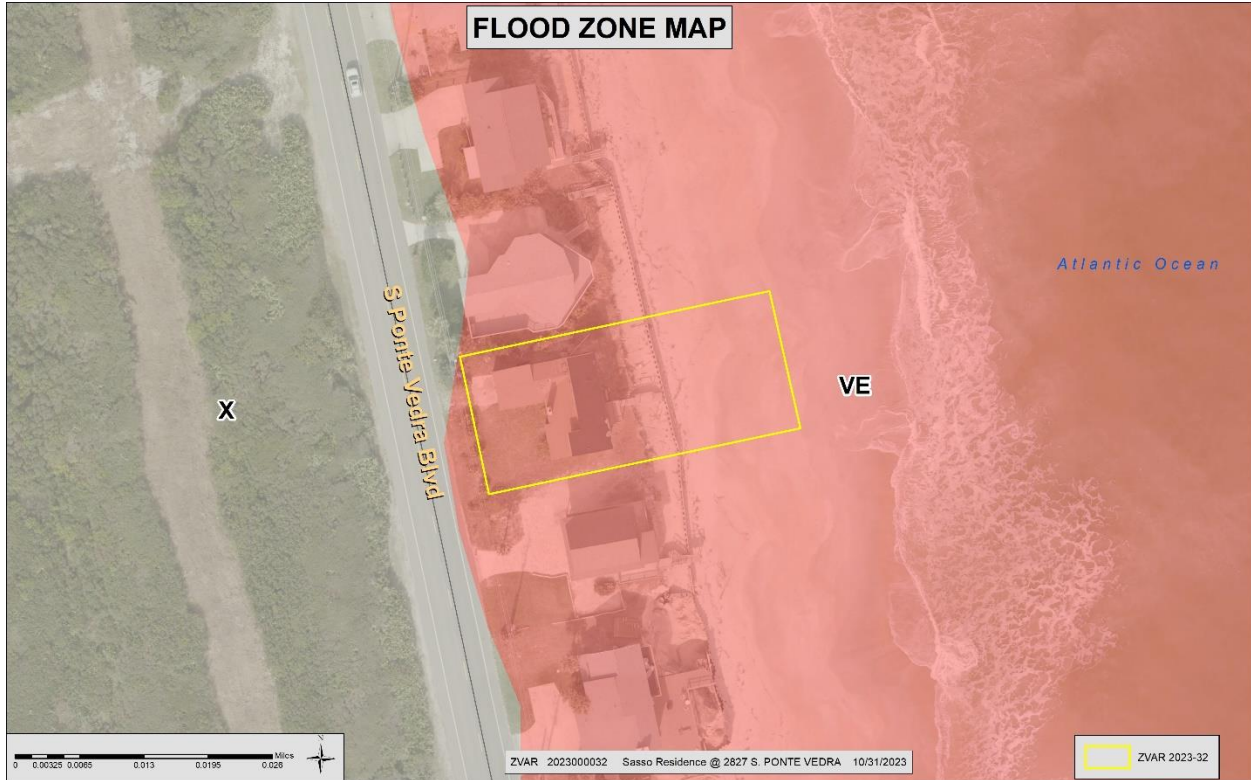
Location: The subject property is located on the eastly side of S. Ponte Vedra Blvd. and east of the Coastal Construction Control Line.



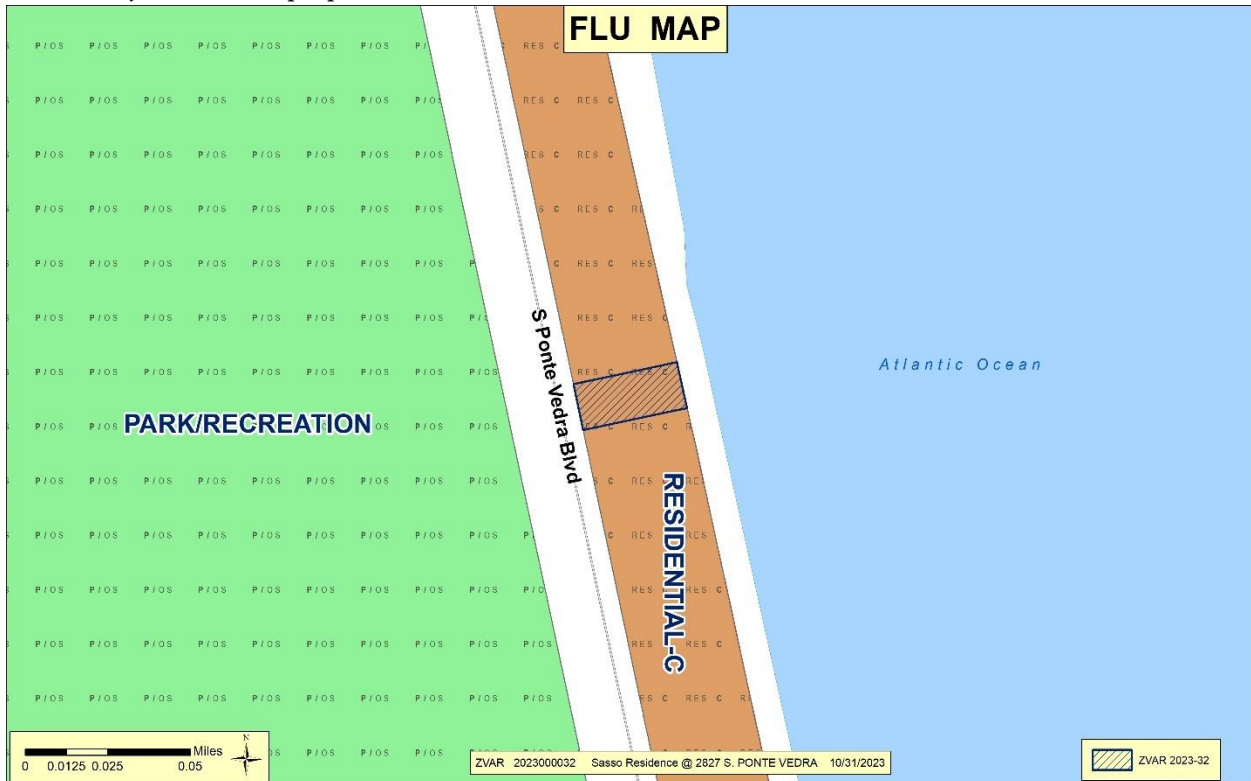
Aerial Imagery: The subject property is a residential lot located between two (2) existing residential lots to the north and south, the Atlantic Ocean to the east and South Ponte Vedra Blvd to the west. The Guana Tolomato Matanzas National Estuarine Research Reserve (GTMERR) is located west of Ponte Vedra Blvd.



