

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
GOVERNMENT SERVICES BUILDING
BOARD CHAMBERS
1769 EAST MOODY BOULEVARD, BUILDING 2, BUNNELL, FL 32110**

**MEETING
A G E N D A**

DATE – February 11, 2025

TIME – 6:00 P.M.

1. Roll Call
2. Pledge to the Flag
3. Approval of January 14, 2025 regular meeting minutes.

Quasi-Judicial Process: The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

Time limits will be observed:

Staff – 10 minute presentation.

Applicant – 15 minute presentation (unless time extended by consensus of Board).

Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.

Applicant Rebuttal and Closing Staff Comments – 10 minutes each.

4. Quasi-judicial requiring disclosure of ex parte communication:
REMANDED TO PLANNING AND DEVELOPMENT BOARD BY BOARD OF COUNTY COMMISSIONERS – ITEM NO. 09C – DECEMBER 16, 2024 REGULAR MEETING, CONTINUED FROM JANUARY 14, 2025 PLANNING AND DEVELOPMENT BOARD REGULAR MEETING
Project No. 2024050062 – **SPECIAL EXCEPTION IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL USE) DISTRICT** – request for a Special Exception in the R/C (Residential/Limited Commercial) District at 3 Pamela Parkway. Parcel Number: 40-10-31-5135-00030-0070; 20,755+/- square feet (0.47+/- acres). Owner: Vilano Evans Real Estate LLC/Applicants: Victoria and Greg Evans (AR No. 4906). (TRC, PDB)

5. Quasi-judicial requiring disclosure of ex parte communication:
CONTINUED FROM JANUARY 14, 2025 PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Project No. 2024110031 – **VARIANCE IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL USE) DISTRICT** – request for a Variance from the 25 Foot Minimum Street Side (West) Setback Requirement for a Pool, Pool Deck, and Pump House, a Variance from the 10 Foot Minimum Rear (North) Setback for a Pool and Pool Deck, and a Variance from the Maximum Allowed Lot Coverage in the R/C (Residential/Limited Commercial Use) District at 3 Pelican Lane. Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owners: Raymond R. Royer, Jr., and Janice L. Paxson/Applicant: Raymond R. Royer, Jr. (AR No. 5274). (TRC, PDB)

6. Quasi-judicial requiring disclosure of ex parte communication:
Project No. 2024120023 – **REQUEST FOR A VARIANCE IN THE R/C (RESIDENTIAL LIMITED COMMERCIAL) DISTRICT** – Request for a 7.81 Foot Rear (East) Yard Setback Variance from the Minimum Required 20 Foot Rear Yard Setback for a Deck in the R/C (Residential/Limited Commercial Use) District at 3295 North Oceanshore Boulevard. Parcel Number: 23-11-31-0000-01022-0121; 5,114+/- square feet (0.12+/- acres). Owners/Applicants: Sidney and Leane Silhan (AR No. 5314). (TRC, PDB)

7. Quasi-judicial requiring disclosure of ex parte communication:
Project No. 2024120025 – **REQUEST FOR AN APPLICATION FOR REVIEW IN THE R-1D (URBAN SINGLE-FAMILY RESIDENTIAL) DISTRICT** – Request for an Application for Review for to Amend a Plat Requirement for Installation of Fire Sprinklers for the Hammock Moorings South Subdivision. Parcel Numbers: 15-11-31-3016-00000-0010, -0020, -0030, -0040, -0050, -0060, -0070, -0080; 3.01+/- acres. Owner/Applicant: Michael and Heather Doherty/James E. Melvin dba Inspire Development Group Corp. (AR No. 5317). (TRC, PDB, BOCC)

8. Quasi-judicial requiring disclosure of ex parte communication:
Project No. 2024120039 – **REQUEST FOR A VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – Request for a 0.4 Foot Left (West) Side Yard Setback Variance from the Minimum Required 5 Foot Side Yard Setback in the PUD (Planned Unit Development) District at 52 Los Lagos Boulevard. Parcel No: 37-10-31-3785-00000-0150; 6,675+/- square feet (0.15+/- acres). Owner/Applicant: Nicholas Charles Mayville (AR No. 5331). (TRC, PDB)

9. Quasi-judicial requiring disclosure of ex parte communication:
Project No. 2024120040 – **REQUEST FOR A VARIANCE IN THE R-1B (URBAN SINGLE-FAMILY RESIDENTIAL) DISTRICT** – Request for a 4 Foot Front (North) Yard Setback Variance from the Minimum Required 25 Foot Front Yard Setback in the R-1b (Urban Single-Family Residential) District at 26 Rollins Dunes Drive. Parcel No: 17-10-31-5400-00000-0170; 11,274+/- square feet (0.26+/- acres). Owners: Amandio and Natalia Araujo/Applicant: Roy Waldhauer, II (AR No. 5332). (TRC, PDB)

10. Quasi-judicial requiring disclosure of ex parte communication:
Project No. 2024120054 – **REQUEST FOR A VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – Request for a 1.5 Foot Rear (North) Yard Setback Variance from the Minimum Required 5 Foot Rear Yard Setback for a Pool Deck and Screenroom in the PUD (Planned Unit Development) District at 258 Stirling Bridge Drive. Parcel No: 10-13-31-5120-2AF06-0130; 10,532+/- square feet (0.24+/- acres). Owner: Volusia Residential Construction, LLC/Applicant: Elisabeth Latorre (AR No. 5345). (TRC, PDB)

11. Quasi-judicial requiring disclosure of ex parte communication:
Project No. 2024120055 – **REQUEST FOR A VARIANCE IN THE C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT** – Request for a 33.7 Foot Right Side (East) Setback Variance from the Minimum Required 35 Foot Right Side (East) Setback for an Accessory Structure in the C2 (General Commercial and Shopping Center) District at 325 Old Brick Road. Parcel No: 12-12-30-0650-000A0-0102; 9,952+/- square feet (0.23+/- Acres). Owner: Garden of Faith Preschool and School of Arts Inc/Applicant: Pastor Abolaji Akinbo (AR No. 5346). (TRC, PDB)

12. Legislative not requiring disclosure of ex parte communication:
REVIEW OF AIRPORT ZONING ORDINANCE – Request for Review and Recommendation to the Board of County Commissioners on the Airport Zoning Ordinance. (TRC, PDB, BOCC)

13. Staff Comments.

14. Board Comments.

15. Public Comments – Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.

16. Adjournment.

PLEASE TAKE NOTICE THAT INDIVIDUAL COMMISSIONERS OF THE BOARD OF COUNTY COMMISSIONERS MAY ATTEND THIS EVENT. THE COMMISSIONERS WHO ATTEND WILL NOT TAKE ANY ACTION OR TAKE ANY VOTE AT THIS MEETING. THIS IS NOT AN OFFICIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY. THIS NOTICE IS BEING PROVIDED TO MEET THE SPIRIT OF THE SUNSHINE LAW TO INFORM THE PUBLIC THAT COMMISSIONERS MAY BE PRESENT AT THESE DISCUSSIONS. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE PLANNING & ZONING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING

Flagler County Government Services Building,
1769 East Moody Blvd., Board Chambers, Bunnell, FL

MEETING MINUTES

Tuesday, January 14, 2025, at 6:00 P.M.

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

Members Present: Mark Langello (Chair), Michael Boyd (Vice Chair), Dan Wilcox, Anthony Lombardo, Timothy Conner, and Ron Long.

Members Absent: Michael Goodman.

Present: Adam Mengel, Growth Management Director; Chuck Merenda, Assistant Director; Simone Kenny, Senior Planner; and Hannah Lademann, Planner.

Board Counsel: Sean Moylan, Deputy County Attorney

2. Pledge to the Flag.

3. Nominating for new Board Chair and Vice Chair

Mark Langello nominated Michael Boyd for Board Chair

Seconded by: Dan Wilcox

There being no further nominations, the nominations were closed.

Nomination carried unanimously.

Mark Langello has nominated Anthony Lombardo for Board Vice Chair

Seconded by: Michael Boyd

There being no further nominations, the nominations were closed.

Nomination carried unanimously.

4. Approval of December 10, 2024 minutes.

December 10, 2024 regular meeting minutes

Motion to approve by: Mark Langello

Seconded by: Dan Wilcox

Motion carried unanimously.

Quasi-Judicial Process: The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

Time limits will be observed:

Staff – 10 minute presentation.

Applicant – 15 minute presentation (unless time extended by consensus of Board).

Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.
Applicant Rebuttal and Closing Staff Comments – 10 minutes each.

5. Quasi-judicial requiring disclosure of ex parte communication:
REMANDED TO PLANNING AND DEVELOPMENT BOARD BY BOARD OF COUNTY COMMISSIONERS – ITEM NO. 09C – DECEMBER 16, 2024 REGULAR MEETING
Project No. 2024050062 – SPECIAL EXCEPTION IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL USE) DISTRICT – request for a Special Exception in the R/C (Residential/Limited Commercial) District at 8 Pamela Parkway. Parcel Number: 40-10-31-5135-00030-0070; 20,755+/- square feet (0.47+/- Acres). Owner: Vilano Evans Real Estate LLC/Applicant: Victoria and Greg Evans. (AR No. 4906). (TRC, PDB)

Board Comment: Anthony Lombardo discloses that he was contacted by Dennis Bayer and informed that the item would be delayed to a future meeting.

Public Comment: None

MOTION: The Planning and Development Board continues this item to the February 11, 2025 scheduled meeting.

Motion to approve by: Mark Langelo

Seconded by: Anthony Lombardo

Motion carried unanimously.

6. Quasi-judicial requiring disclosure of ex parte communication:
Project No. 2024110031 – **VARIANCE IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL USE) DISTRICT** – request for a Variance from the 25 Foot Minimum Street Side (West) Setback Requirement for a Pool, Pool Deck, and Pump House, a Variance from the 20 Foot Minimum Street Side (West) Setback for a Single-Family Dwelling, a Variance from the 10 Foot Minimum Rear (North) Setback for a Pool and Pool Deck, a Variance from the 20 Foot Minimum Rear (North) Setback for a Dwelling, a Variance from the 25 Foot Minimum Required Front Setback for a Dwelling, and a Variance from the Maximum Allowed Lot Coverage in the R/C (Residential/Limited Commercial Use) District at 3 Pelican Lane. Parcel Number: 23-11-31-5300-00000-0130; Parcel Size: 7,500 square feet. Owners: Raymond R. Royer, Jr., and Janice L. Paxson/Applicant: Raymond R. Royer, Jr. (AR No. 5274). (TRC, PDB)

Board Comments: None

Staff Presentation: Simone Kenny, Planner

Applicant: Raymond Royer, Owner

Mark Langelo asks for clarification about the pump house. Mr. Royer states that the pump house will be a 10' tall block structure. He states that the proposed location of the pump house is necessary to minimize any potential fire hazard. Mr. Langelo shares concern with the location of the pump house and that it is not the minimum relief necessary.

Public Comments:

Jackie O'Connell, Resident of 8 Mockingbird Lane. She is speaking for herself and her neighbor at 7 Pelican Lane. She shares concerns about the close proximity of this structure, and the proposed improvements, to the future homes that could be built on her vacant lot as well as her neighbor's vacant lot on Mockingbird Lane. She shares that this would transfer the unnecessary hardship from the owner of 3 Pelican to the surrounding homeowners. She shares they (as the community) are not completely opposed to a pool, but are concerned about the zero setbacks, drainage, and state of Mockingbird Lane as a dirt easement. She states that Mockingbird already floods as is and that the runoff from these improvements on 3 Pelican could impact not only the roadways but the surrounding septic's/drain fields.

Mr. Wilcox states that one avenue for the applicant, as well as the other residents of Mockingbird, would be to vacate Mockingbird as a route-of-way. To make that a private easement amongst the neighbors.

Mr. Moylan clarifies the position of the non-conformities. He states that the intent of the code is for non-conformities to "drop off" over time. By granting the variance for the house, they would be allowing the structure to be rebuilt to the same non-conformance it is now. He states, it will not allow future stories (if built up) to be built to the non-conforming setbacks.

Mr. Conner asks for clarification on whether granting the variance tonight for the house would directly impact what the neighbor to the north could do with their property. Mr. Moylan states it will not affect what the neighbor could build on their property. He states we are not within the Scenic Highway so there is not a minimum required distance between structures. The neighbors would only need to meet their setbacks.

Mr. Boyd asks the applicant to come forward. Mr. Langelo asks if the applicant would be opposed to a continuance and bring back a site plan that is more aesthetic and appealing to the neighborhood, specifically referring to the pumphouse location directly on the property line.

Mr. Long asks for clarification on whether stipulations can be put on the granting of the variance for pool to only run with this current home. He wants to ensure that if the home/pool were destroyed that this change wouldn't allow the pool to be rebuilt on a zero-setback.

MOTION: The Planning and Development Board continues the variance request on the basis that additional information is needed from staff or the applicant, based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision on the variance request. Continuing the variance request to a time and date certain will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

Motion to continue by: Mark Langelo

Seconded by: Anthony Lombardo

Motion carried unanimously.

7. Discussion

8. Staff Comments

Ms. Kenny gives a progress update on the Comprehensive Plan elements the board heard last month. She shares that staff plans to workshop those with the County Commission soon.

Mr. Moylan shares an update with the Board over a recent appeal of their decision to approve additional parking for Bronx House Pizza. The appeal was heard by the County Commission last night and after a lengthy discussion, the Commission upheld the Board's decision 3-2.

9. Board Comments.

The Board thanks Jack Corbett for his service on the board and well as Mark Langelo for his service as Chair.

10. Public Comments – Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.

No Public Comments.

11. Adjournment.

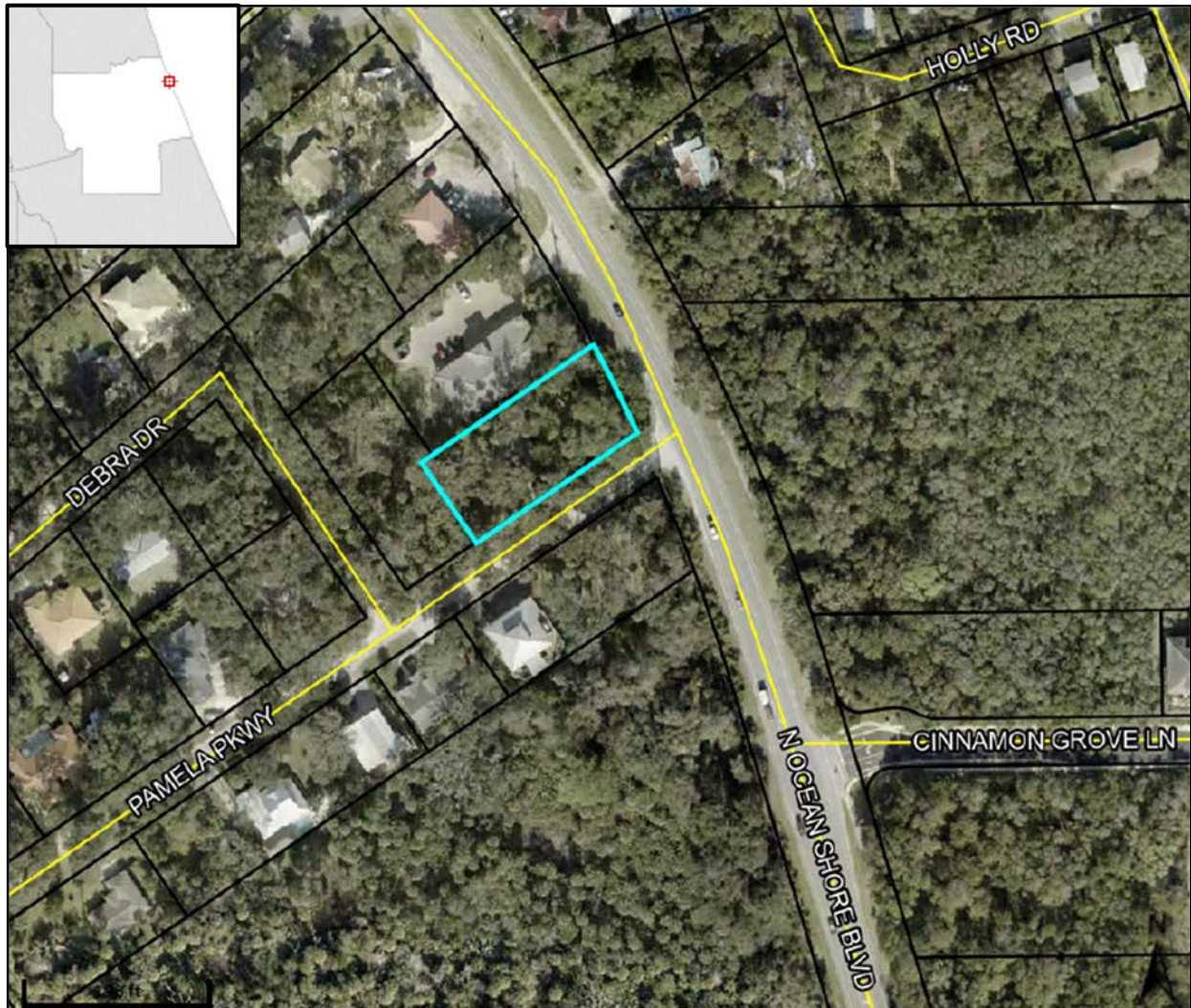
Motion to adjourn by: Mark Langelo
Meeting adjourned at 7:14 PM

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 4**

SUBJECT: QUASI-JUDICIAL Project No. 2024050062 – request for a Special Exception in R/C (Residential/Limited Commercial Use) District at 3 Pamela Parkway. Parcel number: 40-10-31-5135-00030-0070; 20,755+/- square feet (0.47+/- acres). Owner: Vilano Evans Real Estate LLC/Applicant: Victoria and Greg Evans. (AR No. 4906)

DATE OF MEETING: February 11, 2024

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a Special Exception in the R/C (Residential/Limited Commercial) District for a Professional Office and Yoga Studio. The parcel is 20,755+/- square feet (0.47+/- acres) in area, identified as parcel no. 10-31-5135-00030-0070, and is located on the corner of North Oceanshore Boulevard (a/k/a State Road A1A) and Pamela Parkway:



On May 21, 2024, Victoria Villano Evans submitted an application for a Special Exception (Project No. 2024050062) to convert the single-family dwelling at 3 Pamela Parkway into a real estate office and yoga studio.

The proposed use for real estate office and yoga studio are permitted through the Special Exception process as listed in the Land Development Code at Sec. 3.03.13.D.2. and Sec. 3.03.13.D.18., respectively.

This application was discussed by the Technical Review Committee at its June 19, 2024, July 17, 2024, and August 21, 2024 meetings. All staff comments were satisfactorily addressed by the applicant in advance of the Planning and Development Board meeting.

This Special Exception request was reviewed by the Scenic A1A PRIDE Committee on June 28, 2024. A copy of the Committee's June 29, 2024 review letter is attached to this report. Scenic A1A PRIDE concluded:

“We recommend approval of the special exception with the conditions that all vehicle perking must be contained within the offstreet parking area, and the sign must meet the requirements for the Scenic Corridor Overlay. We also fully support the applicant's request to use pervious materials for the parking area.”

The Board of County Commissioners approved a deviation from parking area surface requirements at its July 15, 2024 regular meeting. The deviation authorized the use of shell for the required offstreet parking spaces, except for the handicapped-accessible space which must be paved to meet Americans with Disabilities Act requirements.

The Special Exception was approved – subject to conditions – at the Planning and Development Board's September 10, 2024 regular meeting, with the timeframes – one year to commence construction, and two years following commencement to finish construction – added at the Board's October 8, 2024 regular meeting. The Planning and Development Board's Order was recorded on October 29, 2024 at Official Records Book 2911, Page 405, Public Records of Flagler County, Florida.

The Planning and Development Board's decision was appealed by both the owner and the neighbors, with the Board of County Commissioners at its December 16, 2024 regular meeting ultimately remanding both requests for appeal (effectively denying both appeals) back to the Planning and Development Board on the basis that the original Special Exception approval did not include all necessary required submittals for the Board to render its decision (despite the Planning and Development Board rendering its decision as opposed to continuing the Special Exception request). Nonetheless, the request was again noticed at the request of the owner, this time for the January 14, 2025 Planning and Development Board regular meeting; however, the submittals were not completed in time and the owner requested that the Special Exception be continued to the Board's February 11, 2025 regular meeting. These revisions have now been received and are attached to this staff report. For simplicity of the record, the previous application and attachments – as presented to the Board for the September and October meetings – are incorporated by reference but not provided again to the Board as part of this agenda item.

If the Special Exception is ultimately approved (again), the applicant will be required to complete a Change of Use/Occupancy through a building permit to convert the existing single-family dwelling into an office use. As a final note, the timeframes as previously approved are tolled through any period of appeal: rather than having to add-on to the

timeframes for commencement and completion, these will remain as originally approved unless amended through a subsequent (or latest) approval.

The Board's condition related to Zumba classes and amplified noise has been eliminated from the listed conditions provided to the Board since the owner has proposed to enclose the yoga studio space.

Public notice has been provided for this application according to LDC Section 2.07.00.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD:

APPROVAL – The Planning and Development Board finds that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F. have been met and therefore approves Project No. 2024050062, a Special Exception for a Real Estate Office and Yoga Studio at 3 Pamela Parkway (Parcel No. 40-10-31-5135-00030-0070), subject to the following conditions:

1. This Special Exception runs with the land.
2. Approval is limited to the use of the subject parcel as a real estate office and yoga studio.
3. All development to occur in substantial conformance with the Site Plan (Sheet C4.0) by Ci-Mech Engineering, LLC, and bearing the digital seal of Juan Pablo Rodriguez, P.E., dated February 3, 2025.
4. All parking is to be offstreet and fully contained within the subject parcel.
5. New utility service drops shall be installed underground and shall be done in a manner which protects index trees.
6. All refuse collection containers shall be screened from public view, with:
 - a. a wall or fence six feet in height and shielding the refuse collection containers from view from the adjacent rights-of-way or an adjacent residentially-zoned or residential use parcel;
 - b. vegetative screening that includes shrubs which will achieve a height of five feet within one year, planted with a spacing not exceeding five feet on center, or
 - c. another form of vegetative screening that creates an effective visual screen.
7. Signage shall meet the requirements of LDC Section 7.03.04. for the O-1 (Limited Office) District.
8. Proposed lighting will demonstrate compliance through building permit application with the County's marine sea turtle lighting requirements.
9. The applicant shall not commence development until all other agency approvals and/or permits are issued.
10. With one year from the date of the rendition of the order to commence construction, and two years following commencement to finish construction.

DENIAL – The Planning and Development Board finds that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have not been met and therefore denies Project No. 2024050062, a Special Exception for a Real

Estate Office and Yoga Studio at 3 Pamela Parkway (Parcel No. 40-10-31-5135-00030-0070).

CONTINUANCE – The Planning and Development Board continues the Special Exception request to a time and date certain for additional information.

ATTACHMENTS:

1. Technical Staff Report
2. Resubmittal documents
3. Public notice

PROJECT NO. 2024050062
SPECIAL EXCEPTION IN THE R/C DISTRICT
VILLANO EVANS REAL ESTATE, LLC
TECHNICAL STAFF REPORT

Project No./AR No.: 2024050062/4906

Owner: Villano Evans Real Estate, LLC

Applicant: Victoria Evans

Parcel size: 20,755+/- square feet (0.47+/- acres)

Legal Description

Parcel 1 Being a portion of Section 40, Township 10 South, Range 31 East

Parcel 2 Being a portion of Section 40, Township 10 South, Range 31 East

Existing Zoning and Land Use Classification:

Zoning: R/C (Residential/Limited Commercial) District

Land Use: MUL (Mixed Use: Low Intensity, Low to Medium Density)

Future Land Use Map Classification/Zoning of Surrounding Land:

North: MUL (Mixed Use: Low Intensity, Low to Medium Density/R/C (Residential/Limited Commercial) District

East: North Oceanshore Boulevard; MUL (Mixed Use: Low Intensity, Low to Medium Density/R/C (Residential/Limited Commercial) District

South: Pamela Pkwy: MUL (Mixed Use: Low Intensity, Low to Medium Density/R/C (Residential/Limited Commercial) District

West: MUL (Mixed Use: Low Intensity, Low to Medium Density/R/C (Residential/Limited Commercial) District

Land Development Code Sections Affected: Land Development Code (LDC) Section 3.03.13, *R/C (Residential/limited commercial use) district*, Section 3.07.03, *Procedure for variances and special exceptions*, and Section 3.07.03.F, *Special exception guidelines*.

Special Exception Guideline Analysis

LDC Section 3.07.03.F, the Planning and Development Board shall hear and decide upon requests for special exceptions as authorized by land classifications. The Board may approve, with conditions, requests which are in harmony with the intent and purpose of the regulations. In making its determination, the Board shall be guided by the following:

1. Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.

Staff Analysis: Access to the property is proposed through the improvement and utilization of an existing driveway connection to Pamela Parkway. LDC 3.06.11.E.1. - A1A Scenic corridor overlay district Access Standards states that for corner parcels

within less than one acre within the A1A Scenic Corridor, access only from local streets shall be allowed, which is why Pamala Parkway was chosen over North Oceanshore Boulevard.

A bike rack has been added to the site plan. As an end-block parcel and absent formal crosswalks, any pedestrian/bicycle access would cross the road to access the existing multi-use greenway trail located along North Oceanshore Boulevard.

2. Off-street parking and loading areas shall be provided as required, shall take into account relevant factors in subsection 1, and shall be located as to minimize economic, noise, glare or odor effects on adjacent and nearby properties.

Staff Analysis: The applicant has shown 12 parking spaces with one handicap-accessible space. Parking spaces meets the minimum of 9 feet by 18 feet dimensions of a standard parking space with wheel stops.

3. Refuse and service areas shall be located with consideration for relevant factors in subsections 1. and 2. preceding.

Staff Analysis: The use will use residential-type refuse containers. These containers will be shielded from view by a wall, fence, or landscape screening consistent with A1A Scenic Corridor Overlay requirements.

4. The proposed use shall be compatible with the availability and location of utility services, whether public or private.

Staff Analysis: No new utility connections are anticipated, but if needed, utilities will be placed underground consistent with A1A Scenic Corridor Overlay requirements at LDC Section 3.06.11.

5. Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

Staff Analysis: The applicant has provided a proposed landscape plan which preserves existing index tree canopy, and screens the proposed commercial use from the adjacent rights-of-way and the adjoining residential parcel.

6. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

Staff Analysis: No new lighting is proposed. Any new lighting will be required to comply with the County's marine sea turtle lighting requirements as provided at LDC Section 6.05.00.

7. Required yards and open spaces shall be provided.

Staff Analysis: The renovated building and addition meet the 50 foot setback requirement from the adjoining single-family dwelling. The applicant is providing the 40 foot buffer along North Oceanshore Boulevard as required by the A1A Scenic Corridor overlay district.

8. The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

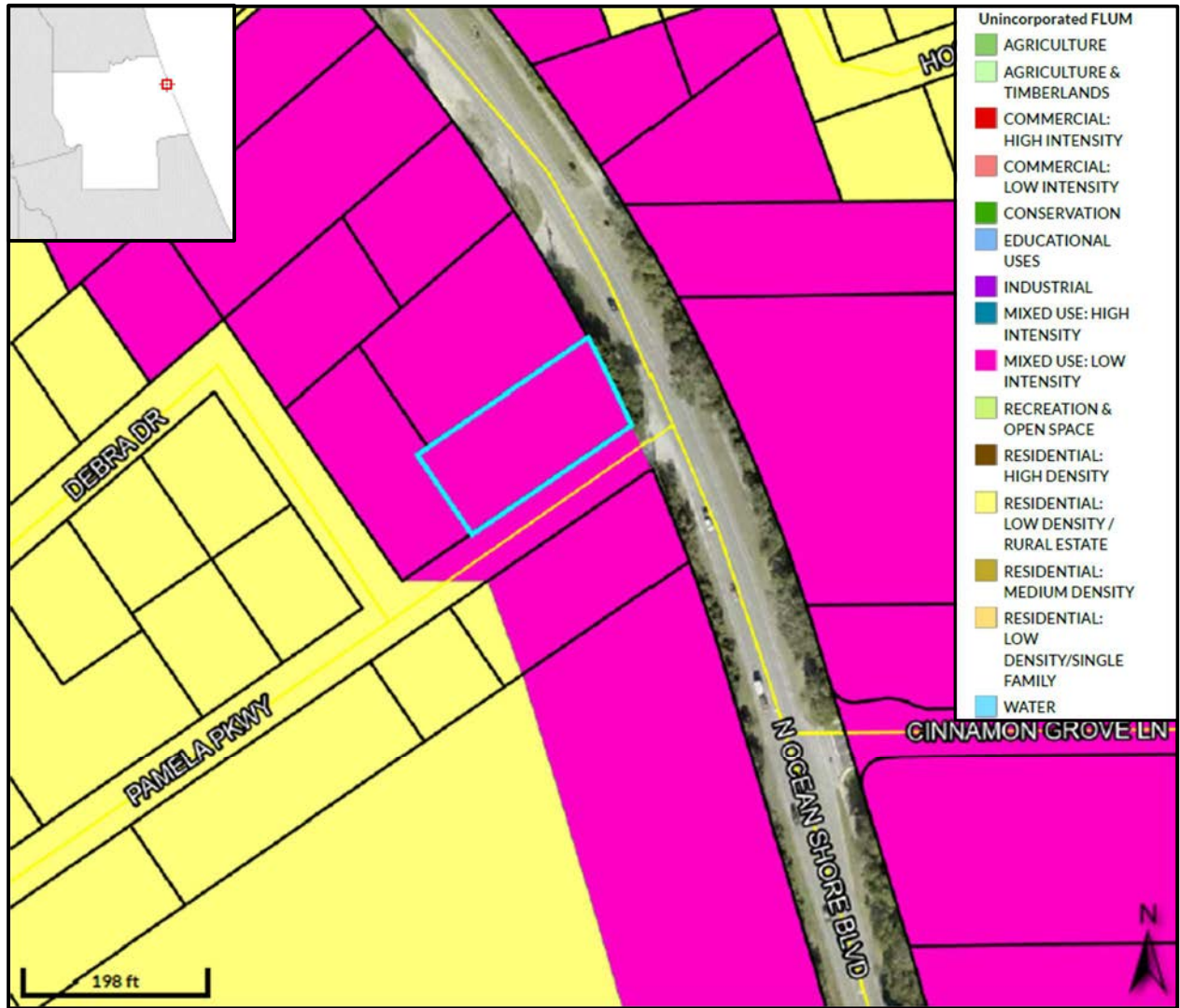
Staff Analysis: The building consists of a single-story with height less than 35 feet; its height is compatible with adjacent and nearby uses.

9. The economic effect of the proposed use on adjacent and nearby properties shall be positive.

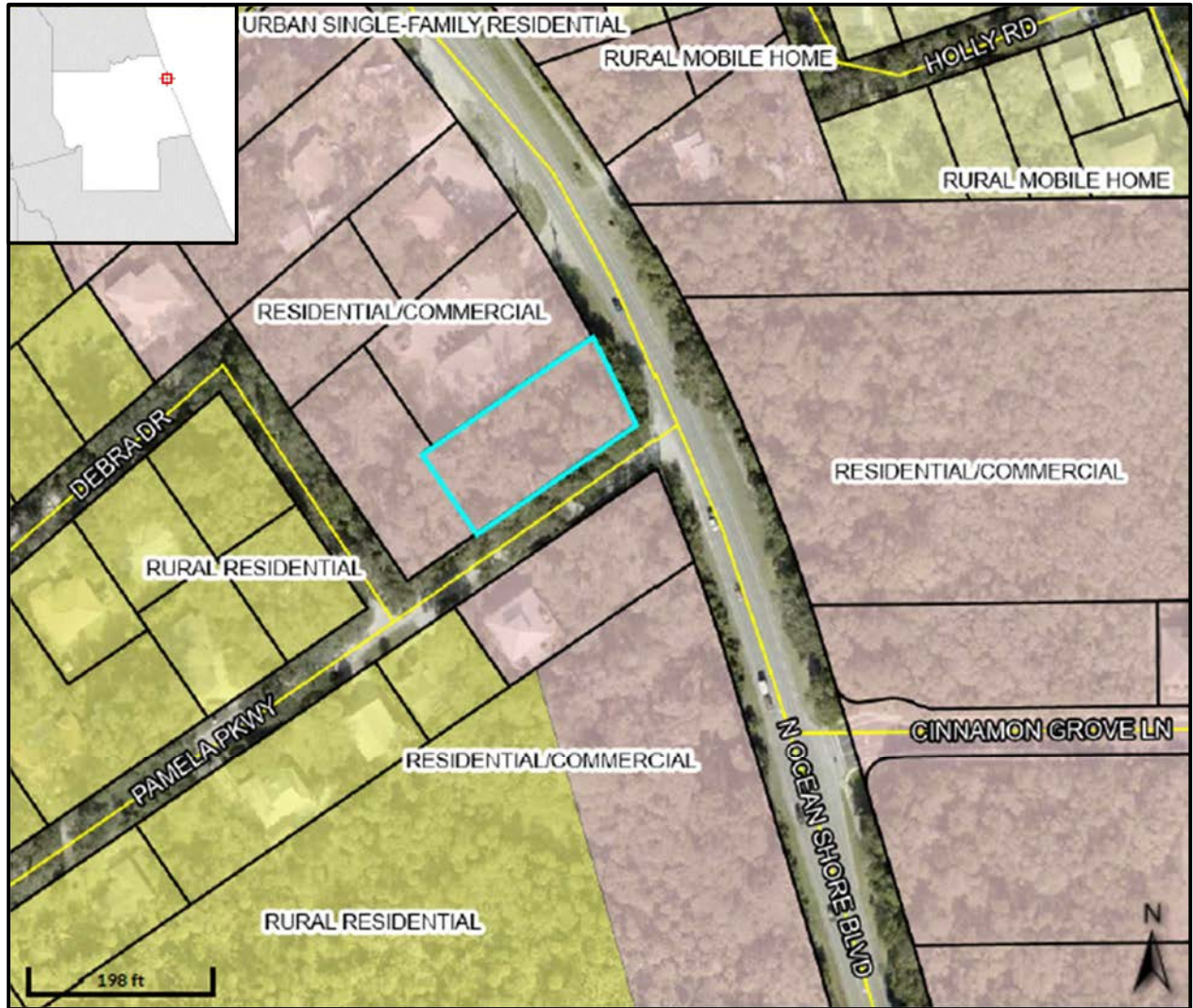
Staff Analysis: The addition of the proposed uses are complementary to the existing uses in the area.

The owner has submitted plans that demonstrate that all minimum standards within the R/C zoning district and all appearance and development standards of the A1A Scenic Corridor Overlay as provided for in LDC Section 3.06.11 will be met.

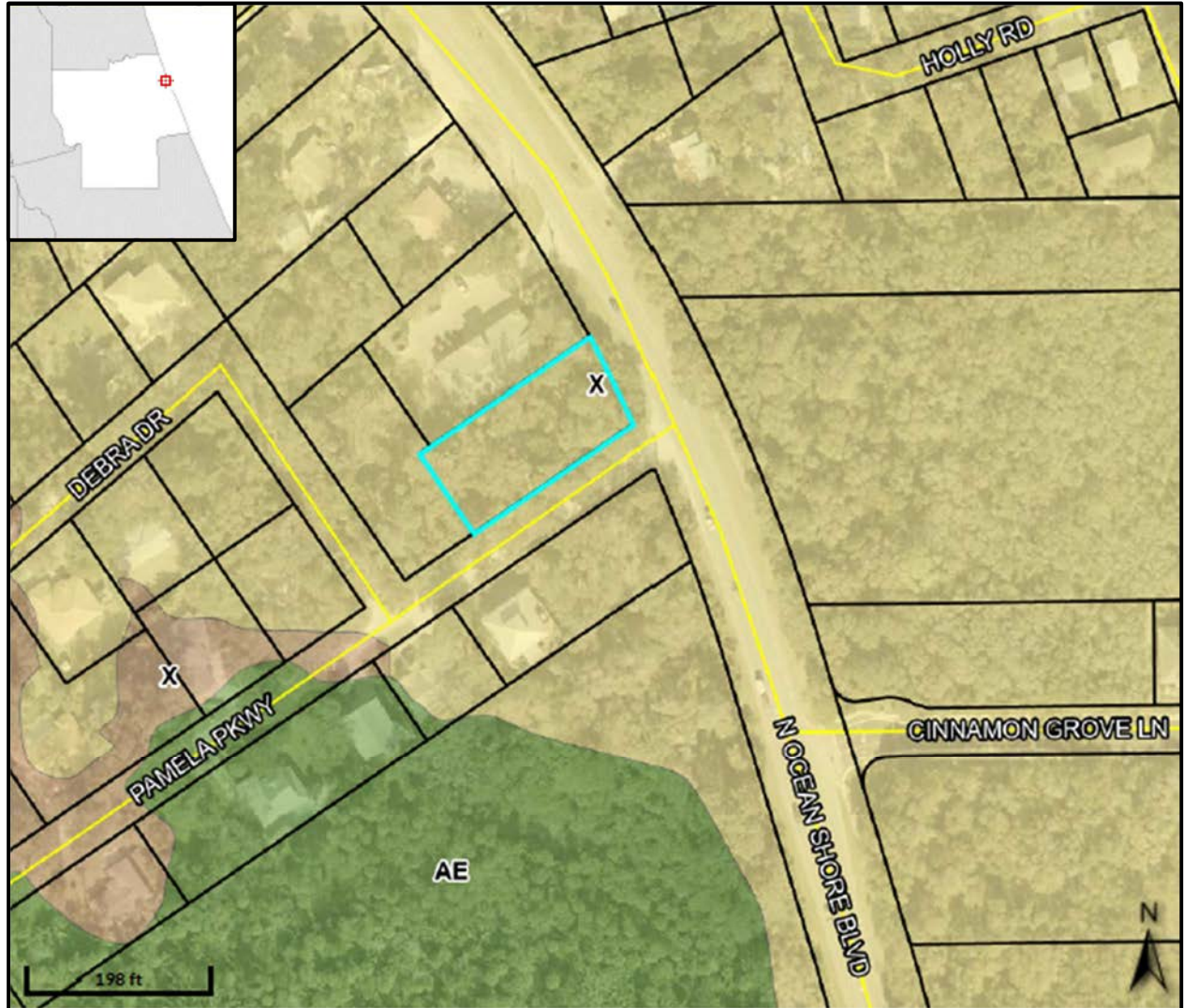
Future Land Use Map



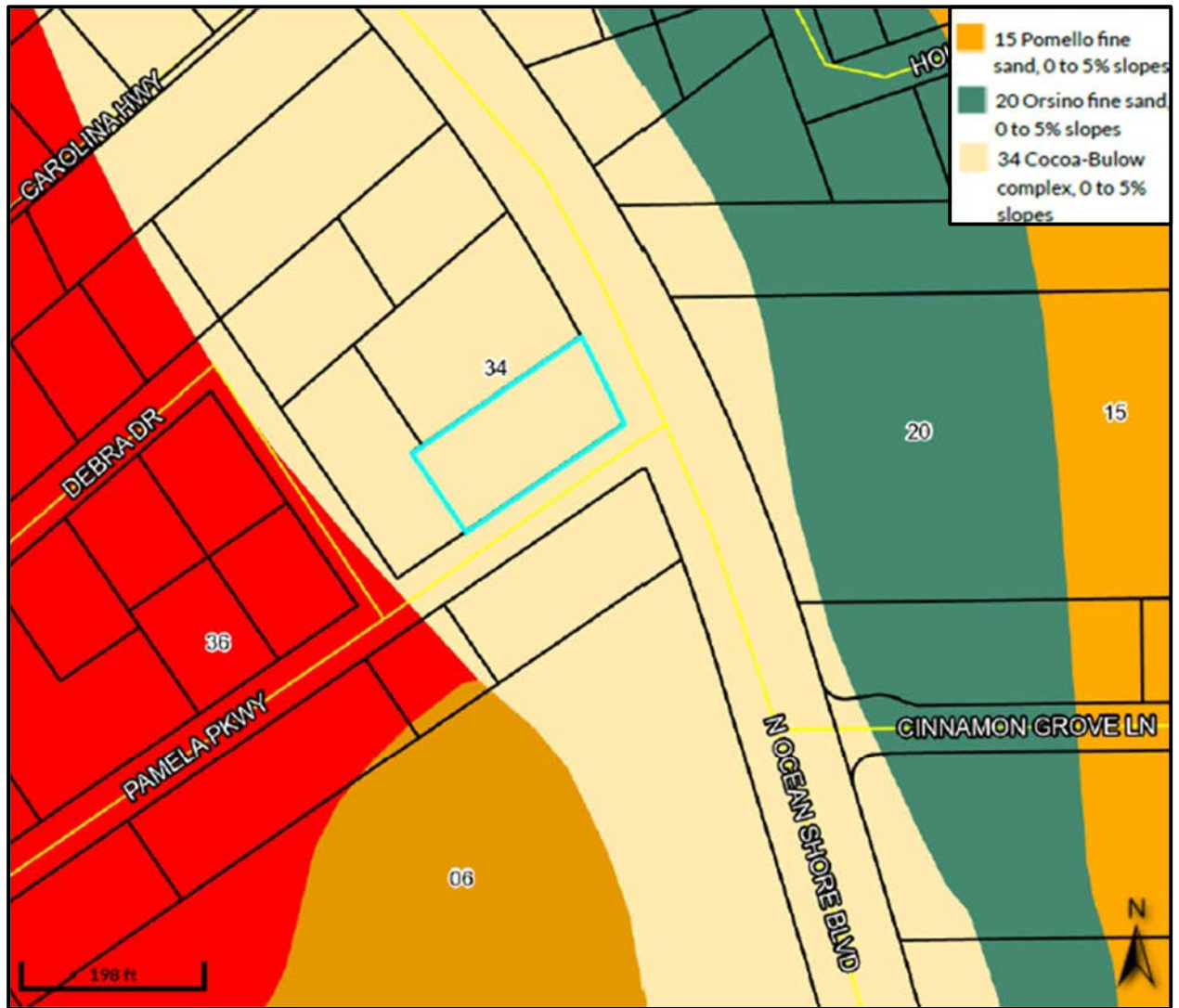
Zoning Map



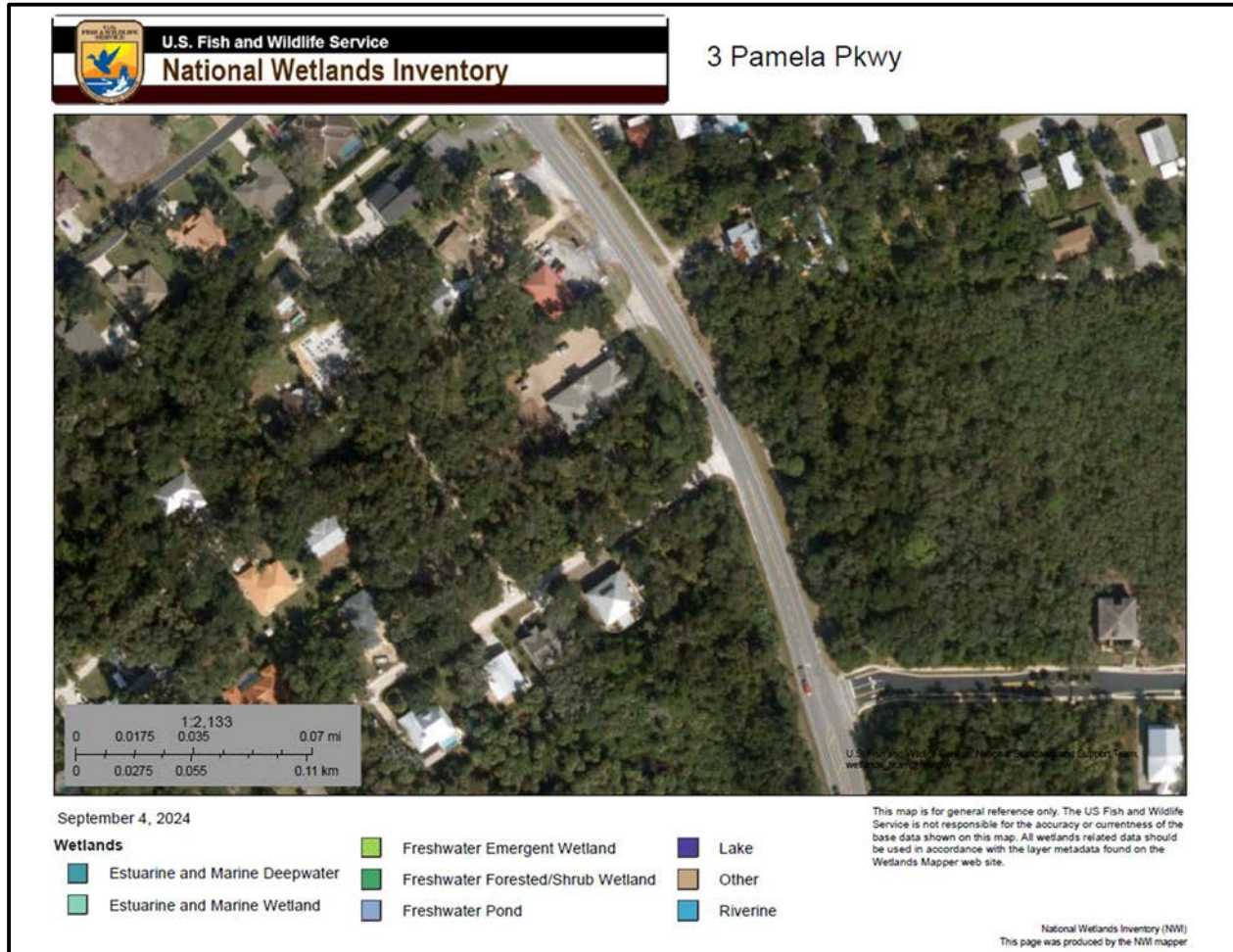
Flood Zone



Soils



Wetlands



Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Kareen Movsesyan
Jared T. Trent
Sydney L. Nix
Mark A. Hall
Eric R. Sloan
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By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

TO: Greg Evans

CC: Michael D. Chiumento III

FROM: Jared T. Trent

SUBJECT: *Pamela Parkway -- Special Exception Checklist*

DATE: January 23, 2025

Greg,

I have prepared the following table to represent the various requirements that accompany a special exception application followed by the status of our compliance, or what is needed to ensure compliance.

