

## **SECTION 25.0 ADMINISTRATIVE REVIEW AND DETERMINATION / WAIVER LAND DEVELOPMENT CODE**

### **Section 25.01 Introduction**

The St. Johns County Land Development Code allows Administrative Determinations/Waivers for certain code requirements where compliance is not feasible or practical. An applicant may submit for an Administrative Waiver using the forms contained in this Section.

### **Section 25.02 General Information**

- A. Applications for Administrative Determinations/Waivers should be submitted to:

Development Review  
4040 Lewis Speedway  
St. Augustine, FL 32084

For Additional Information:

Zoning Setback Waiver

Phone: (904) 209-0675

E-mail: [plandept@sjcfl.us](mailto:plandept@sjcfl.us)

Sidewalk Waiver/  
Flatwork Determination

Phone: (904) 209-0675

E-mail: [gmdevelopment@sjcfl.us](mailto:gmdevelopment@sjcfl.us)

- B. [Review Fee](#) for an Administrative Determination/Waiver

### **Section 25.03 Application Process**

- A. Zoning Setback Waiver

If an error is discovered in the location of a Building or Structure relative to the minimum Yard requirements contained in Section 6.01.03 Lot Width Area and Yard Requirements in the Land Development Code a waiver may be granted conditional that the application shall meet with the following criteria:

1. Approval of waiver shall not allow the structure to exceed the required yard setback more than ten (10) percent.
2. The corresponding opposite yard must be larger than requested by the same distance as the waiver request (to insure that the waiver is not just an attempt to place a larger building on the lot) or the waiver request an intrusion of only a small corner of the building (such as a house too close to the front of a cul-de-sac lot such that it violates the side yard requirements at the front corner but nowhere else).
3. The following documents/information must be provided to process your Application:
  - a. Complete application form and filing fee.

- b. Submit evidence the waiver is requested pursuant to an error in location of a building or structure relative to minimum *yard* requirements.

B. Sidewalk Waiver

1. Whenever sidewalks are required by Section 6.02.06.B.1.b Sidewalks of the Land Development Code, an application for an Administrative Waiver may be submitted as required by Section 6.04.07.H of the Land Development Code. The Administrative Waiver request may be approved based upon one or more of the following criteria:
  - a. Installation of a sidewalk is technically infeasible due to site features or conditions (i.e. Includes exceptional topographical conditions, environmental or wetland impacts, or unique site conditions).
  - b. Installation of sidewalk is impractical due to a funded County Capital Improvement Program or other funded agency five year work program projects that would cause the sidewalk to be removed,
  - c. Installation of a sidewalk is included in the funded County Capital Improvement Program or other agency 5 year work program.
  - d. Extraordinary reasons reviewed on a case-by-case basis. Lack of connection to an existing sidewalk is not in of itself justification for a waiver. Extraordinary distances can be reviewed on a case by case basis.
2. The following documents/information must be provided to process your Application:
  - a. Complete application form and filing fee.
  - b. Submit evidence such as maps, charts and reports that adequately describe why the required sidewalk cannot be installed. Information must be based upon the determination of a Professional Engineer.
3. If the waiver request is approved, payment into the sidewalk fund is required at the unit price established by the County Administrator. Relief from the payment can only be approved by the Board of County Commissioners

C. Flatwork Determination

1. Administrative Determination to allow the location of horizontal, non-structural flatwork within three (3) feet of a side or rear property line as required by Sec. 6.04.06.F.7.b may be approved conditional that the application meets with the following criteria:
  - a. Flatwork must not create adverse drainage impacts to adjacent properties as evidenced by a site-specific engineered drainage analysis.
  - b. If such flatwork is located within a platted or recorded drainage easement express written authorization must be obtained from the easement holder if other than the County.

2. The following documents/information must be provided to process your Application:
  - a. Complete application form and filing fee.
  - b. Site-specific engineered drainage analysis prepared, signed, and sealed by a licensed professional qualified under the laws of the State of Florida certifying that the flatwork improvements do not create adverse drainage impacts to adjacent properties.
  - c. Scaled site plan showing the proposed improvements and relevant data to support the analysis.

#### **Section 25.04     Review/Approval Process**

- A. Application package is submitted and reviewed for completeness and fee is processed.
- B. Application is routed to reviewing departments; departments have 5 working days to review and provide comments.
- C. Reviewing department comments are compiled and one of the following will occur:
  1. The comment report is provided to the applicant or his/her representative for additional information or specific comments to be addressed. Comments should be addressed in a resubmittal. Resubmittals are routed to the appropriate reviewing departments for 5 working days.
  2. Applicant is notified the application is complete and either an approval letter is issued or a letter with reasons for denial.

St. Johns County Procedures for  
Administrative Determination/Waiver