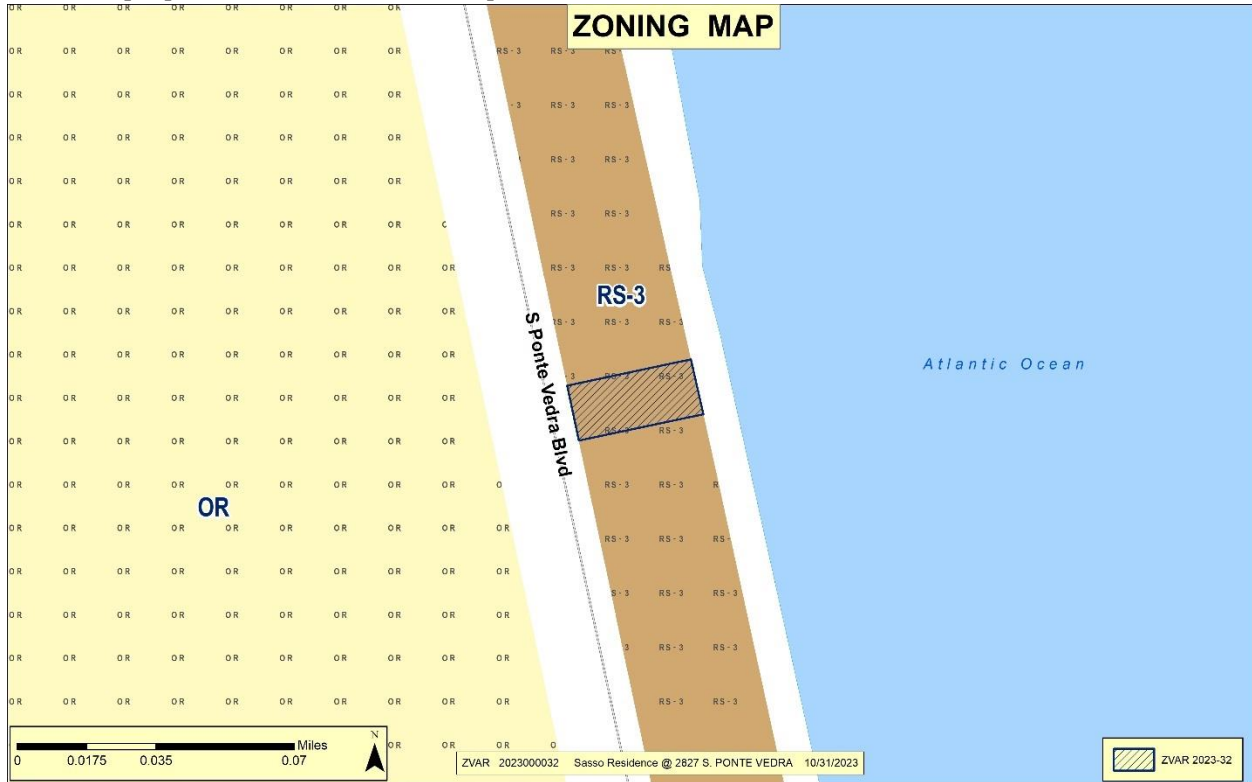
Flood Zone: The subject property and immediate surrounding properties to the north and south are located within flood zone VE.



Future Land Use: The subject property and immediate surrounding properties are designated Residential-C and directly across from properties with a future land use of Park/Recreation.



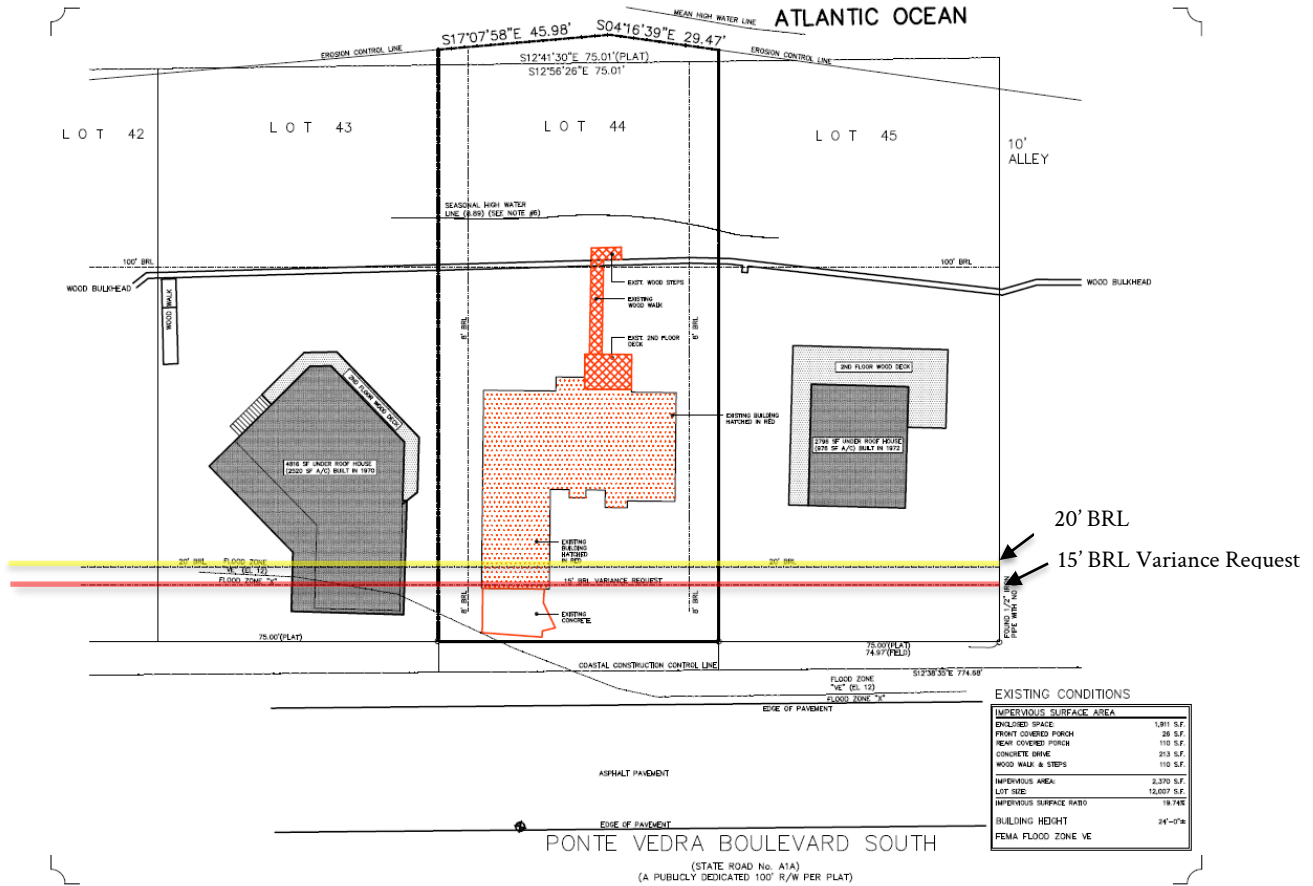
Zoning District: The subject property and immediate surrounding properties are zoned Residential, (RS-3) and other properties in the area include Open Rural (OR).