Special Exception Guidelines	Response
3.07.03(F)(1): Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.	Access to the property is proposed through the improvement and utilization of an existing driveway connection to Pamela Parkway. Additionally, the A1A Scenic Corridor overlay district access standards (3.06.11(E)(1)) state that for corner parcels within less than one acre, access only from local streets shall be allowed, which is why Pamala Parkway was chosen.
3.07.03(F)(2): Off-street parking and loading areas shall be	The applicant is proposing 11 parking spaces and 1 handicap-

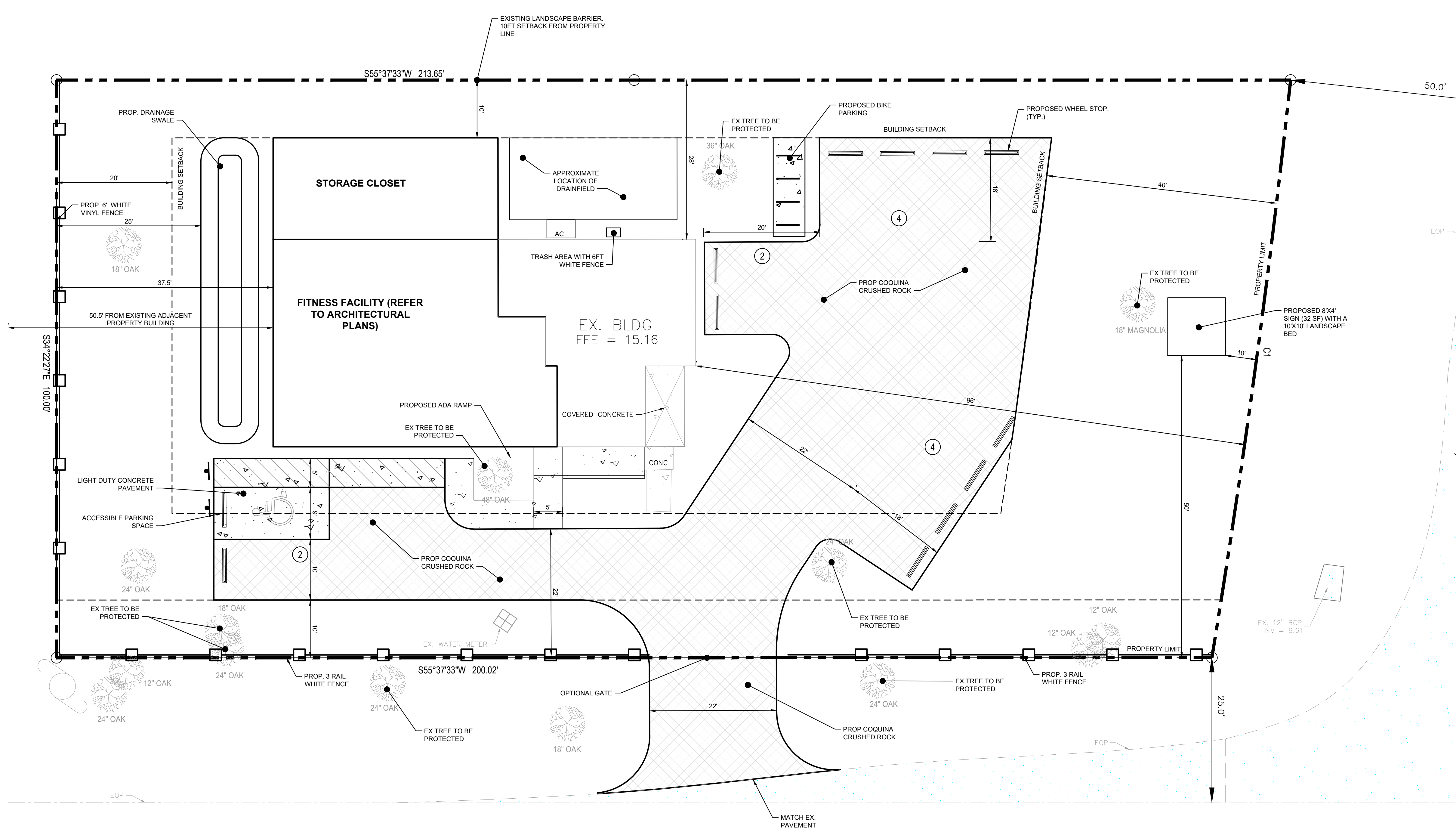
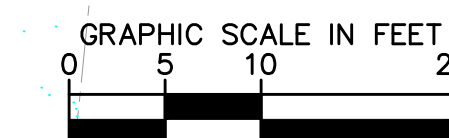
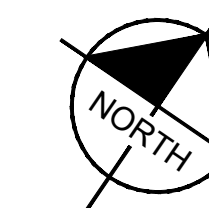
<p>provided as required, shall take into account relevant factors in subsection 1. Preceding, and shall be located to minimize economic, noise, glare or odor effects on adjacent and nearby properties.</p>	<p>accessible space which meets the requirements of 3.06.04.A. Additionally, the A1A committee requested that the parking be coquina rock.</p>
<p>3.07.03(F)(3): Refuse and service areas shall be located with consideration for relevant factors in subsections 1. And 2. Preceding.</p>	<p>Residential-type refuse containers will be used, as demonstrated on the Site Plan. These will be shielded from view by a white fence, consistent with A1A Scenic Corridor Overlay requirements under 3.06.11(C).</p>
<p>3.07.03(F)(4): The proposed use shall be compatible with the availability and location of utility services, whether public or private.</p>	<p>No new utility connections are anticipated, but if needed, utilities will be placed underground consistent with A1A Scenic Corridor Overlay requirements at LDC Section 3.06.11.</p>
<p>3.07.03(F)(5): Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.</p>	<p>The site plan provides a 20' wide buffer for the rear (west). The site plan provides a 40' buffer on the front (east), as required by 5.01.04(5)(a)(1a). The above section also requires 10' wide side buffers (north and south), the site plan provides a 10' wide north buffer, and a 10' south buffer. The applicant has also provided a proposed landscape plan which preserves existing index tree canopy.</p>
<p>3.07.03(F)(6): Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.</p>	<p>The new lighting will be required to comply with the County's marine sea turtle lighting requirements as provided at LDC Section 6.05.00.</p>
<p>3.07.03(F)(7): Required yards and open spaces shall be provided.</p>	<p>Section 5.01.04(6)(b)(b1) requires a 50' buffer strip between uncomplimentary land uses in which no structure is placed. This requirement is met as shown on the site plan. Also, the setback requirements provided in section 3.03.13(F)(2) are satisfied as the corner setback of 25', side yard of 10', rear yard of 25', and front yard of 40' are all either met or exceeded within the site plan.</p>
<p>3.07.03(F)(8): The height of structures shall be in harmony with that of adjacent and nearby uses and structures.</p>	<p>The building consists of a single-story with height less than 35 feet; its height is compatible with adjacent and nearby uses. (3.03.13(F)(3)) Also, the use subject to the special exception application falls within the permitted special exception uses under</p>

<p>3.07.03(F)(9): The economic effect of the proposed use on adjacent and nearby properties shall be positive.</p>	<p>section 3.03.13(D). The addition of the proposed uses are complementary to the existing uses in the area. Any new construction on this parcel will be required to meet all minimum standards within the R/C zoning district and all appearance and development standards of the A1A Scenic Corridor Overlay as provided for in LDC Section 3.06.11. When the property was purchased by applicant, it was in a dilapidated condition. Through the applicant restoring this dilapidated structure, this will bring a positive economic effect on adjacent and nearby properties.</p>
<p>Site Plan Requirements for Special Exceptions</p>	
<p>3.07.03(A)(2): An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the planning and zoning director. Such site plan shall include, as a minimum, the following: (a) Lot dimensions with property line monuments located thereon. (b) Location and size of existing and proposed structures. (c) Easements (public and private), water courses, and if existing and proposed, fences, street names, and street right-of-way lines and such information regarding abutting property, as directly affects the application.</p>	<p>The submitted site plan satisfies these requirements, as the lot dimensions, locations and sizes of existing and proposed structures, street names, and ROWs are all shown.</p>
<p>3.03.13(G): <i>Site development plan requirements for special exception uses.</i> A site development plan as per the requirements of Appendix B (Site Development Plan Review) of the Flagler County Land Development Code, as sign plan, landscaping plan, and building elevations in conformance with the regulations of the A1A Scenic Corridor shall be required for simultaneous review. The site development plan, with all proposed improvements, shall illustrate a tree survey of all index trees on the site both to be removed or to remain.</p>	<p>The submitted documents satisfy these requirements, as the sign plan, landscaping plan, and building elevations are all in compliance with the pertinent LDC sections.</p>



8431 BAYMEADOWS WAY, STE 3
JACKSONVILLE, FL 32256

WEB: WWW.CI-MECH.COM
E: JUAN.P@CI-MECH.COM
PH: 904-503-1421



SITE ANALYSIS

ADDRESS: 3 PAMELA PARKWAY
PALM COAST, FL 32137
COUNTY: FLAGLER
PARCEL ID: 40-10-31-5135-00030-070
ZONING: RESIDENTIAL / COMMERCIAL
FLU
MIXED USE - LOW INTENSITY
SITE AREA: 0.478 ACRES 20,863 SF

IMPERVIOUS AREA ANALYSIS

EX. IMPV AREA 0.042 ACRES
IMPV AREA REMOVAL 0.016 ACRES
PROPOSED IMPERVIOUS AREA 0.16 ACRES
NET PROP. IMPV AREA 0.188 ACRES

Table with columns: REQUIRED, PROVIDED. Rows: OPEN SPACE (0.167 ACRES / 35% vs 0.292 ACRES / 61%)

BUILDING SETBACKS

Table with columns: REQUIRED, PROVIDED. Rows: FRONT (40 FT / 96 FT), SIDE (NORTH) (10 FT / 10 FT), SIDE (SOUTH) (25 FT / 37 FT), REAR (20 FT / 37.5 FT)

Table with columns: REQUIRED, PROVIDED. Rows: BLDG HT (35 FT / 35 FT), LOT COVERAGE (30% / 18%)

Table with columns: REQUIRED, PROVIDED. Rows: HOME COVERAGE: EXISTING OFFICE (890 SF / 96 FT), STUDIO ADDITION (1,480 SF), STORAGE (444 SF), TOTAL (2,814 SF)

PARKING

REQUIREMENT: 1 SPOT PER 200 SF OF STUDIOS AND OFFICES
STUDIO / OFFICE AREA: 2,370 SF (890sf + 1480sf)
PARKING: 12 SPACES (REQUIRED) vs 12 SPACES (PROVIDED)

PROJECT DATUM: NAVD '88

THE SITE CONSTRUCTION STAKEOUT SHALL BE PERFORMED UNDER THE DIRECTION OF A FLORIDA REGISTERED SURVEYOR. AUTOCAD FILES WILL BE FURNISHED TO AID IN THE SITE CONSTRUCTION STAKEOUT. ANY DISCREPANCIES FOUND BETWEEN AUTOCAD FILES AND SITE CONSTRUCTION PLANS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION FOR CLARIFICATION PRIOR TO THAT STAKEOUT.

Sunshine811.com logo and text: Always call 811 two full business days before you dig to have underground utilities located and marked.

NOTES:

- 1. BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
- 2. SEE TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
- 3. SEE MEP PLANS FOR ELECTRICAL DRAWINGS.
- 4. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.
- 5. ALL PAVEMENT MARKINGS WITHIN FDOT RIGHT OF WAY SHALL BE THERMOPLASTIC AND MUST COMPLY WITH FDOT INDEX 711-001.
- 6. ALL SIGNAGE AND STRIPING TO BE INSTALLED IN ACCORDANCE WITH MUTCD (LATEST EDITION) STANDARDS AND SPECIFICATIONS.
- 7. ALL CURB RAMPS AND SIDEWALKS AT PROJECT ENTRANCES WILL BE FDOT AND ADA COMPLIANT, WHERE REQUIRED.
- 8. SIDEWALK CURB RAMPS WILL BE DESIGNED AS DIRECTIONAL PER FDOT STANDARD PLANS INDEX 522-002.
- 9. HANDICAP (HC) RAMPS MUST BE CONSTRUCTED AT THE INTERSECTIONS AND DRIVEWAY CONNECTIONS TO COMPLY WITH AMERICANS WITH DISABILITY ACT (ADA) AND WILL MEET FDOT DESIGN STANDARDS.
- 10. SIDEWALKS TO BE CONSTRUCTED PER ADA AND CITY CONSTRUCTION STANDARDS AND SPECIFICATIONS.
- 11. DURING CONSTRUCTION, WHEN COMBUSTIBLES ARE BROUGHT ON TO THE SITE, ACCESS ROADS AND A SUITABLE TEMPORARY OR PERMANENT SUPPLY OF WATER ACCEPTABLE TO THE FIRE DEPARTMENT SHALL BE PROVIDED AND MAINTAINED PER CHAPTER 16, NFPA 1 2012 EDITION (FFFC 5TH EDITION).
- 12. ANY MISCELLANEOUS GARBAGE, WASTE AND CONSTRUCTION DEBRIS OR DEMOLITION DEBRIS, OR WASTE MATERIAL FOUND ON SITE DURING CLEARING AND GRADING SHALL BE PROPERLY DISPOSED OF OFF-SITE ACCORDING TO THE SOLID WASTE AND HAZARDOUS WASTE REGULATIONS. USE CAUTION IF ANY HAZARDOUS WASTE IS PRESENT.
- 13. ROLL OUT TRASH CAN WILL BE UTILIZED.
- 14. ALL LIGHTING WILL COMPLY WITH FLAGLER COUNTY LDC SECTION 6.05.00.
- 15. SIGNAGE NOTES
A. 32 SOFT OR 6" MAXIMUM
B. (1) WALL SIGN ENTRANCE NOT TO EXCEED 2' X 4.

PAMELA PARKWAY
50' R/W DIRT ROADWAY

SITE BENCHMARK
EL. = 11.52'

Table with columns: No., Description, Date. Empty rows for notes.

Table with columns: No., Description, Date. Empty rows for notes.

3 PAMELA PARKWAY
PALM COAST FLORIDA

SITE PLAN

Project Status
Date: 2/3/2025
Drawn By
Checked By

Scale
C4.0



8431 BAYMEADOWS WAY, STE 3
 JACKSONVILLE, FL 32256
 WEB: WWW.CI-MECH.COM
 E: JUAN.P@CI-MECH.COM
 PH: 904-503-4241



THIS FEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY JUAN P. RODRIGUEZ, REGISTERED PROFESSIONAL ENGINEER, STATE OF FLORIDA. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

No.	Description	Date

3 PAMELA PARKWAY

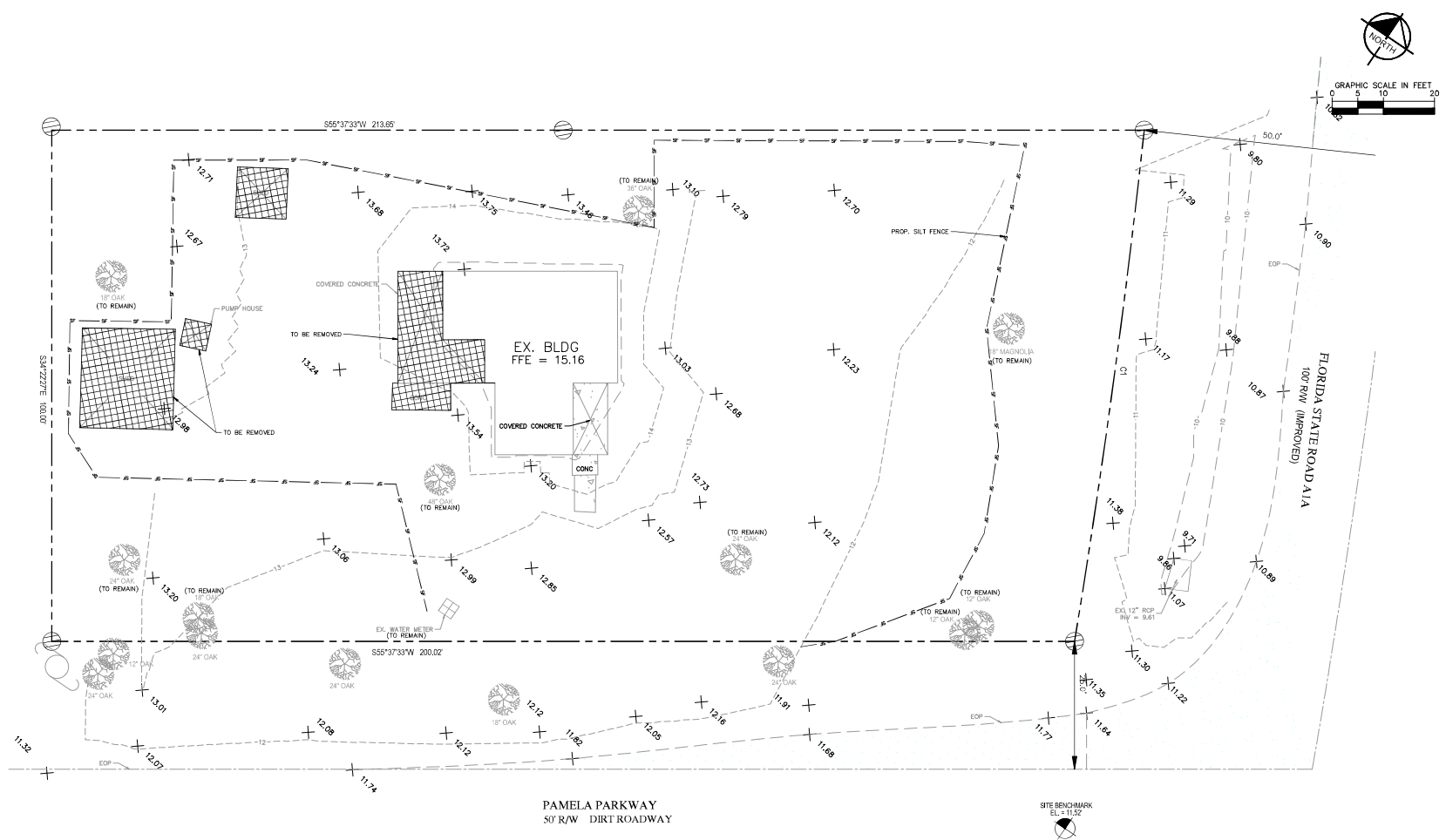
PALM COAST FLORIDA

EX. CONDITIONS & DEMO PLAN

Project Status
 Date 8/2/2024
 Drawn By
 Checked By

C2.0

Scale



NOTES

- CONTRACTOR TO COORDINATE WITH UTILITY COMPANY FOR DEMOLITION REQUIREMENTS OF ELECTRICAL SYSTEMS.
- CONTRACTOR SHALL UTILIZE BEST MANAGEMENT PRACTICES AS NEEDED TO PREVENT SYSTEM POLLUTION DURING TIME OF CONSTRUCTION.
- REFER TO SWPPP SHEET C1.1 FOR ADDITIONAL NOTES AND DETAILS.
- INSTALL AND MAINTAIN SILT FENCE AT LIMITS OF CONSTRUCTION. SEE DETAIL SHEET C7.6.
- PROVIDE SOIL TRACKING PREVENTION DEVICE AT ALL CONSTRUCTION ACCESS POINTS. SEE DETAIL SHEET C7.1.
- UTILIZE PERFORATED SOCK DRAIN (OR EQUIVALENT) IN FRONT OF EXISTING/PROPOSED CURB INLETS ADJACENT TO CONSTRUCTION ACTIVITIES. SEE DETAIL SHEET C7.6.
- INSTALL AND MAINTAIN FILTER FABRIC UNDER GRATES OF EXISTING/PROPOSED INLETS. SEE SHEET C7.0.
- CONTRACTOR TO ENSURE ADEQUATE COVER REMAINS OVER ALL EXISTING UTILITIES.
- CONTRACTOR TO VERIFY EXISTING COVER OVER ALL UTILITIES BEFORE START OF CONSTRUCTION AND TO COORDINATE WITH THE ENGINEER OF RECORD PRIOR TO START OF CONSTRUCTION IF DESIGN DOES NOT PROVIDE 36" COVER.

VERTICAL DATUM:
 ELEVATIONS SHOWN HEREON ARE BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)

FLOOD ZONE:
 BASED ON FEMA FLOOD MAP 12035C0230E, EFFECTIVE DATE 06/06/2018, WITH THE SUBJECT PROPERTY LOCATED WITHIN ZONE X AREAS OUTSIDE THE FLOODPLAIN.

THE PRESENCE OF GROUNDWATER SHOULD BE ANTICIPATED ON THIS PROJECT. CONTRACTOR'S BID SHALL INCLUDE CONSIDERATION FOR ADDRESSING THIS ISSUE.

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PROJECT DATUM: NAVD '88

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JAA ARCHITECTURE

2063 OAK STREET
JACKSONVILLE FL, 32204
AR 92748
904.379.5108

VICINITY MAP



PROJECT LOCATION

ADDITION
FITNESS STUDIO
3 PAMELA PARKWAY,
PALM COAST, FL 32137



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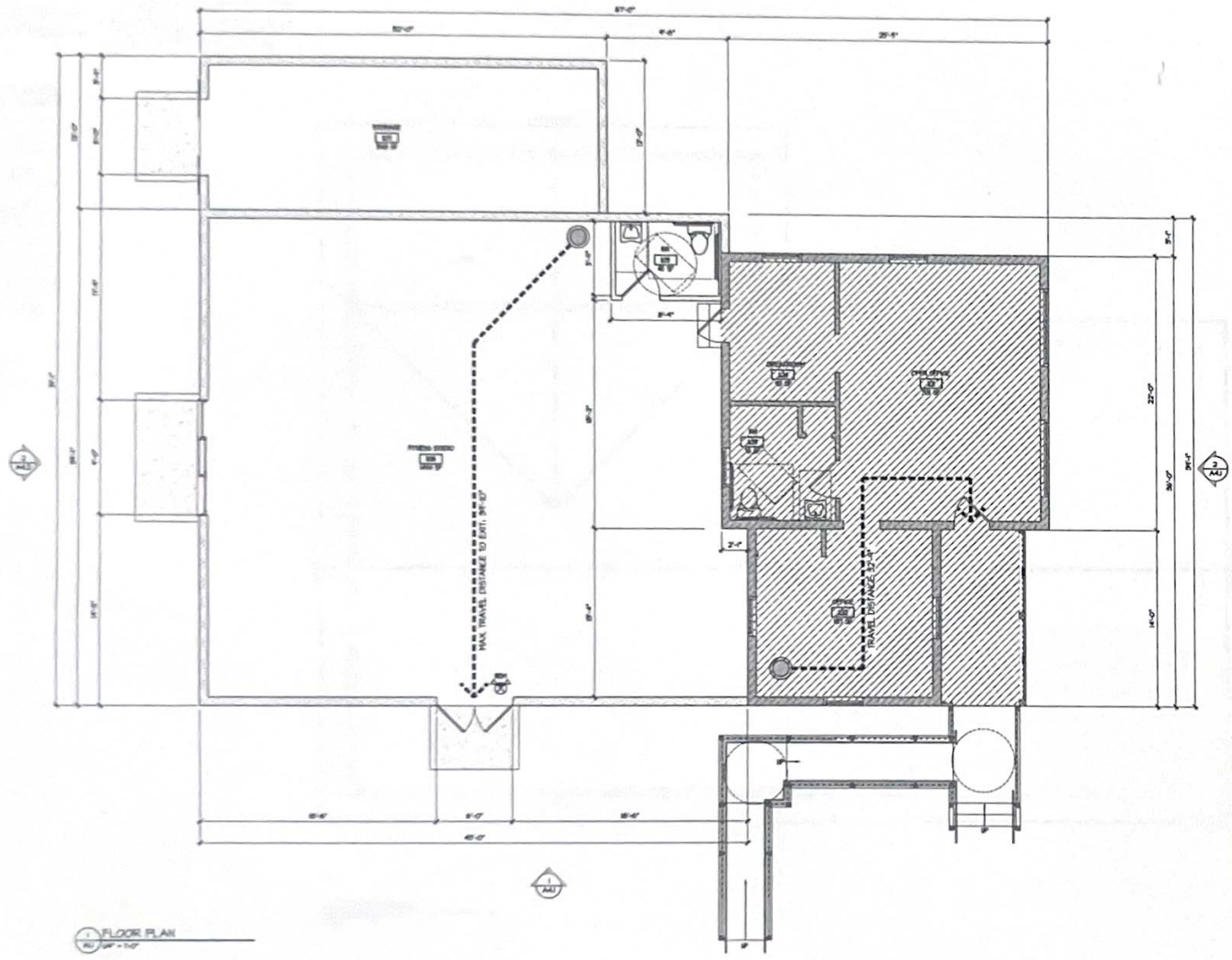
OCCUPANCY SCHEDULE - FIRE AREA I (NFPA 101 (7.3.1.2))				
USE	AREA (SQ. FT.)	CLASSIFICATION	LOADS & PER. - J	OCC.
101	101	OFFICE	100	2.3
102	102	OFFICE	100	1.2
103	103	OFFICE	100	1.2
104	104	RECEPTION	100	1.2
105	105	RECEPTION	100	1.2
106	106	RECEPTION	100	1.2
107	107	RECEPTION	100	1.2
108	108	RECEPTION	100	1.2
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198	198	RECEPTION	100	1.2
199	199	RECEPTION	100	1.2
200	200	RECEPTION	100	1.2

LIFE SAFETY NOTES

- EXIT DISCHARGE AT 8'-0" DOOR IS RECOMMENDED AS 34" CLEAR W/ 6" HALL FINISHES.
- EXIT DISCHARGE AT 8'-0" DOOR IS RECOMMENDED AS 34" CLEAR W/ 6" HALL FINISHES.
- ALL WINDSHIELD GLASS, MIRRORS, PELLIS LANTERNS, LIGHTS & PANELS SHOWN TO BE ADA COMPLIANT.
- FROM EXIT DOOR OPEN TO DESIGNATED STAIRS OF TRAVEL ACCESSIBLE ROUTE TO PUBLIC RECREATION TRIPS, ACCESS, PARKING & PROVISIONS LIGHTING SERIES.
- PAVE, EXPOSED LIGHT TO BE IDENTIFIED BY OWNER, EXPOSED FLOOR IS FOR APPROPRIATE USE.
- EXIST. EXTERIOR DOORS HAVE FINISH OVERHANG 4" CLEARANCE IN REAR NOTED OTHERWISE.
- COVERED IN LINE, REVISION # 108, 117 FROM HALL SHALL BE REVISED WITH A SLOPE NOT STEEPER THAN 1:12.
- THE SLOPE OF THE FLOOR SURFACE ON BOTH SIDES OF ANY DOOR SHALL NOT VARY BY MORE THAN 1/4" SHALL BE MAINTAINED ON BOTH SIDES OF THE DOOR OPENING FOR A DISTANCE NOT LESS THAN THE WIDTH OF THE DOOR. RAMPED WINDSHIELD AND FLOOR LEVEL COVERED IN SECTION 107 AT COURTHOUSE SHALL BE REVISED WITH A SLOPE NOT STEEPER THAN 1:12 (7.3.1.2.1.2.3.3).
- FIRE EXTINGUISHERS TO MEET 2A USE.
- FIRE EXTINGUISHERS IN EXTERIOR TO BE FIREWORK CLASS C, 15 GALLON BULB CAPACITY.
- PROVIDE EXTERIOR EMERGENCY LIGHTING # WERE AVAILABLE. E.G. TO PROVIDE EMERGENCY ILLUMINATION & EXTERIOR LIGHTING WHERE EMERGENCY EXITS ARE LOCATED FOR ALL LOCATIONS.
- IF EMERGENCY BALLASTS ARE NOT PROVIDED NEW EXTERIOR EMERGENCY LIGHTING TO BE SURE LIGHTS "WAVEY" OR SHL TO BE TIED INTO EXISTING EMERGENCY CIRCUIT.
- NEW EXTERIOR EMERGENCY LIGHTING TO BE SURE LIGHTS "WAVEY" OR SHL TO BE TIED INTO EXISTING EMERGENCY CIRCUIT.
- FOR NFPA 1 (SEE IT) IS IDENTIFIED & ACKNOWLEDGED THAT IF AN EMERGENCY RESPONSE AND COMMUNICATIONS SIGNAL IS BELOW ACCEPTABLE LEVELS AS DETERMINED BY A BIA OR CONSULTANT, ANALYSIS WILL BE REQUIRED TO BE RECALLED BEFORE ISSUANCE OF CERTIFICATE OF OCCUPANCY.
- CRITICAL AREAS TO INCLUDE FIRE COMMAND CENTER, FIRE TOWER ROOM, EXIT SIGNS, EXIT PASSAGeways, ELEVATOR LOBBIES, STAIRWELL LAMPINGS, OPERABLE SECTIONAL VALVE LOCATIONS, AND OTHER AREAS DEEMED CRITICAL BY THE AUTHORITY HAVING JURISDICTION SHALL BE PROVIDED WITH 100% FLOOR AREA RADIO COVERAGE.
- CRITICAL TELEPHONE AREAS SHALL BE PROVIDED WITH 100% FLOOR AREA RADIO COVERAGE.
- CRITICAL SIGNAL SYSTEMS: SYSTEMS OF 100% SHALL BE PROVIDED THROUGHOUT THE COVERAGE AREA WITH AN EXISTING SIGNAL LEVEL OF -85 DBM AT THE COVER SITE SHALL BE PROVIDED FROM THE COVERAGE AREA WITH AN EXISTING SIGNAL LEVEL OF -85 DBM.
- THE PROJECT DOES NOT OBTAIN LIGHT FIXTURE PHOTO MATERIALS AND DOES NOT NEED TO BE LABELED ACCORDING TO FAC 6A-40.008.

ARCHITECTURE INC
 JARA ARCHITECTURE INC
 800 S DASH STREET
 JACKSONVILLE, FL 32204
 P: (904) 979-6168
 E: JARA@JARAARCHITECTURE.COM
 LIC: AH027408

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LIFE SAFETY LEGEND

- DENOTES SEPARATE FIRE AREA
- TRAVEL LINE
- ILLUMINATED EXIT SIGN
- ILLUMINATED EXIT SIGN W/ EMERGENCY LIGHTING
- FIRE EXTINGUISHER
- EMERGENCY LIGHTING
- FIRE ALARM PULL STATION
- FIRE ALARM SMOKE/HEAT COVERED
- SMOKE/HEAT/IONIZATION DETECTOR WALL MOUNTED
- SMOKE/HEAT/IONIZATION DETECTOR CEILING MOUNTED
- STARTING POINT
- EMERGENCY MEDIC
- ACCESSIBLE EXIT

REVISIONS

#	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

INTERIOR WALL & CEILING FINISH CLASS REQUIREMENTS

CLASS	FLAME SPREAD INDEX	SMOKE-DEVELOPED INDEX
A	0-25	0-50
B	26-75	0-50
C	76-300	0-50

INTERIOR EXIST. CORRIDORS & STAIRWAYS, RECEPTION EXIT, STAIRWAYS & EXIT ACCESS

REVISION	DESCRIPTION	DATE
A		
B		
C		
D		
E		
F		
G		
H		
I		
J		
K		
L		
M		
N		
O		
P		
Q		
R		
S		
T		
U		
V		
W		
X		
Y		
Z		

PARTITION LEGEND

- EXIST. HALL TO REMAIN
- HALL TO BE DEMOLISHED
- NEW PARTITION

ADDITION
FITNESS STUDIO
 3 PAMELA PKWY
 PALM COAST, FL 32137

STATE OF FLORIDA
NOT FOR CONSTRUCTION
 REGISTERED ARCHITECT

DATE: 1.27.2025
 PRJCT #: 20-127-01
 SHEET
A1.1
 SCHEMATIC

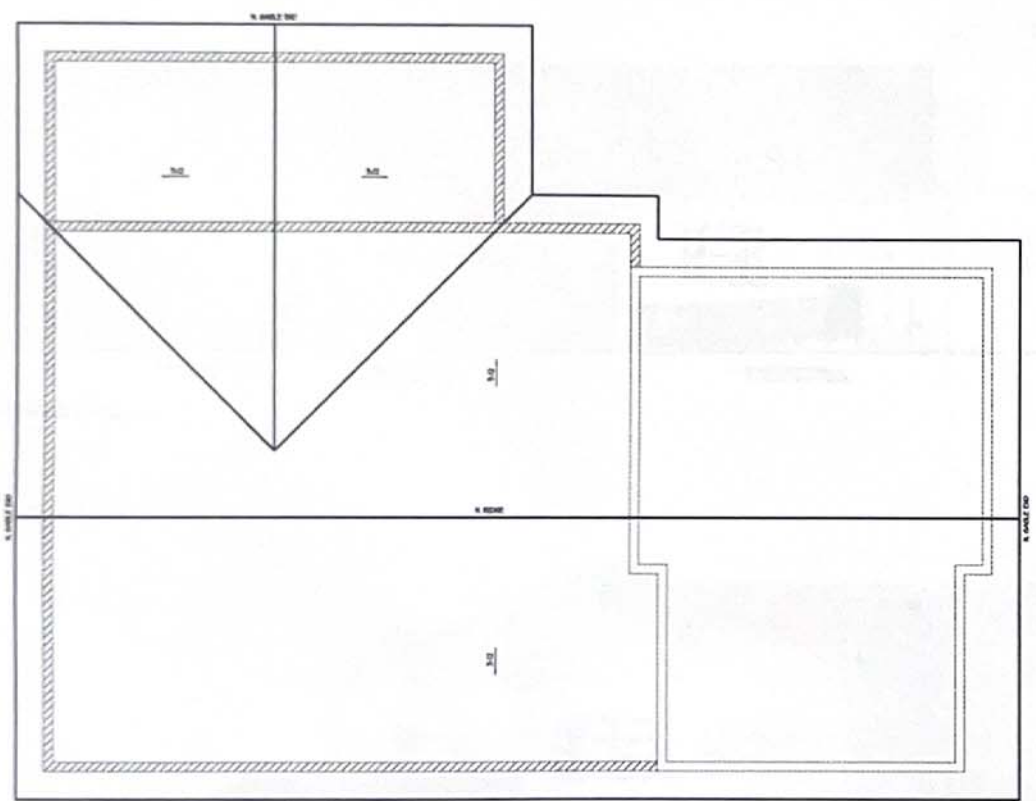
FLOOR PLAN
 101 - 102

GENERAL ROOF NOTES

1. THE RECEIVED PLAN IS GENERAL IN NATURE AND INDICATES APPROXIMATE CONDITIONS AT THE PROJECT SITE AT THE TIME THE DRAWING IS MADE. TO BE INSTALLED, THE CONTRACTOR IS TO VERIFY THE EXISTING ROOF CONDITIONS AND REPORT TO THE ARCHITECT ANY DISCREPANCIES OR AMBIGUITIES PRIOR TO PROCEEDING WITH THE WORK.
2. GENERAL CONTRACTOR TO COORDINATE WITH TRADE CONTRACTORS TO DETERMINE ALIGNMENT OF ROOFING MATERIALS TO BE INSTALLED BY OWNER SELECTED MANUFACTURER.
3. GENERAL CONTRACTOR AND TRADE CONTRACTORS TO COORDINATE ALIGNMENT OF TRUSSES, IF ANY DISCREPANCIES OCCUR THE OWNER AND ARCHITECT PRIOR TO INSTALLATION OF TRUSSES.
4. FOR COMPLETE ROOFING PLAN DETAILS REFER TO STRUCTURAL DRAWINGS BY OTHERS.
5. AFTER INSTALLATION TO BE AS INDICATED ON SHEET SHEET A3.1 AND FOR THE PLAN NOTATIONS.
6. OWNER SPECIAL PROVIDE ALUMINUM BUTTERFLY & CORNERPOSTS IF SELECTED BY OWNER, AS TO ROOFING MATERIALS, EQUAL TO BE SELECTED BY OWNER SELECTED MANUFACTURER.
7. METAL FLASHING TO BE 20 GA. 8-42 GALVANIZED UNLESS NOTED OTHERWISE.
8. INSTALLMENT TO BEY ADDITIONAL INSTALLMENT REFERRED TO PLAN OR EQUAL BY OWNER OR EQUAL AND INSTALLMENT AS SELECTED BY OWNER.
9. PROVIDE PRESSURE-TREATED WOOD SYSTEM AS RECOMMENDED BY MANUFACTURER AND FOR ALL ROOFS AT SLOPED BRICKS THAN 1/2 INCH PER FOOT AND PROVIDE BUTTERFLY 4"X4" LIMS HAS. 48 1/2" SPACE BETWEEN SPAN OF BUTTERFLY FOR WATER DRAINAGE.
10. ALL ROOFINGS TO BE ARCHITECTURAL SHINGLES UNLESS NOTED OTHERWISE.
11. ALL DOWNSPUTS TO HAVE 1/8 1/2" PRESS. HD. GALVA. VENT. SYSTEMS THIS DOWNSPUT SYSTEM FROM THE DOWNSPUT TO THE TOP PLATE TO THE ROOFEDGE OF THE TOP GABLE OF THE TRUSS.

- ROOF NOTES**
1. ROOF FLASHING SHALL BE RECOMMENDED ROOF FLASHING OF ALL SLOPE BY TRUSS DOWNSPUT.
 2. ROOF FLASHING UNDER SHALL BE 1/2" UP OF BUTTERFLY.
 3. ROOF FLASHING SHALL BE 1/2" UP OF BUTTERFLY.
 4. ROOF FLASHING SHALL BE 1/2" UP OF BUTTERFLY OF TRUSS TO 1/2" OF DOWNSPUT - DOWNSPUT SHALL BE 1/2" UP OF BUTTERFLY SHALL BE 1/2" UP OF BUTTERFLY.
 5. ROOF FLASHING SHALL BE 1/2" UP OF BUTTERFLY UNLESS NOTED - SECTION OF BUTTERFLY DOWNSPUT SHALL BE 1/2" UP OF BUTTERFLY BY STRUCTURAL DRAWING.
 6. ROOF FLASHING TO BE 1/2" UP OF BUTTERFLY OF TRUSS AND 1/2" UP OF BUTTERFLY.
 7. TRUSS FLASHING TO 1/2" UP OF BUTTERFLY TO PLAN FLASHING AT DOWNSPUTS.
 8. SHALL ROOF FLASHING UNLESS NOTED OTHERWISE.
 9. METAL FLASHING OF GENERAL INSTALLMENT AT ALL ROOF FLASHING SHALL BE 20 GA. GALVANIZED UNLESS NOTED OTHERWISE.
 10. TRUSS FLASHING TO BE 1/2" UP OF BUTTERFLY OF TRUSS AND 1/2" UP OF BUTTERFLY.
 11. PROVIDE 1/2" UP OF BUTTERFLY OF TRUSS AND 1/2" UP OF BUTTERFLY.
- ABBREVIATIONS & SYMBOLS**
- DFL - 1/2" UP OF BUTTERFLY
 - DFL - 1/2" UP OF BUTTERFLY
 - DFL - 1/2" UP OF BUTTERFLY
 - DFL - 1/2" UP OF BUTTERFLY

ROOF VENT CALCULATIONS (1:800 RULE) • MAIN ROOF		ROOF VENT CALCULATIONS (1:800 RULE) • ENTRY ROOF	
LOCATION	LOWER ROOF	LOCATION	LOWER ROOF
AREA	5,000 SQFT (SEE PROJECT ROOF NOTE A)	AREA	140 SQFT (SEE PROJECT ROOF NOTE A)
VPA REQ'D	5.00 SQ FT (320 IN ²) OF S.F.A. REQUIRED SPLIT EVENLY BETWEEN BUTTERS & UPPER ROOF HEADS (2.50 SQ FT EA.)	VPA REQ'D	1.40 SQ FT (96 IN ²) OF S.F.A. REQUIRED SPLIT EVENLY BETWEEN BUTTERS & UPPER ROOF HEADS (.70 SQ FT EA.)
ON REQ'D	2.50 SQFT (256 IN ²)	ON REQ'D	28 SQFT (284 IN ²)
ON HP	NOT APPLICABLE - T.B.D. BY E.C.	ON HP	NOT APPLICABLE - T.B.D. BY E.C.
OFF REQ'D	2.50 SQFT (256 IN ²)	OFF REQ'D	28 SQFT (284 IN ²)



ROOF PLAN
AS SHOWN



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ADDITION ARCHITECTURE, INC.
ADDITION
ARCHITECTURE, INC.
AN ARCHITECTURE STUDIO
3025 DAN STREET
LAKE BUENA VISTA, FL 32834
PH: 407-939-1108
E: ADDITION@ADDITIONSTUDIO.COM
WWW.ADDITION.COM

THIS PLAN HAS BEEN CHECKED BY ME AND IS ACCURATE AND COMPLETE. I AM A LICENSED ARCHITECT IN THE STATE OF FLORIDA. I HAVE NOT BEEN CONVICTED OF ANY CRIMINAL OFFENSES THAT WOULD DISQUALIFY ME FROM EXERCISING MY PROFESSIONAL RIGHTS AND PRIVILEGES AS AN ARCHITECT.

REVISIONS		
#	DATE	DESCRIPTION
1		
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6		



DATE: 1.27.2025
 PRJCT #: 20-127.01

SHEET
A3.1
 SCHEMATIC

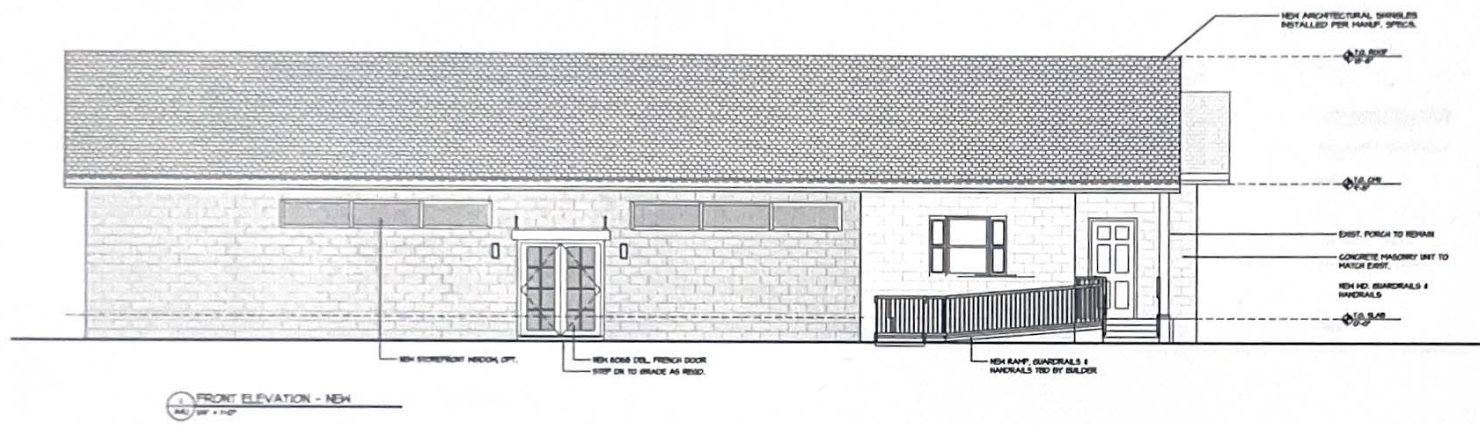


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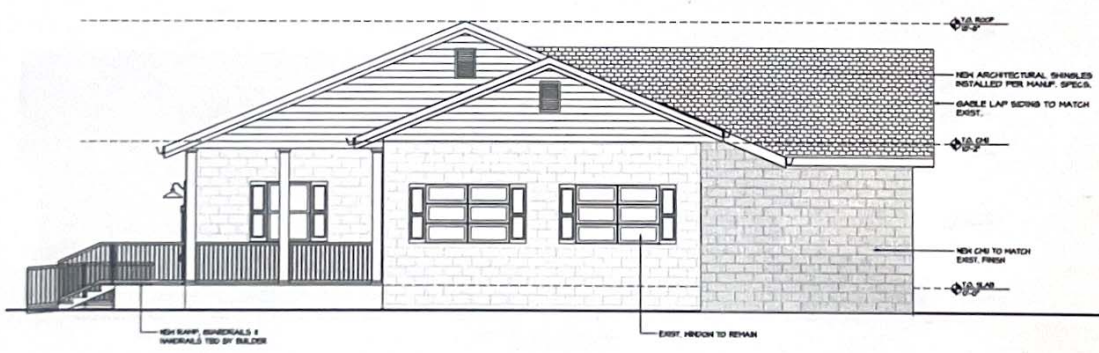
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DATE: 12/27/2025

ADDITION
FITNESS STUDIO
 3 PAMELA PKWY
 PALM COAST, FL 32137



1 FRONT ELEVATION - NEW
 1/4" = 1'-0"



2 SIDE ELEVATION - NEW W/ EXISTING
 1/4" = 1'-0"

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REVISIONS

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DATE: 1.27.2025
 PRJCT #: 20-127.01

SHEET
A4.1
 SCHEMATIC



ARCHITECTURE INC

 JAA ARCHITECTURE INC.

 3000 GALE STREET

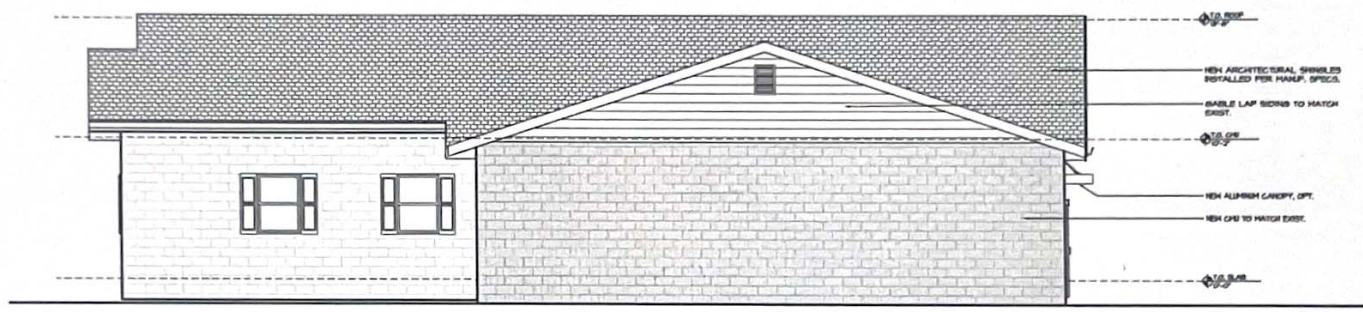
 JACKSONVILLE, FL 32204

 P. (904) 870-6100

 E. JAA@JAAARCHITECTURE.COM

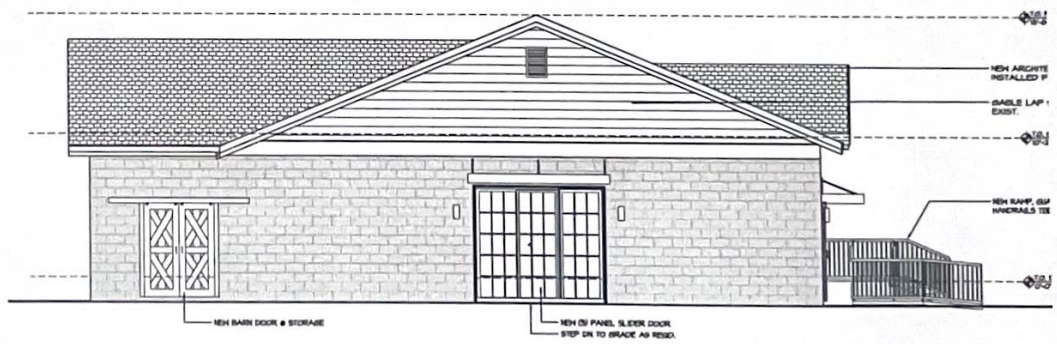
 LEO ANNETTA

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1 REAR ELEVATION - NEW W/ EXISTING

 A4.2 1/4" = 1'-0"



2 SIDE ELEVATION - NEW

 A4.2 1/4" = 1'-0"

ADDITION

FITNESS STUDIO

3 PAMELA PKWY

PALM COAST, FL 32137

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#	DATE	DESCRIPTION
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DATE: 1.27.2020

 PRJCT #: 20-127.01

SHEET

A4.2

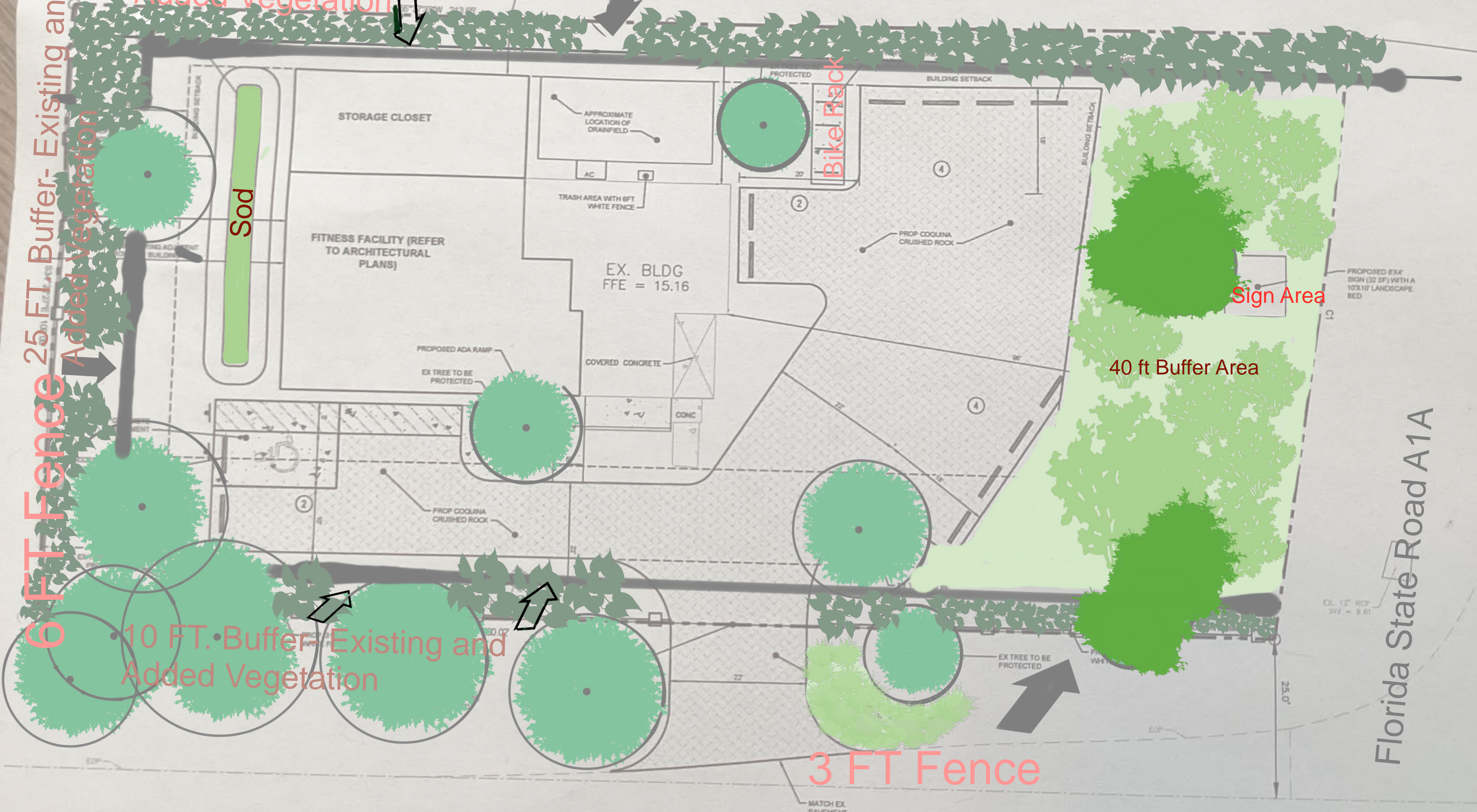
 SCHEMATIC

All Trees will stay and have a 100 sqft planting area with vegetative landscape material and pervious surface cover

Existing trees on parcel meet the requirements
See attached exhibit "A" for list of plants and size for buffer and planting areas

10 FT. Buffer- Existing and Added Vegetation

6 FT Fence 25 FT Buffer- Existing and Added Vegetation



10 FT. Buffer- Existing and Added Vegetation

3 FT Fence

100 Sqft planting area

- NOTES:**
1. BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
 2. SEE TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
 3. SEE MEP PLANS FOR ELECTRICAL DRAWINGS.
 4. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.
 5. ALL PAVEMENTS MARKINGS WITHIN FOOT RIGHT OF WAY SHALL BE THERMOPLASTIC AND MUST COMPLY WITH FOOT INDEX 711-001.
 6. ALL SIGNAGE AND STRIPING TO BE INSTALLED IN ACCORDANCE WITH MUTCD (LATEST EDITION) STANDARDS AND SPECIFICATIONS.

PAMELA PARKWAY
50' R/W DIRT ROADWAY

Florida State Road A1A

SITE BENCHMARK
EL. = 11.52

Exhibit "A"

. Trees shall be interspersed with understory shrubs using a ratio of (1) shrub for each twelve and one-half (12 1/2) linear feet of lot frontage or major fraction thereof.

. Ground cover, Grass or other ground cover shall be placed on all areas within the front , side and rear setback perimeter landscape areas not occupied by other landscape material or permitted accessways.

. Ground cover grass or other ground cover shall be planted on all areas of the buffer strips that are not occupied by other landscape materials.

. All plants that are planted in all of the buffer areas shall be the best suited to withstand the soil and physical conditions of the site. Plants will follow code and will be freeze and drought tolerant.

. Plants with include but not limited to :

- . Red Sister 6 Plants- 3 Gal
- . Canna Tropicana 4 2 Gal
- . Crape Myrtles 5/ 2.5 Gal
- . Small Dwarf Palms 2/5 Gal
- . Mondo Grass Ground cover 3 packs of 54 plants
- . Elephant Ears 25- 50 Plants that multiply each year- Grow- 36-60 inches high.
- . Mandevilla 2/1 Gal
- . Lantana 5/3 Gal
- . Ligustrums 40 already planted

All signs and lighting will
compliance with all rules and
regulations for this property.

Villano's on A1A



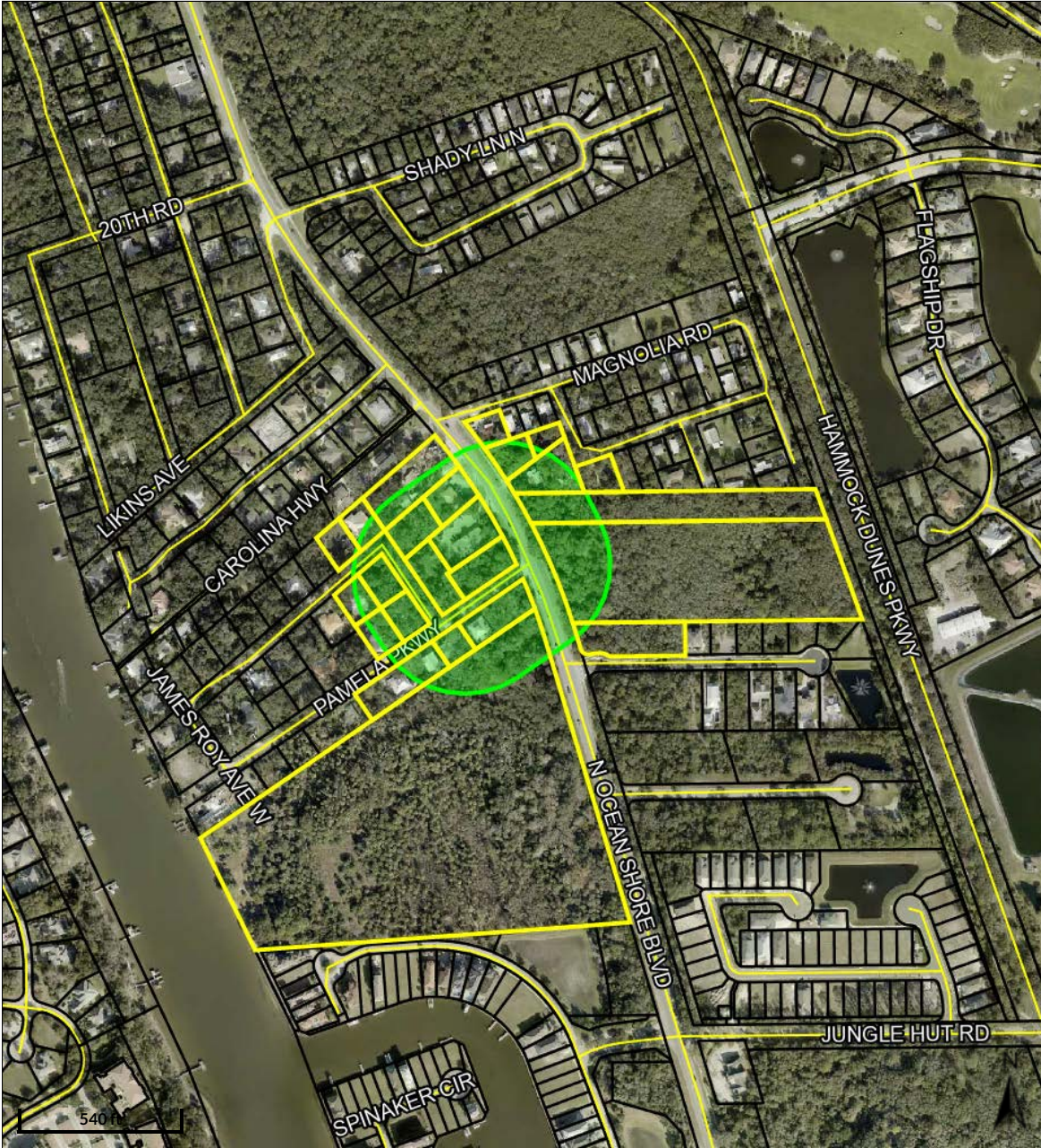
Sign height to be: 6 feet
Sign width to be 5.33 feet

All signage and lighting will be in compliance with all rules and regulation that apply to this property.

Building Sign size 40x40



FLAGLER COUNTY PROPERTY APPRAISER



Overview



Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 8/26/2024
Last Data Uploaded: 8/26/2024 8:17:52 AM

Developed by  Schneider
GEOSPATIAL

Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110



www.flaglercounty.gov
Phone: (386)313-4009
Fax: (386)313-4109

December 27, 2024

«OwnerName»
«OwnerAddress1»
«OwnerAddress2»
«OwnerCityStZip»

RE: Project No. 2024050062 – Special Exception in the R/C (Residential/Limited Commercial)

PLEASE TAKE NOTICE:

That on **January 14, 2025**, beginning at **6:00 p.m.** or as soon thereafter as possible, a public hearing before the **Flagler County Planning and Development Board** will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell. You are welcome to attend and express your opinion.

The public hearing concerns a Special Exception for a Real Estate Office/Yoga Studio on a 0.47+/- acre parcel located at 3 Pamela Pkwy, Parcel Number: 40-10-31-5135-00030-0070. The Special Exception application has been remanded back to the Planning and Development Board by the Board of County Commissioners following an Appeal of the September 10, 2024 Original Approval on the Special Exception (subject to conditions) and the October 8, 2024 Approval of a Modification to the Special Exception to Add Time Limiting Language.

You are receiving this notice as an owner of property within 300' of the subject parcel identified above per Section 2.07.00. of the Flagler County Land Development Code.

Sincerely,

Simone Kenny
Senior Planner

If a person decides to appeal any decision with respect to the matter considered at the hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with the American with Disabilities Act, persons needing assistance to participate in the hearing should contact the Growth Management Department at (386) 313-4009 at least 48 hours prior to the hearing.

Andy Dance
District 1

Greg Hansen
District 2

Kim Carney
District 3

Leann Pennington
District 4

Pam Richardson
District 5

Project 2024050062

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCityStZip	Country
07-11-31-7085-00170-0000	SCHOOL BOARD OF FLAGLER	COUNTY	PO BOX 755		BUNNELL, FL 32110	
40-10-31-5135-00010-0080	MASSUCCO ROBERT & LESLIE F	MASSUCCO & MARY CAPELA JTWROS	278 ARROWOOD POINTE		BLAIRSVILLE, GA 30512	
40-10-31-5135-00010-0090	CAPELA JAYD ALLEN	& MARY H&W	7 DEBRA DR		PALM COAST, FL 32137	
40-10-31-3900-00000-0050	MARTINEZ GEORGE ANTHONY	& KRISTY KAY H&W	4018 JAMESTOWN CT		PHENIX CITY, AL 36869	
40-10-31-5135-00010-0100	WETZEL JOHN C JR	& VICKI M H&W	7707 N OCEAN SHORE BLVD		PALM COAST, FL 32137	
40-10-31-3900-00000-0040	CARDONE KRISTINA	LIFE ESTATE	9 PAMELA PARKWAY		PALM COAST, FL 32137	
40-10-31-5135-00030-0010	SHEPLAN EDWARD		5 JOHN HERSHEL AVENUE E		PALM COAST, FL 32137	
40-10-31-5135-00030-0040	GARRETT MICHAEL L	& ELISSA J H&W	5 PAMELA PKWY		PALM COAST, FL 32137	
40-10-31-5135-00030-0030	MERENDINO THEODORA & FRED	MENNA	212 FREEDOM COURT		DEERFIELD BEACH, FL 33442	
40-10-31-5135-00030-0050	OCEANSHORES DEVELOPMENT LLC	C/O LEWERS & ASSOC.	8 CARLOS COURT		PALM COAST, FL 32137	
40-10-31-5135-00030-0070	VILLANO EVANS REAL ESTATE LLC		76 HAMMOCK BEACH CIRCLE NORTH		PALM COAST, FL 32137	
40-10-31-4050-00000-0010	BUY AND SELL BIZ LLC		5055 N OCEANSHORE BLVD		PALM COAST, FL 32137	
40-10-31-4050-00000-0260	HENNESY DIANE & ANGELA	MINIAGI & MICHELLE MINIAGI FOSTER & LORRAINE MAIER	PO BOX 3081		BUNNELL, FL 32110	
40-10-31-4050-00000-0270	BRUNS BRENT D SR		102 YACHT HARBOR DRIVE #161		PALM COAST, FL 32137	
40-10-31-5137-000A0-0000	OCEAN HAMMOCK INC	A FLA CORP	537 NE 1ST ST SUITE 5		GAINESVILLE, FL 32601	
40-10-31-4050-00000-0261	GALVIN CARRIE		13 SEA VISTA DR		PALM COAST, FL 32137	
40-10-31-5137-000B0-0000	OCEAN HAMMOCK INC	A FLA CORP	537 NE 1ST STR SUITE 5		GAINESVILLE, FL 32601	
40-10-31-4050-00000-0280	CARON HELENE		13 RYAPPLE LANE		PALM COAST, FL 32164	
40-10-31-3900-00000-0070	GOODMAN CARTER REDING		11 PAMELA PKWY		PALM COAST, FL 32137	
40-10-31-5135-00040-0010	TIDWELL CHRISTOPHER & SHANNON H&W		6 PAMELA PKWY		PALM COAST, FL 32137	
40-10-31-5135-00040-0020	GOERLICH TIMOTHY & SHARON H&W		4 PAMELA PARKWAY		PALM COAST, FL 32137	
40-10-31-1085-00000-0010	ALT HOMES LLC		39 AUDUBON LANE		FLAGLER BEACH, FL 32136	
40-10-31-3900-00000-0060	MULKEY ALICIA LIFE ESTATE		10 DEBRA DRIVE		PALM COAST, FL 32137	
40-10-31-3900-00000-0270	PURDY JEREMIE		10 PAMELA PARKWAY		PALM COAST, FL 32137	

I hereby affirm mailed notice to each owner on 12/27/2024 for the Planning and Development Board meeting on 1/14/2025 at 6:00 pm.


 Simone Kenny, Senior Planner



APPLICATION # 2024050062
NOTICE OF PUBLIC HEARING
THE FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD WILL HOLD A PUBLIC HEARING AT:
FLAGLER COUNTY GOVERNMENT SERVICES BUILDING BOARD CHAMBERS
1769 E. MOODY BOULEVARD, BLDG 2; BUNNELL, FL 32110
JANUARY 14, 2024
REQUEST: SPECIAL EXCEPTION
APPLICANT: VICTORIA AND JARED BLAKE
Parcel Number: 40-10-31-5185-00050-0070
Zoning District: R1C (RESIDENTIAL LIMITED COMMPLEX) 40
THE PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF HEARING ANY AND ALL INTERESTED PARTIES AND PERSONS WHO MAY BE FOR OR AGAINST THE APPLICATION RELATIVE TO THE PROPERTY WHEREON THIS NOTICE IS POSTED.
For additional information, please contact the Planning & Development Department of Flagler County. We do not require this notice paper to be filed or returned to the agency.

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 5**

SUBJECT: QUASI-JUDICIAL – Project No. 2024110031 – Request for Variances from the Minimum Required Rear Setback, Minimum Required Streetside (West) Setback, and Maximum Lot Coverage Requirement for a Proposed Pool, Pool Deck, and Pump House in the R/C (Residential/Limited Commercial) District at 3 Pelican Lane. Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owners: Raymond R. Royer, Jr., and Janice L. Paxson/Applicant: Raymond R. Royer, Jr. (AR No. 5274).

DATE OF MEETING: February 11, 2025

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of variances from the minimum required rear (North) setback, from the minimum required left streetside (West) setback for a proposed pool and pool deck, and from the maximum allowed lot coverage in the R/C (Residential/Limited Commercial) District. The subject parcel is located West of North Oceanshore Boulevard at 3 Pelican Lane:



On November 21, 2024, Mr. Royer submitted an application for variances from the minimum required rear (North), left streetside (West), and front (South) setback requirements to bring an existing nonconforming single-family dwelling into compliance and for a proposed pool, pool deck, and pump house, and to exceed the maximum

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 5**

allowed lot coverage in the R/C District. This request is a before-the-fact variance request, preceding the application for a building permit for the pool and pool deck, but also seeks to correct the nonconformity of the existing single-family dwelling.

This item was considered on the January 14, 2025 Planning and Development Board meeting agenda. Following questions by the Board, as well as public comment, the Board voted to continue the item to the February 11, 2025 meeting.

Since then, the applicant has revised the application to remove the variance requests for the existing non-conforming house and shifted the proposed Pump House three feet East from its initially proposed location with a zero setback on the West parcel line.

The subject property is described as Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida.

This application was reviewed by the Technical Review Committee (TRC) agenda at its December 18, 2024 meeting. The applicant has satisfactorily addressed the TRC comments.

Public notice has been provided for this application according to Flagler County Land Development Code Section 2.07.00.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD:

APPROVAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E. have been met and therefore approves Project No. 2024110031 for a 3.49 foot rear (North) variance from the minimum required 10 foot rear setback for a pool and pool deck, a 25 foot left streetside (West) variance from the minimum required 25 foot streetside setback for a pool and pool deck, a 22 foot left streetside (West) variance from the minimum required 25 foot streetside setback for a pump house, and 0.82 percent lot coverage variance from the maximum allowed 35 percent lot coverage at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130).

DENIAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E. have not been met and therefore denies Project No. 2024110031 for a 3.49 foot rear (North) variance from the minimum required 10 foot rear setback for a pool and pool deck, a 25 foot left streetside (West) variance from the minimum required 25 foot streetside setback for a pool and pool deck, a 22 foot left streetside (West) variance from the minimum required 25 foot streetside setback for a pump house, and 0.82 percent lot coverage variance from

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 5**

the maximum allowed 35 percent lot coverage at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130).

ATTACHMENTS:

1. Technical Staff Report
2. Revised site plan submittal (with attached photos)

**PROJECT NO. 2024110031
REAR, STREETSIDE, FRONT, AND LOT COVERAGE
VARIANCES IN THE R/C DISTRICT
3 PELICAN LANE
TECHNICAL STAFF REPORT**

Project No./AR No.: 2024110031/5274

Address: 3 Pelican Lane

Owners: Raymond R. Royer, Jr., and Janice L. Paxson

Applicant: Raymon R. Royer Jr.

Parcel No.: 23-11-31-5300-00000-0130

Parcel Size: 7,500+/- square feet

Legal Description:

Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:

Zoning: R/C (Residential/Limited Commercial) District

Land Use: Mixed Use: Low Density

Future Land Use Map Classification/Zoning of Surrounding Land:

North: Mixed Use: Low Density/R/C (Residential/Limited Commercial) District

East: Mixed Use: Low Density/R/C (Residential/Limited Commercial) District

South: Pelican Lane; Mixed Use: Low Density/R/C (Residential/Limited Commercial) District

West: Mockingbird Lane; Residential: Low Density Rural Estate/R-1 (Rural Residential)

Flagler County Land Development Code (FCLDC) Sections Affected: Section 3.03.13, *R/C – Residential/Limited Commercial District*; Section 3.07.03, *Procedure for variances and special exceptions*; and Section 3.07.03.E, *Variance guidelines*.

**FCLDC Sec. 3.03.13.E.2 – Minimum Setback Requirements for Structures
(for the R/C District):**

Front yard —Thirty-five (35) feet if property depth exceeds one hundred (100) feet.

—Twenty-five (25) feet if one hundred (100) feet or less.

Rear yard — Twenty (20) feet.

Side yard interior lot — Seven and a Half (7.5) feet.

Abutting any street — Twenty-five (25) feet.

Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35) percent.

FCLDC Sec. 3.02.04.G – Lots of Record

Front Yard—25 feet

Rear Yard—20 feet

Side Yard—7.5 feet

Street Side Yard—20 feet

Summary of the Request:

The owners are seeking a series of variances to place a proposed pool, pool deck, and pump house within the streetside setback on a Lot of Record in the R/C District.

FCLDC Sec 3.02.04.G states that Lot of Record setbacks, which are intended to provide setback relief for single-family dwellings on lots that are undersized for their zoning district, do not apply to accessory uses. Therefore, the pool, pool deck, and pump house must follow the R/C zoning district setback requirements. The owner is proposing to place the pool and pool deck in-line with the rear of the dwelling at 6.51 feet from the rear (North) property line. The pool and pool deck are proposed to be zero feet from the left streetside (West) property line and in line with the front of the house at 27.31 feet from the front (South) property line. The pump house is proposed to be three feet from the left streetside (West) property line, which would also place the pump house three feet from the existing dwelling.

This proposed location for the pool and pool deck would result in an encroachment of the pool and pool deck into the minimum required 10 foot rear setback for accessory structures by 3.49 feet and an encroachment of the pool and pool deck into the minimum required 25 foot left streetside (West) setback by 25 feet. The proposed location of the pump house would result in an encroachment of pump house into the minimum required 25 foot left streetside (West) setback by 22 feet. This has been reduced by three feet – with the pump house shifted eastward by three feet – as compared to the proposal reviewed at the January 14, 2025 Board meeting.

Therefore, the owner is requesting a 3.49 foot rear (North) variance from the minimum required 10 foot accessory structure setback for the pool and pool deck, a 25 foot variance from the minimum required 25 foot streetside accessory structure setback for the pool and pool deck, and a 22 foot variance from the minimum required 25 foot streetside accessory structure setback for the pump house.

Additionally, the proposed 6 foot by 12 foot pump house would increase the lot coverage of the property to 35.82 percent, requiring a 0.82 percent variance from the maximum 35

percent lot coverage in the R/C District. The existing dwelling is listed as having a base square footage of 2,005 square feet, with a 125 square foot porch, and a 484 square foot attached garage, totaling 2,614 square feet (34.9 percent lot coverage).

The subject property is 7,500+/- square feet in size having a width of 100 feet and a depth of 75 feet, and is described as Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida.

According to the plat of River Beach, Lot 13 and the 8 southerly feet of Lot 16 are depicted as (at Map Book 5, Page 36, Public Records of Flagler County, Florida):



According to the Flagler County Property Appraiser records, the existing nonconforming dwelling was built in 1979, predating the adoption of the Flagler County Land Development Code. The owners, Mr. Royer and Ms. Paxson, purchased the property through a Warranty Deed dated September 22, 2017, and recorded in Official Records Book 2231, Page 845, Public Records of Flagler County, Florida.

A 1978 Warranty Deed – from Albert G. and Leola R. Jones to Bertis W. and Alma M. Harris – dated January 3, 1978 and recorded on January 9, 1978 at Official Records Book 98, Page 436, Public Records of Flagler County, Florida, conveyed all three lots – Lots 13, 16, and 23 – together as a single parcel. The parcel's present configuration – with all of Lot 13 and the South 8 feet of Lot 16 – was conveyed – through the Warranty Deed from Bertis W. and Alma M. Harris to Edwin and Patricia Friday dated March 5, 1979 and recorded on March 6, 1979 at Official Records Book 117, Page 673, Public Records of

Flagler County, Florida – just over a year later, and generally coinciding with the timing of the construction of the single-family dwelling.

For the pool, pool deck, and pump house, this is a before-the-fact variance request submitted prior to building permit application. While staff had suggested the variance for the existing dwelling – so as to correct its nonconforming encroachment into the rear (North) setback – public comments received in opposition to this variance related to the potential construction of a future second story have led to the owner removing the rear setback variance for the existing dwelling from the list of variances to be considered under this request.

Public comments made at the January 14, 2025 Board meeting also questioned stormwater impacts from the placement of the pool and pool deck at a zero streetside setback to the Mockingbird Lane right-of-way. The plat identified all streets within River Beach as private streets, each with a 50 foot wide right-of-way width:

NOTE—
THE PRIVATE STREETS ARE ONLY DEDICATED
FOR THE EXCLUSIVE USE OF THE LOT OWNERS
IN THIS SUBDIVISION.

Notations added to the revised site plan sketch show a 29 foot setback from the existing 21.42 foot by 12.16 foot concrete slab (at its northwest corner) to the edge of pavement for Mockingbird Lane, with a 23 foot setback from the proposed pump house (at its southwest corner) to the edge of pavement.

Variance Guideline Analysis:

LDC Section 3.07.03.E, *Variance guidelines*, states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed followed by the applicant's statements (included below and attached in their entirety) and staff's analysis:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and*

Applicant's response: Undersized for zoning district.

Staff analysis: The subject property is a Lot of Record being part of the River Beach subdivision dating back to 1959 and being approximately 1,500 square feet under the minimum lot size of 9,000 square feet in the R/C district.

2. *Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and*

Applicant's response: Yes.

Staff analysis: This is a before-the-fact variance request and the applicant is seeking permission before applying for a building permit. The owners purchased the parcel with the dwelling in its present location, and they have not further increased its nonconformity through an addition. The applicant has acted at all times in good faith.

3. *The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and*

Applicant's response: Would not.

Staff analysis: The granting of a variance will not cause substantial detriment to the public health, welfare, safety, and morals of the community.

4. *No variance may be granted for a use of land or building that is not permitted by this article.*

Applicant's response: Pool is already a permitted for use.

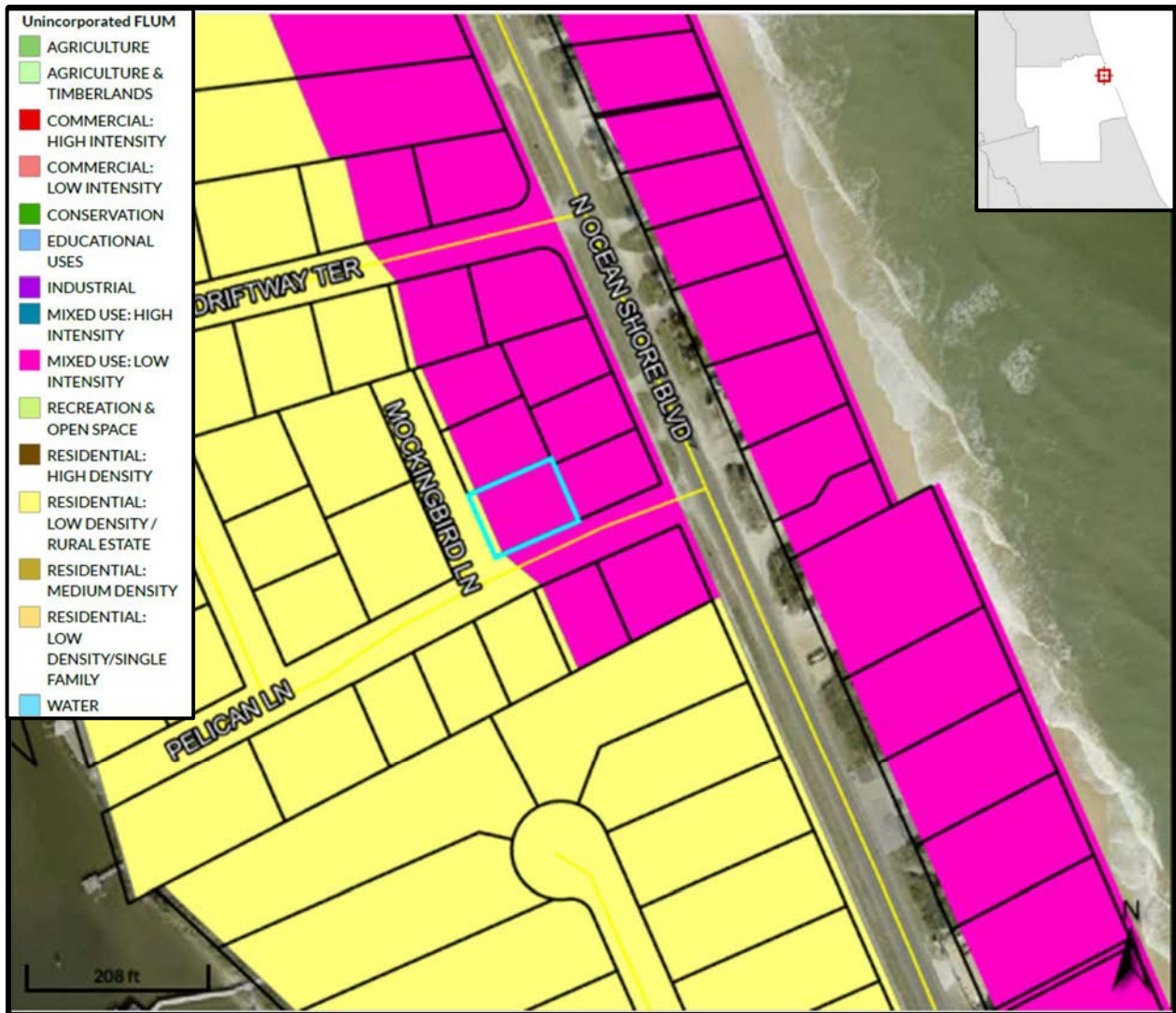
Staff Analysis: Pools, pool decks, and pump houses are permitted uses within the R/C zoning district.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

Applicant response: Affirm

Staff Analysis: The requested relief is the minimum variance necessary to alleviate the hardship.