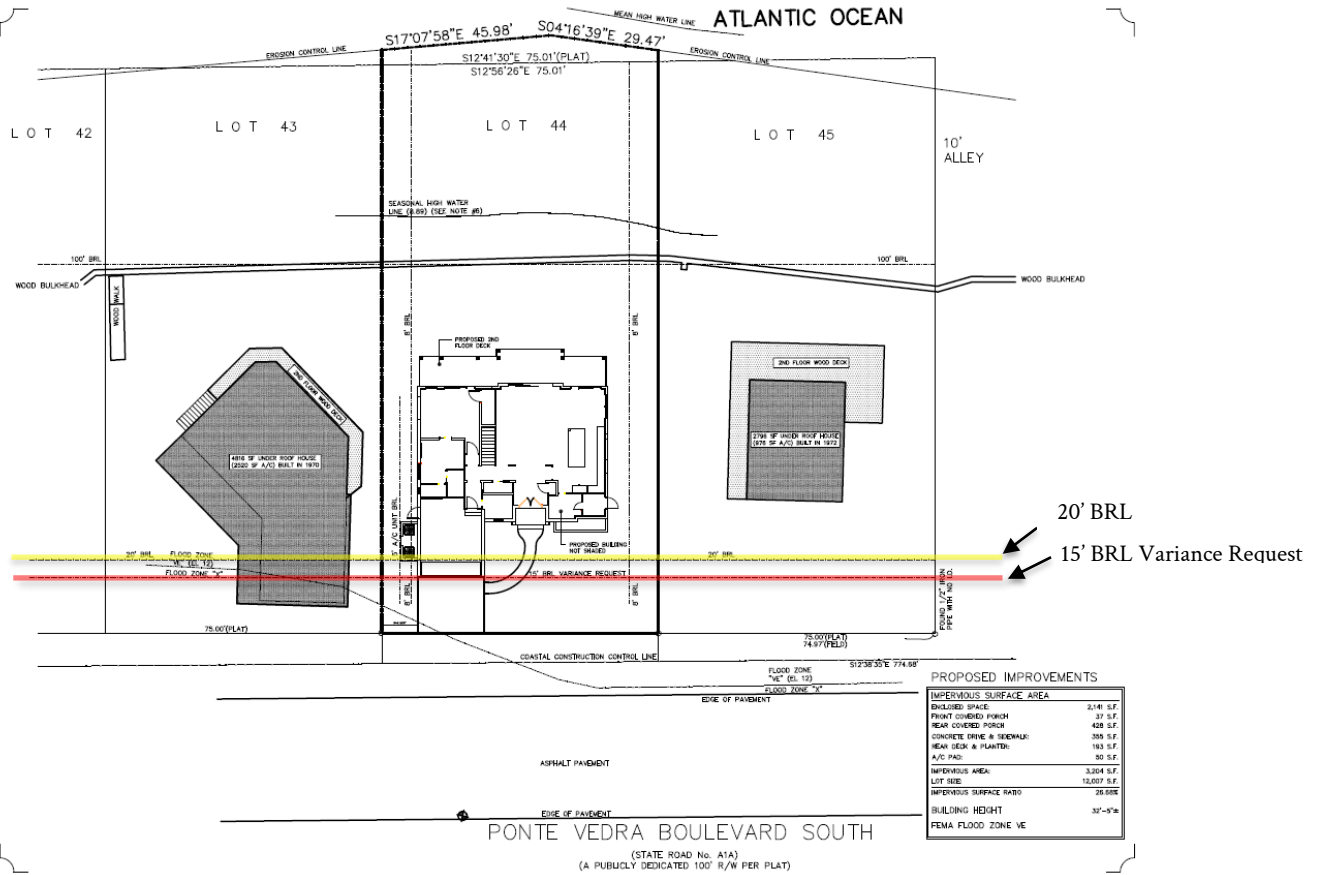
APPLICATION SUMMARY

The applicant is requesting a Variance to Table 6.01 of the Land Development Code to allow for a Front Yard setback of 15 feet in lieu of the required 20 feet of the platted Building Restriction Line (BRL) in Residential Single Family (RS-3) zoning to allow for the construction of a new Single-Family house. The submitted narrative states the intent is to allow for the replacement for an existing Single-Family house built circa 1955. As stated by the applicant, *“The variance request for the location of the new home footprint is consistent with other adjacent properties and structures in the area, including the relative customary location of the current footprint. The plan is to increase the structure setback distance from 14.2’ to 15’ and comply with the minimum driveway standard along this segment of South Ponte Vedra Boulevard. The literal enforcement of the requirements of the Code would cause undue hardship to the applicant’s ability to utilize the buildable area and customary location and orientation of the proposed footprint for the safe and private use and enjoyment.”* The applicant provides the request is based on the size and shallowness of the lot due to the topographic condition of the oceanfront environment, current FEMA requirements, and available/usable land for a home.

**Existing Site Plan:
See also Exhibit A**



**Proposed Site Plan:
See also Exhibit B**



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 Lot Yards; Methods of Measurement; Special Requirements

Front Yards on Interior Lots:

Front Yards on Interior Lots shall be construed as extending between side Lot lines across the frontage of the Lot.

Interior Side Yards:

Interior Side Yards shall be construed as running from the rear line of the required Front Yard to the front line of the Rear Yard, if required or, if no Rear Yard is required, to the opposite Lot line. The width of a required Side Yard shall be measured perpendicular to the side Lot line and the inner line of the required Yard shall be parallel to such outer line, at the minimum distance therefrom prescribed in district regulations.

Rear Yards:

Rear Yards shall be construed as extending across the full width of the Lot at its rear, except as stated in Section 6.01.03.E.7 Interior Side yards on Corner Lots. Required depth of Rear Yards shall be determined in the same manner as required width of interior Side Yards.

Waterfront Yards:

1. Waterfront Yards shall be measured from the mean high-water line whenever a mean high-water line falls within the lot lines. For the purposes of determining the maximum lot coverage and density for lots with waterfront yards, the mean highwater line shall be substituted for lot lines wherever the mean high-water line falls within the lot lines. Provided, however, on lots with seawalls the yard shall be measured from the seawall.
2. Waterfront Yards shall equal Rear Yard requirements for the zoning district in which the Lot is located as provided in Section 6.01.01 of this Code.
3. Waterfront Yard requirements may be modified by additional buffer and setback requirements as contained in Section 4.01.06 (Environmentally Sensitive Areas – Wetlands, Estuaries, and Natural Water Bodies) or Part 6.06.00 (Landscaping and Buffering Requirements), or other provisions of this Code.

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 parcel has an existing Single-Family house built circa 1955 and pre-dates the Land Development Code requirements. The lot is approximately 0.29 acres, or 12,632.4 square feet and has a Future Land Use designation of Residential-C and is Zoned RS-3. The applicant seeks a Zoning Variance from the Land Development Code for a reduction in the platted building restriction line due to location of the existing house, which is proposed to be demolished, with the intent to construct a new Single-Family House within the 20-foot platted BRL for the Front Yard setback.

The proposed new house will have a total of 2,141 square feet of air conditioned space, a height of 32'-5"+/- , an impervious surface ratio of 26.68% and located in FEMA Flood Zone VE. The garage portion of the proposed new house will have a five (5) foot encroachment within the required 20-foot platted BRL Front Yard setback requirement, as per the recorded plat, reducing the front setback from 20 feet to 15 feet. It shall also be noted that the entirety of the proposed new Single-Family house will be constructed seaward of the established Coastal Construction Control Line (CCCL).

In the submittal documents, the applicant provided the following responses to the Variance criteria outlined in LDC Article 12:

Variance Criteria:

I.) Such Variance will not be contrary to the public interest, and where; *This Variance will not be contrary to the public interest as the condition is specific to this lot and immediate/adjacent area and owner's need to rebuild a home on the similar former footprint to the current FEMA requirement and building codes. The request, if approved, is consistent with the character of the immediate/adjacent area.*

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; *This Variance request is based on the size and shallowness due to the topographic conditions of the oceanfront environment and available/usable land for a home. The proposed footprint is in relative harmony with the previous footprint.*

III.) The literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code; *This Variance request is a result of the requirement to adhere to the current FEMA requirement and building codes and based on the remaining usable land as previously stated. Enforcement of the current front setback per the LDC would cause a hardship based on the usable land and acceptable minimum standard for the separation from the edge of pavement to the building envelope.*

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. *This Variance request is not contrary to the spirit and purpose of the Code on this lot. The hardship is based on the remaining usable land compared to the proposed footprint in context to the previous footprint and edge of pavement.*

Table 6.01 of the Land Development Code, below, details the standards and requirements for homes in RS-3 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
RS-3	75 feet	7,500 square feet	35%	N/A	70%	25/8/10 feet ✦	35 feet

✦ For Lots or parcels that are platted prior to *July 29, 1999*, the minimum Yard requirements will be determined by the Building Restriction Lines, if any, shown on the plat. For Said Lots or Parcels not having Building Restriction Lines recorded on the applicable plat, the Yard requirements will be determined by *Article VI Table 6.01*.

Street view from the Property Appraiser (1/05/23)



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 2023-32 2827 S. Ponte Vedra Blvd. New Single-Family home**, a request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Front Yard setback of 15 feet in lieu of the required 20 feet platted BRL in Residential (R3-3) zoning to allow for the construction of a New Single-Family Home, located at 2827 S. Ponte Vedra Blvd:

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 Development Review.
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-C.

(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 2023-32 2827 S. Ponte Vedra Boulevard, New Single-Family House**, a request for a Zoning Variance to Table 6.01 of the Land Development Code to deny for a Front Yard setback of 15 feet in lieu of the required 20 feet platted BRL in Residential (R3-3) zoning to allow for the construction of a New Single-Family Home, located at 2827 S. Ponte Vedra Blvd:

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-C.

(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 Growth Management Department

Application for:

Date

Property Tax ID No

Project Name

Property Owner(s)

Phone Number

Address

Fax Number

City

State

Zip Code

e-mail

Are there any owners not listed?

 No Yes

If yes please provide information on separate sheet.

Applicant/Representative

Phone Number

Address

Fax Number

City

State

Zip Code

e-mail

Property Location

Major Access

Size of Property

Cleared Acres (if applicable)

Zoning Class

No. of lots (if applicable)

Overlay District (if applicable)

Water & Sewer Provider

Future Land Use Designation

Present Use of Property

Proposed Bldg. S.F.

Project Description (use separate sheet if necessary)

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:


Signed By _____

Printed or typed name(s)

Narrative

2827 South Ponte Vedra Boulevard
Sasso Variance

Character Summary & Variance Request:

This is a request for a Zoning Variance to Land Development Code Table 6.01 to allow a front yard setback of fifteen (15) feet in lieu of the twenty (20) foot platted BRL requirement for the construction of a new home to replace the old (circa 1955) home at 2827 South Ponte Vedra Boulevard. The property is zoned Residential, Single Family (RS-3).

The previous home was built in 1955 and the garage structure is located 14.2' from the front property line. There is limited buildable area on the property, which presents an extraordinary condition based on the environment and topography at this location. The variance request for the location of the new home footprint is consistent with other adjacent properties and structures in the area, including the relative customary location of the current footprint. The plan is to increase the structure setback distance from 14.2' to 15' and comply with the minimum driveway standard along this segment of South Ponte Vedra Boulevard.

The literal enforcement of the requirements of the Code would cause undue hardship to the applicant's ability to utilize the buildable area and customary location and orientation of the proposed footprint for the safe and private use and enjoyment. The variance will not cause negative impacts to the health, safety or welfare of other adjacent properties and structures.

Variance Criteria:

I.) Such Variance will not be contrary to the public interest, and where; ***This Variance will not be contrary to the public interest as the condition is specific to this lot and immediate/adjacent area and owner's need to rebuild a home on the similar former footprint to the current FEMA requirement and building codes. The request, if approved, is consistent with the character of the immediate/adjacent area.***

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; ***This Variance request is based on the size and shallowness due to the topographic conditions of the oceanfront environment and available/usable land for a home. The proposed footprint is in relative harmony with the previous footprint.***

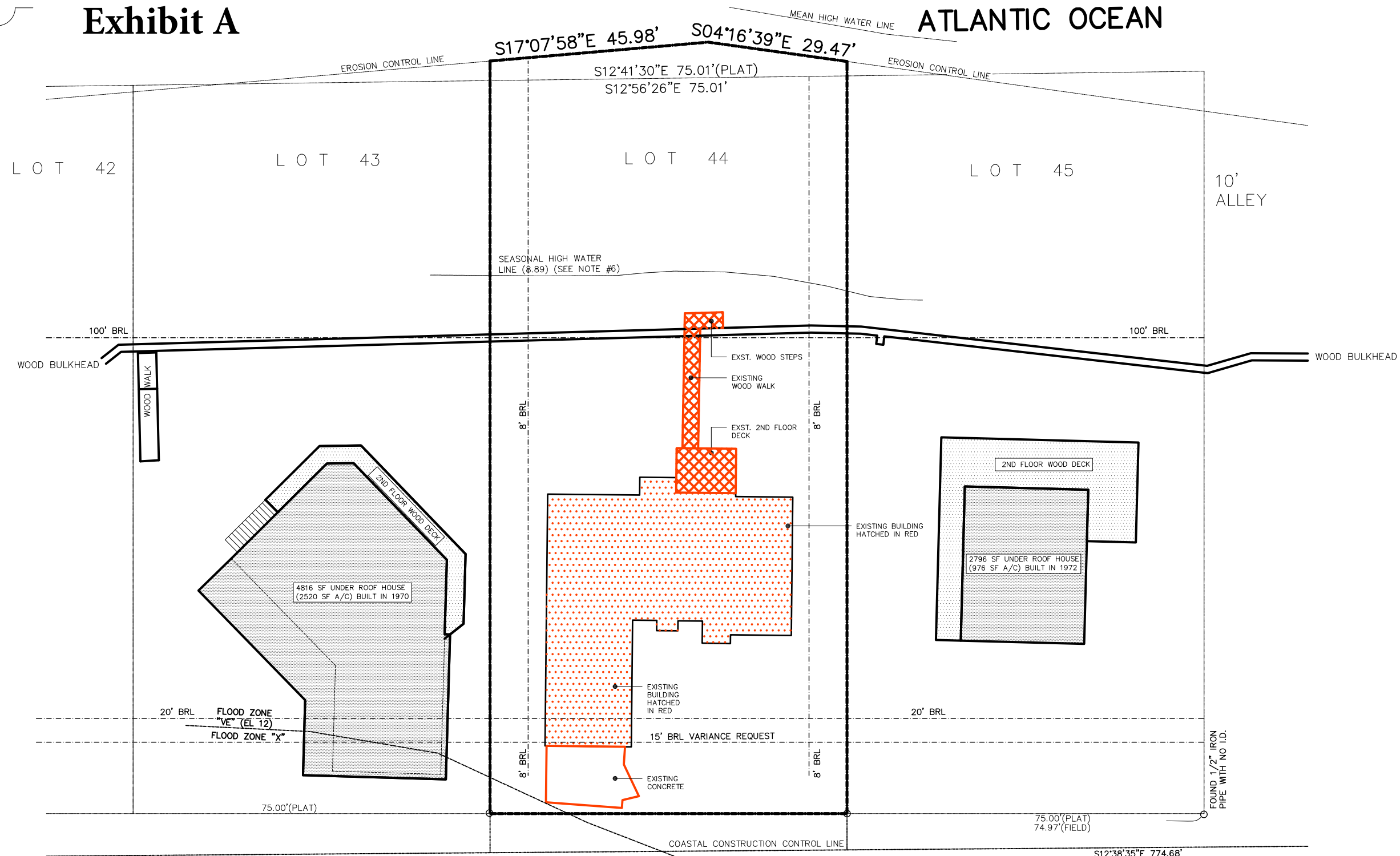
III.) The literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code; ***This Variance request is a result of the requirement to adhere to the current FEMA requirement and building codes and based on the remaining usable land as previously stated. Enforcement of the current front***