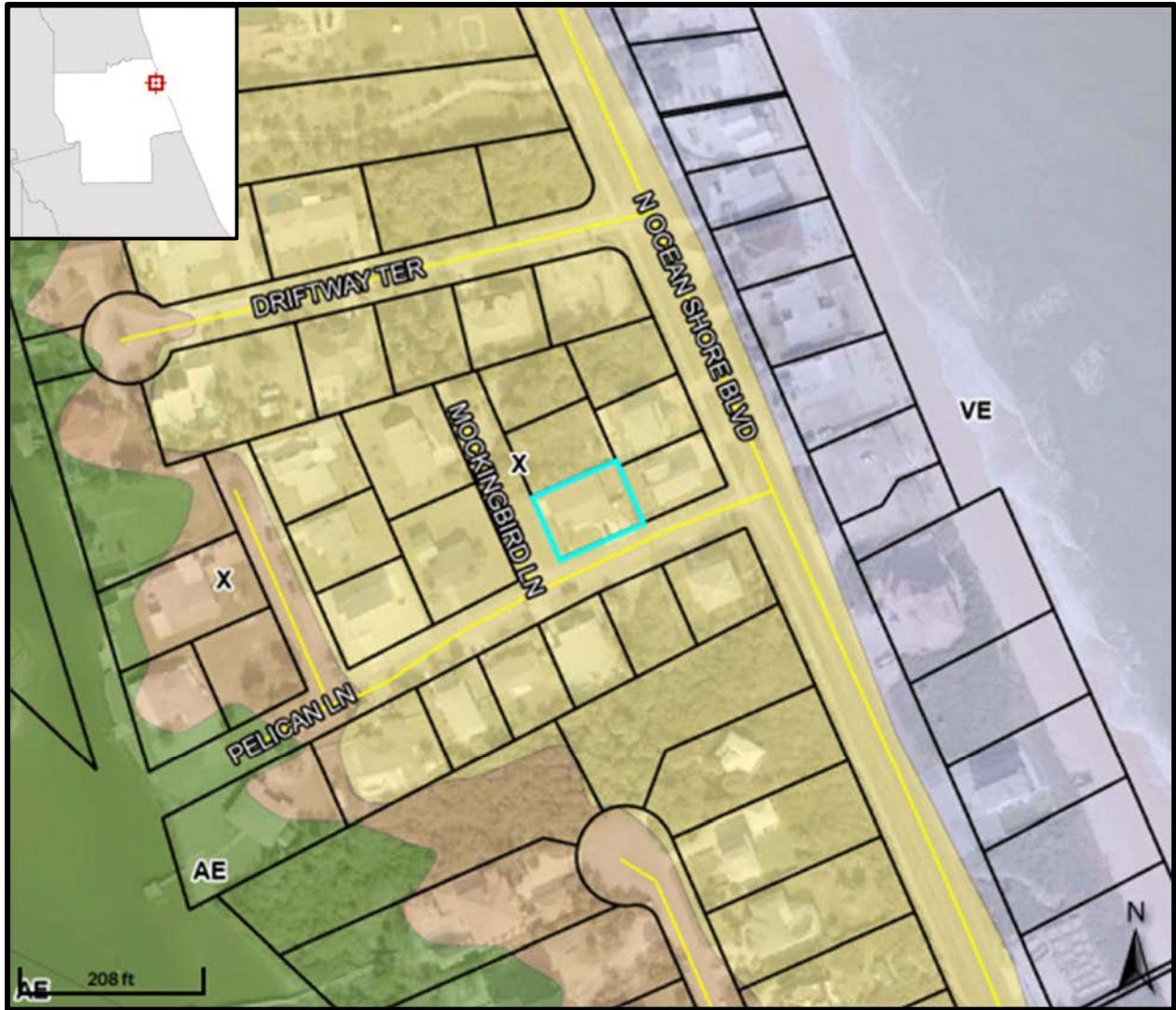
Future Land Use Map



Zoning Map



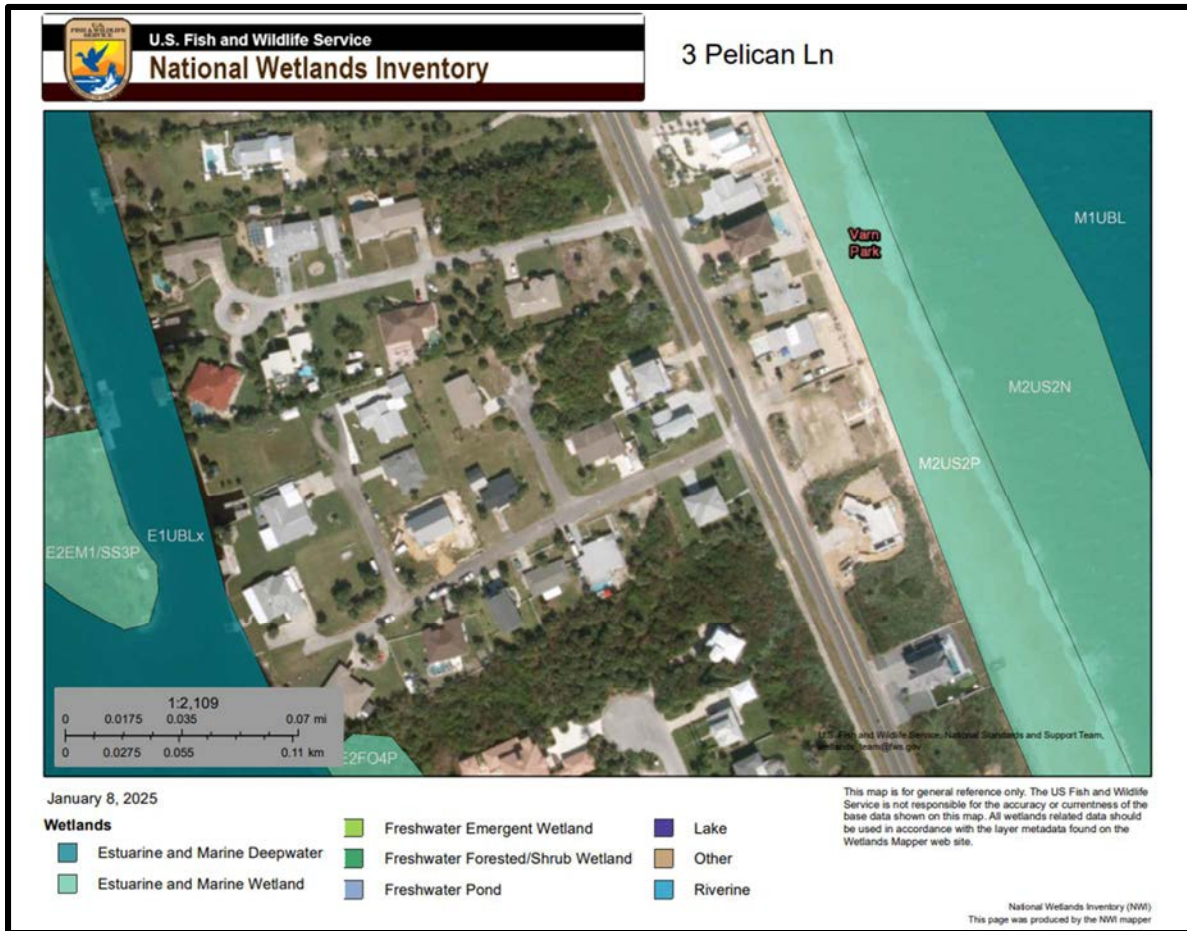
Flood Zone Map



Soils



Wetlands



MOCKINGBIRD LANE (SIGN)

50' R/W; 16'+/- COMPACT MILLINGS

E/P

25.00'

IR&CAP
FND
ILLEGIBLE

29' B4 SURVEY

B4 ACTUAL
APPLIED ROAD
EDGE

20' 8" / 23' B4 SURVEY

75.00'(P)(M)

N23°43'09"W

67.00'(P)

PEAK ROOF 9'7"

4"X4"
C.M. FND
NO ID

O/E

LOT 13 & SOUTH 8'
OF LOT 16
(7,507 sq.ft.)

POOL
PUMP
HOOSE
6'X12'8"
AT PEAK
OF ROOF

POOL
11' X 14'

21.42

18.50

OLD
PORT
FLAMING
GRD

DOOR

WINDOW

WINDOW

13.60

27.31

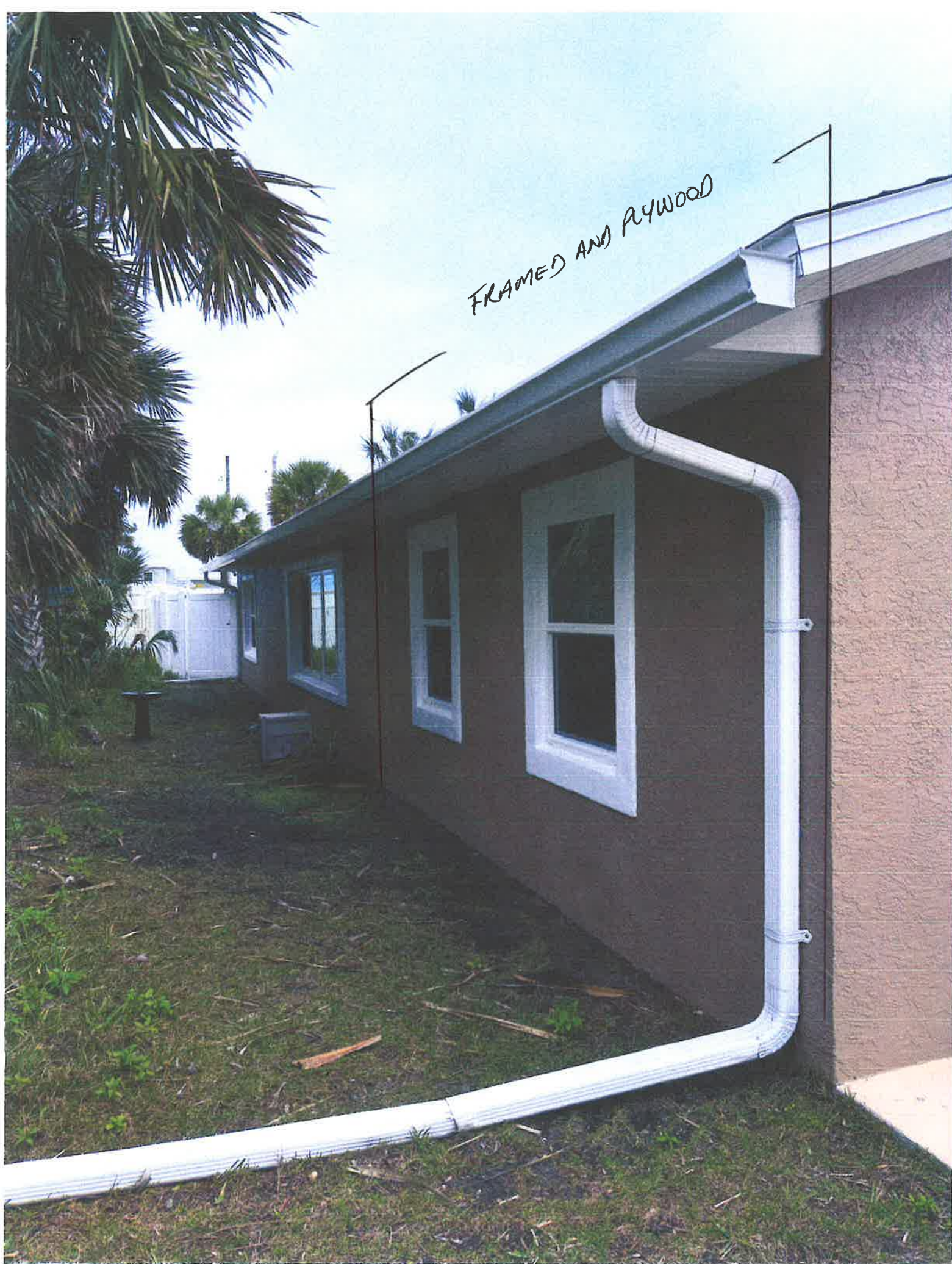
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6.51

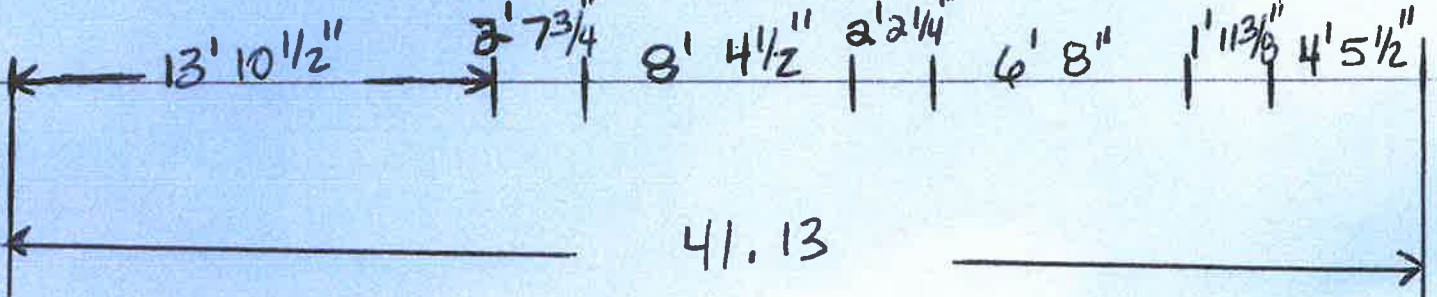
41.13

5.0

FRAMED AND PLYWOOD



EDGE WALL TO DOOR DOOR WALL WINDOW WALL WINDOW WALL EDGE



OLD PORCH
FRAME & PLYWOOD

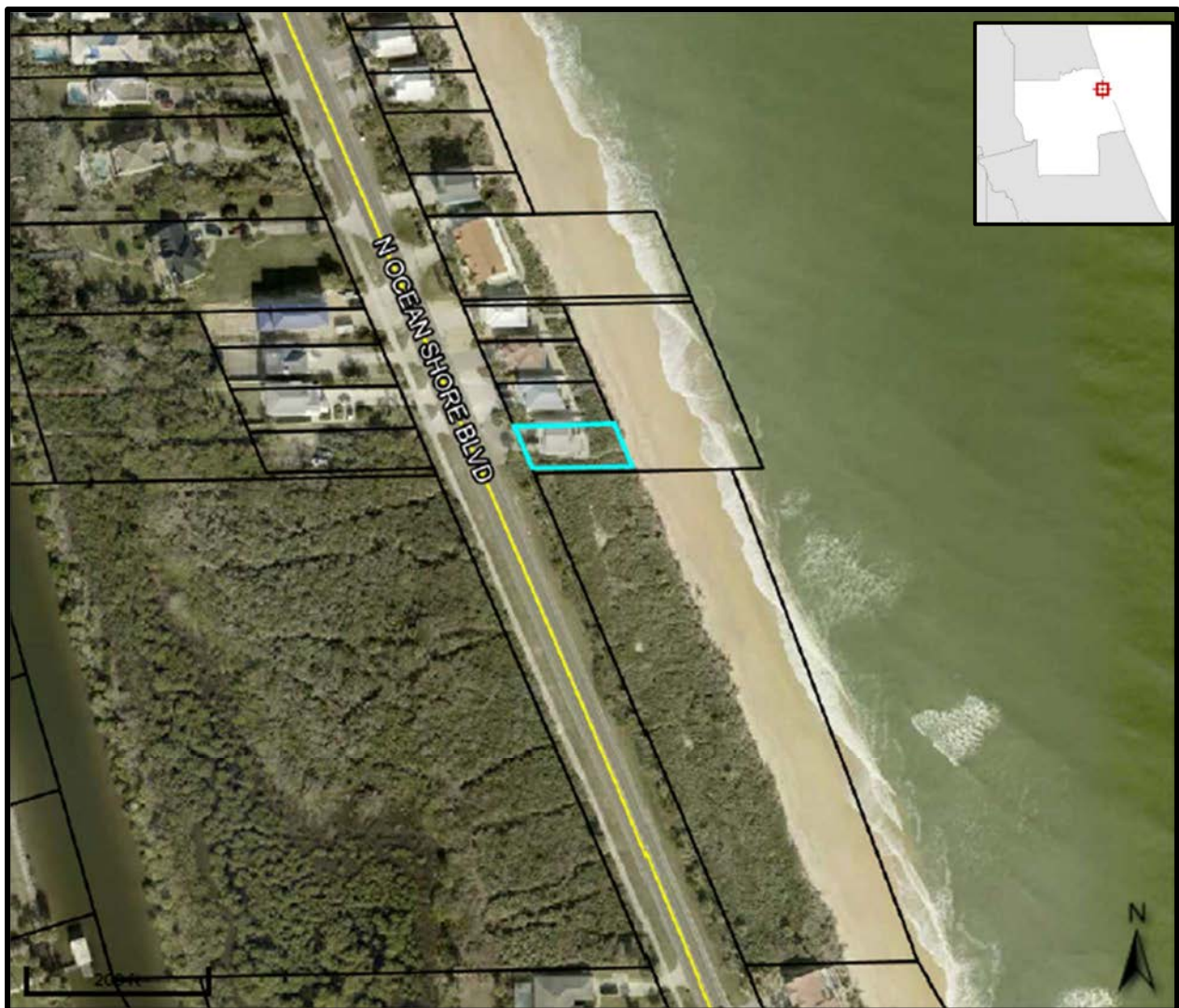


**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 6**

SUBJECT: QUASI-JUDICIAL – Project 2024120023 – Request for a Variance from the 20 Foot Minimum Rear (East) Setback Requirement for a Deck in the R/C (Residential/Limited Commercial Use) District at 3295 N Oceanshore Boulevard. Parcel Number: 23-11-31-0000-01022-0121; Parcel Size: 5,114+/- square feet (0.12+/- acres). Owner/Applicant: Sidney and Leane Silhan (AR No.5314).

DATE OF MEETING: February 11, 2025

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a variance from the 20 foot minimum rear setback requirement in the R/C (Residential limited commercial) District. This parcel is 5,114+/- square feet in size, and is identified as Parcel No. 23-11-31-0000-01022-0121:



On December 10, 2024, owners Sidney and Leane Silhan submitted an application for a variance from the 20 foot minimum required rear yard setback in the R/C District to

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 6**

stabilize an existing cantilever deck. The variance was submitted at the direction of County staff following the issuance of a Stop Work Order due to work without a permit.

The subject property is described as a portion of the 3rd Street (a 50 foot wide right-of-way) as depicted on the plat of the Kanaha Beach subdivision, according to Map Book 1, Page 25, Public Records of Flagler County, Florida.

This application was reviewed by the Technical Review Committee (TRC) at its January 15, 2025 meeting. The applicant satisfactorily addressed the TRC comments.

Public notice has been provided for this application according to Flagler County Land Development Code Section 2.07.00. Public comments were received as part of this request following public notice; these comments are attached. To alleviate public comments, the Board could consider conditioning the variance approval that the deck area and the area below it could not be subsequently enclosed (so as to maintain the viewshed).

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD:

APPROVAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024120023 for a 7.81 foot rear (East) yard setback variance from the minimum required 20 foot rear yard setback requirement at 3295 North Oceanshore Boulevard (Parcel No. 23-11-31-0000-01022-0121).

APPROVAL WITH CONDITIONS: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024120023 for a 7.81 foot rear (East) yard setback variance from the minimum required 20 foot rear yard setback requirement at 3295 North Oceanshore Boulevard (Parcel No. 23-11-31-0000-01022-0121), with the condition that the deck and the area above and beneath it cannot be enclosed.

DENIAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies Project No. 2024120023 for a 7.81 foot rear (East) yard setback variance from the minimum required 20 foot rear yard setback requirement at 3295 North Oceanshore Boulevard (Parcel No. 23-11-31-0000-01022-0121).

CONTINUANCE: The Planning and Development Board continues the variance request on the basis that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 6**

be able to render a decision on the variance requests. Continuing the variance request to a time and date certain will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

ATTACHMENTS:

1. Technical Staff Report
2. Application and supporting documents
3. TRC comments
4. Public notice
5. Public comments

**PROJECT NO. 2024120023
REAR SETBACK VARIANCE IN THE R/C DISTRICT
3295 NORTH OCEANSHORE BOULEVARD
TECHNICAL STAFF REPORT**

Project No./AR No.: 2024120023/5314

Address: 3295 N Oceanshore Blvd

Owners/Applicants: Sidney and Leane Silhan

Parcel No.: 23-11-31-0000-01022-0121

Parcel Size: 5,114+/- square feet

Legal Description:

A portion of 3rd Street (a 50 foot wide right-of-way), as depicted on the plat of Kanaha Beach subdivision, according to Map Book 1, Page 25, Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:

Zoning: R/C (Residential/Limited Commercial) District

Land Use: Mixed Use: Low Density Low Intensity

Future Land Use Map Classification/Zoning of Surrounding Land:

North: Mixed Use: Low Density/R/C (Residential/limited commercial) District

East: Mixed Use: Low Density/R/C (Residential/limited commercial) District

South: Mixed Use: Low Density/R/C (Residential/limited commercial) District

West: North Oceanshore Boulevard (a/k/a State Road A1A); Mixed Use: Low Density/R/C (Residential/limited commercial) District

Flagler County Land Development Code (FCLDC) Sections Affected: Section 3.03.13, *R/C – Residential/Limited Commercial District*; Section 3.02.04.G, *Lots of Record*; Section 3.07.03, *Procedure for variances and special exceptions*; and Section 3.07.03.E, *Variance guidelines*.

**FCLDC Sec. 3.03.13.E.2 – Minimum Setback Requirements for Structures
(for the R/C District):**

Front yard —Thirty-five (35) feet if property depth exceeds one hundred (100) feet.

---Twenty-five (25) feet if one hundred (100) feet or less.

Rear yard — Twenty (20) feet.

Side yard interior lot — Seven and a Half (7.5) feet.

Abutting any street — Twenty-five (25) feet.

FCLDC Sec. 3.02.04.G. – Minimum Setback Requirements for Primary Structures
(for a Lot of Record):

- Front Yard — 25 feet
- Rear Yard — 20 feet
- Side Yard — 7.5 feet
- Street Side Yard — 20 feet

Summary of the Request:

The owners are seeking a variance from the 20 foot minimum required rear yard setback in the R/C District to replace the existing cantilever supports for a deck with in-ground support posts.

The subject property is 5,114+/- square feet having a width of 50 feet and a depth of 82.96 feet. The property was formerly a right-of-way called out as 3rd Street on the Kanaha Subdivision Plat (Map Book 1, Page 25, Official Records and Flagler County, Florida). This right-of-way, as well as Ocean Boulevard and the 11 foot alley shown in Map Book 1, Page 25, Public Records of Flagler County, Florida, were vacated on December 18, 2000 through Resolution No. 2000-108 (Official Record Book 725, Page 1447, Public Records of Flagler County, Florida). This resolution was contingent that the vacated 3rd Street right-of-way, located East and West of State Road A1A, receive a variance from the Flagler County Planning and Zoning Board to become two building lots. These variances were approved at the February 13, 2001 Flagler County Planning Board meeting (Application No. 2121). In turn, these variances had the effect of establishing these lots as Lots of Record.

The existing dwelling's deck was finalized on February 4, 2014 (Permit No. 2012110097). The property was purchased by the Silhans through the Warranty Deed dated October 18, 2024 and recorded in Official Records Book 2910, Page 1168, of the Public Records of Flagler County, Florida. The owners submitted an application for a variance to replace the existing cantilever supports for the rear, second-story deck with in-ground supports on December 10, 2024. This application was submitted following a Notice of Violation for No Permit – FCC Chapter 8, Article II Building Code (Case No. 2024120023) issued on December 2, 2024.

While the footprint of the deck is not changing, the conversion from cantilever supports to in-ground posts alters the way staff applies setback requirements. FCLDC Sec. 3.08.02 defines *Setback line* as: "...the limits of a yard in which no building, other than accessory building or structure may be located above ground, except as may be provided in said codes." The same section of the LDC defines *Building* as: "A structure that is permanently affixed to the ground, has a roof, and is used for the shelter of humans, animals, property or goods." The cantilever-supported deck, while resulting in a roofed area on the ground-

floor, is not permanently affixed to the ground, and therefore not subject to the setback requirements of the R/C District. The deck currently overhangs the setback line by 7.81 feet. Replacing the cantilever supports with an in-ground post, and thus *permanently affixing it to the ground*, would subject the deck to the setback requirements and result in an encroachment of 7.81 feet into the rear setback, and has prompted the variance application.

The initial application included an expansion of the deck by 96 square feet to improve the usability of the space. However, after meeting with the Technical Review Committee and becoming aware of concerns of surrounding property owners, the applicants amended their request to maintain the same footprint as the existing deck.

Variance Guideline Analysis:

LDC Section 3.07.03.E, *Variance guidelines*, states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed followed by the applicant's statements (included below and attached in their entirety) and staff's analysis:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and*

Applicant's response: The subject property is in the shape of a parallelogram. The shape created design challenges with staggered and angled walls to fit within the setback requirements, resulting in an oddly-shaped and hard to use deck. Decking is supported by cantilevered posts to meet setback requirements, but the supports have failed and the deck is at risk using such cantilevered supports.

Staff analysis: The subject property is a Lot of Record having been a vacated right-of-way of the 1929 Kanaha Subdivision Plat vested as a buildable lot by the Board of County Commissioners through Resolution No. 2000-108 (Official Records Book 725, Page 1447, Public Records of Flagler County, Florida) and Flagler County Planning Board through Application No. 2121 (2001) and being approximately 3,886+/- square feet undersized for the R/C District. This increases the difficulty of meeting the minimum required setbacks. Although the LDC provides some relief for setbacks for Lots of Record, it does not provide any relief for the rear setback.

2. *Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and*

Applicant's response: These conditions were not created by the homeowner. They were existing upon purchase of the property, although the wood rot and corrosion was hidden. By allowing the variance and deck supports to end into the ground, the condition can be remedied by transferring the weight to the ground and spreading it safely across both the house and the posts, rather than just the house.

Staff analysis: This is a before-the-fact variance request. The owners purchased the property as-is. Aside from the work without a permit, the owners have acted at all times in good faith as reflected in this variance request.

3. *The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and*

Applicant's response: If the variance is granted the public and neighboring properties would not be impacted. The reduction to the setback is along the property line adjacent to Flagler County property which is the beach area along the Ocean. The property is separated from that area accessible by the public by a large protected dune area. Neither would the variance frustrate the efforts to protect the dune as the posts are well back from the dune area and in existing outdoor cleared space. A variance was granted to a neighboring property in 2023 for the same reasons, with no negative consequences.

Staff analysis: The replacement of the cantilever supports with in-ground posts does not increase the footprint of the deck or alter sight lines for neighboring properties. The posts would be placed in existing patio space rather than undisturbed ground. The variance would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article.

4. *No variance may be granted for a use of land or building that is not permitted by this article.*

Applicant's response: Variance permit is allowed in R/C district. Decking is permissible in R/C district.

The vertical posts would provide increased safety to the property and the neighboring properties during hurricane weather.

Staff Analysis: Decks are a permitted use in the R/C District.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

Applicant response: Without this variance, the owner would need to replace the cantilevers supporting the decking at east side of the property, but these supports have failed and are not a structural best practice. The current design has resulted in corrosion and rot of the deck supports and water intrusion in the home from the movement of the deck and mounting of cantilevered posts to the structure.

Staff Analysis: The requested relief is the minimum variance necessary to alleviate the hardship.

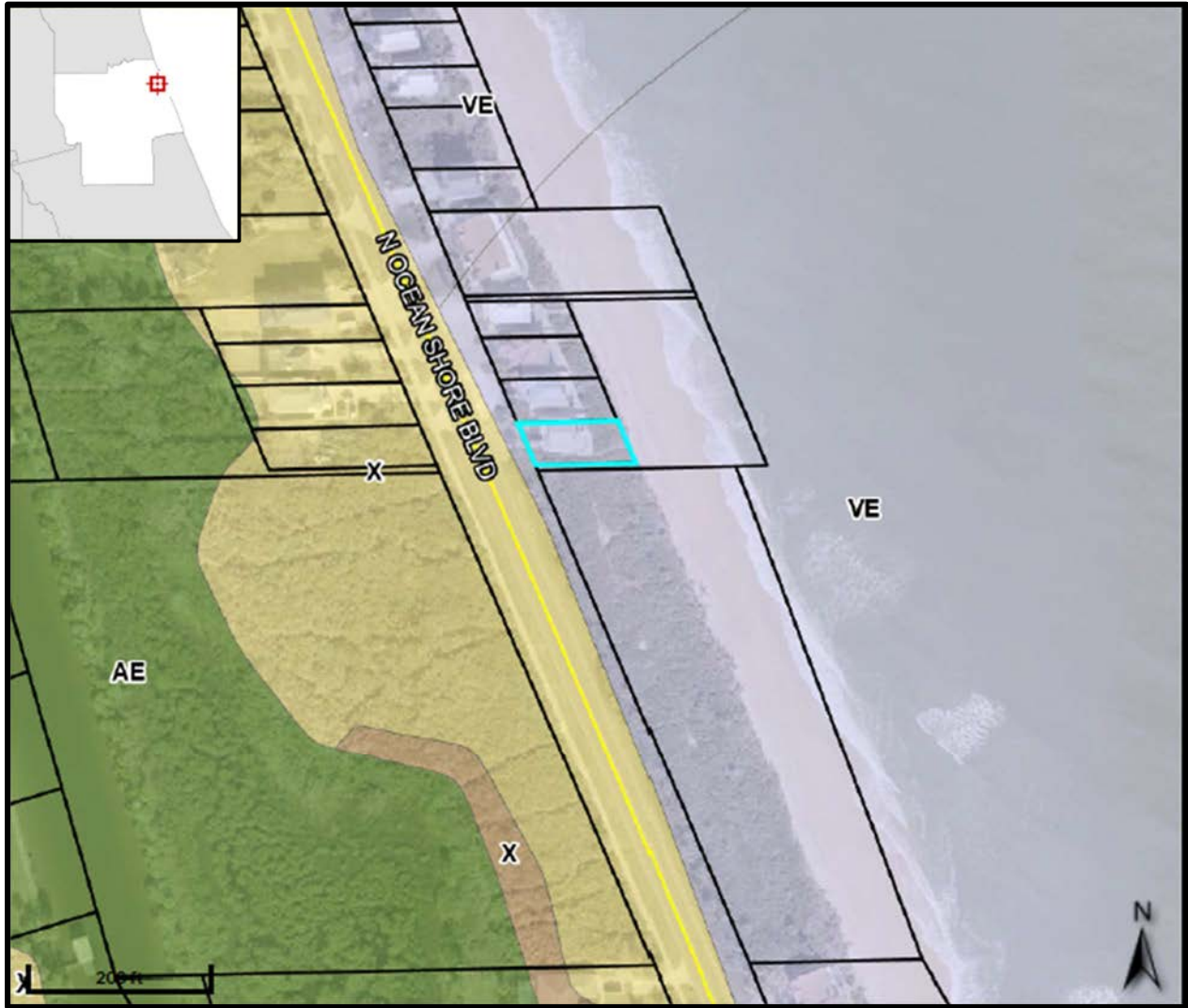
Future Land Use Map



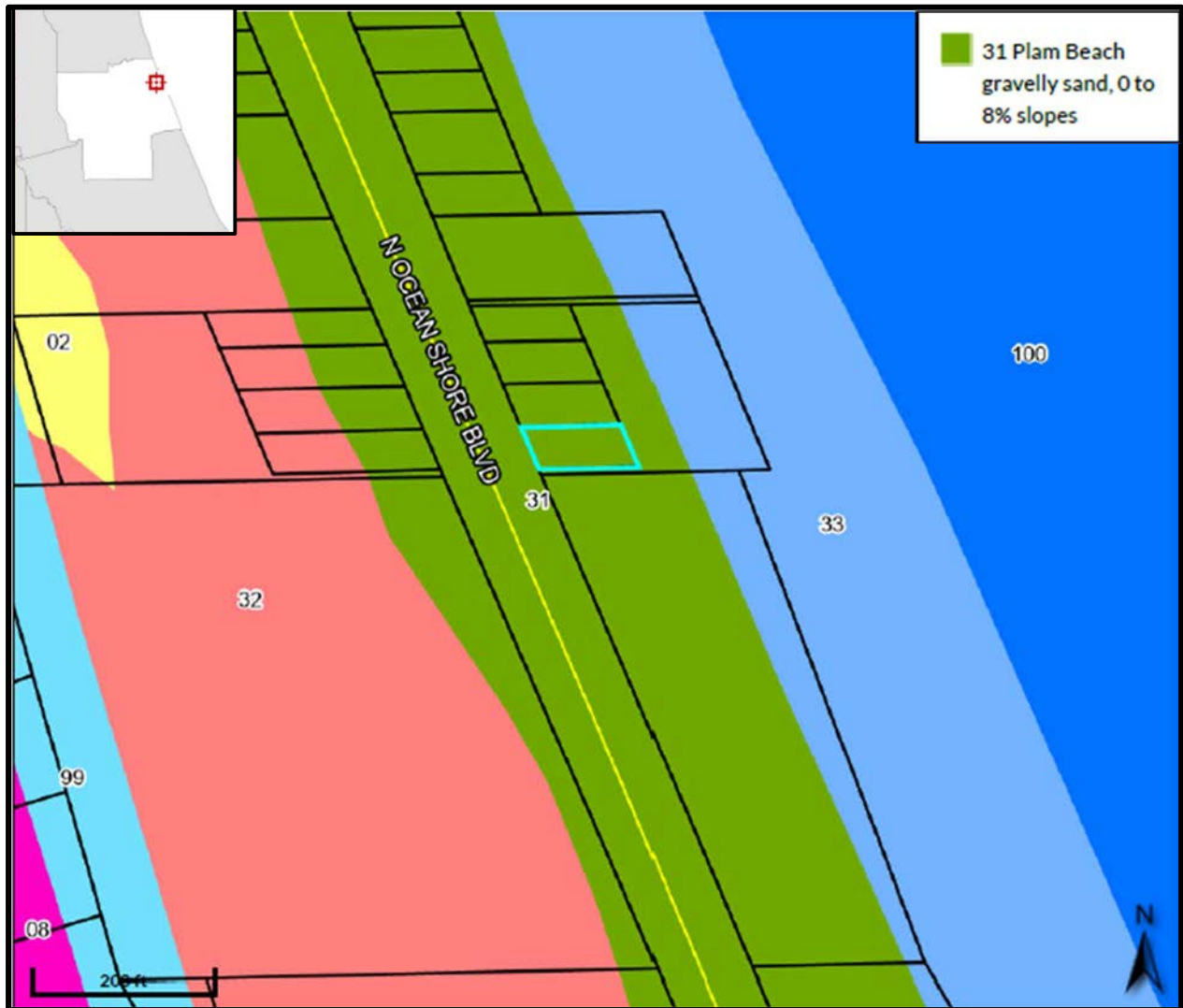
Zoning Map



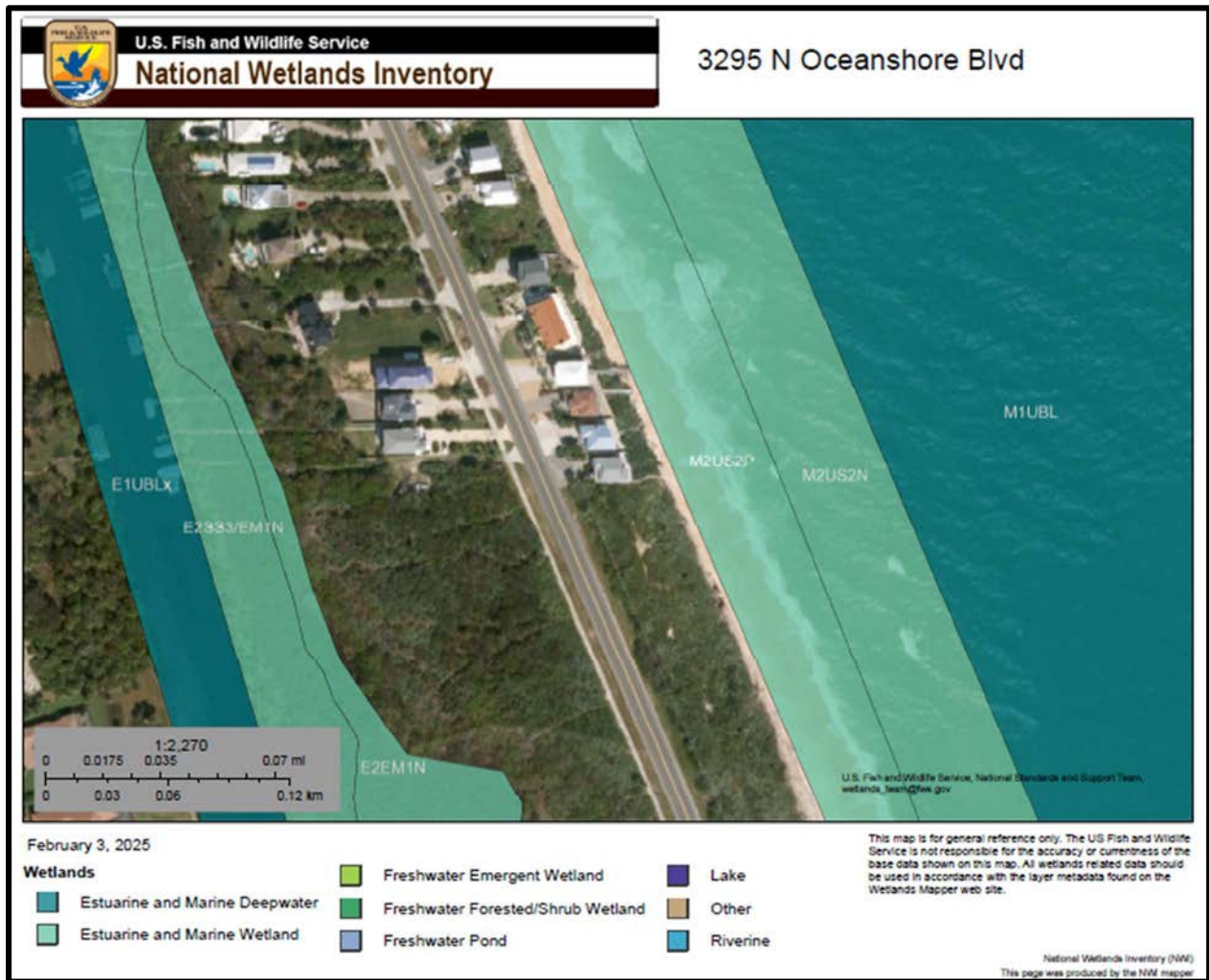
Flood Zone Map



Soils



Wetlands





APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

PROPERTY OWNER(S)	Name(s):		
	Mailing Address:		
	City:	State:	Zip:
	Telephone Number		Fax Number

APPLICANT/AGENT	Name(s):		
	Mailing Address:		
	City:	State:	Zip:
	Telephone Number		Fax Number
	E-Mail Address:		

SUBJECT PROPERTY	SITE LOCATION (<i>street address</i>):		
	LEGAL DESCRIPTION: <i>(briefly describe, do not use "see attached")</i>		
	Parcel # (<i>tax ID #</i>):		
	Parcel Size:		
	Current Zoning Classification:		
	Current Future Land Use Designation		
	Subject to A1A Scenic Corridor IDO?	YES	NO

Relief Requested: _____

Signature of Owner(s) or Applicant/Agent
if Owner Authorization form attached

Date

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED []
*APPROVED WITH CONDITIONS []
DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Subject Property: _____

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

4. No variance may be granted for a use of land or building that is not permitted by this article.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Bldg 2
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

Required Attachments for Variance Application:

- 1.) Copy of Owner(s) recorded Warranty Deed;
- 2.) Application fee \$345.00 plus postage and \$50 for notification of public hearing (posting of sign). Make check payable to BOCC. Fee amount per Resolution 2008-31 as amended.
- 3.) Complete application and site plan meeting all requirements of Flagler County Land Development Code.