setback per the LDC would cause a hardship based on the usable land and acceptable minimum standard for the separation from the edge of pavement to the building envelope.

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. ***This Variance request is not contrary to the spirit and purpose of the Code on this lot. The hardship is based on the remaining usable land compared to the proposed footprint in context to the previous footprint and edge of pavement.***

See attached plan for additional details.

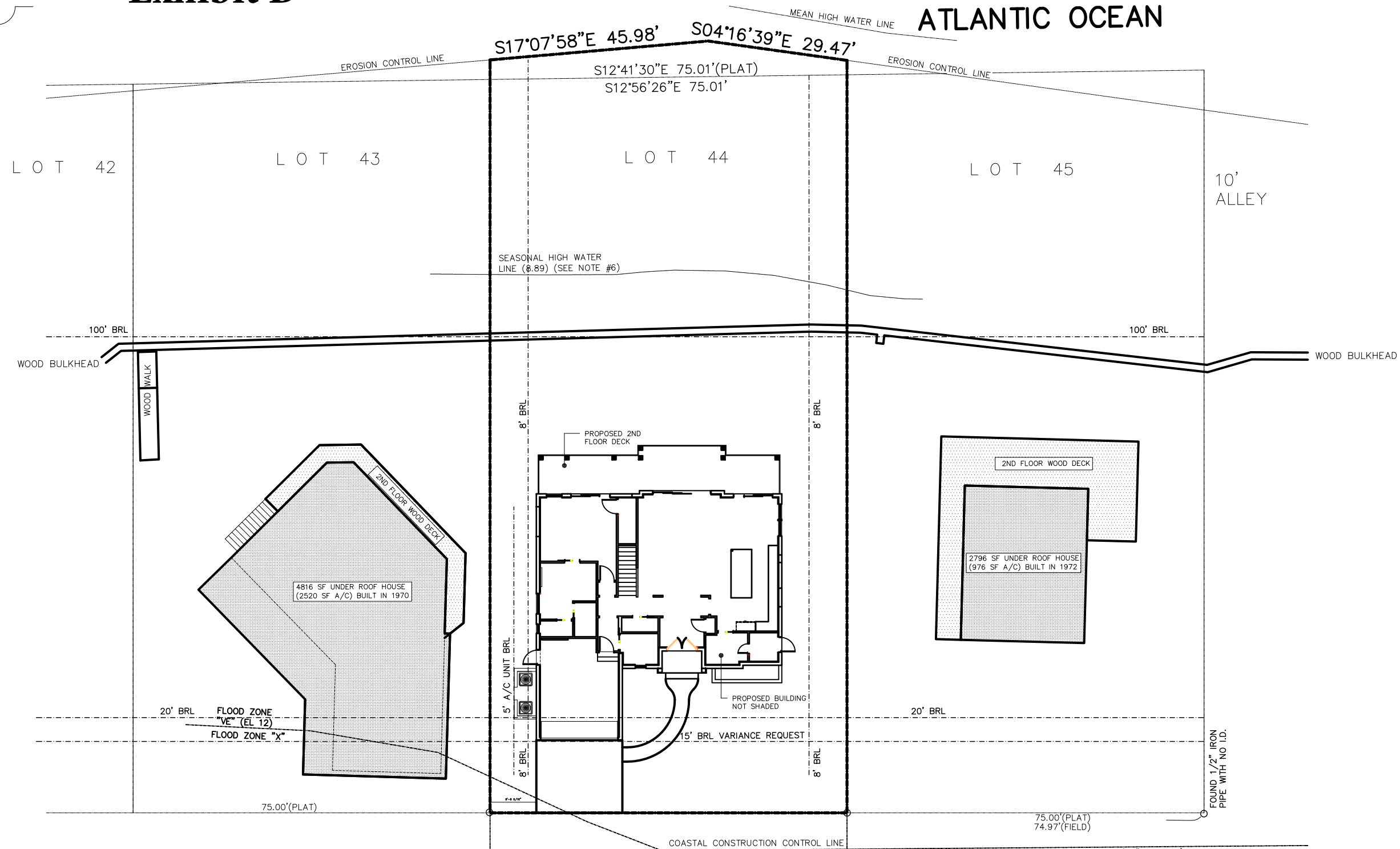
Exhibit A



EXISTING CONDITIONS

IMPERVIOUS SURFACE AREA	
ENCLOSED SPACE:	1,911 S.F.
FRONT COVERED PORCH	26 S.F.
REAR COVERED PORCH	110 S.F.
CONCRETE DRIVE	213 S.F.
WOOD WALK & STEPS	110 S.F.
<hr/>	
IMPERVIOUS AREA:	2,370 S.F.
LOT SIZE:	12,007 S.F.
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IMPERVIOUS SURFACE RATIO	19.74%
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BUILDING HEIGHT	24'-0"±
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FEMA FLOOD ZONE VE	

Exhibit B



PROPOSED IMPROVEMENTS

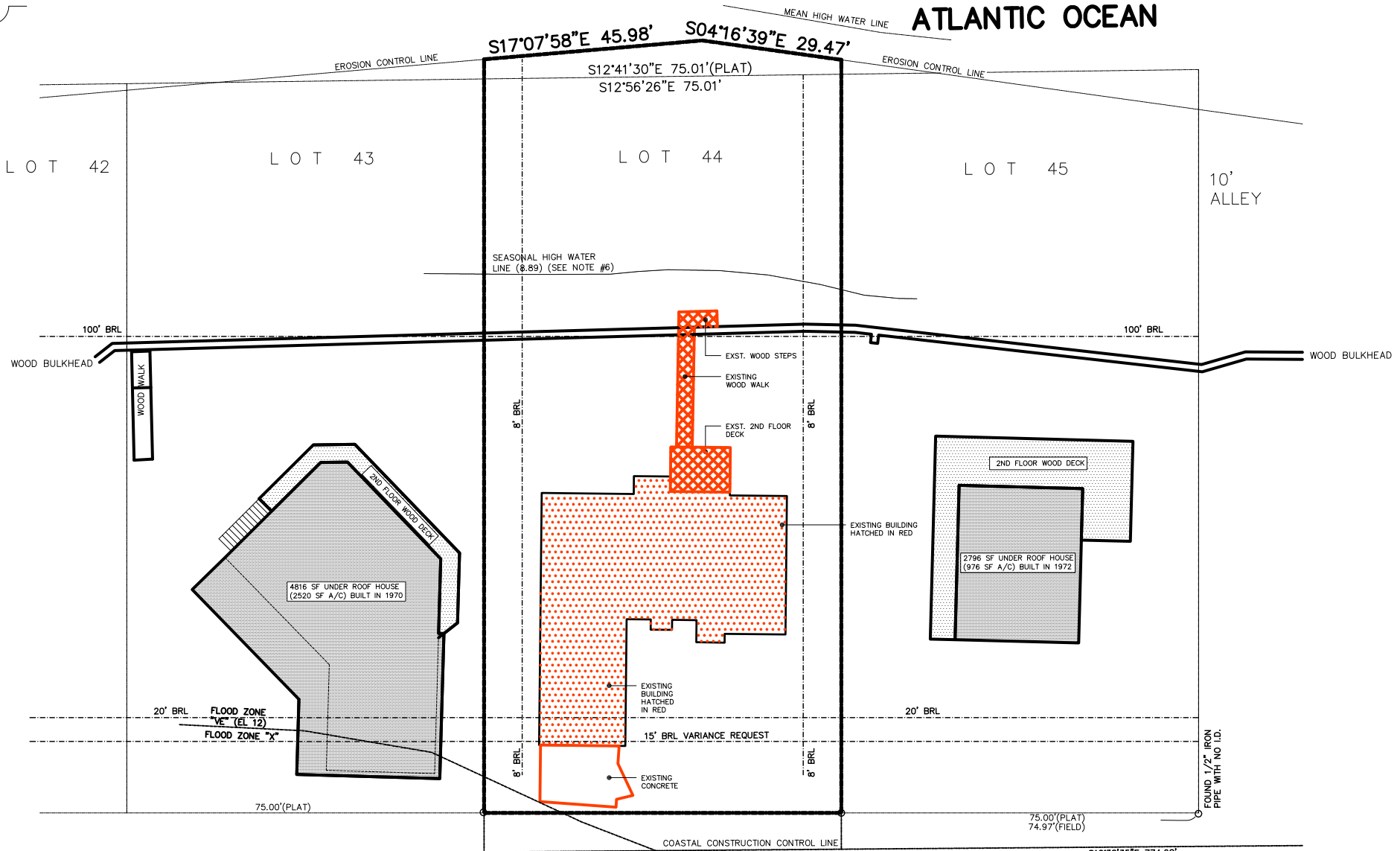
IMPERVIOUS SURFACE AREA	
ENCLOSED SPACE:	2,141 S.F.
FRONT COVERED PORCH	37 S.F.
REAR COVERED PORCH	428 S.F.
CONCRETE DRIVE & SIDEWALK:	355 S.F.
REAR DECK & PLANTER:	193 S.F.
A/C PAD:	50 S.F.
IMPERVIOUS AREA:	3,204 S.F.
LOT SIZE:	12,007 S.F.
IMPERVIOUS SURFACE RATIO	26.68%
BUILDING HEIGHT	32'-5"±
FEMA FLOOD ZONE VE	

PONTE VEDRA BOULEVARD SOUTH

(STATE ROAD No. A1A)
(A PUBLICLY DEDICATED 100' R/W PER PLAT)

ATLANTIC OCEAN

S17°07'58"E 45.98' S04°16'39"E 29.47'



PONTE VEDRA BOULEVARD SOUTH

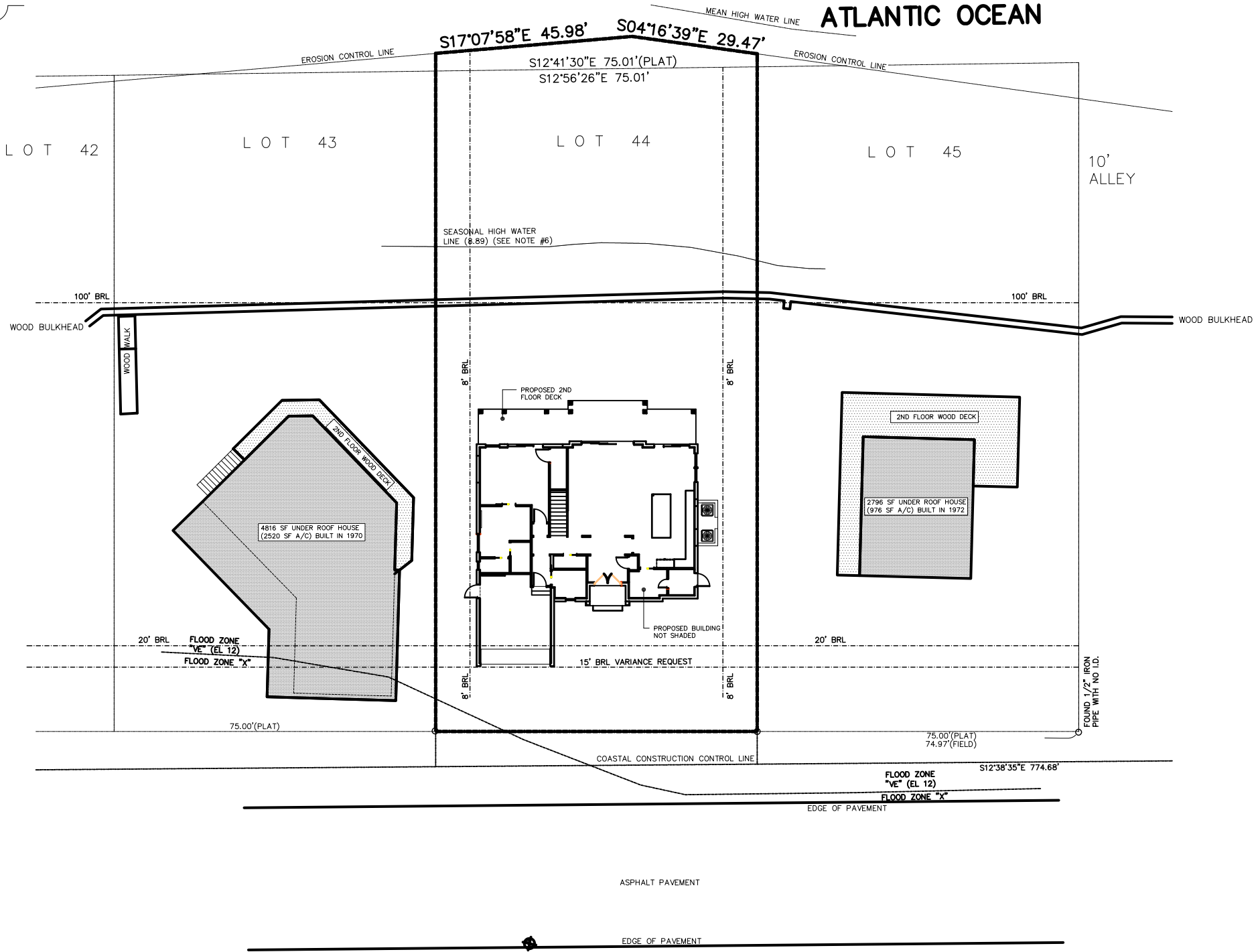
(STATE ROAD No. A1A)
(A PUBLICLY DEDICATED 100' R/W PER PLAT)