NOTE: Pursuant to Section 286.0105 of Florida Statutes, the Flagler County Planning Board hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

3.07.03. Procedure for variances and special exceptions.

- A. *Request application.* A request for a hearing before the planning board for a variance or special exception shall be made as follows:
1. A completed application form shall be filed with the planning and zoning director. Such application shall state the pertinent facts on which the request is based. The planning and zoning director may assist the applicant in preparing the application.
 2. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the planning and zoning director. Such site plan shall include, as a minimum, the following:
 - (a) Lot dimensions with property line monuments located thereon.
 - (b) Location and size of existing and proposed structures.
 - (c) Easements (public and private), water courses, and if existing and proposed, fences, street names, and street right-of-way lines and such information regarding abutting property, as directly affects the application.
- B. *Planning board hearing.*
1. The planning and zoning director shall schedule a hearing before the planning board to consider the application. Scheduling of this hearing shall provide ample time for the planning and zoning director to provide notice to surrounding property owners as set forth in subsection 3.07.03. In no event shall such hearing be scheduled more than forty-five (45) days from the date of application.
 2. The hearing provided for under this section shall be for the purpose of reviewing relevant information from the applicant regarding the requested variance and/or special exception. The planning board shall also review written and/or oral comments from the public in accordance with its established procedures.
 3. The planning board shall determine whether sufficient factual data was presented in order to render a decision. If the planning board determines that sufficient factual data was presented, then it shall render a decision to either:
 - a. Approve the request as submitted;
 - b. Approve the request with conditions;
 - c. Disapprove the request.
- If the planning board determines that sufficient factual data was not presented, the planning board may continue the hearing until the next scheduled meeting to allow for the preparation of such factual data. Only one (1) such continuation shall be allowed for each requested variance and/or special exception.
- C. *Appeal of planning board decision.*
1. Within thirty (30) days of the rendering of a decision by the planning board regarding a requested variance and/or special exception, an appeal may be filed with the board of county commissioners. Such appeal may be filed by the original applicant, the planning and zoning director, other county staff as authorized, and a surrounding property owner, as defined in subsection 3.07.03.
 2. The application for appeal shall be filed with the planning and zoning director who shall schedule a hearing on the appeal with the board of county commissioners. Scheduling of this hearing shall provide ample time for the applicant to provide notice to surrounding property owners, as set forth in subsection 3.07.03.
 3. The appeal hearing provided for under this section shall be for the purpose of reviewing all pertinent information regarding the appeal. The applicant shall provide all relevant factual data, materials and/or oral testimony to support the appeal. The board of county

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

commissioners shall also review written and/or oral comments from the public in

accordance with its established procedures.

4. At the conclusion of the appeals hearing provided for under this section, the board of county commissioners shall render a decision on the appeal. Any decision rendered by the board of county commissioners under this section shall be deemed final.

D. *Reserved*

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and
2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and
3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and
4. No variance may be granted for a use of land or building that is not permitted by this article.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

Prepared by and return to:
Laura Leonardo Flynn
Pioneer Title Services, L.L.C.
145 City Place
Suite 301-A
Palm Coast, FL 32164
(386) 447-7716
File Number: 2024-421
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 18th day of October, 2024 between

David R. Smith, a married man, conveying non-homestead property, Individually and as Trustee of the Revocable Trust Agreement of David R. Smith,
whose post office address is **8100 Clarks Cove, Addison, MI 49220, Grantor,**
and

Sidney S. Silhan, a married person, Trustee of the Sidney S. Silhan Revocable Trust
whose post office address is **3901 Powers Ferry Road, Atlanta, GA 30342, Grantee:**

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of **\$1,675,000.00** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Flagler County, Florida** to-wit:

THAT PORTION OF 3RD STREET, (50' R/W AS MEASURED ALONG THE PRESENT EAST RIGHT-OF-WAY LINE OF STATE ROAD A-1-A (100' R/W)), KANAHA BEACH; A SUBDIVISION ACCORDING TO MAP BOOK 1, PAGE 25' PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID 3RD STREET VACATED PER FLAGLER COUNTY RESOLUTION NUMBER 2000-18 AND BOUNDED ON THE NORTH BY THE SOUTH LINE OF BLOCK 2, KANAHA BEACH, BOUNDED ON THE SOUTH BY THE NORTH LINE OF BLOCK 3, BOUNDED ON THE EAST BY THE EAST LINE OF KANAHA BEACH AND BOUNDED ON THE WEST BY THE PRESENT EAST RIGHT-OF-WAY LINE OF STATE ROAD A-1-A.

TOGETHER WITH A 10 FOOT ACCESS EASEMENT LYING BETWEEN THE EAST LINE OF KANAHA BEACH AND THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN, SAID EASEMENT BEING 5 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED LINE; FROM A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 3, BEAR N 23° 14' 40" W ALONG THE EAST LINE OF KANAHA BEACH, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE CENTER LINE OF SAID 10 FOOT ACCESS EASEMENT; THENCE N 88° 58' 06" E, ALONG SAID CENTERLINE TO THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN AND THE POINT OF TERMINUS.

Parcel Identification Number: 23-11-31-0000-01022-0121

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

Subject to taxes for the year 2024 and subsequent years; Assessments of any Homeowner or Community Association, Covenants, Conditions, Restrictions, Easements, Reservations and Limitations of Record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2023.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness
Printed Name: Laura Leonardo Flynn
P.O. Address: 2 Camino Delmar
Palm Coast, FL 32137

Revocable Trust Agreement of David R. Smith
By: *[Signature]*
David R. Smith, Trustee
By: *[Signature]*
David R. Smith, Individually

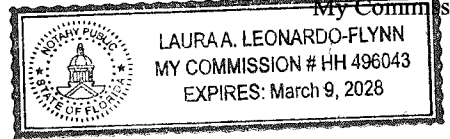
[Signature]
Witness
Printed Name: Karen Alford
P.O. Address: 2 Camino Delmar
Palm Coast FL 32137

State of Florida
County of Flagler

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 18th day of October, 2024 by David R. Smith, Individually and as Trustee of the Revocable Trust Agreement of David R. Smith who is personally known or has produced a driver's license as identification.

[Seal]

[Signature]
Notary Public
Print Name: _____
My Commission Expires: _____

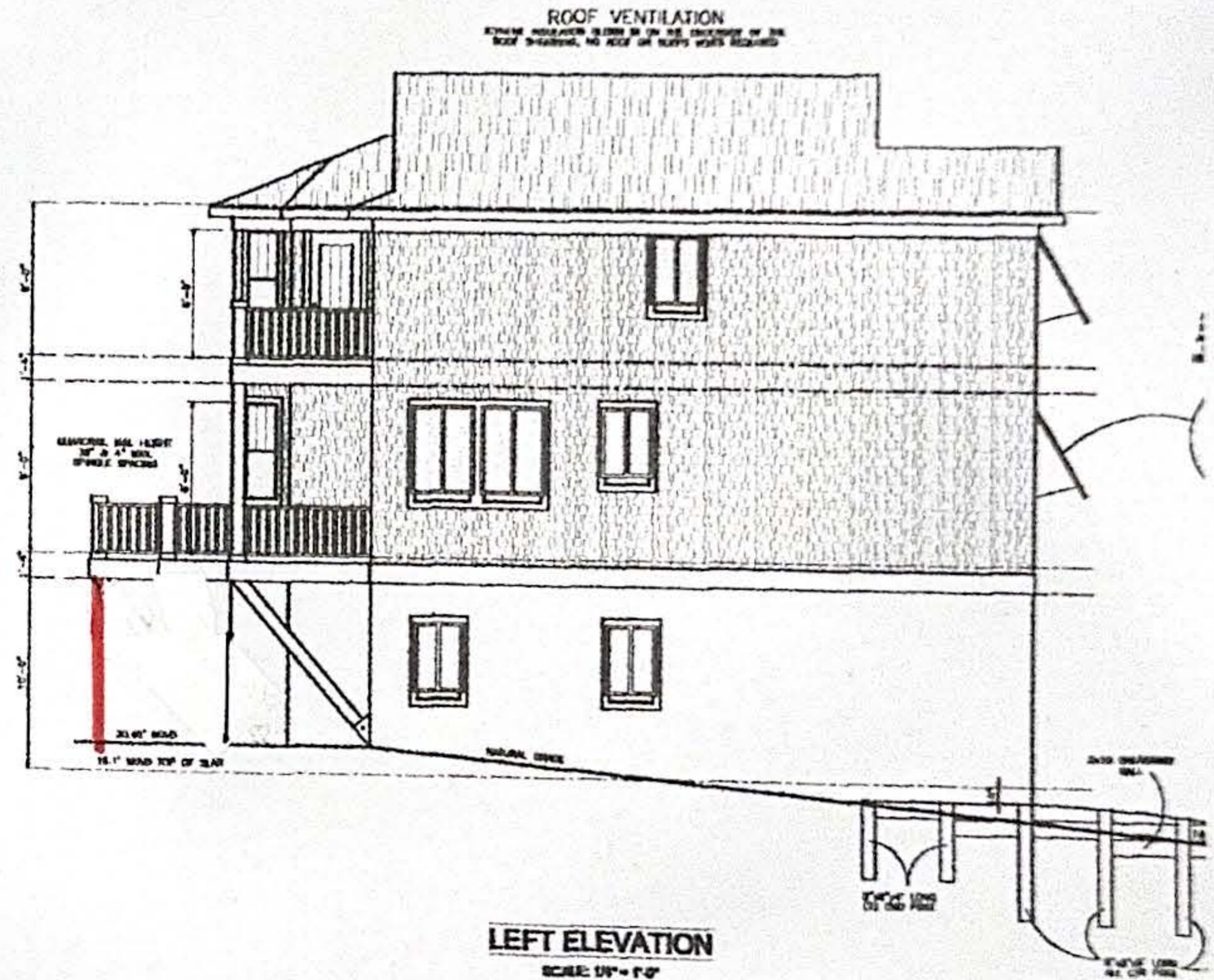
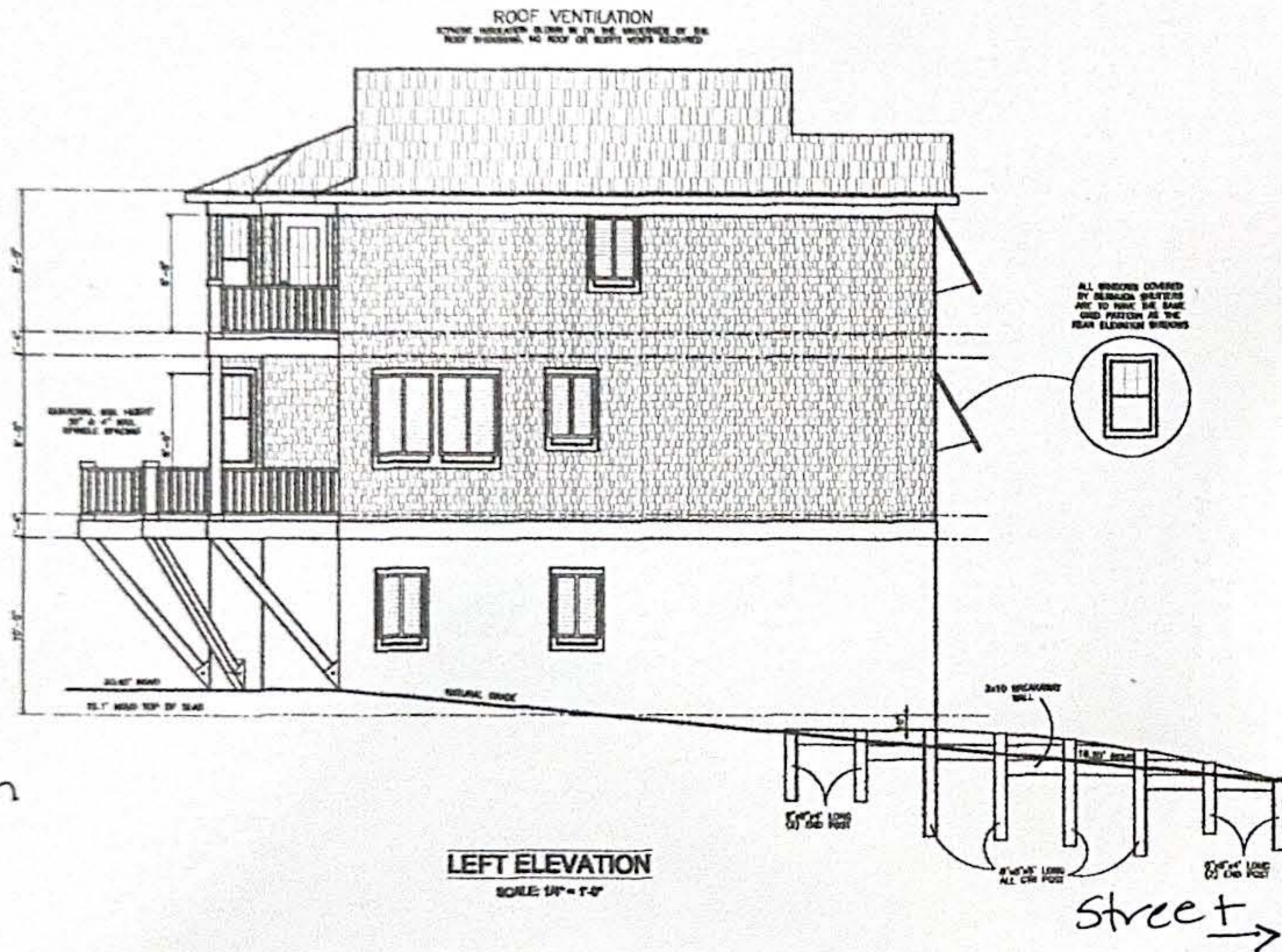


3295 N. Ocean Shore Blvd Flagler Beach

Current Deck Support Design

CLOSEST RANGE
MONUMENT R54

Proposed Deck Support Design



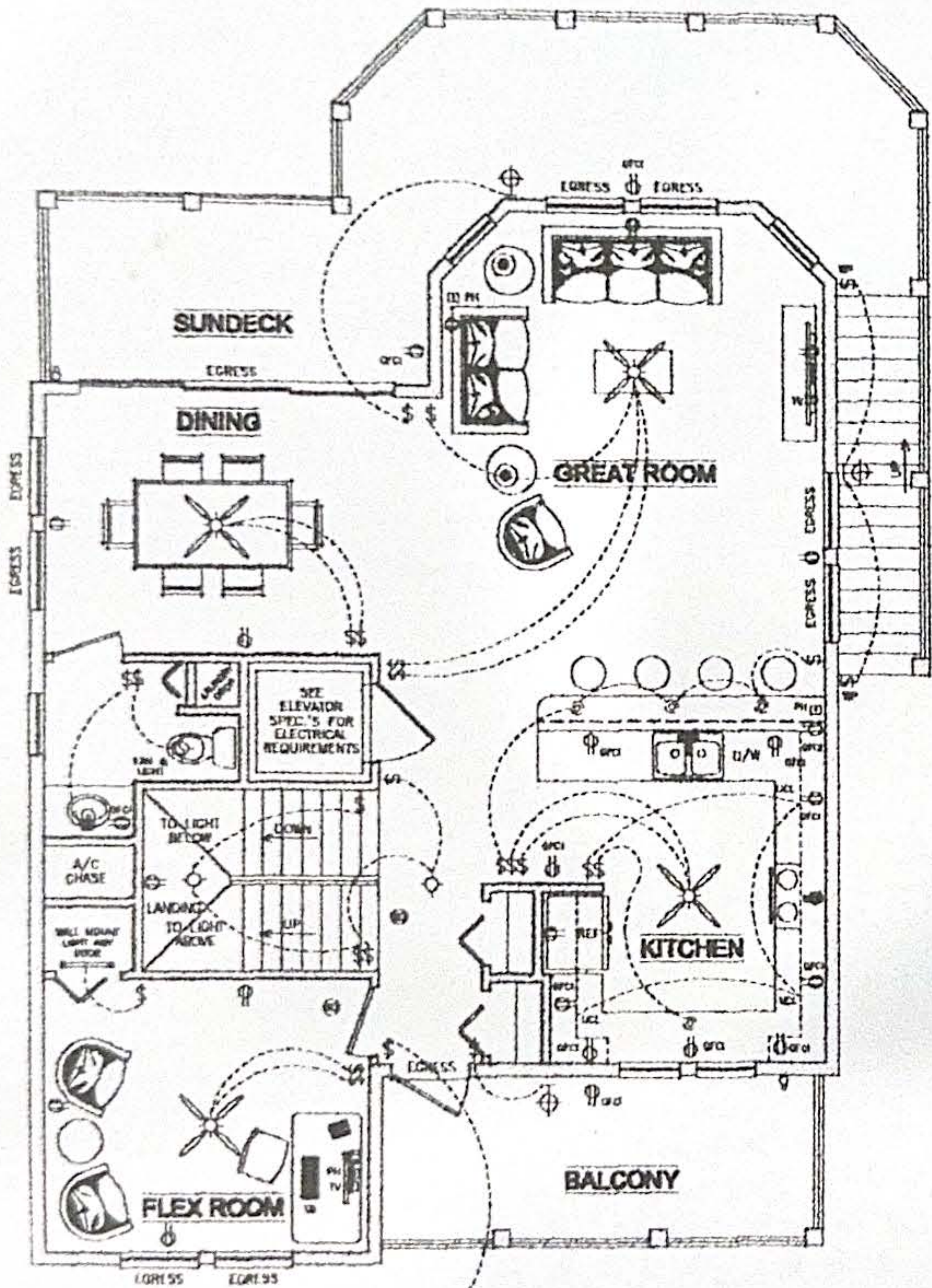
Key:

3 - 8x8 vertical posts

Current deck support design reflects cantilevered posts and proposed deck support design reflects 3 vertical 8x8 posts on north-south plane.

3295 N. Ocean Shore Blvd.
Flagler Beach, FL

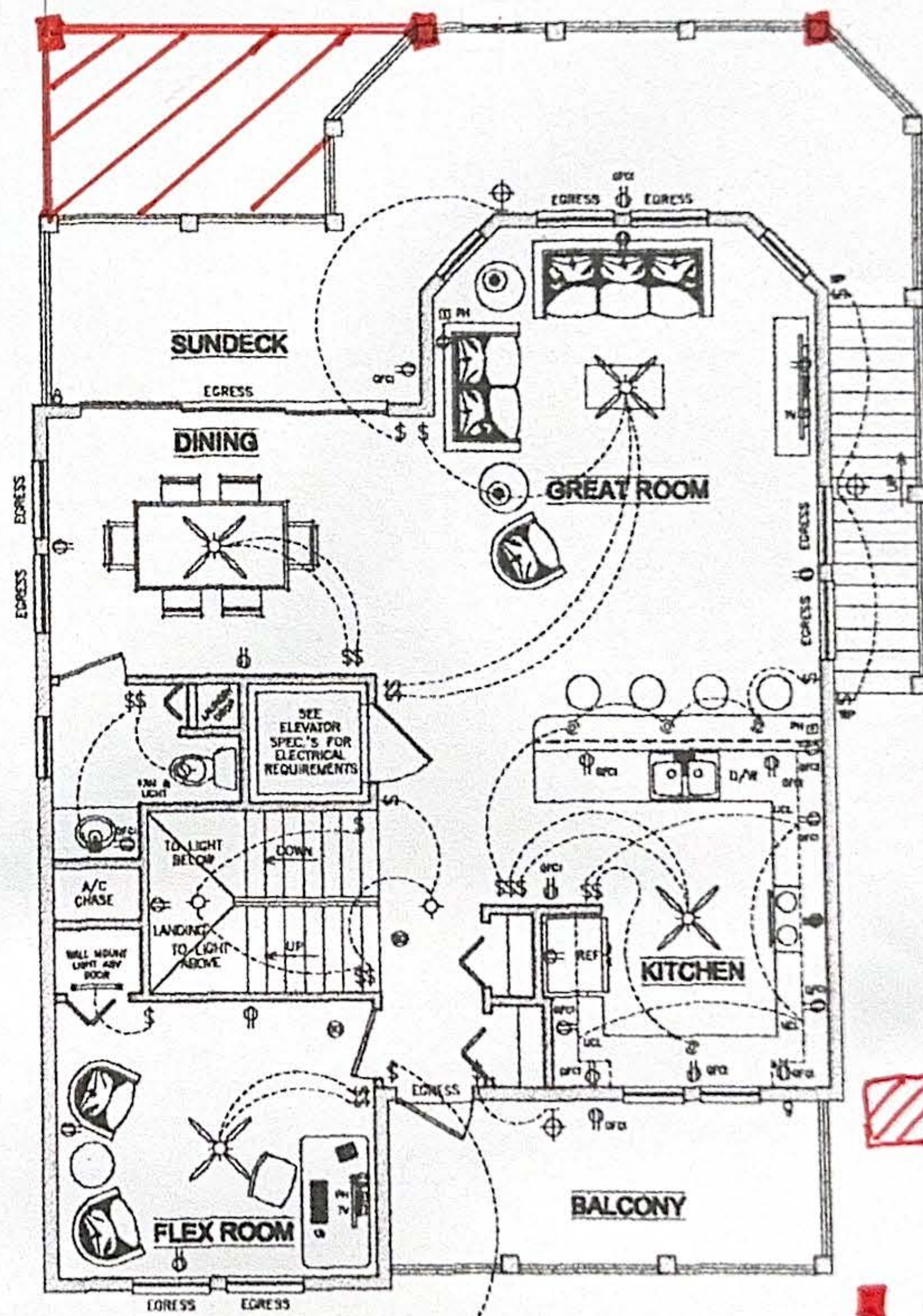
Current Deck Layout



TO 1st FLOOR EXTERIOR LIGHTS
2nd FLOOR

Ocean ↑

Proposed Deck Layout



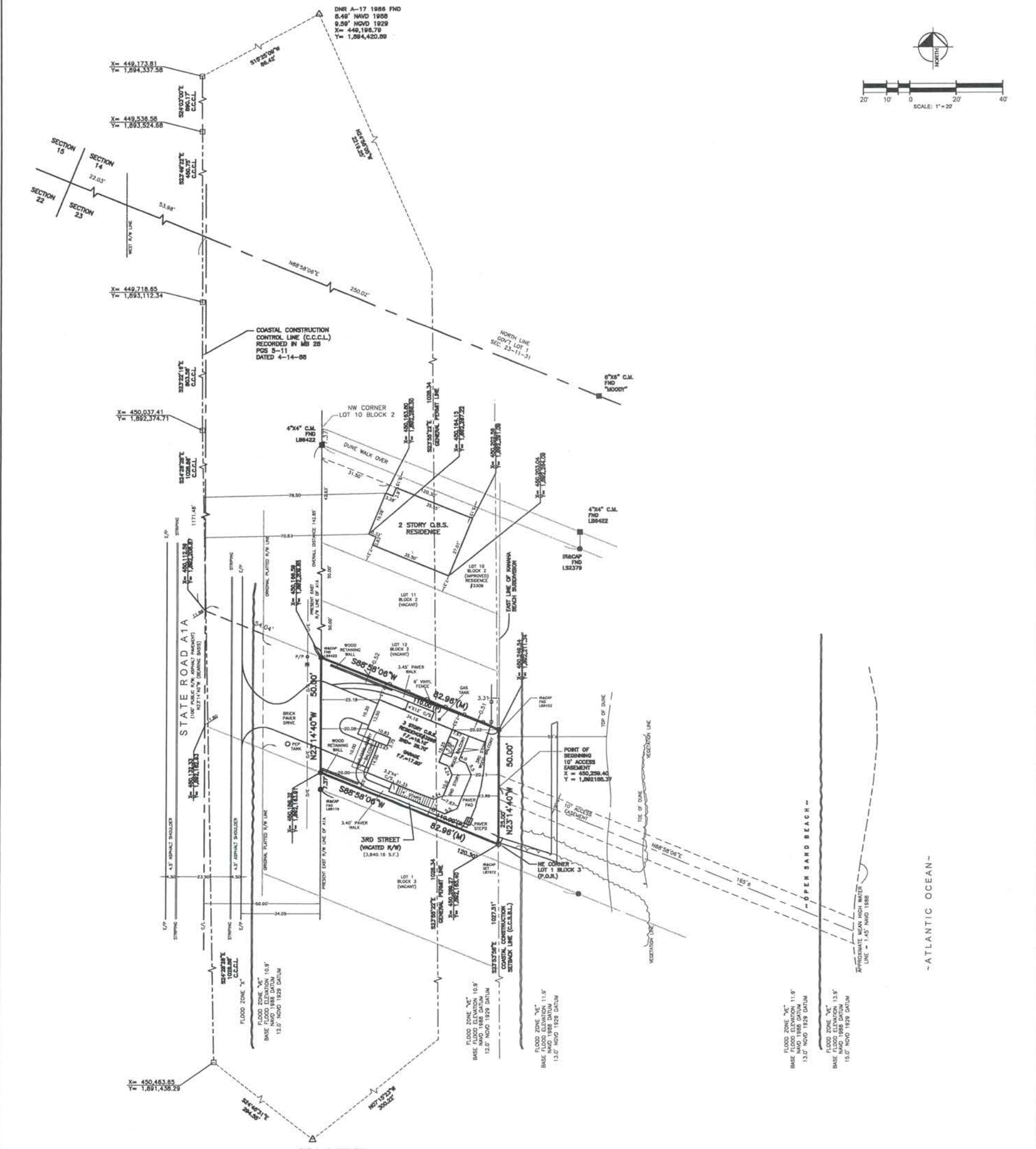
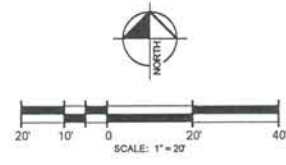
TO 1st FLOOR EXTERIOR LIGHTS
2nd FLOOR

Key:

■ expanded deck area

■ 3-8x8 support posts

Street ↓



DESCRIPTION: THAT PORTION OF 3RD STREET (50' R/W AS MEASURED ALONG THE PRESENT EAST RIGHT-OF-WAY LINE OF STATE ROAD A1A (100' R/W), KANAHUA BEACH, A SUBDIVISION ACCORDING TO MAP BOOK 1, PAGE 25, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID 3RD STREET VACATED PER FLAGLER COUNTY RESOLUTION NUMBER 2000-18 AND BOUNDED ON THE NORTH BY THE SOUTH LINE OF BLOCK 2, KANAHUA BEACH, BOUNDED ON THE SOUTH BY THE NORTH LINE OF BLOCK 3, BOUNDED ON THE EAST BY THE EAST LINE OF KANAHUA BEACH AND BOUNDED ON THE WEST BY THE PRESENT EAST RIGHT-OF-WAY LINE OF STATE ROAD A1A, CONTAINING 3840.16 SQUARE FEET.

TOGETHER WITH A 10 FOOT ACCESS EASEMENT LYING BETWEEN THE EAST LINE OF KANAHUA BEACH AND THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN, SAID EASEMENT BEING 5 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED LINE: FROM A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 3, BEAR N23°14'40"W ALONG THE EAST LINE OF KANAHUA BEACH, A DISTANCE OF 23.00 FEET TO THE POINT OF BEGINNING OF THE CENTER LINE OF SAID 10 FOOT ACCESS EASEMENT; THENCE N88°58'06"E, ALONG SAID CENTERLINE TO THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN AND THE POINT OF TERMINUS.

REVISIONS:

TYPE OF SURVEY: BOUNDARY / LOCATION

Table with columns: NO., DATE, BY, DESCRIPTION. Includes entries for Sidney & Leane Silhan and various survey details.

Legend table with symbols and descriptions for various survey features like '1/2\"/>

Notes section containing numbered survey instructions and technical details.



STEPHENSON, WILCOX & ASSOCIATES, INC. CIVIL ENGINEERS • LAND SURVEYORS • CONSULTANTS • PLANNERS. Includes contact information and address.

Application Request Payment Slip

CDPR5020 - Application Request Payment Slip

PAYMENT SLIP NBR: AR-5314

<u>REQUEST #</u>	<u>APP. REQUEST TYPE</u>	<u>REQUEST STATUS</u>
5314	VRD - VARIANCE	PENDING

<u>PROJECT #</u>	<u>PROJECT NAME</u>	<u>PROJECT STATUS</u>
2024120023	VARIANCE - 3295 N OCEAN SHORE BLVD	APPLY

APPLICANT
SID SILHAN

OWNER
SILHAN SIDNEY S TRUSTEE
3404 SHADYWOOD DRIVE
3901 POWERS FERRY ROAD
ATLANTA, GA 30342

<u>FEE CODE</u>	<u>DESCRIPTION / MUNIS CODE</u>	<u>WAIVED</u>	<u>AMOUNT DUE</u>
B-VAR	BUILDING VARIANCE REVIEW / GM0020	N	25.00
PZ-VAR200	VARIANCE APP \$200 / GM0016	N	200.00
D-VAR	DEV SVC - VARIANCE TO SUB REGS / GM0014	N	100.00
D-INTAKE	DEV SVC INTAKE FEE / GM0014	N	20.00
PZ-NPOSTS	PZ- NOTIFICATION (POST SIGNS) / GM0016	N	50.00
TOTAL DUE:			\$395.00

Growth Management Department
Planning & Zoning
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110

www.flaglercounty.org

Phone: (386)313-4009

Fax: (386)313-4109



TECHNICAL REVIEW COMMITTEE COMMENTS

DATE: January 15, 2025

Project #: 2024120023 / AR #5314

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

Attachment: Staff Comments

Reviewing Department Comments

ZON - ZONING (386-313-4009)

Comments:

Rejected By: SIMONE KENNY - - SKENNY@FLAGLERCOUNTY.GOV

1. Please show the expansion of the deck footprint on the provided survey. Please also show what the setback is from the northeastern most corner of the deck to the closest part of the east property line is on the survey i.e. show the variance request visually on the survey.

FD1 - FIRE REVIEW

Comments:

Marked INFORMATION By: JERRY SMITH - -

Fire Rescue has no issue with this variance.

ENGIN1 - DEVELOPMENT ENGINEERING (386-313-4082)

Comments:

Rejected By: SUSAN GRAHAM - (386)313-4082 - SGRAHAM@FLAGLERCOUNTY.GOV

Variance #5314

3295 N. Ocean Shore Blvd

2024060012

Comments:

1. The plans provided do not show the actual amount of relief that you are requesting in this variance. Show the required setbacks and the requested variance on sheet 3 of 3.

EH - ENVIRONMENTAL HEALTH DEPT

Comments:

Marked INFORMATION By: SIMONE KENNY - - SKENNY@FLAGLERCOUNTY.GOV

- Please indicate the location of the septic tank and drainfield on the property, if property is serviced by a septic system, so that application may be properly reviewed. If home is serviced by city sewer, no comments or objections.

- If the septic system or required unobstructed area (if applicable) will be impacted by deck, system modification, a septic system variance, or connection to sewer may be required.

General Summary and Background

Request:

Homeowner respectfully requests a variance to the setback requirements along east side of property.

Request is to reduce setback requirements from 20 feet to as little as 6.4 feet to accommodate deck posts. Maximum encroachment into setback is expected to be 13.6 feet for closest post (at the northeast corner of the deck) to the property line.

The deck posts would encroach into the setback by varying amounts due to the parallelogram shape of the property parcel. The parcel shape creates a deck design with limitations and challenging angles. If the parcel were rectangular, and not shaped like a parallelogram, the setback would not be incriminated; as proposed, the deck posts, while running in a straight line, encroach into the setback by varying amounts.

The vertical posts are intended to replace failing cantilever supports that have created an unsafe situation, and to allow for approximately 96 square feet of expanded deck.

Reasons for the requested change:

The existing cantilever supports have failed to varying degrees; in some cases the wood supports are rotted through; in others the metal supports against the house are rusted through.

According to the designer and prior owner, the house was designed to allow for maximum use of the odd shaped parcel without encroaching on the setback requirements. The cantilevers were required to allow for some outdoor deck space without the use of deck posts. The result was a very narrow deck (7.67' deep) supported in a suboptimal manner.

Unfortunately, the cantilevers were designed in a way that allowed for water accumulation in the metal supports, causing both the wood beams and the metal supports to rot away. In addition, water has penetrated the inside wall of the house where the metal supports are mounted to the house structure. The original house designer and contractors have suggested the replacement of all seaside facing cantilevers with vertical deck posts.

In addition, the use of the cantilevers has resulted in the creation of an oddly-shaped and functionally obsolete deck which is ill-suited to the uses of our family. For example, with little room to get around a four-person outdoor dining table, I watched my 13-year-old son climb up onto the seat of an outdoor dining chair along the railing (which drops at least 10' to the ground below) to access the opposite side of the table.

By replacing the cantilevers with vertical posts, we can both resolve the safety issue posed by the rotting cantilevers and, with minimal impact on both the dunes and neighboring sight lines, expand the uncovered deck by approximately 96 square feet, allowing for a more useful and aesthetically pleasing outdoor space.

Impact of the change:

The cantilevers have already failed in some cases, and in others are showing signs or excessive corrosion. The wood has not rotted in all cantilevers, but without removing the wood we are unable to assess the extent of any corrosion of the supports. Replacement with vertical posts would both allow for regular safety inspections and maintenance in the case it is needed. The cantilevers do not allow for easy inspection or maintenance, leading to an unsafe circumstance where one could be failing and not be visible until actual collapse.

Given the severity of hurricanes and other storms in the area, the continued use of the cantilevers creates a dangerous situation for both our house and the neighbors' houses, as the deck could separate from the house in one large piece, and cause significant damage were it to make impact with one of the neighbor's houses.

The second-floor deck supports a smaller third floor deck as well, exacerbating this situation even more, as the third-floor deck is already over 20 feet above ground level. A failure of one supporting cantilever would jeopardize both decks and certainly would in a storm situation.

The safety and ongoing maintenance concerns presented by the failing cantilevers supporting two levels of deck space are such that we believe the use of vertical posts is optimal, notwithstanding the encroachment into the setback and the required variance request.

As it turns out, a house two doors down had recently undertaken the same project, to eliminate failing cantilevers that were supporting the deck and replace them with vertical posts. While this project also required a variance to the setback requirements and caused a change in neighboring sightlines, it has not had any adverse effect on either the health of the dunes nor neighboring property values; indeed, it likely increased all neighboring values.

In addition, by allowing the use of vertical posts the deck can be expanded in a modest but significant manner, allowing for significantly improved use of the deck, and overcoming what is essentially a functional obsolete narrow deck that simply allows for access but not enjoyment, which was required to accommodate the setback.

The ability to freely use the deck without having to literally crawl over chairs and furniture is an intended result from the expansion, as the small additional space would eliminate a choke point and safety hazards on the existing deck.

We respectfully request a variance to the setback requirements in amount ranging from 13.6 feet to 3 feet, allowing for deck posts to be placed between 6.4 – 17 feet away from the property line.

3295 N. Ocean Shore Blvd
Variance Request Comments Response

Reviewing Department Comments

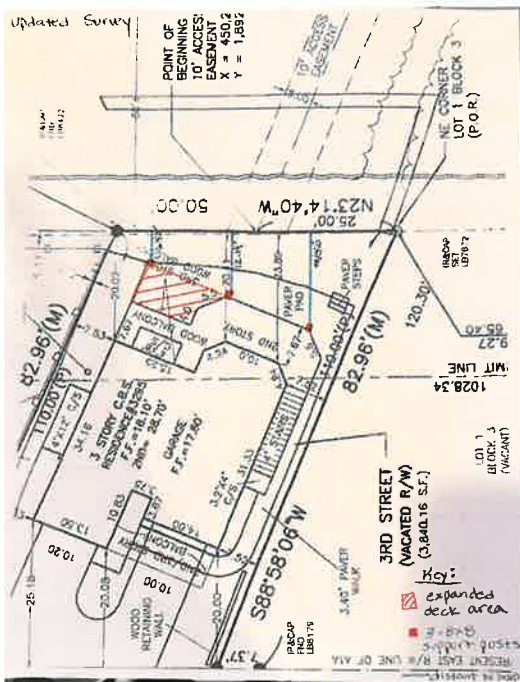
ZON - ZONING (386-313-4009)

Comments:

Rejected By: SIMONE KENNY -- SKENNY@FLAGLERCOUNTY.GOV

1. Please show the expansion of the deck footprint on the provided survey. Please also show what the setback is from the northeastern most corner of the deck to the closest part of the east property line is on the survey i.e. show the variance request visually on the survey.

Please see Updated Survey with distance of 6.42' noted from northeastern most post to property line.



FD1 - FIRE REVIEW

Comments:

Marked INFORMATION By: JERRY SMITH --

Fire Rescue has no issue with this variance.

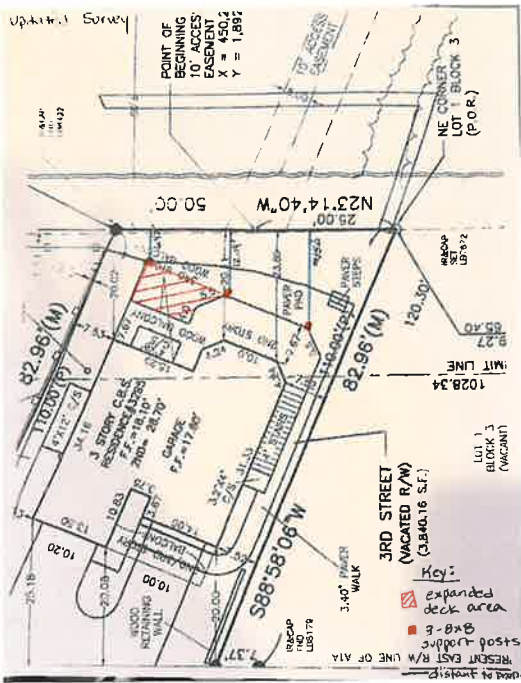
ENGIN1 - DEVELOPMENT ENGINEERING (386-313-4082)

Comments:

Rejected By: SUSAN GRAHAM - (386)313-4082 - SGRAHAM@FLAGLERCOUNTY.GOV

1. The plans provided do not show the actual amount of relief that you are requesting in this variance. Show the required setbacks and the requested variance on sheet 3 of 3.

Please see Updated Survey with distances noted from property line.



EH - ENVIRONMENTAL HEALTH DEPT

Comments:

Marked INFORMATION By: SIMONE KENNY -- SKENNY@FLAGLERCOUNTY.GOV

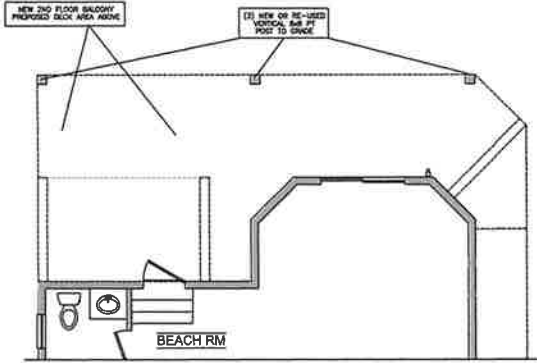
- Please indicate the location of the septic tank and drainfield on the property, if property is serviced by a septic system, so that application may be properly reviewed. If home is serviced by city sewer, no comments or objections.

The home is serviced by city sewer. The holding (pep) tank is located on the west side of the house and on the south side of the driveway. The FGU alarm is mounted to the house on the north side. See photos.

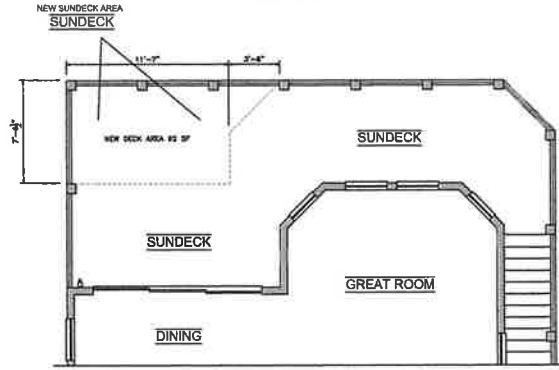
- If the septic system or required unobstructed area (if applicable) will be impacted by deck, system modification, a septic system variance, or connection to sewer may be required.

The property does not have a septic system.