ASPHALT PAVEMENT

EDGE OF PAVEMENT

ATLANTIC OCEAN

S17°07'58"E 45.98' S04°16'39"E 29.47'

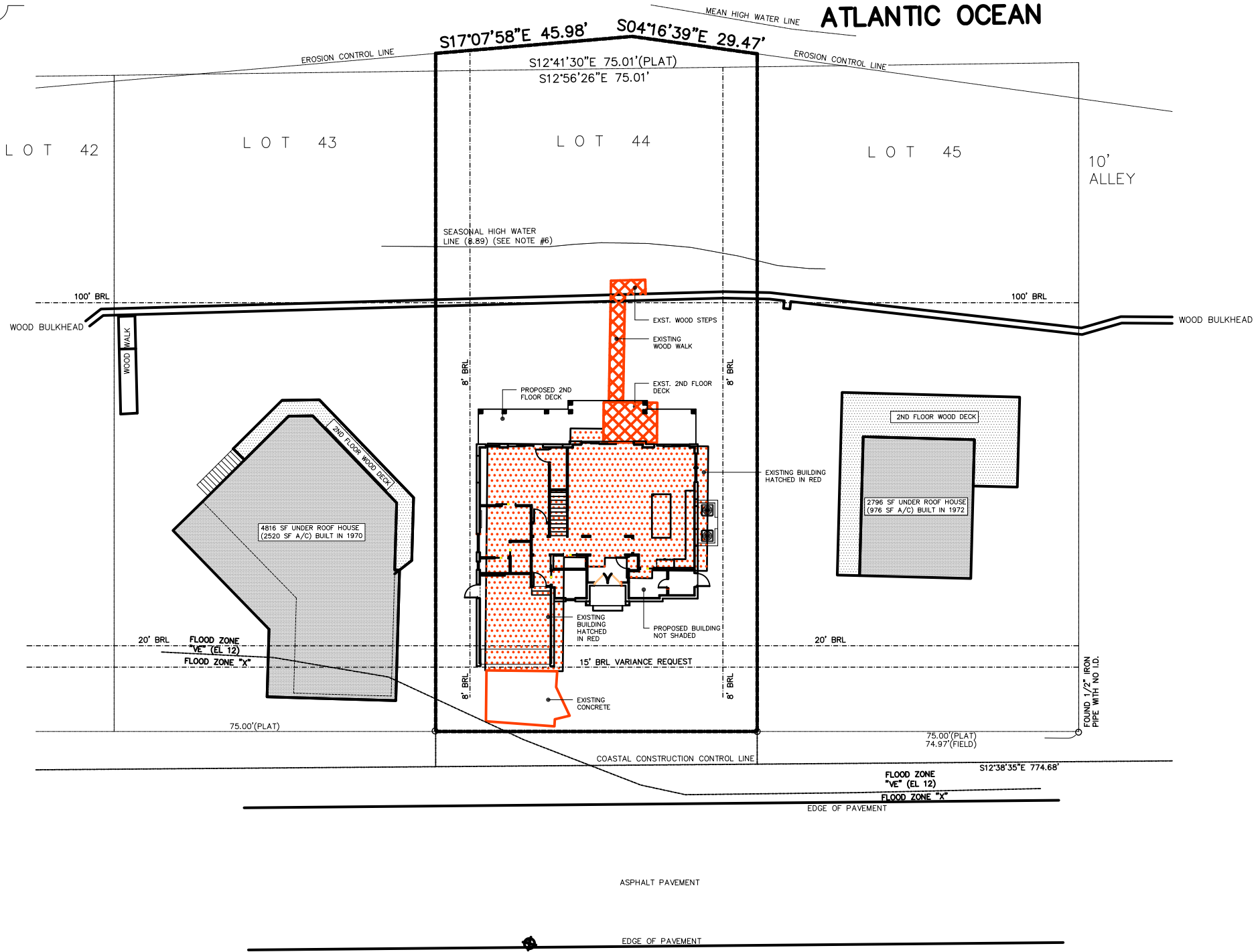


PONTE VEDRA BOULEVARD SOUTH

(STATE ROAD No. A1A)
(A PUBLICLY DEDICATED 100' R/W PER PLAT)

ATLANTIC OCEAN

S17°07'58"E 45.98' S04°16'39"E 29.47'



PONTE VEDRA BOULEVARD SOUTH

(STATE ROAD No. A1A)
(A PUBLICLY DEDICATED 100' R/W PER PLAT)

**BEGIN DOCUMENTS
TO BE RECORDED**



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Brad Wester
Driver McAfee Hawthorne & Diebenow
One Independent Drive, Ste 1200
Jacksonville, FL 32202

FILE NUMBER: ZVAR 2023-32

LEGAL: Exhibit C

SITE PLAN: Exhibit B

PARCEL ID: 144220-0000

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 Front Yard setback of 15 feet in lieu of the required 20 feet platted Building Restriction Line (BRL) in Residential (RS-3) zoning to allow for the construction of a new Single-Family home, located at 2827 S. Ponte Vedra Blvd, 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 Table 6.01 of the Land Development Code to allow for a Front Yard setback of 15 feet in lieu of the required 20 feet platted BRL feet in Residential (RS-3) zoning to allow for the construction of a new Single-Family home, located at 2827 S. Ponte Vedra Blvd, 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 _____, 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.

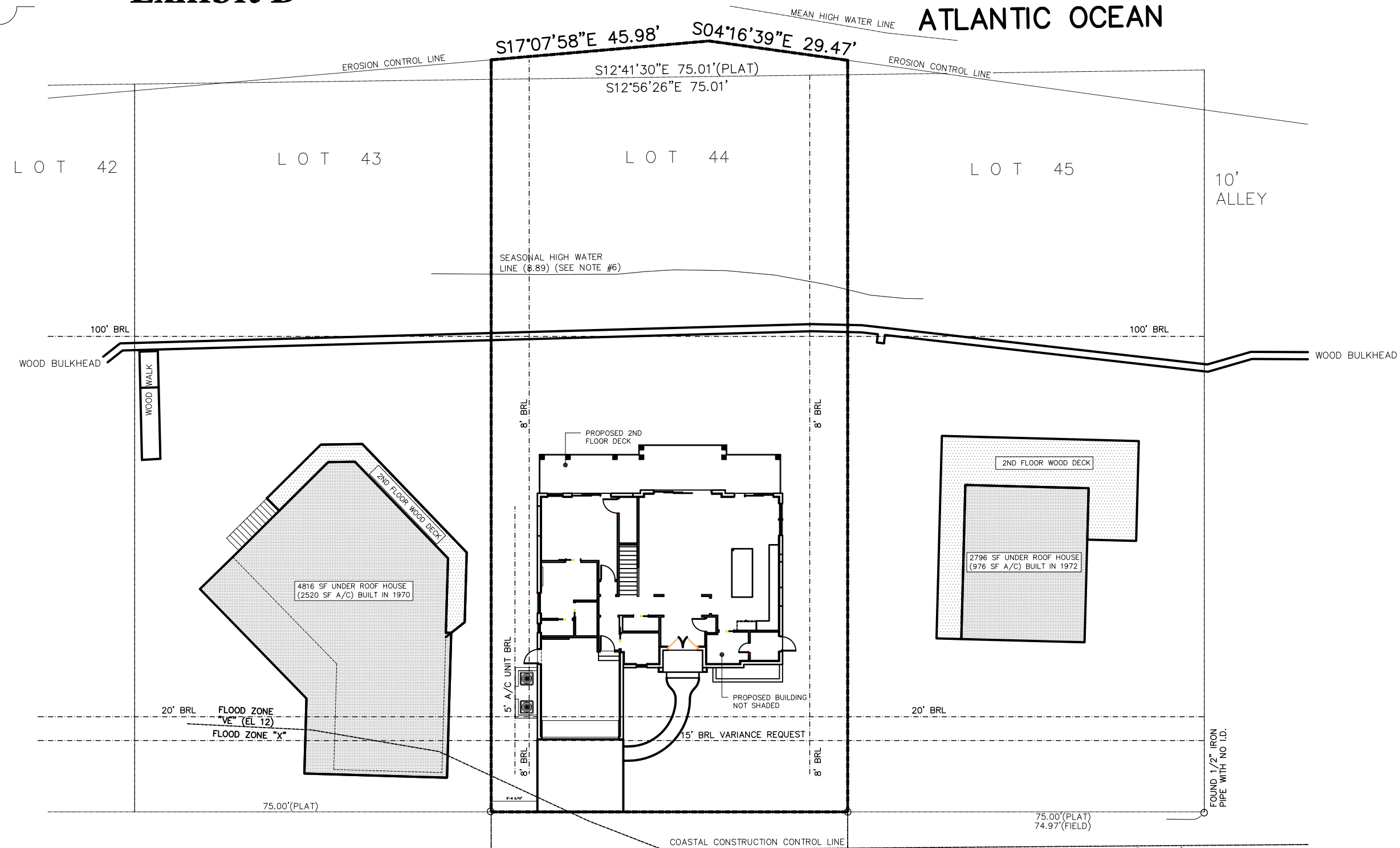
Clerk
Growth Management Department

Date Filed

Exhibit C
Legal Description

LOT 44, BLOCK 3, SOUTH PONTE VEDRA BEACH ACCORDING TO THE MAP
OR PLAT THEREOF AS RECORDED IN THE MAP BOOK 6, PAGE 24 THROUGH
26 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Exhibit B



MEAN HIGH WATER LINE ATLANTIC OCEAN

S17°07'58"E 45.98' S04°16'39"E 29.47'

S12°41'30"E 75.01'(PLAT)
S12°56'26"E 75.01'

LOT 42

LOT 43

LOT 44

LOT 45

10' ALLEY

SEASONAL HIGH WATER LINE (8.89) (SEE NOTE #6)

100' BRL

100' BRL

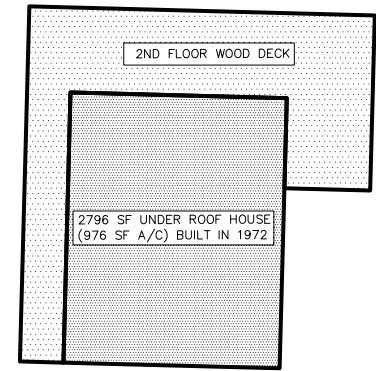
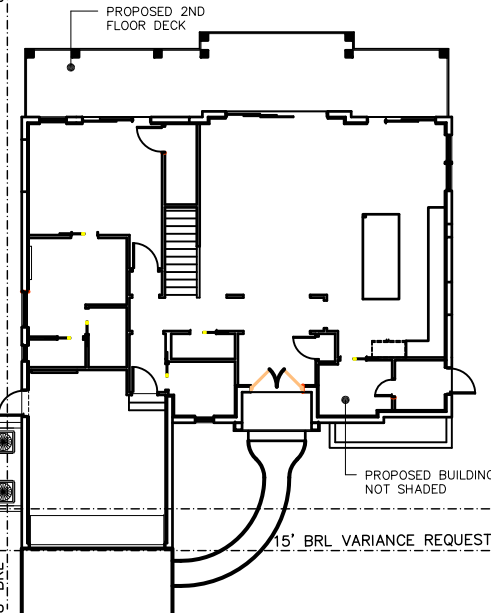
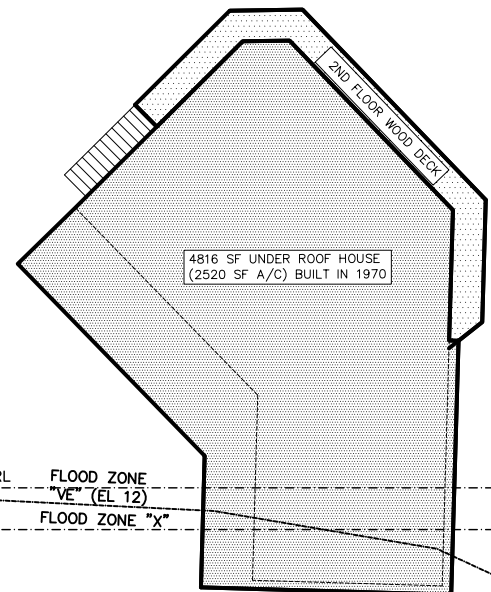
WOOD BULKHEAD

WOOD BULKHEAD

WOOD WALK

8' BRL

8' BRL



20' BRL FLOOD ZONE "VE" (EL 12)
FLOOD ZONE "X"

20' BRL

75.00'(PLAT)

75.00'(PLAT)
74.97'(FIELD)

FOUND 1/2" IRON PIPE WITH NO I.D.

COASTAL CONSTRUCTION CONTROL LINE

S12°38'35"E 774.68'

FLOOD ZONE "VE" (EL 12)
FLOOD ZONE "X"

EDGE OF PAVEMENT

ASPHALT PAVEMENT

EDGE OF PAVEMENT

PONTE VEDRA BOULEVARD SOUTH

(STATE ROAD No. A1A)
(A PUBLICLY DEDICATED 100' R/W PER PLAT)

PROPOSED IMPROVEMENTS

IMPERVIOUS SURFACE AREA	
ENCLOSED SPACE:	2,141 S.F.
FRONT COVERED PORCH	37 S.F.
REAR COVERED PORCH	428 S.F.
CONCRETE DRIVE & SIDEWALK:	355 S.F.
REAR DECK & PLANTER:	193 S.F.
A/C PAD:	50 S.F.
IMPERVIOUS AREA:	3,204 S.F.
LOT SIZE:	12,007 S.F.
IMPERVIOUS SURFACE RATIO	26.68%
BUILDING HEIGHT	32'-5"±
FEMA FLOOD ZONE VE	



ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE: Brad Wester
Driver McAfee Hawthorne & Diebenow
One Independent Drive, Ste 1200
Jacksonville, FL 32202

FILE NUMBER: ZVAR 2023-32

LEGAL: Exhibit C

SITE PLAN: Exhibit B

PARCEL ID: 144220-0000

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 15 feet in lieu of the required 20 feet platted Building Restriction Line (BRL) in Residential (RS-3) zoning to allow for the construction of a new Single-Family Home, located at 2827 S. Ponte Vedra Blvd, 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 request for a Zoning Variance to Table 6.01 of the Land Development Code to allow for a Front Yard setback of 15 feet in lieu of the required 20 feet platted BRL feet in Residential (RS-3) zoning to allow for the construction of a new Single-Family home, located at 2827 S. Ponte Vedra Blvd.

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