NEW 1st FLOOR
SCALE: 1/4" = 1'-0"

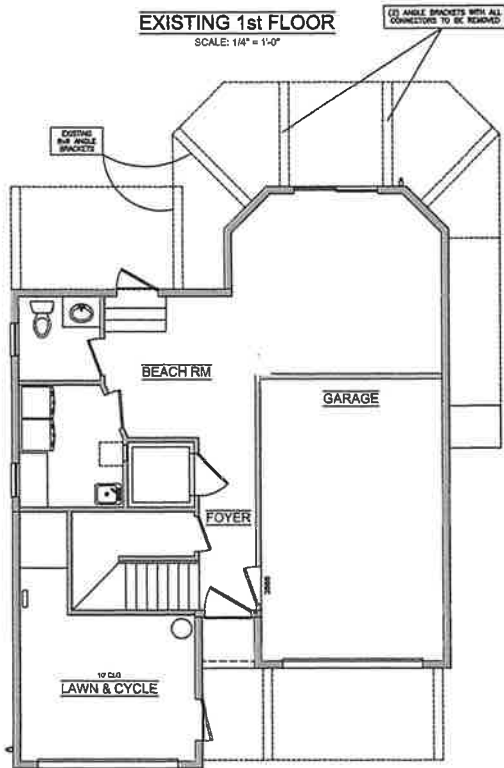


NEW 2nd FLOOR
SCALE: 1/4" = 1'-0"

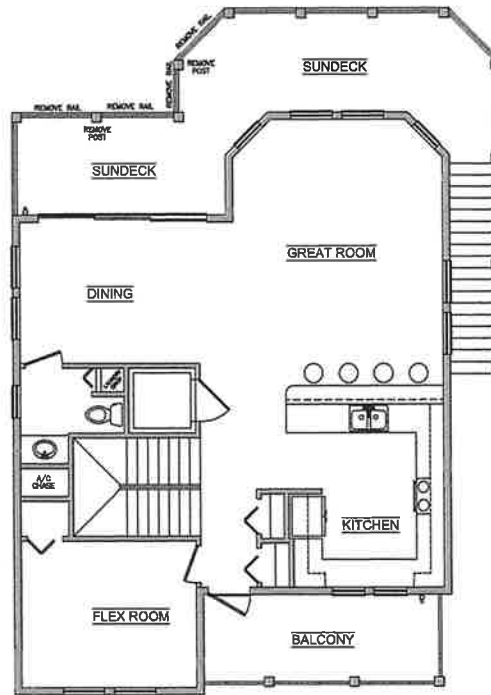


EXISTING BUILDING AREAS	
1st LIVING	387 sf
1st GARAGE	471 sf
1st CYCLE	177 sf
1st ENTRY	13 sf
2nd LIVING	1049 sf
2nd BALCONY	113 sf
2nd SUNDECK	299 sf
3rd LIVING	1046 sf
3rd SUNSET	113 sf
3rd SUNRISE	107 sf
TOTAL	3766 sf

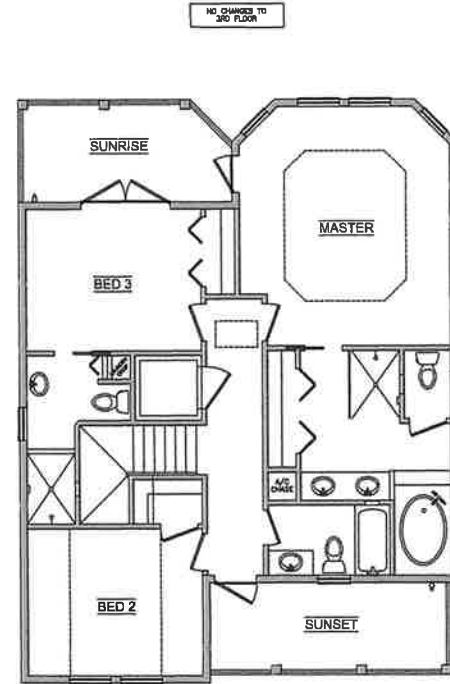
EXISTING 1st FLOOR
SCALE: 1/4" = 1'-0"



EXISTING 2nd FLOOR
SCALE: 1/4" = 1'-0"



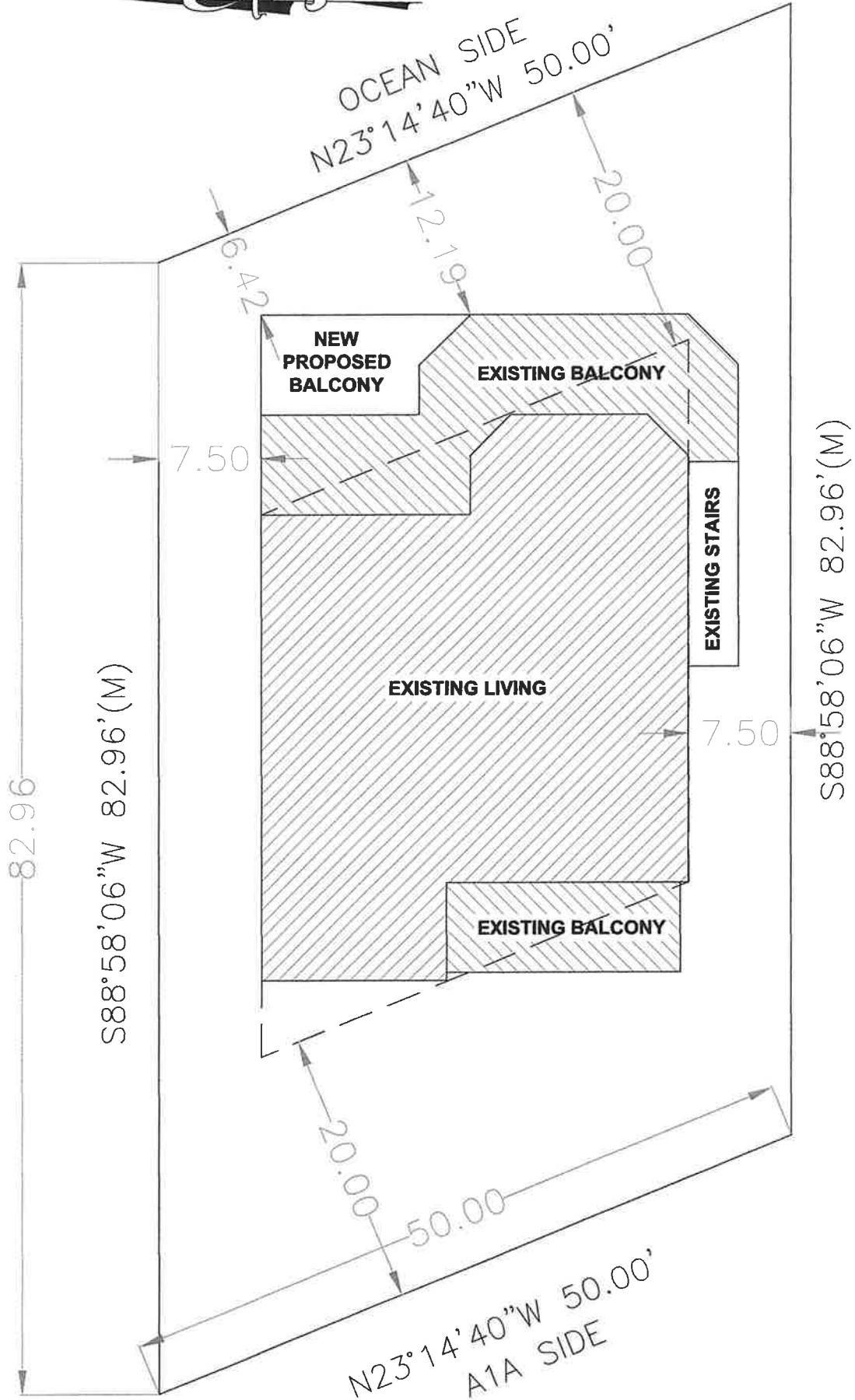
EXISTING 3rd FLOOR
SCALE: 1/4" = 1'-0"



UNITED STATES GOVERNMENT OFFICE
THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

CUSTOM DECK

JOB NUMBER
3826
PLAN DATE
12/28/24
"PLANS COMPOSED BY"
3000 NATIONAL BLVD. SUITE 100
3024 1/2" X 1/2" BRUSH COPPER
3024 1/2" X 1/2" BRUSH COPPER
RESTRUCTURALLY APPROVED FOR
INSTALLATION LEVEL 2
BIG CATSKY 2
WIND VELOCITY 140 MPH
SEVERITY CATEGORY C
INTERNAL FINISHES 1/1
CONSTRUCTION TYPE 15
LOT:
3206 NORTH
OCEANSHORE BLVD.
FLAGLER CO., FLA.
FLOOR PLAN
SHEET
2





APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

PROPERTY OWNER(S)	Name(s):		
	Mailing Address:		
	City:	State:	Zip:
	Telephone Number		Fax Number

APPLICANT/AGENT	Name(s):		
	Mailing Address:		
	City:	State:	Zip:
	Telephone Number		Fax Number
	E-Mail Address:		

SUBJECT PROPERTY	SITE LOCATION (<i>street address</i>):		
	LEGAL DESCRIPTION: <i>(briefly describe, do not use "see attached")</i>		
	Parcel # (<i>tax ID #</i>):		
	Parcel Size:		
	Current Zoning Classification:		
	Current Future Land Use Designation		
	Subject to A1A Scenic Corridor IDO?	YES	NO

Relief Requested: _____

Signature of Owner(s) or Applicant/Agent
if Owner Authorization form attached

Date

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION: _____

APPROVED []
*APPROVED WITH CONDITIONS []
DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Subject Property: _____

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

4. No variance may be granted for a use of land or building that is not permitted by this article.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Bldg 2
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

Required Attachments for Variance Application:

- 1.) Copy of Owner(s) recorded Warranty Deed;
- 2.) Application fee \$345.00 plus postage and \$50 for notification of public hearing (posting of sign). Make check payable to BOCC. Fee amount per Resolution 2008-31 as amended.
- 3.) Complete application and site plan meeting all requirements of Flagler County Land Development Code.

NOTE: Pursuant to Section 286.0105 of Florida Statutes, the Flagler County Planning Board hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

3.07.03. Procedure for variances and special exceptions.

- A. *Request application.* A request for a hearing before the planning board for a variance or special exception shall be made as follows:
1. A completed application form shall be filed with the planning and zoning director. Such application shall state the pertinent facts on which the request is based. The planning and zoning director may assist the applicant in preparing the application.
 2. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the planning and zoning director. Such site plan shall include, as a minimum, the following:
 - (a) Lot dimensions with property line monuments located thereon.
 - (b) Location and size of existing and proposed structures.
 - (c) Easements (public and private), water courses, and if existing and proposed, fences, street names, and street right-of-way lines and such information regarding abutting property, as directly affects the application.
- B. *Planning board hearing.*
1. The planning and zoning director shall schedule a hearing before the planning board to consider the application. Scheduling of this hearing shall provide ample time for the planning and zoning director to provide notice to surrounding property owners as set forth in subsection 3.07.03. In no event shall such hearing be scheduled more than forty-five (45) days from the date of application.
 2. The hearing provided for under this section shall be for the purpose of reviewing relevant information from the applicant regarding the requested variance and/or special exception. The planning board shall also review written and/or oral comments from the public in accordance with its established procedures.
 3. The planning board shall determine whether sufficient factual data was presented in order to render a decision. If the planning board determines that sufficient factual data was presented, then it shall render a decision to either:
 - a. Approve the request as submitted;
 - b. Approve the request with conditions;
 - c. Disapprove the request.
- If the planning board determines that sufficient factual data was not presented, the planning board may continue the hearing until the next scheduled meeting to allow for the preparation of such factual data. Only one (1) such continuation shall be allowed for each requested variance and/or special exception.
- C. *Appeal of planning board decision.*
1. Within thirty (30) days of the rendering of a decision by the planning board regarding a requested variance and/or special exception, an appeal may be filed with the board of county commissioners. Such appeal may be filed by the original applicant, the planning and zoning director, other county staff as authorized, and a surrounding property owner, as defined in subsection 3.07.03.
 2. The application for appeal shall be filed with the planning and zoning director who shall schedule a hearing on the appeal with the board of county commissioners. Scheduling of this hearing shall provide ample time for the applicant to provide notice to surrounding property owners, as set forth in subsection 3.07.03.
 3. The appeal hearing provided for under this section shall be for the purpose of reviewing all pertinent information regarding the appeal. The applicant shall provide all relevant factual data, materials and/or oral testimony to support the appeal. The board of county

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

commissioners shall also review written and/or oral comments from the public in

accordance with its established procedures.

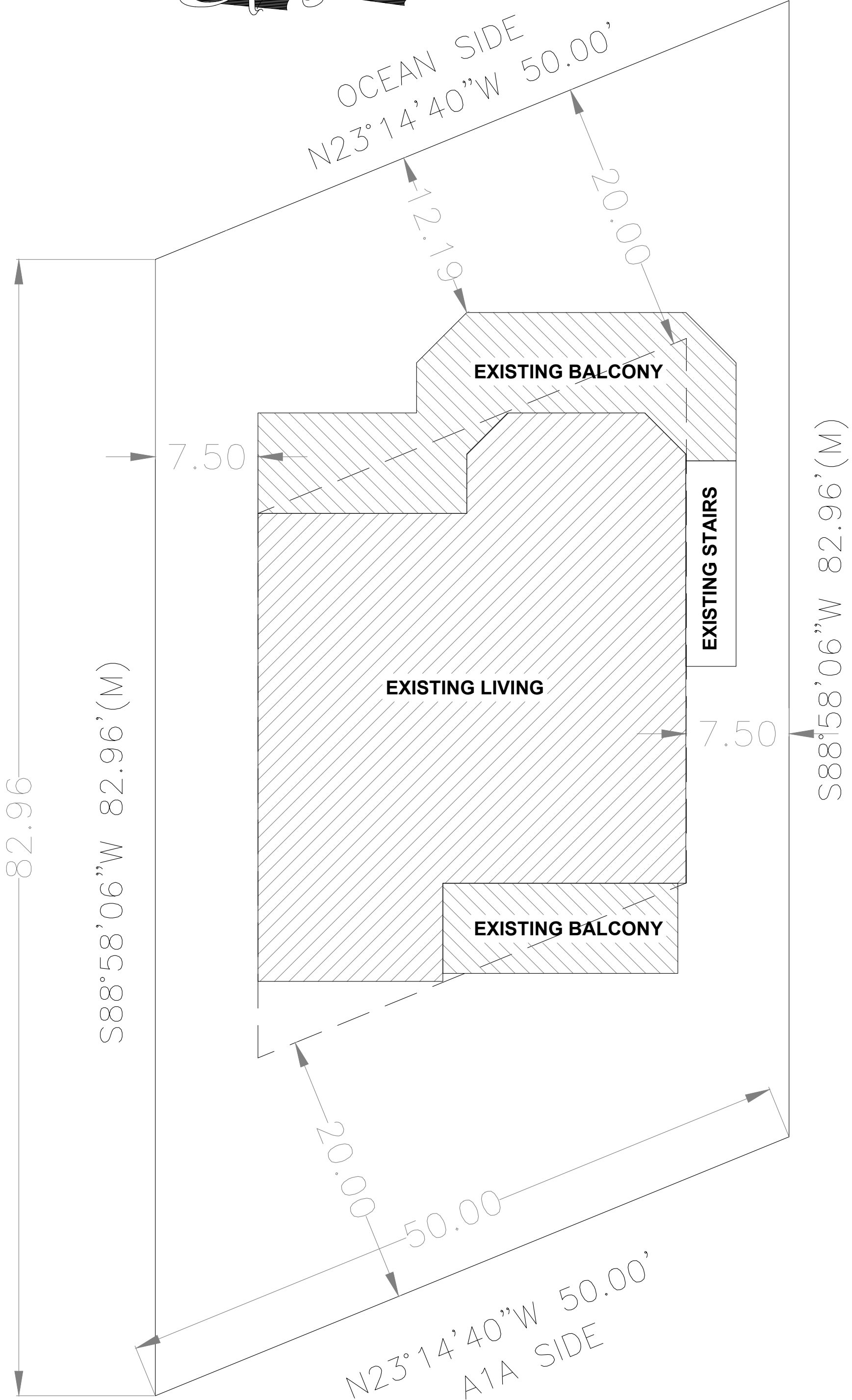
4. At the conclusion of the appeals hearing provided for under this section, the board of county commissioners shall render a decision on the appeal. Any decision rendered by the board of county commissioners under this section shall be deemed final.

D. *Reserved*

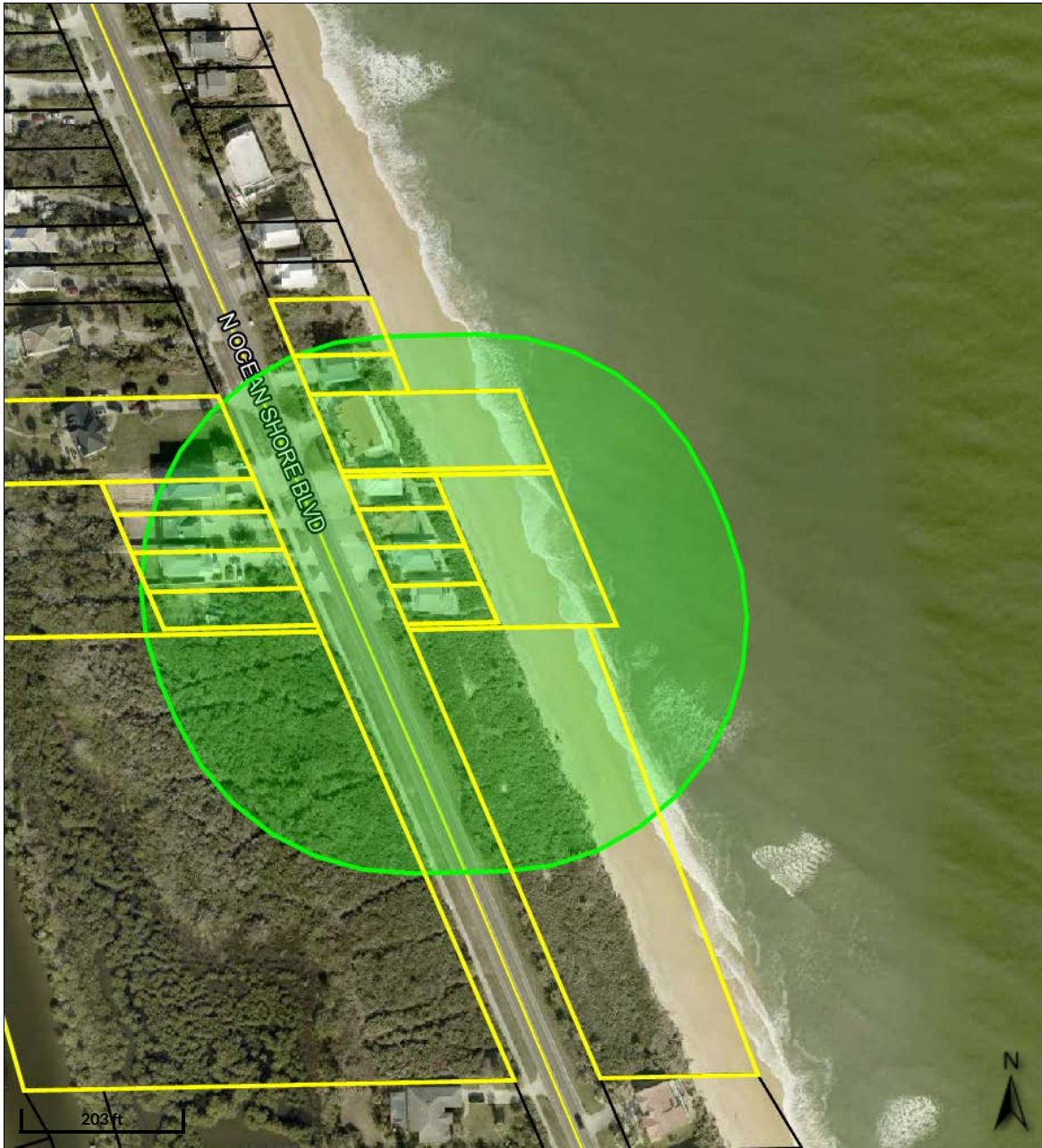
E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and
2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and
3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and
4. No variance may be granted for a use of land or building that is not permitted by this article.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.



FLAGLER COUNTY PROPERTY APPRAISER



Overview



Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 1/24/2025
Last Data Uploaded: 1/24/2025 7:31:25 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110



Flaglercounty.gov
Phone: (386)313-4009
Fax: (386)313-4109

January 28, 2025

«OwnerName» «OwnerAddress1»
«OwnerAddress2»
«OwnerCityStZip»

RE: Project No. 2024120023 – Variance in the R/C (Residential Limited Commercial) District

Dear Property Owner,

As owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by owner Sidney Silhan, located at 3295 North Oceanshore Boulevard, identified as Parcel Number 23-11-31-0000-01022-0121, for a Variance from the 20 Foot Minimum Rear (East) Setback Requirement in the R/C (Residential Limited Commercial) District. Variance on a 5,114+/- square foot parcel.

You are hereby notified that a public hearing before the **Flagler County Planning and Development Board**, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell, Florida, on **February 11, 2025**, beginning at **6:00 p.m.** or as soon thereafter as possible. You are welcome to attend and express your opinion.

Sincerely,

A handwritten signature in cursive script that reads "Simone Kenny".

Simone Kenny
Senior Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATUM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

Andy Dance
District 1

Greg Hansen
District 2

Kim Carney
District 3

Leann Pennington
District 4

Pam Richardson
District 5

Project 2024080044

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCityStZip	Country
23-11-31-0000-01011-0000	CALVEY SHANE & SARAH H&W	& KAREN TOBIAS	3310 NORTH OCEANSHORE BOULEVARD		FLAGLER BEACH, FL 32136	
23-11-31-0000-01020-0000	COUNTY OF FLAGLER	%BOARD OF COUNTY COMMISSIONERS	1769 E MOODY BLVD BLDG 2 SUITE 302		BUNNELL, FL 32110	
23-11-31-0000-01030-0000	TG-EG LLC & MARTIN GILBERT JR	CATHERYN TRSTEE & PAUL M DODD & HARRIET H TRUSTEES	22 COQUINA LAKE WAY		ORMOND BEACH, FL 32174	
23-11-31-0000-01025-0100	OGBU-SIFO ESEOGHENE	& MARI L SIFO TRUSTEES	10853 SYMPHONY ARK DRIVE		ROCKVILLE, MD 20852	
23-11-31-0000-01025-0110	DICKSON MICHAEL T AND	KAREN C DICKSON H/W	3302 N OCEANSHORE BLVD		FLAGLER BEACH, FL 32136	
23-11-31-0000-01025-0120	MCKAY KEVIN B	& MICHELE L H&W	3298 N OCEANSHORE BLVD		FLAGLER BEACH, FL 32136	
23-11-31-0000-01025-0121	MEDLIN CHARLES H JR & KRISTI	L MEDLIN TRUSTEES	PO BOX 68		FLAGLER BEACH, FL 32136	
22-11-31-3300-00010-0170	REILLY THOMAS M	& EDITH C H&W	12803 WATER POINT BVLD		WINDERMERE, FL 34786	
22-11-31-3300-00010-0190	JOHANNESSEN ERIC & SHANNON	JOHANNESSEN H&W	7849 GEORGEANN STREET		WINTER PARK, FL 32792	
23-11-31-0000-01010-0000	TANT TOMMY D AND	BARBARA F TANT	PO BOX 53		FLAGLER BEACH, FL 32136	
23-11-31-0000-01011-0010	MOORE RONDA LYNNE & JASON A WILES AMC-50%	SHANE & SARAH CALVEY-25% & ESEOGHENE OGBU-SIFO-25%	3312 N OCEANSHORE BLVD		FLAGLER BEACH, FL 32136	
23-11-31-0000-01022-0100	TAVANESE STANLEY SR & WALDTRAUT CHAVEZ-TAVANESE	TRUSTEES	3309 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136	
23-11-31-0000-01022-0110	MURPHY JOSEPH GERARD &	MARY ANN H&W	3303 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136	
23-11-31-0000-01022-0120	MULLER CHARLES E II & SANDY B	H&W	3299 NORTH OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136	
23-11-31-0000-01022-0121	SILHAN SIDNEY S TRUSTEE		3901 POWERS FERRY ROAD		ATLANTA, GA 30342	

I hereby affirm mailed notice to each owner on 1 / 28 /2025 for the Planning and Development Board meeting on 2 / 11 /2025 at 6:00 pm.


 Simone Kenny, Senior Planner

From: [Charles Muller II](#)
To: [Planning Dept](#)
Cc: [Simone Kenny](#); [Susan Graham](#)
Subject: Application for Variance-Project 2024120023
Date: Monday, January 13, 2025 1:02:30 PM

Warning: Unusual sender <charles@mlcounsel.com>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Good day.

We oppose the Application for Variance for Project 2024120023 which is presently before the Technical Review Committee. The application is incomplete and misleading.

We are Charles and Sandy Muller of 3299 North Ocean Shore Boulevard. Our residence is adjacent to the applicants' property, immediately to the north thereof.

We join the comments submitted by the Zoning, Development Engineering, and Environmental Health Departments.

We also point out that the application is misleading because:

1. The shape and size of the applicants' property is not unique, or exceptional, or extraordinary.
2. The applicants have not acted in good faith. In fact, the applicants applied for this variance only after Flagler County Code Enforcement caught the applicants in the act of illegally expanding their deck into the setback and dune without any permit, variance or authority from anyone.
3. The applicants' requested variance would adversely impact our property and the ocean view from our property.
4. The applicants assert that the support posts for their deck are "well back from the dune area." The support posts are not back from the dune area, and in fact at least one of the support posts is in the dune.
5. Applicants' depiction of the "Current Deck Support Design" and "Proposed Deck Support Design" are misleading. They fail to show the substantial expansion of the size of the deck. Applicants' depiction shows the size of the deck to be the same before and after their project. This is false and misleading.
6. Applicants assert that their existing deck is unsafe. This variance is not necessary to remedy that concern. As the applicants point out, they could replace the cantilevers. Alternatively, they could remove the unsafe deck.

We will supplement these comments if this application proceeds.

Thank you for your consideration. Charles and Sandy Muller











Shot with my iPhone

From: [Charles Muller II](#)
To: [Simone Kenny, AICP](#)
Cc: [Sean S. Moylan](#)
Subject: Re: Application for Variance-Project 2024120023
Date: Wednesday, February 5, 2025 10:22:40 AM
Attachments: [Flagler County Photos.pdf](#)
[Realtor pictures of cantilevers.pdf](#)

Warning: Unusual sender <charles@mlcounsel.com>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Simone Kenny: Please include the following comments in the record for the Flagler County Planning and Development Board relative to the Application for Variance for Project 2024120023. If there are any questions, please feel free to call me. Thank you. Charles Muller

Good day.

We oppose the Application for Variance for Project 2024120023. As discussed below, the variance is not necessary, is not allowed per the variance rules of the Land Development Code of Flagler County, section 3.07.03E, and the applicants' Project has already adversely impacted our property.

We are Charles and Sandy Muller of 3299 North Ocean Shore Boulevard. Our homestead is adjacent to the applicants' property.

The applicants assert that they need this variance to extend their rear (seaside) deck into the setback and place support posts for their deck into the setback to replace the cantilever supports for the deck which they assert are rusted and rotted.

The applicants have now submitted two conflicting Applications for Variance with respect to their Project. Neither application should be granted because the requested variance is not necessary, the variance would be contrary to the Land Development Code, and their Project has already adversely impacted the ocean-side view from our property and the property of other adjoining homeowners. We built our home in 2019 and followed all the building codes, and we respected our neighbors' views and the dunes. We would appreciate the same consideration and respect from the applicants.

Furthermore, applicants' second Application for Variance has not been submitted to the Technical Review Committee and should be denied for this reason alone.

With regard to the applicants' first Application for Variance we submitted our written opposition and the comments below to the Technical Review Committee. We now add the following regarding each of applicants' two Applications for Variance.

As provided in the Land Development Code, a variance, if granted, must be the minimum necessary to alleviate an unnecessary hardship. Applicants do not have an unnecessary

hardship. The variance rules of the Land Development Code define an unnecessary hardship as one that deprives the owner of all reasonable use of the property. Applicants are not deprived of the use of their property. Furthermore, there is nothing unique, exceptional or extraordinary about applicants' property.

Applicants assert that they need this variance to extend and support their deck into the prescribed setback. However, a variance is not necessary to address the applicants' concern. If there is an issue with the cantilever supports for their deck, applicants can and should repair or replace the cantilevers. And for that they would not need a variance, they would not need to encroach into the setback and dune, and they would not harm our property or our adjoining neighbors' property.

In their Application for Variance the applicants say that their cantilevers need to be replaced. In essence when the applicants seek to extend and support their deck into the setback, if anything they are seeking to improve their property. Improving property is not a basis for a variance; it is not a hardship.

Because applicants have substantially completed their Project (without any permit from Flagler County or anyone else), we can already see the harm the Project has done to the ocean-side view from our home. We have previously submitted photos of the harm to the Technical Review Committee. We have attached here additional photos of the unnecessary harm the Project has done to the views from our property.

Further, to grant a variance, the Land Development Code requires that the applicants have acted at all times in good faith. These applicants have not acted in good faith. The applicants applied for this variance only after Flagler County Code Enforcement caught the applicants in the act of extending their deck into the setback and dune without any permit, variance, or authority from anyone.

Please deny this variance, and we thank you for your consideration. Charles and Sandy Muller

From: Charles Muller II
Sent: Tuesday, January 14, 2025 10:54 AM
To: Planningdept@Flaglercounty.gov
Cc: Skenny@Flaglercounty.gov; SGraham@flaglercounty.gov
Subject: RE: Application for Variance-Project 2024120023

Good morning. I have now added pictures in connection with the comments below. Thank you for your consideration. Charles Muller

From: Charles Muller II
Sent: Monday, January 13, 2025 1:02 PM
To: Planningdept@Flaglercounty.gov
Cc: Skenny@Flaglercounty.gov; SGraham@flaglercounty.gov
Subject: Application for Variance-Project 2024120023

Good day.

We oppose the Application for Variance for Project 2024120023 which is presently before the Technical Review Committee. The application is incomplete and misleading.

We are Charles and Sandy Muller of 3299 North Ocean Shore Boulevard. Our residence is adjacent to the applicants' property, immediately to the north thereof.

We join the comments submitted by the Zoning, Development Engineering, and Environmental Health Departments.

We also point out that the application is misleading because:

1. The shape and size of the applicants' property is not unique, or exceptional, or extraordinary.
2. The applicants have not acted in good faith. In fact, the applicants applied for this variance only after Flagler County Code Enforcement caught the applicants in the act of illegally expanding their deck into the setback and dune without any permit, variance or authority from anyone.
3. The applicants' requested variance would adversely impact our property and the ocean view from our property.
4. The applicants assert that the support posts for their deck are "well back from the dune area." The support posts are not back from the dune area, and in fact at least one of the support posts is in the dune.
5. Applicants' depiction of the "Current Deck Support Design" and "Proposed Deck Support Design" are misleading. They fail to show the substantial expansion of the size of the deck. Applicants' depiction shows the size of the deck to be the same before and after their project. This is false and misleading.
6. Applicants assert that their existing deck is unsafe. This variance is not necessary to remedy that concern. As the applicants point out, they could replace the cantilevers. Alternatively, they could remove the unsafe deck.

We will supplement these comments if this application proceeds.

Thank you for your consideration. Charles and Sandy Muller

Charles Muller II

From: Charles Muller II
Sent: Sunday, February 2, 2025 10:15 AM
To: Charles Muller II

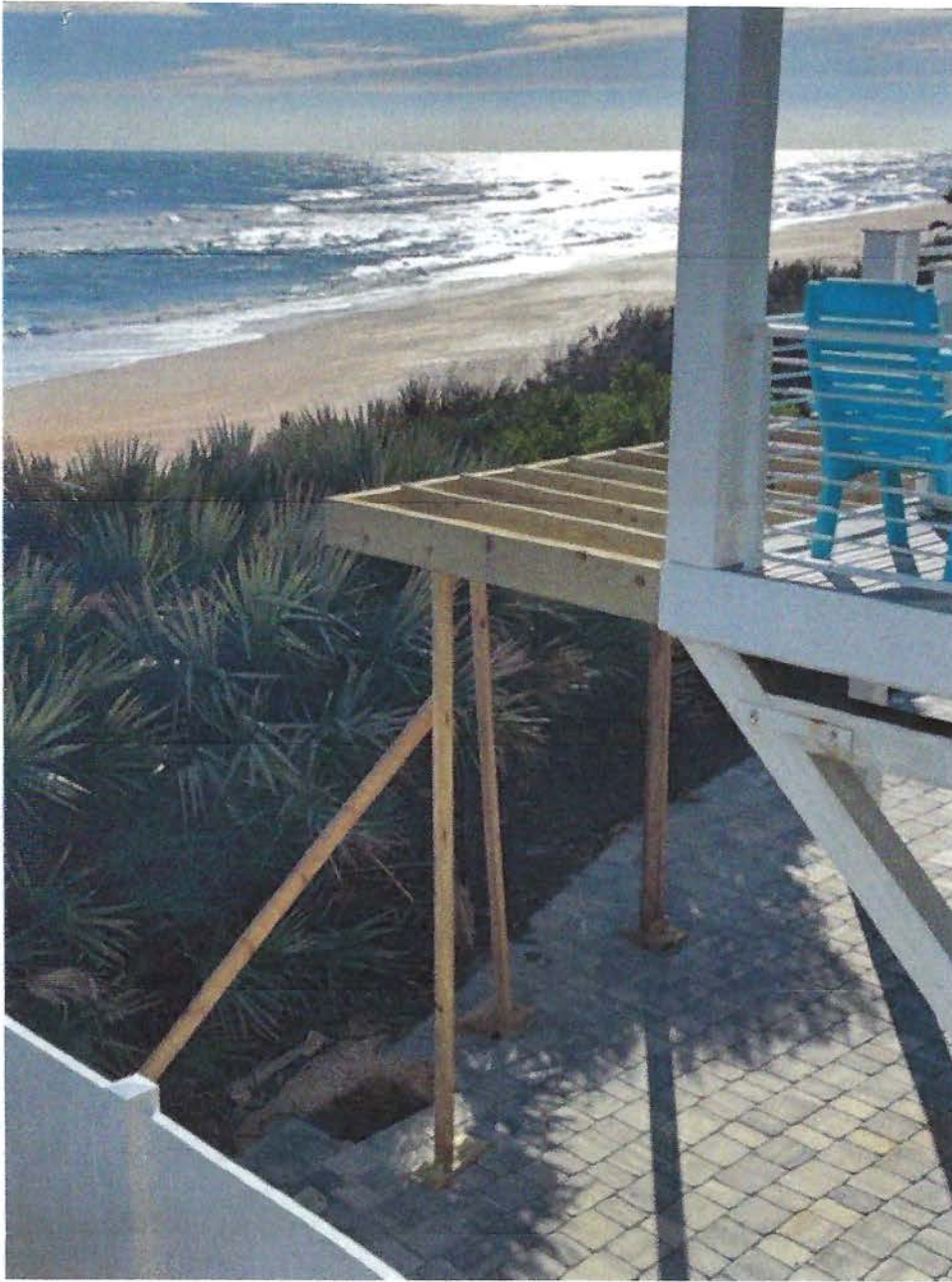


Applicant's encroachment into the setback at 3295 N. Oceanshore Blvd and harm to neighbors view.



Applicants
encroachment into
the Setback and
Dune at
3295 N. Oceanshore
Blvd.
and harm to
neighbors view

Sent from my iPhone



Applicants
encroachment into
the Dune at
3295 N. Oceanshore
Blvd
and harm to
neighbors view.



Applicants
encroachment into
the Setback and
Dune at
3295 N. Oceanshore
Blvd

✓

Charles Muller II

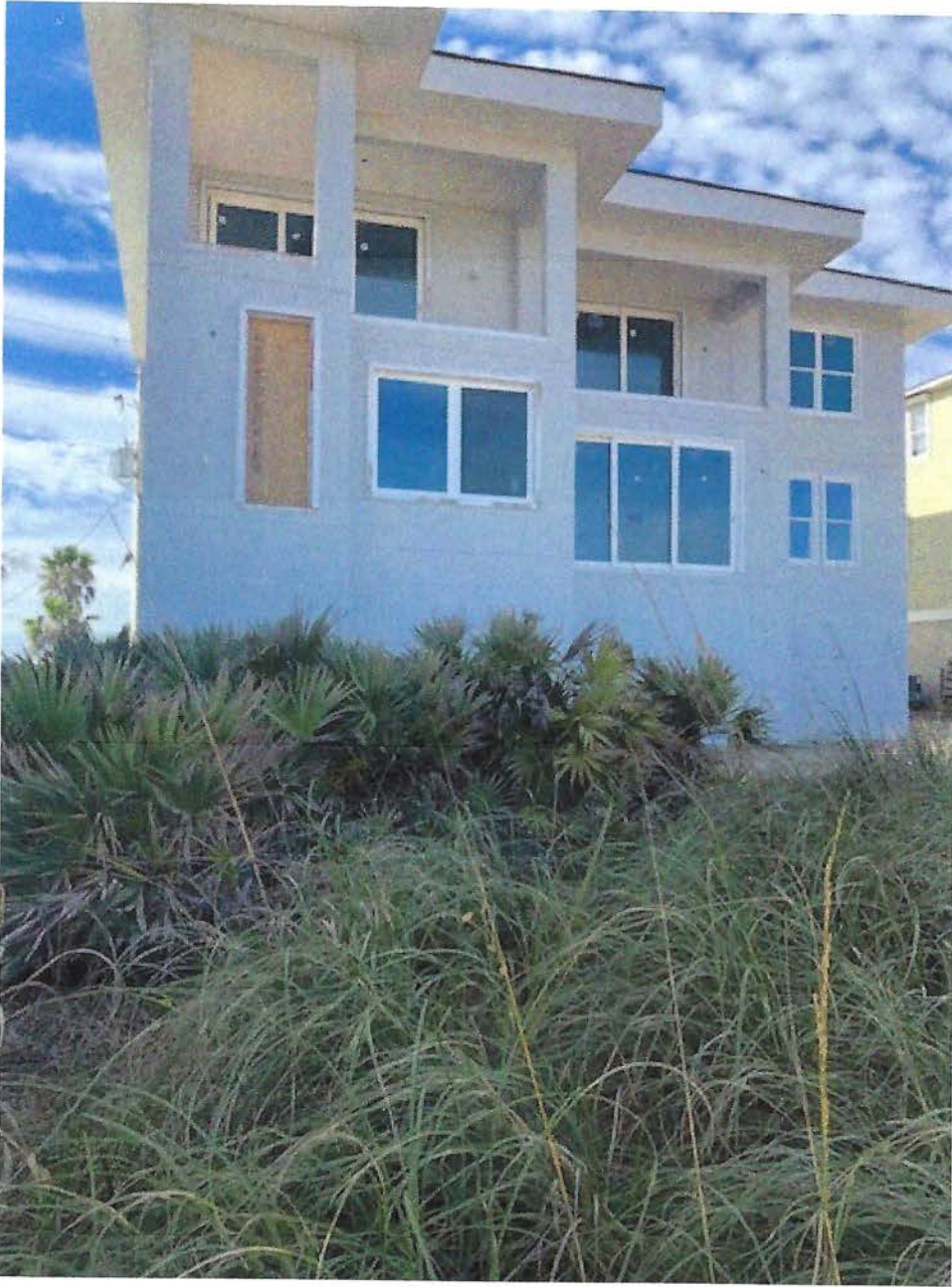
From: Charles Muller II
Sent: Thursday, January 23, 2025 10:20 AM
To: Charles Muller II



Home at
3299 N. Oceanshore
Blvd.
without Posts or
encroachment

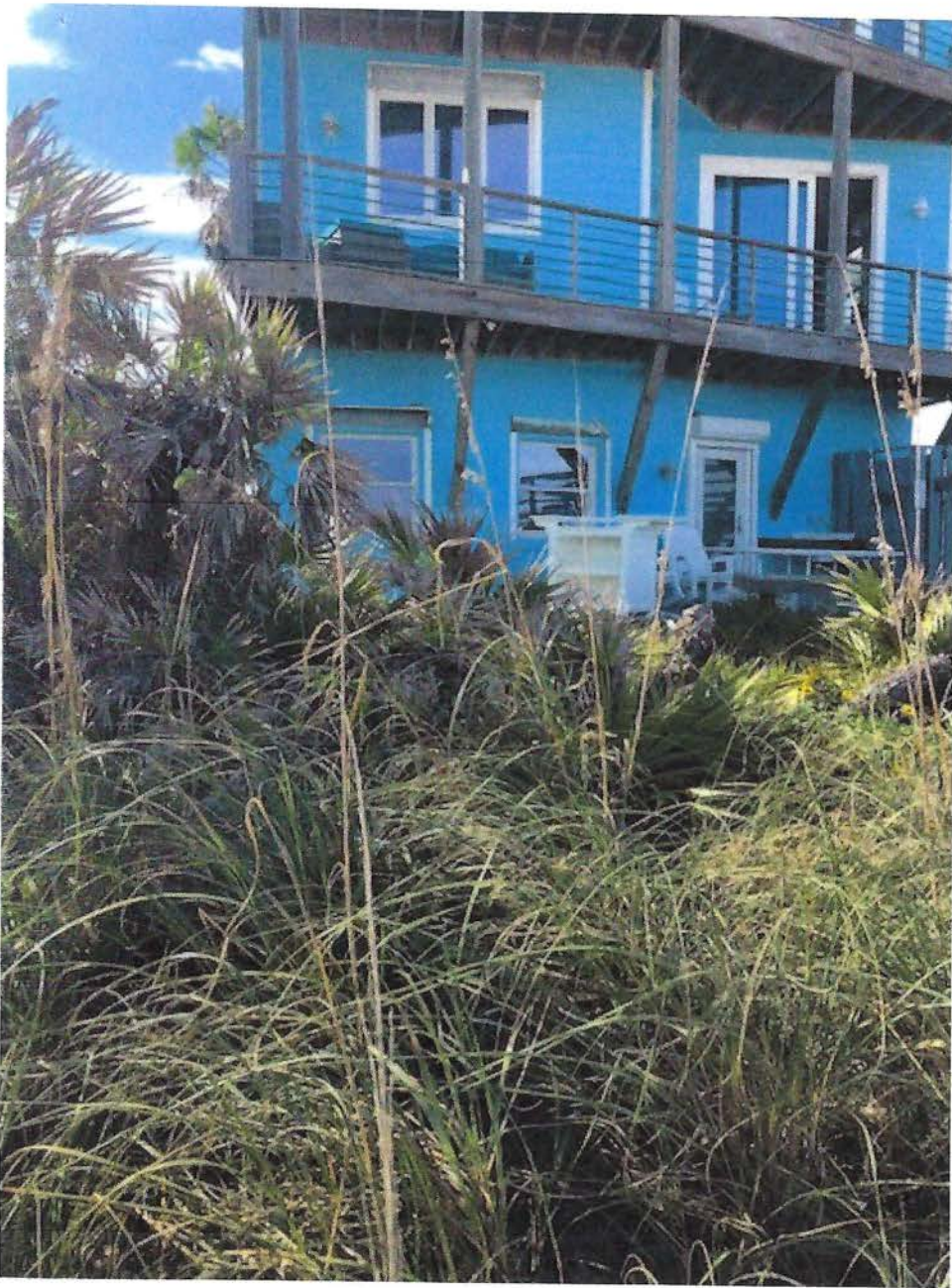


Home at
3311 N. Oceanshore
Blvd without
Posts or
Encroachment.



Home at
3323 N. Oceanshore
Blvd.
without Posts
or Encroachment

Sent from my iPhone



Home at
3319 N. Oceanshore
Blvd without
Posts or
Encroachment.

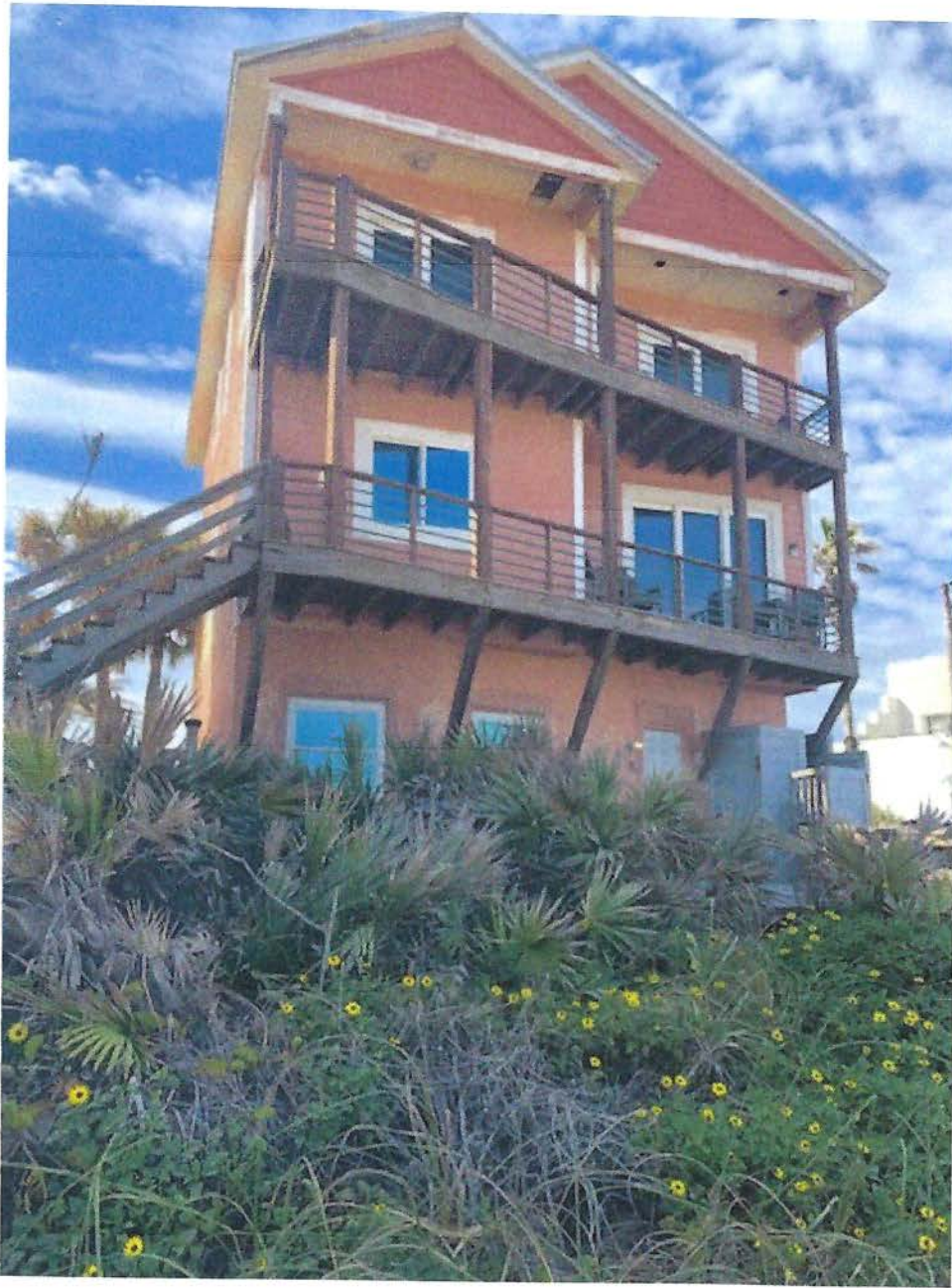
*Note the
cantilevers.

Charles Muller II

From: Charles Muller II
Sent: Sunday, February 2, 2025 10:46 AM
To: Charles Muller II



Home at
3309 N. Oceanshore
Blvd. without
Posts or
encroachment.
* Note the
cantilevers



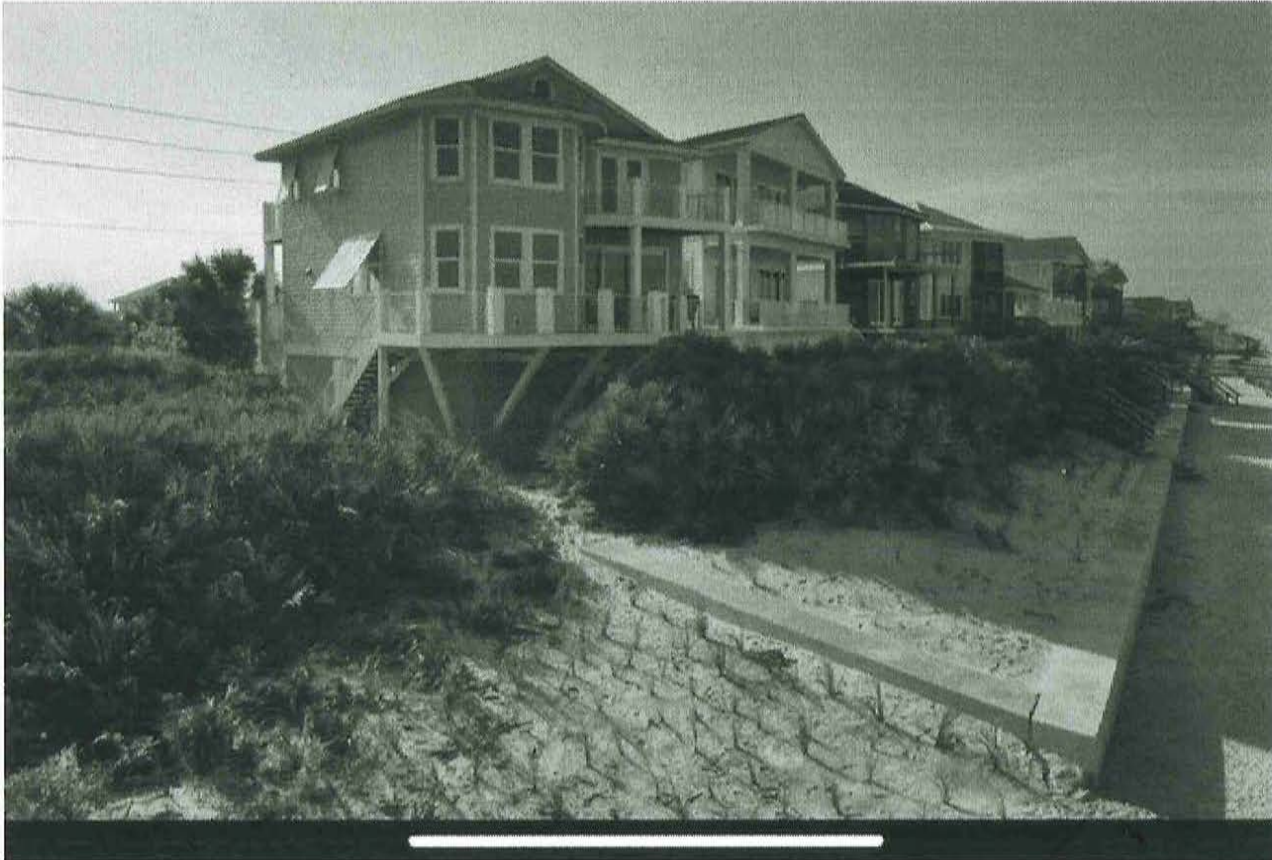
Home at
3341 N. Oceanshore
Blvd without
Posts or
Encroachment.

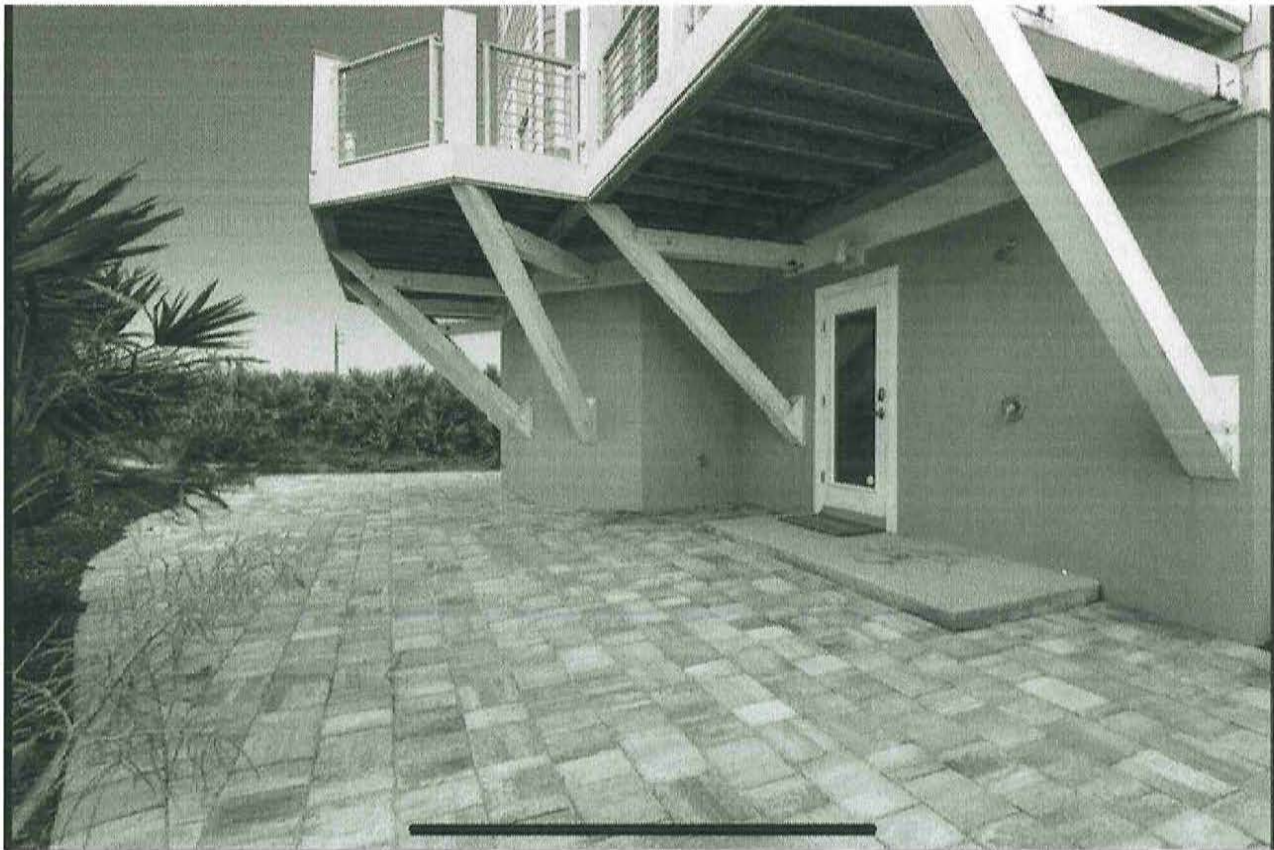
*Note the
Cantilevers

Charles Muller II

From: Charles Muller II
Sent: Wednesday, February 5, 2025 8:40 AM
To: Charles Muller II
Subject: FW: Pics from realtor

Subject: Pics from realtor *listing of 3295 N, Ocean Shore Blvd. in 2024 showing
controversies before Applicant's work*





Picture from realtor listing of 3295 N. Ocean Shore Blvd. in 2024
showing cantilever before Applicant's work

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 7**

SUBJECT: QUASI-JUDICIAL – Project No. 2024120025 – Request for an Application for Review for to Amend a Plat Requirement for Installation of Fire Sprinklers for the Hammock Moorings South Subdivision. Parcel Numbers: 15-11-31-3016-00000-0010, -0020, -0030, -0040, -0050, -0060, -0070, -0080; 3.01+/- acres. Owner/Applicant: Michael and Heather Doherty/James E. Melvin dba Inspire Development Group Corp. (AR No. 5317).

DATE OF MEETING: February 11, 2025

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The subject parcel lies on the West side of North Oceanshore Boulevard (a/k/a SR A1A), between North Oceanshore Boulevard and the Intracoastal Waterway:



**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 7**

The owners filed an Application for Review and related documents with the County on December 5, 2024. This request seeks the removal of the fire sprinkler requirement for the eight lots within Hammock Moorings South.

The Dohertys purchased the subject parcel through the Warranty Deed dated January 18, 2024 and recorded on February 14, 2024 at Official Records Book 2845, Page 1699, Public Records of Flagler County, Florida. The subdivision plat for Hammock Moorings South was approved by the Board of County Commissioners on October 7, 2002 and recorded at Plat Book 33, Page 78, Public Records of Flagler County, Florida. The Board's plat approval included the fire sprinkler requirement, and this requirement was included in the Plat Addendum dated September 24, 2002 and recorded on November 7, 2002 at Official Records Book 863, Page 404, Public Records of Flagler County, Florida.

This requirement at Section 11 in the Plat Addendum states:

11. FIRE PROTECTION

All units shall be equipped with an automatic fire sprinkler system. These sprinkler systems shall be designed and installed as specified in the national Fire Protection Association (N.F.P.A.) code, 1999 edition of 13-D and 13-R Residential Sprinklers and all current additions and appendices. Individual homeowners are to be responsible for properly maintaining and understanding the operation of their systems in accordance with N.F.P.A. 25 standards, 1998 edition or its successors. The developer or builder is to provide each homeowner a list of items to be included in their maintenance program. The following items are the minimum:

- 1. Visually inspect all sprinklers to insure against any obstruction of spray.**
- 2. Inspect all valves to make sure they are open.**
- 3. Test all water flow alarm devices.**

Building permits will not be issued by Flagler County unless fire protection system, including the necessary water source, has been included on the application drawings for each dwelling unit construction.

The Planning Board's review of the preliminary plat on July 11, 2000 included the following Fire Services comments:

Fire Services

- 1) Provide for the installation of a fire hydrant located at the entrance to the subdivision;**
- 2) Installation shall be accomplished per NFPA 24, 1995 edition; and**
- 3) Provide for emergency access and how this will be accomplished.**

When the final plat was presented to the Board for approval in 2002, the fire sprinkler requirement had been added along with the fire hydrant installation requirement. No information was found in the record that indicated why the fire sprinkler requirement was

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 7**

added. It was common knowledge that the Ocean City Utilities system – the private water and sewer utility that had served this area at the time of the preliminary plat and final plat reviews – had limited capacity. This system was subsequently acquired by the County, and the water and sewer system is now owned managed by the Florida Governmental Utility Authority (through an interlocal agreement with the County, followed by the transfer of utility assets from the County to the Authority) with potable water and sanitary sewer treatment provided by the City of Palm Coast through a bulk service agreement between the Authority and the City.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD: The Planning and Development Board recommends to the Board of County Commissioners:

APPROVAL of the request to delete the fire sprinkler requirement at Section 11 in the Plat Addendum for Hammock Moorings South, finding that the fire sprinkler requirement is no longer necessary due to improved potable water availability for fire protection.

DENIAL of the request to delete the fire sprinkler requirement at Section 11 in the Plat Addendum for Hammock Moorings South, finding that the fire sprinkler requirement is necessary for fire protection.

CONTINUANCE of the request to a time and date certain.

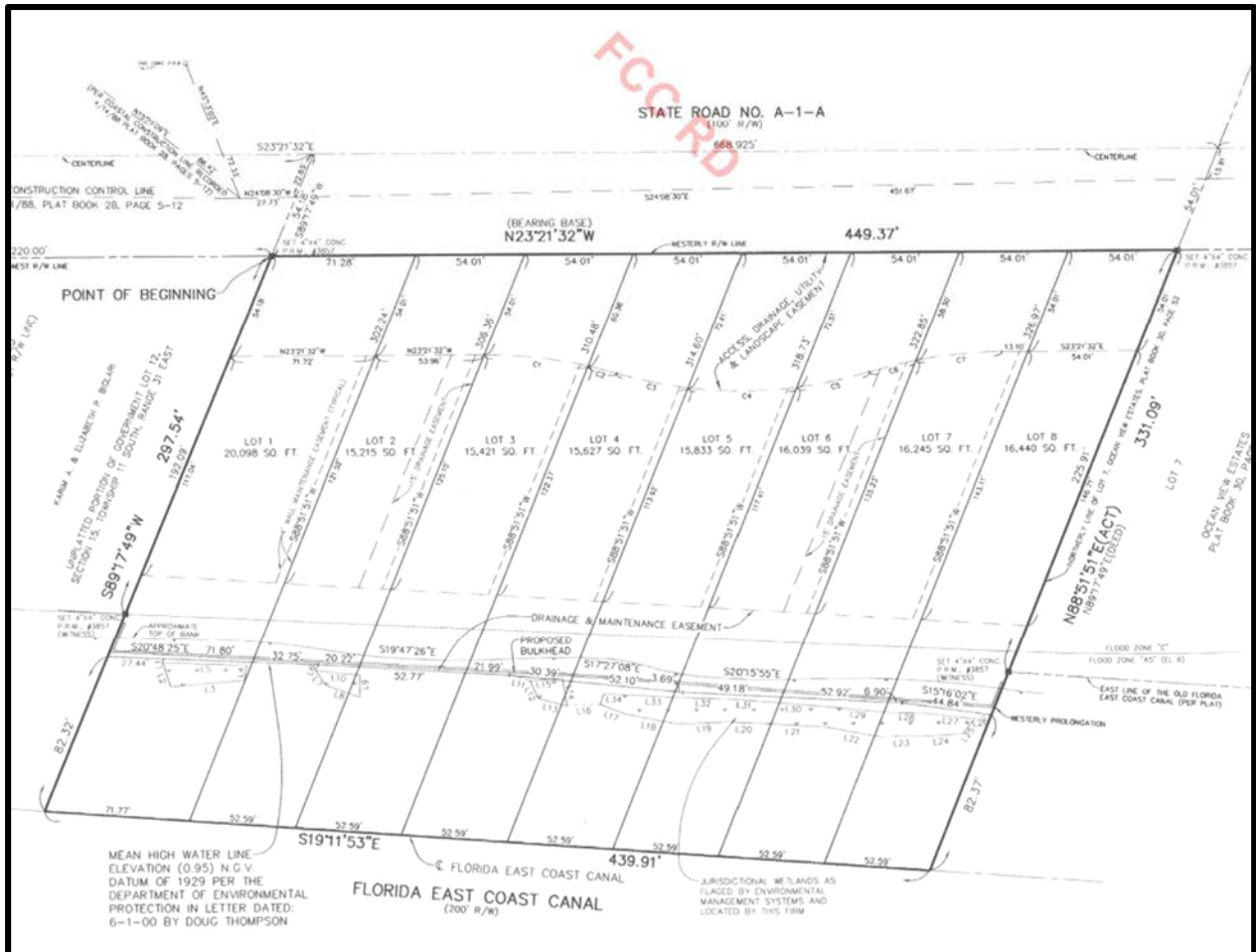
This request will require approval by the Board of County Commissioners, which is scheduled to be considered at the Board’s March 17, 2024 regular meeting at 5:30 p.m. or as soon thereafter as the request may be heard.

ATTACHMENTS:

1. Technical Staff Report (TSR)
2. Application for Review (with Attachments)
3. TRC comments
4. Applicant’s response to TRC comments
5. Public Notice

PROJECT NO. 2024120025
APPLICATION FOR REVIEW
REMOVAL OF PLAT REQUIREMENT FOR FIRE SPRINKLER
TECHNICAL STAFF REPORT

Hammock Moorings South is an 8-lot subdivision located between North Oceanshore Blvd (a/k/a State Road A-1-A) and the Intracoastal Waterway, recorded in Map Book 33, Page 78, Official Records of Flagler County, Florida.



The Hammock Moorings South Plat was approved by the Board of County Commissioners on October 7, 2002 along with a Plat Addendum outlining the development requirements, as recorded in Official Records Book 863, Page 404, Official Records of Flagler County. Section 11 of the Plat Addendum called out Fire Protection requirements and states that all units will be equipped with an automatic fire sprinkler system, designed and installed as specified in the National Fire Protection Association (N.F.P.A.) code, 1999 edition of 13-D and 13-R Residential Sprinklers. Section 11 calls out additional requirements for the homeowners to;

1. Visually inspect all sprinklers to insure against obstruction
2. Inspect all valves to make sure they open

3. Test all water flow alarm devices

These additional Fire Protection requirements were included in the Plat Addendum to compensate for a lack of adequate hydrant locations and water pressure along this stretch of North Oceanshore Boulevard at the time of final plat approval.

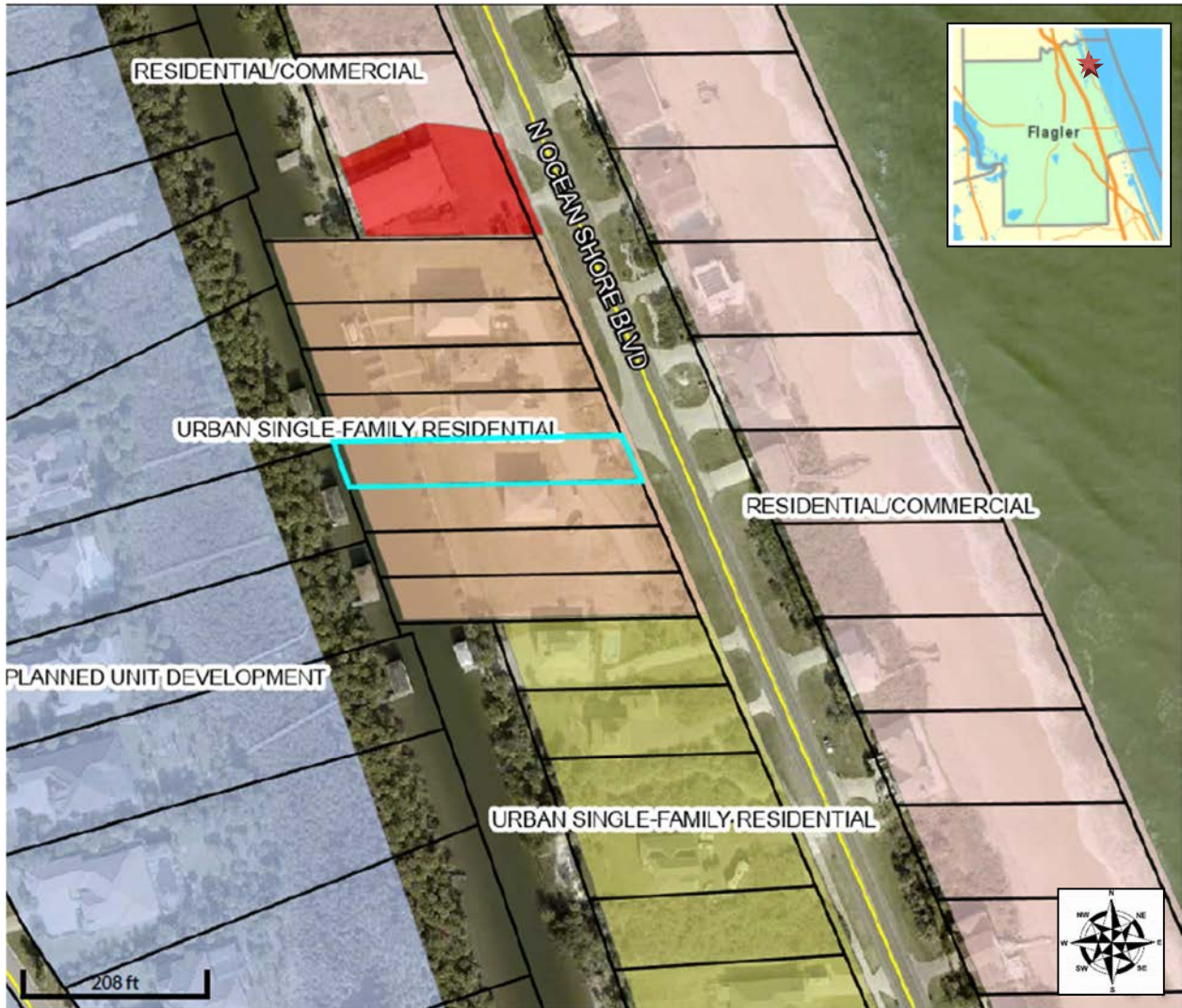
The applicants have submitted an Application for Review to remove fire sprinkler requirement from Section 11 from the Plat Addendum as the water infrastructure has improved substantially since the original plat approval 22 years ago. There is now a fire hydrant located in the North Oceanshore Boulevard right-of-way directly in front (East) of the East boundary line of Hammock Moorings South and just North of the road access connection to the subdivision.

Per the request of the TRC Committee, the applicants performed a Flow Test on this fire hydrant on January 20, 2025 at 9:00 am which indicated that the static pressure was 62 PSI, the residual pressure was 36 PSI and the Flow pressure was 840 GPM. Note that the County's Fire/Rescue Department requires a minimum flow rate of 900 GPM.

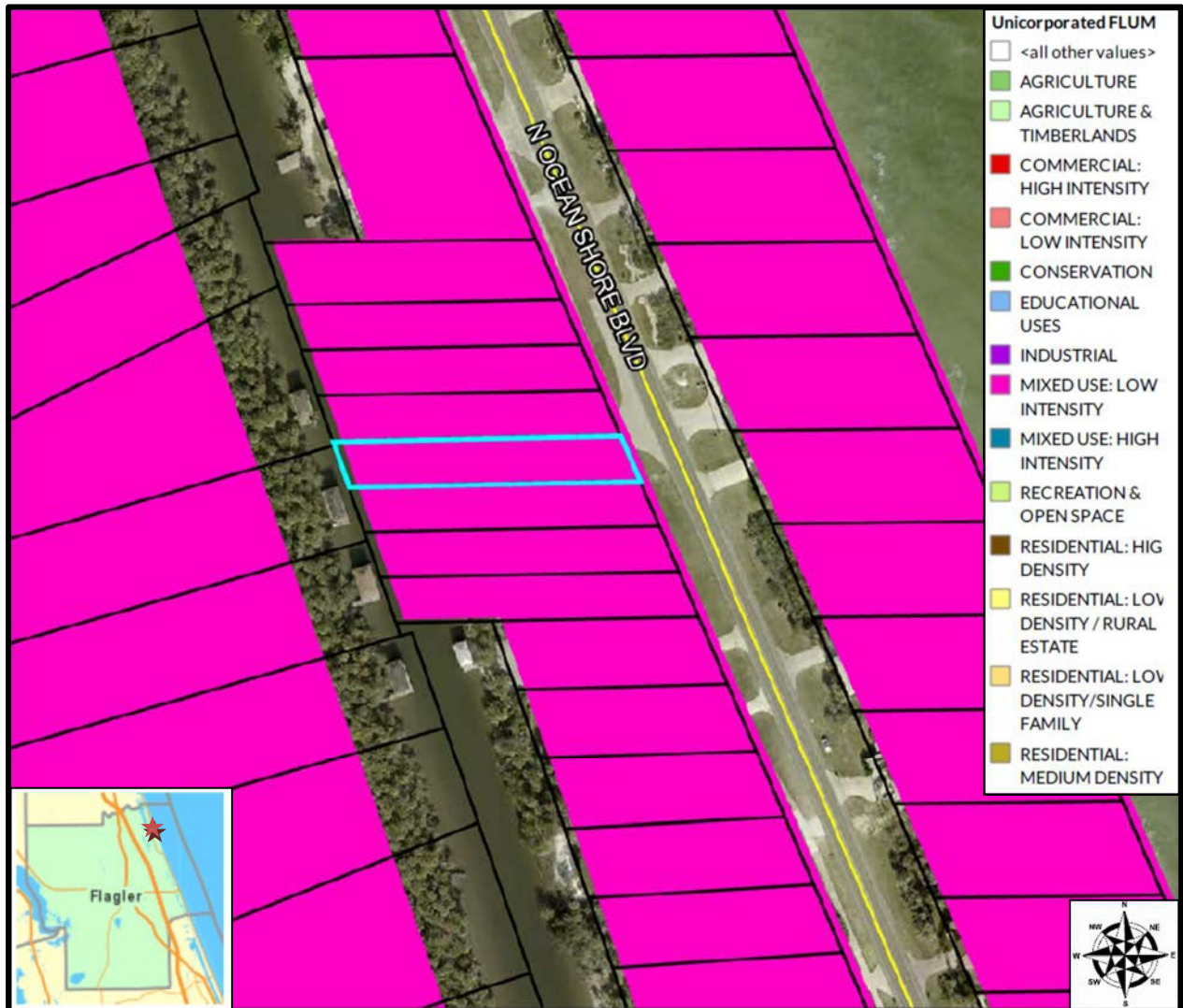
Removing the fire sprinkler requirement would remove prohibitive costs as well as the burden on homeowners to inspect and maintain the fire sprinkler systems.

There has been sporadic enforcement of the fire sprinkler requirement, with two recent single-family dwellings permitted without the installation of fire sprinkler systems.

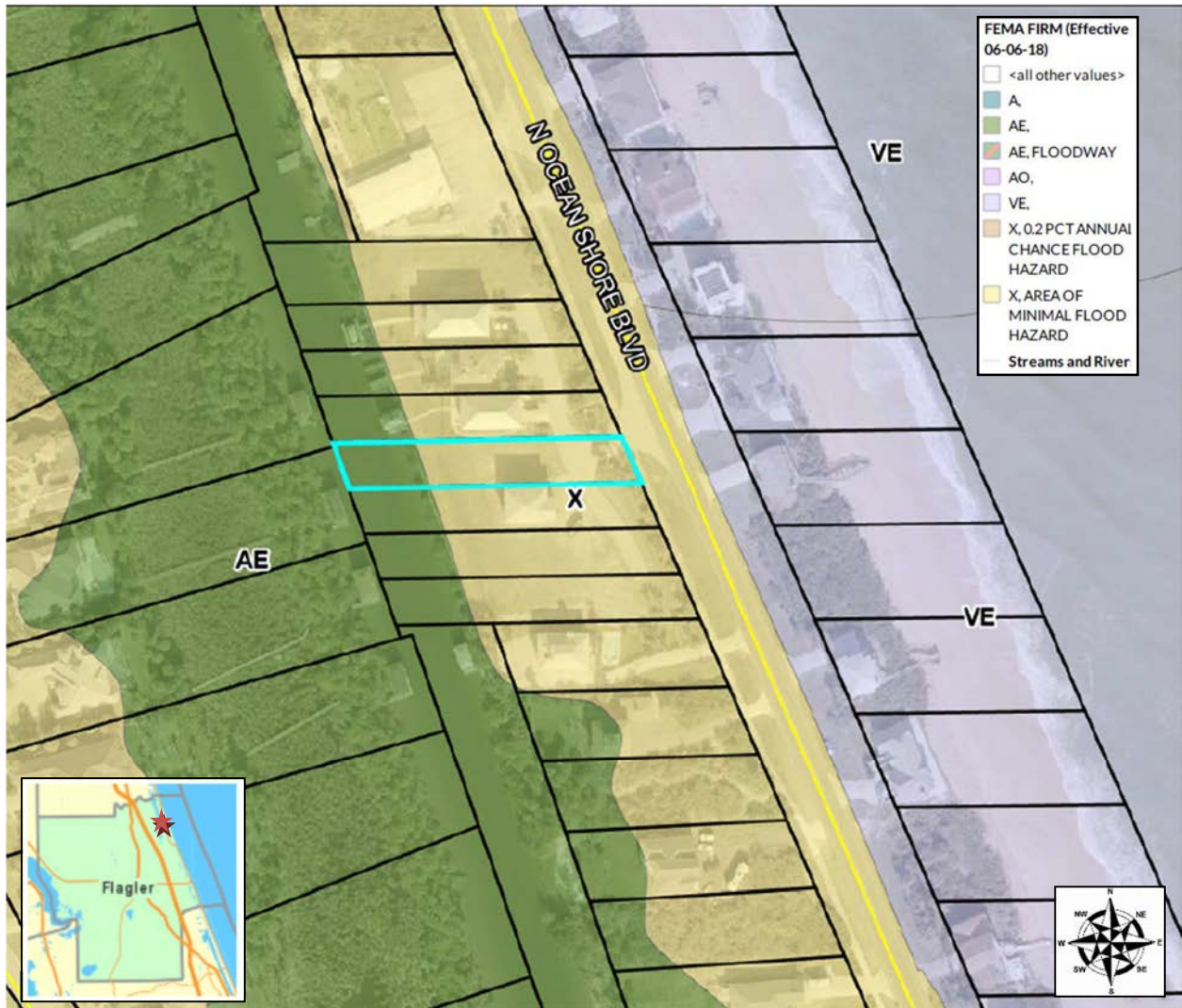
Zoning



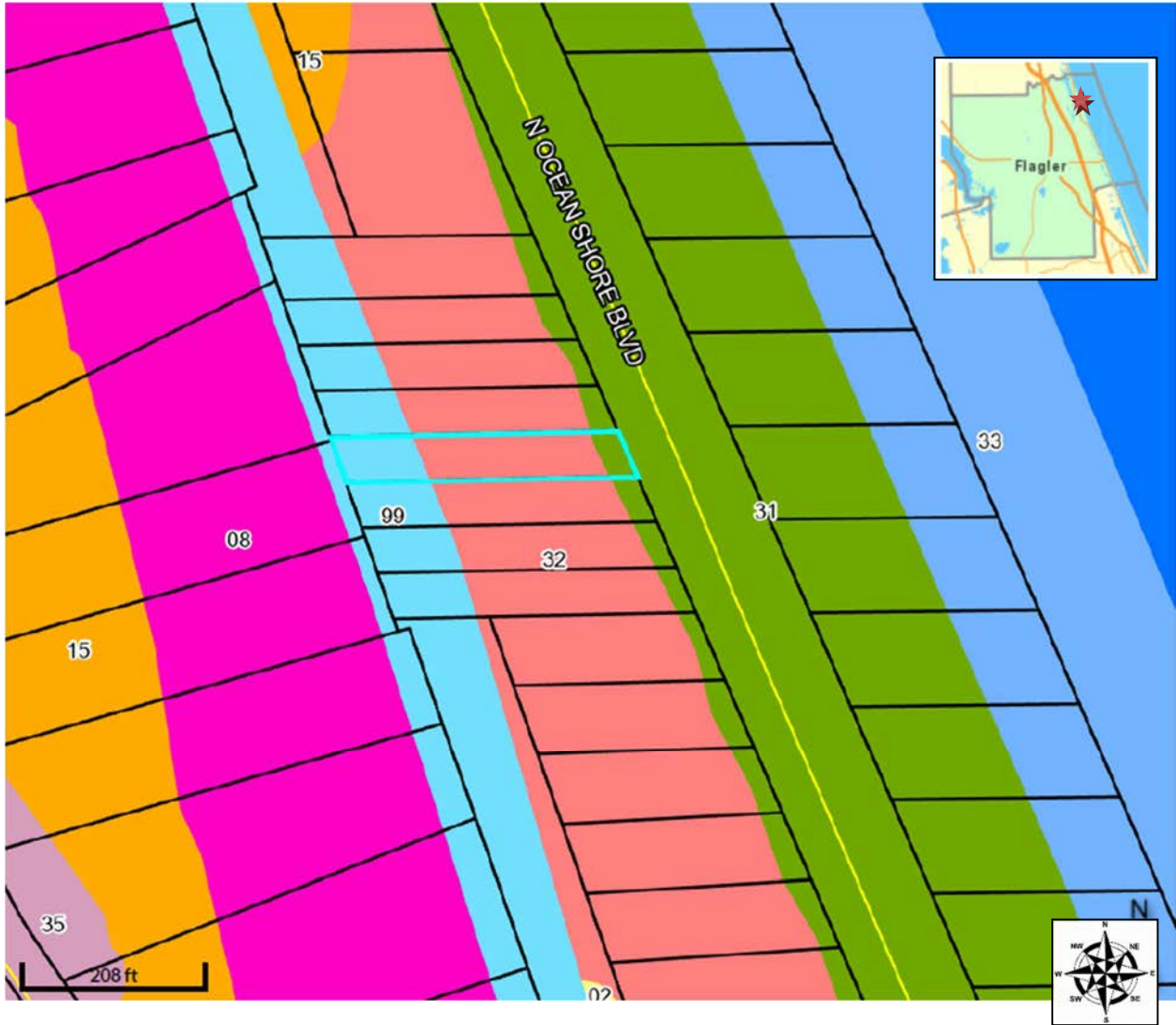
Future Land Use



Flood Zone



Soils



Soil Types
32 Narcossee, shell substratum-Welaka complex, 0 to 5% slopes

Wetlands



3450 N Oceanshore Blvd



February 3, 2025

Wetlands

- | | | | |
|---|-----------------------------------|---|----------|
|  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Deepwater |  | Other |
|  | Estuarine and Marine Wetland |  | Riverine |
|  | Freshwater Forested/Shrub Wetland | | |
|  | Freshwater Pond | | |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper



COMMERCIAL - RESIDENTIAL - MULTI-FAMILY
GENERAL CONTRACTORS | CONSTRUCTION MANAGEMENT
(386) 900-IDGC "4342" | WWW.INSPIREDEVGROUP.COM
Office: 301 North Pine Meadow Drive, DeBary, FL 32713

APPLICATION FOR REVIEW

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110

RE: 2024100205 - PERMIT Plan Review Summary Report - Requirement for fire sprinklers

To Whom It May Concern:

This package includes the following:

- APPLICATION FOR REVIEW FORM
- JUSTIFICATION NARRATIVE COVER LETTER
- JUSTIFICATION NARRATIVE - SUPPLEMENTAL (SUPPORTING) INFORMATION
- PLAT ADDENDUM - HAMMOCK MOORING SOUTH

Sincerely,

James E. Melvin, CGC | Vice President

INSPIRE DEVELOPMENT GROUP CORP.

InspireDevGroup.com | Office: (386) 900-IDGC "4342"

Cell: (904) 250-6575 | jim@inspiredevgroup.com





APPLICATION FOR REVIEW

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109
Application/Project #: **2024100205**

PROPERTY OWNER(S):	Name(s): Michael Scott Doherty and Heather Marie Doherty
	Mailing Address: 730 Portland Road
	City: Saco State: ME Zip: 04072
	Telephone Number (207) 415-8677 Fax Number

APPLICANT(S):	Name(s): James E. Melvin dba INSPIRE DEVELOPMENT GROUP CORP.
	Mailing Address: 301 North Pine Meadow Drive.
	City: DeBary State: FL Zip: 32713
	Telephone Number (386) 900-4342 Fax Number
	E-Mail Address: jim@inspiredevgroup.com

SUBJECT PROPERTY:	SITE LOCATION (street address): 3450 N. Ocean Shore Blvd.
	LEGAL DESCRIPTION: LOT 5, HAMOCK MOORINGS SOUTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 33, PAGES 78 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA
	Parcel # (tax ID #): 15-11-31-3016-00000-0050
	Parcel Size: Lot Area = 15,850 SF
	Current Zoning Classification:
	Current Future Land Use Designation New construction of single-family residential home
Subject to A1A Scenic Corridor? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

PURPOSE OF SUBMISSION / PROJECT DATA: To eliminate the requirement for fire sprinklers in the construction of a single-family residence located at 3450 N. Ocean Shore Blvd.

Michael Doherty
Signature of Owner(s) or Applicant/Agent
if Owner Authorization form attached

12/5/24
Date

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION: APPROVED []
*APPROVED WITH CONDITIONS []
DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

****OFFICIAL USE ONLY****

BOARD OF COUNTY COMMISSIONERS ACTION: APPROVED []
*APPROVED WITH CONDITIONS []
DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

Required Attachments:

- 1.) Copy of Owner(s) recorded Warranty Deed;
- 2.) Complete site plan meeting all requirements of Flagler County Land Development
- 3.) Application Fee \$320.00 + cost of newspaper ad(s) and postage at prevailing rate and \$50 for each notification of public hearing (posting of sign). Make check payable to BOCC.

*Fee amount per Resolution 2008-31.

Pursuant to Section 286.0105 of Florida Statutes, Flagler County hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board or Board of County Commissioners with respect to any matter considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Revision date 05/08



COMMERCIAL - RESIDENTIAL - MULTI-FAMILY
GENERAL CONTRACTORS | CONSTRUCTION MANAGEMENT
(386) 900-IDGC "4342" | WWW.INSPIREDEVGROUP.COM
Office: 301 North Pine Meadow Drive, DeBary, FL 32713

December 4, 2024

Board of County Commissioners
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110

Subject: Justification Narrative

RE: 2024100205 – Permit Plan Review Summary Report – Requirement for fire sprinklers

To Whom It May Concern:

I've been requested to supply a justification narrative as to why the fire sprinkler requirement per the attached "Plat Addendum Hammock Moorings South" No. 11 should be eliminated.

Currently there are six existing homes built in the Hammock Moorings South subdivision without any fire sprinklers installed. Although this fact is not justification as to why the requirement should be eliminated, it is not easily understood where this requirement comes from; It's not a Florida Building Code requirement, nor is it a Flagler County requirement. In addition, there are two fire stations in close proximity of the residence (one within 5 miles and the other within 7 miles).

Please see attached marked as "Justification Narrative – Supplemental Information" for additional information regarding the location of this project along with related IFC code requirements and advise to the underlying concern behind this requirement.

Sincerely,

A handwritten signature in black ink, appearing to read "JME", with a long, sweeping underline.

James E. Melvin, CGC | Vice President

INSPIRE DEVELOPMENT GROUP CORP.

InspireDevGroup.com | Office: (386) 900-IDGC "4342"

Cell: (904) 250-6575 | jim@inspiredevgroup.com

2024100205 - Permit Plan Review Summary Report - Requirement for fire sprinklers

Supplemental information provided by the IFC - Appendix D (Fire Apparatus Access Roads). The proposed location of the home to be constructed as depicted below appears to adhere to the required codes for access.

FIRE STATIONS IN PROXIMITY

FLAGLER BEACH FIRE DEPARTMENT

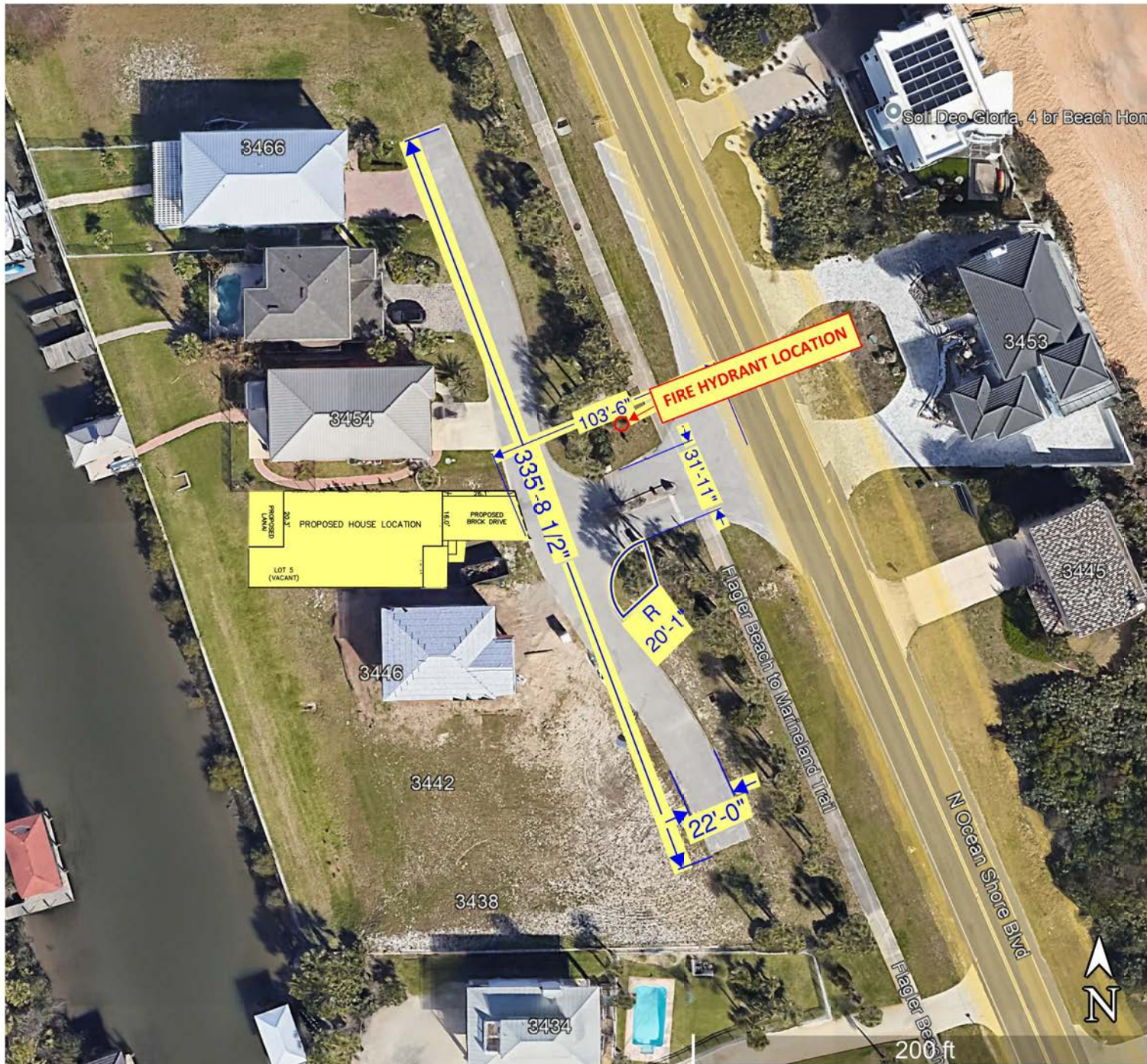
320 S Flagler Ave

8 Min \ 5 Miles

PALM COAST FIRE STATION

1505 Palm Harbor Pkwy

11 Min / 7.3 Miles



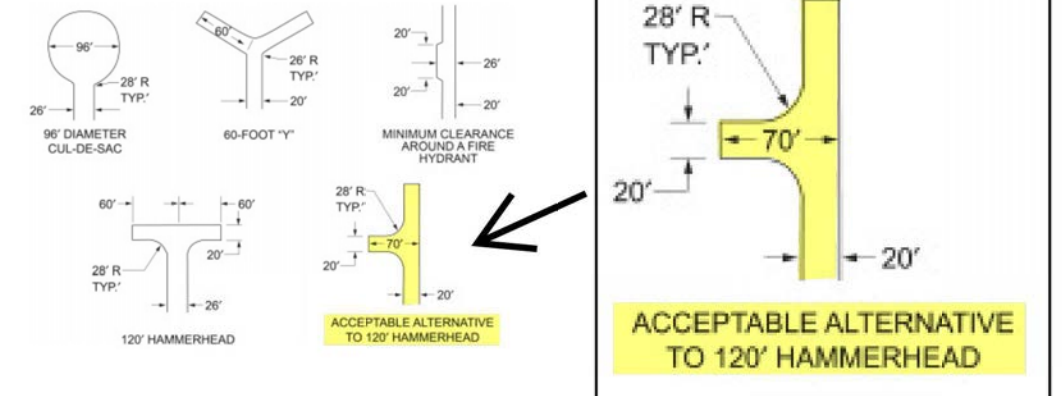
**APPENDIX D
FIRE APPARATUS ACCESS ROADS**

2021 International Fire Code (IFC)

**SECTION D103
MINIMUM SPECIFICATIONS**

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).



For SI: 1 foot = 304.8 mm.

FIGURE D103.1 DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

D103.4 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

TABLE D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

OFF REC 0863 PAGE 0404

September 24, 2002

~~DRAFT~~
PLAT ADDENDUM
HAMMOCK MOORINGS SOUTH

THIS AGREEMENT is entered into this 6 day of NOVEMBER, 2002 between **Hammock Properties, Inc.**, A Florida Corporation, 1318 Ponte Vedra Boulevard, Ponte Vedra Beach, Florida, 32082 (the "Developer") and the **Board of County Commissioners** of Flagler County, Florida; 1200 E. Moody Boulevard, No. 1, Bunnell, Florida 32110 (the "County"), and they are collectively referred to as "the parties".

WHEREAS, Developer has applied for and the County has approved a plat for Hammock Moorings South Subdivision, located within Flagler County, Florida. This plat addendum is binding on the owners of the plat and shall run with the land and bind all future owners.

In consideration of the mutual promises, covenants and conditions contained herein, the parties agree as follows in regard to the plat:

1. PROOF OF OWNERSHIP

The Developer shall provide appropriate legal title documents to the County reflecting all legal or equitable interest in the platted property at the time the Board of County Commissioners approves the Final plat.

2. PERFORMANCE / MAINTENANCE BOND

Prior to recordation of the Plat, Developer shall either install all improvements or provide a performance asurety bond in lieu of installation of improvements as provided in Section 4.03.02 of the Flagler County Land Development Code. The scope of value of these improvements is as identified in the attached Exhibit "A" – Engineer's Estimate of Probable Cost.

A maintenance bond shall be provided by the Developer to the County per Section 4.03.03 of the Flagler County Land Development Code for all subdivision improvements.

3. PLAT RECORDATION

The plat shall be recorded in Map Book 33, Page 78, of the Public Records of Flagler County, Florida.

4. SETBACKS

"Setback Line" is defined in Section 3.08.02 of the Flagler County Land Development Code. The minimum setbacks for the Hammock moorings North Subdivision will be consistent with those setbacks for the R1-d (Urban Single-Family Residential District) zoning classification.

RE Finance Dept Rm 114
Cheryl Dukes

Front Yard - 25 feet
 Rear Yard - 15 feet
 Side Yard - Interior lot – 0 and 15 feet
 End lots – 7.5 feet

All setbacks will be measured from the adjacent property line to the nearest wall of the dwelling unit.

A perpetual four (4') foot wall maintenance easement shall be provided on the lot adjacent to the zero lot line property line.

The roofs on the zero lot line side of each house shall be equipped with rain gutters to ensure that runoff collected and discharged into the stormwater treatment system of the same residence.

5. ADDRESSES

Each lot shall be addressed as follows:

Lot 1 – 3466 N. Ocean Shore Blvd.	Lot 5 – 3450 N. Ocean Shore Blvd.
Lot 2 – 3462 N. Ocean Shore Blvd.	Lot 6 – 3446 N. Ocean Shore Blvd.
Lot 3 – 3458 N. Ocean Shore Blvd.	Lot 7 – 3442 N. Ocean Shore Blvd.
Lot 4 – 3454 N. Ocean Shore Blvd.	Lot 8 - 3438 N. Ocean Shore Blvd.

6. FINISHED FLOOR ELEVATIONS

The minimum finish floor elevations on each lot shall be 11.5. Garage floor elevations for each lot shall not be more than 4" below the respective finish floor elevation.

7. ACCESS

Access to the eight (8) platted lots shall be limited to one (1) connection to State Road A-1-A as shown on the approved Development Plans prepared by Finley Engineering Group (See Exhibit "C"), dated _____ . No other access points to A-1-A will be permitted.

8. BUILDING PERMITS

Building permits for third party owned single family residences will not be issued prior to completion of all required improvements within this subdivision.

This provision is not intended to prohibit the construction of developer owned model homes as long as no transfer of ownership occurs. Developer hereby acknowledges and agrees that the County Shall not issue a Certificate of Occupancy (CO) for any residence completed on the property until such time as the subdivision improvements have been completed and approved by the County.

9. MAINTENANCE RESPONSIBILITIES

Maintenance of the bulkhead and common areas (areas within the access, drainage, utility and landscape easement), including repair and replacement of all roads, structures, plat materials, etc. located thereon shall be performed by the Hammock Moorings South Homeowners Association, a Florida Corporation.

10. SEWER AND WATER

All lots shall be connected to central water and sewer services. Potable wells and septic systems are prohibited.

11. FIRE PROTECTION

All units shall be equipped with an automatic fire sprinkler system. These sprinkler systems shall be designed and installed as specified in the national Fire Protection Association (N.F.P.A.) code, 1999 edition of 13-D and 13-R Residential Sprinklers and all current additions and appendices. Individual homeowners are to be responsible for properly maintaining and understanding the operation of their systems in accordance with N.F.P.A. 25 standards, 1998 edition or its successors. The developer or builder is to provide each homeowner a list of items to be included in their maintenance program. The following items are the minimum:

1. Visually inspect all sprinklers to insure against any obstruction of spray.
2. Inspect all valves to make sure they are open.
3. Test all water flow alarm devices.

Building permits will not be issued by Flagler County unless fire protection system, including the necessary water source, has been included on the application drawings for each dwelling unit construction.

12. MISCELLANEOUS

- (a) The exclusive jurisdiction and venue for resolving any issues relating to this Agreement shall be the Circuit Court of Flagler County, Florida.
- (b) The Developer or its successors shall be obligated to pay all costs of the County to enforce this Agreement or arising out of this agreement, including reasonable attorneys fees and costs.
- (c) This Agreement shall be recorded in the Public Records of Flagler County. It shall be a restriction and covenant running with the land, and shall be binding on the heirs, successors, executors and assigns of the parties hereto.

The Board of County Commissioners of Flagler County, Florida

Approved on: 10-7-2002

By: James A. Dandy
Chairman

Attest: [Signature]
Clerk of Court and Ex-Officio Clerk

THE UNDERSIGNED, Wayne Forister, joins in the execution of this Plat Addendum to evidence his agreement to be bound by the terms, conditions and obligations contained herein.

Signed and sealed in the presence of:

Date: OCTOBER 30, 2002

[Signature]
[Signature]

By: [Signature]
Wayne Forister, President
Hammock Properties, Inc.,
A Florida Corporation

STATE OF FLORIDA
COUNTY OF FLAGLER

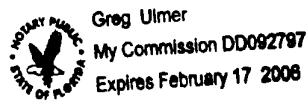
The foregoing Plat Addendum was acknowledged before me on the 30TH day of OCTOBER, 2002 by Wayne Forister, President, Hammock Properties, Inc. A Florida Corporation. He is personally known to me or has produced _____ as identification and who did (did not) take an oath.

[Signature]
Notary Public (signature)

GREG ULMER
Notary Public (typed)

Notary Public, State of Florida

(Serial Number, If any)



Hammock Moorings South

ENGINEER'S ESTIMATE

hms

09/23/2002

BID ITEM	UNITS	QUANTITY	**ENGINEERS ESTIMATE** UNIT PRICE	TOTAL
SITE PREPARATION:				
Clearing	AC	2.10	4000.00	8400.00
Excavation and grading	CY	8,500	6.00	51000.00
Erosion Control Silt Fence	LF	1,300	1.50	1950.00
Masonry Columns	EA	28	780.00	21840.00
Masonry wall/"Versa-lok" wall	LF	810	30.00	24300.00
PVC Fence	LF	485	28.00	13580.00
Aluminum Slide Gates	EA	1	22670.00	22670.00
Bulkhead	LS	1	76300.00	76300.00
TOTAL SITE PREPARATION				220040.00
SEWAGE COLLECTION SYSTEM:				
Gravity Sanitary Sewer (0-6')	LF	348	15.00	5220.00
Sanitary Manhole (0-6')	EA	2	1200.00	2400.00
Services	EA	14	350.00	4900.00
TOTAL SEWER WORK				12520.00
DRAINAGE WORK:				
15" RCP	LF	170	18.00	3060.00
12" x 18" RCP	LF	180	23.00	4140.00
Mitered End Section	EA	2	450.00	900.00
Inlets	EA	2	1200.00	2400.00
Overflow Control Structure	EA	1	2000.00	2000.00
TOTAL DRAINAGE WORK				12500.00
WATER DISTRIBUTION SYSTEM:				
Booster Pump Station	EA	1	25000.00	25000.00
Tapping Sleeve & Valve, 6"	EA	1	1250.00	1250.00
Fire Hydrant	EA	1	1750.00	1750.00
Double Service (1.25")	EA	4	350.00	1400.00
PVC Water, 1"	LF	520	6.00	3120.00
TOTAL WATER				32520.00
ROAD CONSTRUCTION:				
1.25" Asphalt, Type S-III	SY	920	4.50	4140.00
6" Limerock Base	SY	920	7.00	6440.00
6" Stabilized Subgrade	SY	1,060	2.00	2120.00
Concrete R/W Pavement	SY	410	18.00	7380.00
Subbase for R/W Pavement	SY	422	3.00	1266.00

Shaw J. King

 9/23/02

Concrete Curb	LF	810	6.00	4860.00
Sodding	SY	3,100	2.00	6200.00
Striping & Signage	LS	1	1000.00	1000.00

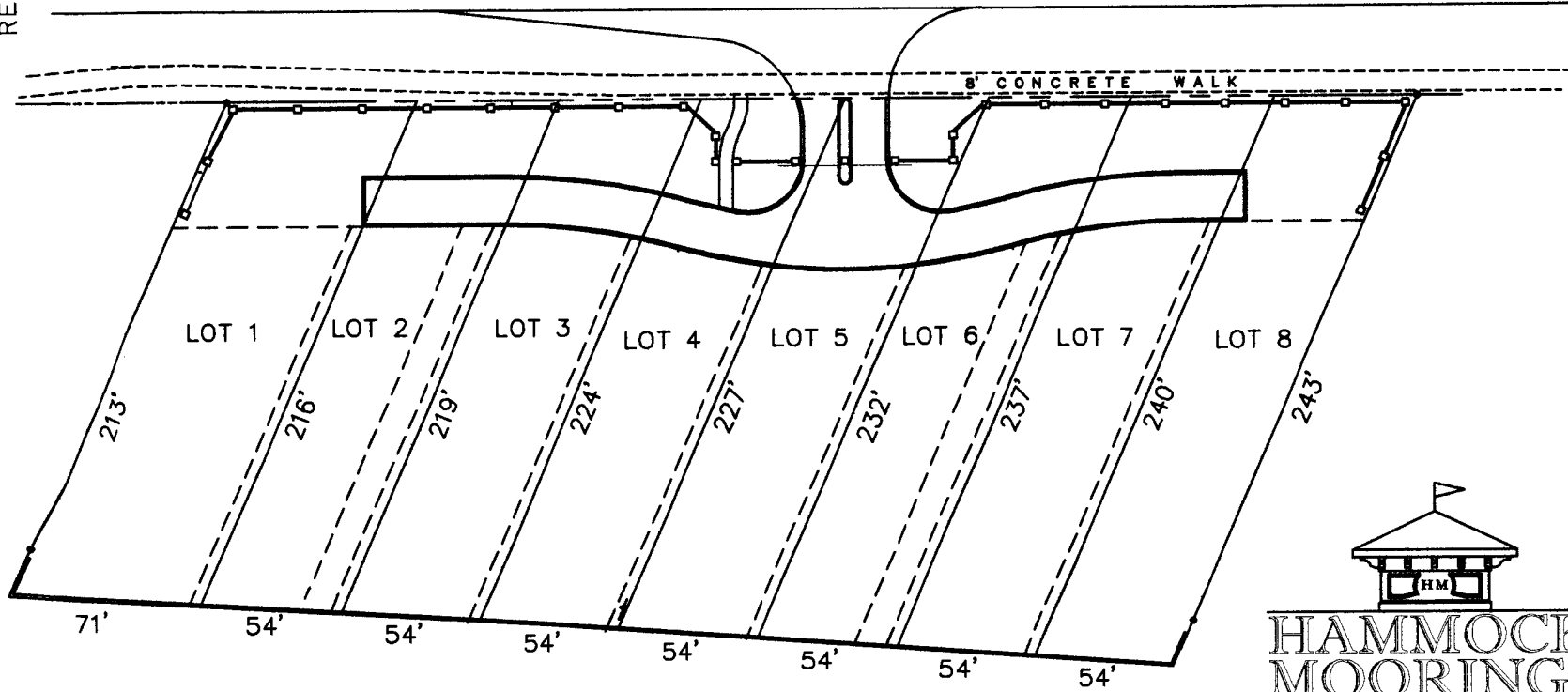
TOTAL ROAD CONSTR				33406.00

Survey Service				
Set Permanent Control Points	EA EA	8	250.00	2000.00

TOTAL DEVELOPMENT COST BID				312986.00
=====				

ATLANTIC OCEAN

STATE ROAD NO. A-1-A



FLORIDA EAST COAST CANAL
(200' R/W)



Growth Management Department
Planning & Zoning
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110

www.flaglercounty.org

Phone: (386)313-4009

Fax: (386)313-4109



TECHNICAL REVIEW COMMITTEE COMMENTS

DATE: January 15, 2025

Project #: 2024120025 / AR #5317

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

Attachment: Staff Comments

Reviewing Department Comments

ENGIN1 - DEVELOPMENT ENGINEERING (386-313-4082)

Comments:

Rejected By: SUSAN GRAHAM - (386)313-4082 - SGRAHAM@FLAGLERCOUNTY.GOV

Variance #5317

Hammock Mooring South

2024120025

Comments:

1.This would be considered an amendment to the Plat Addendum and would require board approval?

FD1 - FIRE REVIEW

Comments:

Rejected By: JERRY SMITH - -

We have a Plat Addendum for Hammock Morning South that was recorded in the Clerk of Courts office on november 5th 2002. As such, this agreement should remain in place.

ZON - ZONING (386-313-4009)

Comments:

Marked INFORMATION By: SIMONE KENNY - - SKENNY@FLAGLERCOUNTY.GOV

No Comments at this time.

N Ocean Shore Blvd



Imagery ©2025 Google, Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 Google 300 ft

Hydrant - Flow

Date: 1/20/25
Time: 9:00 A.M.
Static: 62
Res: 36
Flow: 840

FLAGLER COUNTY PROPERTY APPRAISER



Overview



Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 1/27/2025
Last Data Uploaded: 1/27/2025 7:29:26 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110



Flaglercounty.gov
Phone: (386)313-4009
Fax: (386)313-4109

January 28, 2025

«OwnerName»
«OwnerAddress1»
«OwnerAddress2»
«OwnerCityStZip»

RE: Project No. 2024120025– Application for Review in the R-1d (Urban Single-Family Residential) District

Dear Property Owner,

As owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by James E. Melvin dba Inspire Development Group on behalf of owners Michael and Heather Doherty located at 3450 North Oceanshore Boulevard identified as Parcel Number: 15-11-31-3016-00000-0050, Parcel Size: 15,833+/- square feet, for an Application for Review, requesting an Addendum to the Hammock Moorings South Plat to remove a Fire Sprinkler Requirement.

You are hereby notified that public hearings will be held as follows;

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD – for recommendation to Board of County Commissioners on decision –**February 11, 2025 at 6:00 p.m.** in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS –For Final Decision–**March 17, 2025, at 5:30 p.m.** or soon thereafter in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

Sincerely,

A handwritten signature in cursive script that reads "Simone Kenny".

Simone Kenny
Senior Planner

NOTE: PURSUANT TO SECTION 286.0105. FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITHRESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATUM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

Andy Dance
District 1

Greg Hansen
District 2

Kim Carney
District 3

Leann Pennington
District 4

Pam Richardson
District 5

ParcelId	OwnerName	Project 2024120025 OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCityStZip	Country
04-11-31-3000-00000-0650	SANTOS JOSE A JR	& ANA I H&W	125 ISLAND ESTATES PKWY		PALM COAST, FL 32137	
04-11-31-3000-00000-0660	RAVENELL JULIE B	& DONALE RAVENELL SR TRUSTEES	7735 SW 188TH STREET		CUTLER BAY, FL 33157	
04-11-31-3000-00000-0670	CLEVENSTINE ROSETTA M TRUSTEE		129 ISLAND ESTATES PARKWAY		PALM COAST, FL 32137	
04-11-31-3000-00000-0680	WEAVER HERBERT B III & KELLY S H&W		131 ISLAND ESTATES PARKWAY		PALM COAST, FL 32137	
04-11-31-3000-00000-0690	PARNUM GEOFFERY L		133 ISLAND ESTATES PARKWAY		PALM COAST, FL 32137	
04-11-31-3000-00000-0700	SPECHT CHERILYN TRUSTEE		135 ISLAND ESTATES PARKWAY		PALM COAST, FL 32137	
04-11-31-3000-00000-0710	BROWN KELLY K	& TRAVIS A HUNT	201 KELBURN COURT		LEXINGTON, KY 40515	
15-11-31-3016-00000-0020	RITTER ROBERT H & DAWN C	WILKES H&W	3462 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136	
15-11-31-3016-00000-0010	PETERS KEVIN A	& RENEE K H&W	3466 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136	
15-11-31-3016-00000-0030	CRISTELLO CHARLES & JULIA	CRISTELLO H&W	3458 N OCEANSHORE BLVD		FLAGLER BEACH, FL 32136	
15-11-31-3016-00000-0040	PATIRY KIM ANN & STEVEN ALLEN	PATIRY W&H	PO BOX 778		FLAGLER BEACH, FL 32136	
15-11-31-0000-01210-0010	DAVID R COOKSEY FAMILY HOLDINGS LLC		1031 RAVINE TERRACE		ST JOHNS, FL 32259	
15-11-31-3016-00000-0050	DOHERTY MICHAEL SCOTT & HEATHER MARIE H&W		730 PORTLAND ROAD		SACO, ME 04072	
15-11-31-3016-00000-0060	REIS PAULO J	& MARCIA REIS	53 ARLENE DRIVE		WEST LONG BRANCH, NJ 07764	
15-11-31-3016-00000-0070	LAVELLE DIANNE H		4181 TRADEWINDS DRIVE		JACKSONVILLE, FL 32250	
15-11-31-3016-00000-0080	PAPPAS CHRIS TRUSTEE		PO BOX 1946		NEW SMYRNA, FL 32170	
14-11-31-4940-00000-0070	THOMAS MARGUERITE A		3434 OCEANSHORE BLVD N		FLAGLER BEACH, FL 32136	
14-11-31-4940-00000-0060	WELLER KARL STEPHEN & SAMANTHA JOAN FRIEDENBERG H&W		9772 SOUTHWEST SANTA MONICA DRIVE		PALM CITY, FL 34990	
15-11-31-5925-00000-0020	TAMILIO-AWED KATHLEEN		15 MASSACHUSETTS AVENUE		WORCESTER, MA 01609	
15-11-31-5925-00000-0030	BDJL ONE LLC		209 NEW GATE LOOP		HEATHROW, FL 32746	
15-11-31-5925-00000-0040	ANDREWS BEN TRUSTEE		3453 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136	
15-11-31-5925-00000-0050	REZAEI ARIO TRUSTEE	C/O ARTIN REZAEI	3445 N OCEANSHORE BLVD		FLAGLER BEACH, FL 32137	
15-11-31-5925-00000-0060	RAMACHANDRAN ISAKOVA FAMILY REVOCABLE LIVING TRUST OF 2024		2310 S OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136	
14-11-31-0200-00000-0010	ELDER PLANNING INCOME CONCEPTS LLC & ET AL		1701 NE 42ND AVE STE 403		OCALA, FL 34470	

I hereby affirm mailed notice to each owner on 1 / 28 /2025 for the Planning and Development Board meeting on 2 / 11 /2025 at 6:00 pm.


 Simone Kenny, Senior Planner



APPLICATION # 2024120025
NOTICE OF PUBLIC HEARING
 THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS WILL HOLD A PUBLIC HEARING AT:
 FLAGLER COUNTY GOVERNMENT SERVICES BUILDING BOARD CHAMBERS
 1769 E. MOODY BOULEVARD, BLDG 2, BUNNELL, FL 32110
MARCH 17, 2025 @ 5:30 PM
 REQUEST: APPLICATION FOR REVIEW
 APPLICANT: JESSIE SHERIDAN LEBLANC
 Parcel Number: 15-11-1-1016-0000-0560
 Zoning District: R-12 (RESIDENTIAL SINGLE-FAMILY)
 THE PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF HEARING ANY AND ALL INTERESTED PARTIES AND PERSONS WHO MAY BE FOR OR AGAINST THE APPLICATION RELATIVE TO THE PROPERTY DESCRIBED THIS NOTICE IS POSTED.
 THE APPLICANT REQUESTS THAT ANY AND ALL INTERESTED PARTIES AND PERSONS WHO MAY BE FOR OR AGAINST THE APPLICATION RELATIVE TO THE PROPERTY DESCRIBED THIS NOTICE IS POSTED.

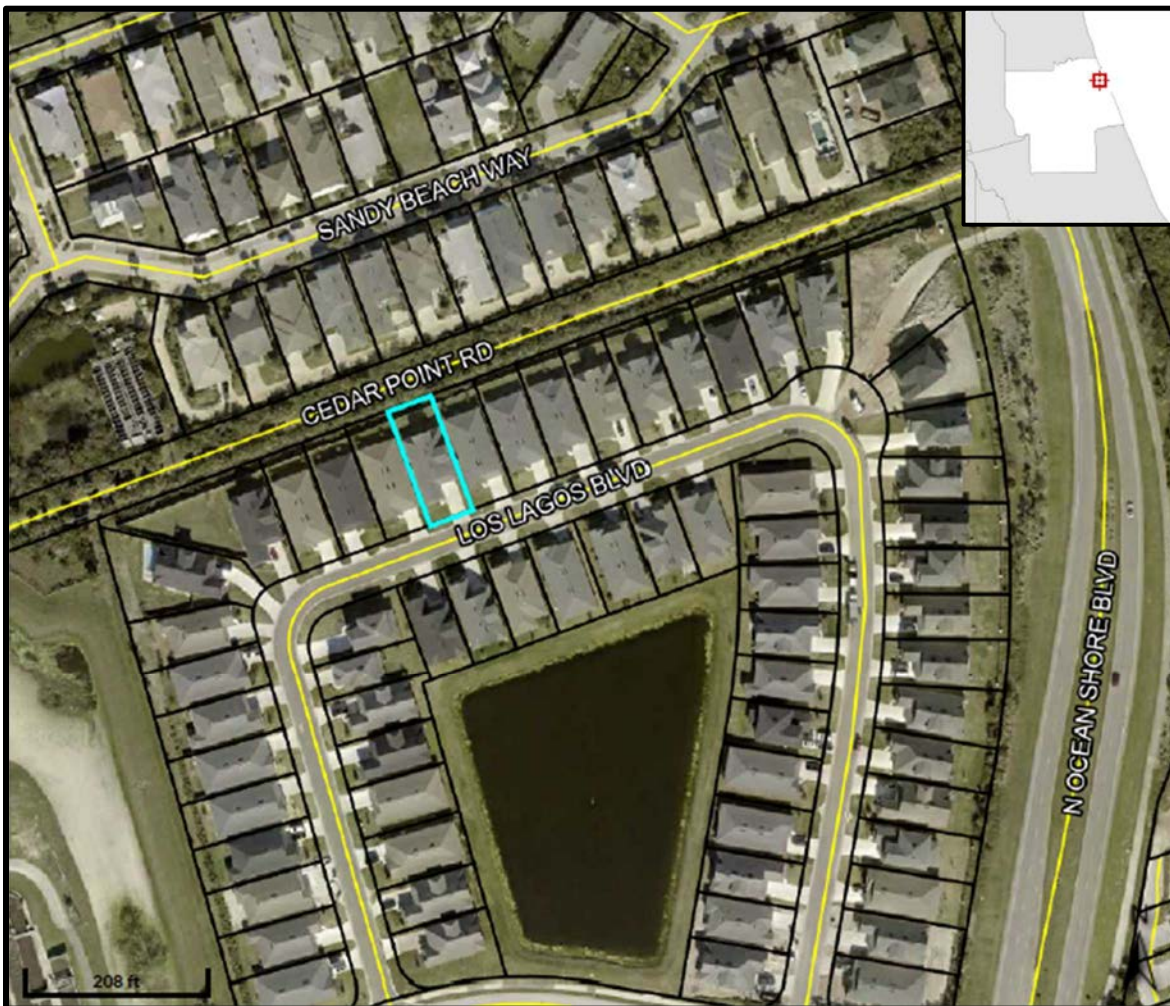
APPLICATION # 2024120025
NOTICE OF PUBLIC HEARING
 THE FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD WILL HOLD A PUBLIC HEARING AT:
 FLAGLER COUNTY GOVERNMENT SERVICES BUILDING BOARD CHAMBERS
 1769 E. MOODY BOULEVARD, BLDG 2, BUNNELL, FL 32110
FEBRUARY 11, 2025 @ 6:00 PM
 REQUEST: APPLICATION FOR REVIEW
 APPLICANT: JESSIE SHERIDAN LEBLANC
 Parcel Number: 15-11-1-1016-0000-0560
 Zoning District: R-12 (RESIDENTIAL SINGLE-FAMILY)
 THE PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF HEARING ANY AND ALL INTERESTED PARTIES AND PERSONS WHO MAY BE FOR OR AGAINST THE APPLICATION RELATIVE TO THE PROPERTY DESCRIBED THIS NOTICE IS POSTED.
 THE APPLICANT REQUESTS THAT ANY AND ALL INTERESTED PARTIES AND PERSONS WHO MAY BE FOR OR AGAINST THE APPLICATION RELATIVE TO THE PROPERTY DESCRIBED THIS NOTICE IS POSTED.

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 8**

SUBJECT: QUASI-JUDICIAL – Project No. 2024120039 – Request for a 0.4 Foot Left (West) Side Yard Setback Variance from the Minimum Required 5 Foot Side Yard Setback for a Pool in the PUD (Planned Unit Development) District at 52 Los Lagos Blvd; Parcel No. 37-10-31-3785-00000-0150; 6,675+/- square feet. Owner/Applicant: Nicholas Charles Mayville (AR No. 5331).

DATE OF MEETING: February 11, 2025

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a side yard setback variance in the PUD (Planned Unit Development) District. This parcel is 6,675+/- square feet in size, identified as Parcel No. 37-10-31-3785-00000-0150:



Nicholas Mayville submitted an application for a variance on December 16, 2024. This is an after-the-fact variance request, following construction of a pool, pool deck, and screen enclosure.

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 8**

The subject property is described as Lot 15 of Los Lagos at Matanzas Shores I, according to the map or plat thereof recorded in Map Book 39, Page 54 and 55, of the Public Records of Flagler County, Florida.

Minimum setbacks for Los Lagos are: 20 foot front yard setback; 10 foot rear yard; 5 foot side yard setback (and 20 foot for side street); and 5 foot to the rear for the pool deck/screenroom.

This application was reviewed by the Technical Review Committee (TRC) agenda at its January 15, 2025 regular meeting. The applicant has satisfactorily addressed the TRC comments.

Public notice has been provided for this application according to Flagler County Land Development Code Section 2.07.00.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD:

APPROVAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024120025 for a 0.4 foot left (West) side yard setback variance from the minimum required 5 foot side yard setback at 52 Los Lagos Boulevard (Parcel No. 37-10-31-3785-00000-0150).

DENIAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies Project No. 2024120025 for a 0.4 foot left (West) side yard setback variance from the minimum required 5 foot side yard setback at 52 Los Lagos Boulevard (Parcel No. 37-10-31-3785-00000-0150).

CONTINUANCE: The Planning and Development Board continues the variance request on the basis that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision on the variance request. Continuing the variance request to a time and date certain will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

ATTACHMENTS:

1. Technical Staff Report
2. Application and supporting documents
3. TRC comments
4. Public notice

**PROJECT NO. 2024120039
SIDE SETBACK VARIANCE IN THE PUD DISTRICT
52 LOS LAGOS BOULEVARD
TECHNICAL STAFF REPORT**

Project No./AR No.: 2024120039/5331

Address: 52 Los Lagos Boulevard

Owner: Nicholas Charles Mayville

Applicant: Nicholas Charles Mayville

Parcel No.: 37-10-31-3785-00000-0150

Parcel Size: 6,675+/- square feet

Legal Description: Lot 15, Los Lagos at Matanzas Shores I, according to the map or plat thereof recorded in Map Book 39, Page 54 and 55, of the Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:

Zoning: PUD (Planned Unit Development) District

Land Use: Mixed Use: Low Intensity, Low- to Medium-Density

Future Land Use Map Classification/Zoning of Surrounding Land:

North: Cedar Point Road; MUL (Mixed Use: Low Intensity)/PUD (Planned Unit Development) District

East: MUL (Mixed Use: Low Intensity)/PUD (Planned Unit Development) District

South: Los Lagos Boulevard; MUL (Mixed Use: Low Intensity)/PUD (Planned Unit Development) District

West: MUL (Mixed Use: Low Intensity)/PUD (Planned Unit Development) District

Flagler County Land Development Code (FCLDC) Sections Affected: Section 3.03.20, *PUD – Planned Unit Development District*; Section 3.07.03, *Procedure for variances and special exceptions*; and Section 3.07.03.E, *Variance guidelines*.

The Specific Development Standards (as listed in Section 2.D. Ordinance No. 2018-04) states:

Minimum Setbacks:

Front: 20 feet

Side: 5 feet

Side Street (a/k/a street side or side corner): 20 feet

Rear: 10 feet

Rear Accessory Structures including Pool Deck/Screenroom:
5 feet

Summary of the Request:

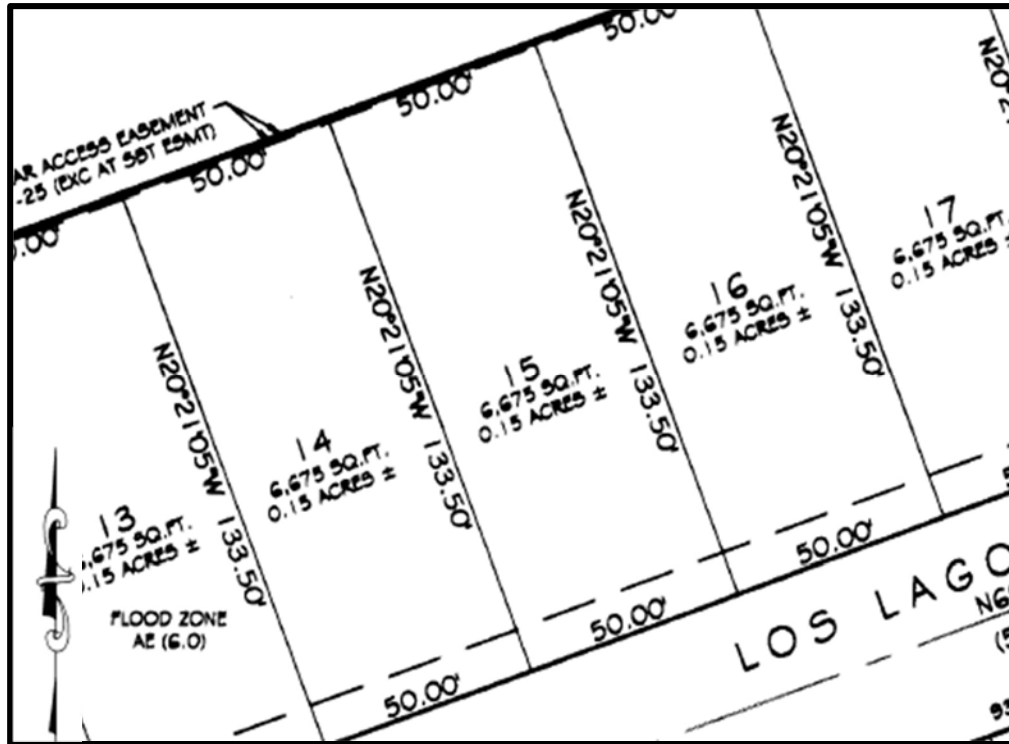
The subject parcel is 6,675+/- square feet (0.15+/- acres) and is described as Lot 15 of Los Lagos at Matanzas Shores I. Nicholas Charles Mayville purchased the subject parcel through a Special Warranty Deed dated June 23, 2021 and recorded on June 15, 2021 in Official Records Book 2578, Page 277, Public Records of Flager County, Florida.

A County pool permit (Permit No. 2024070096) was issued to Affordable Pools Inc. on August 16, 2024. The site plan submitted on August 7, 2024 is a hand-drawn pool on a survey completed by Thomas P. Hughes, P.L.S., bearing a January 27, 2021 signature and seal, and depicts a 5 foot left (West) side setback, a 15 foot right (East) side setback and 12 foot (North) rear setback.

The final pool survey submitted on December 5, 2024 completed by Thomas P. Hughes, P.L.S. and bearing an October 25, 2024 signature and seal date showed a 4.6 foot left side (West) setback and was rejected by staff, prompting this application for a variance.

The contractor revealed that they measure the setback of the pool from the edge of the existing patio space. They had assumed in good faith that the patio met the setback as the patio had been shown on a survey completed by Mr. Hughes (dated January 27, 2021) that had been approved by staff as part of the original house permit (Permit No. 102833). This was the same survey they sketched the pool plans on. While the survey called out the setback to the Northwest corner of the house, it did not call out the setback to the Northwest corner of the patio, which was subsequently used to measure the setback line for the pool.

The plat for Los Lagos at Matanzas Shores I, depicts Lot 15 as:



Lot 15 is not particularly unique due to its size (all the lots adjoining Lot 15 are 50 feet wide by 133.5 feet deep), and no easements – other than the 10 foot wide Utility Easement across the front (South) lot line adjoining Los Lagos Boulevard and a 1 foot non-vehicular access easement along the rear (North) lot line – are shown or listed within the Plat’s General Notes.

It should also be noted that the administrative variance is not available in this instance since the requested relief is greater than 5 percent of the setback (see LDC Sec. 3.07.03.D.1.). At 0.4 feet (or 5.1 inches), the requested variance exceeds 3 inches which is 5 percent of the 5 foot minimum side setback.

Variance Guideline Analysis:

LDC Section 3.07.03.E, *Variance guidelines*, states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed followed by the applicant’s statements (included below and attached in their entirety) and staff’s analysis:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and*

Applicant's response: The Pool was planned, measured, and built off of the existing patio in an exact way. The previous survey failed to depict in the drawing that the existing patio was built 5.2 inches offset from the rest of the foundation and thus was already encroaching into the setback. The previous survey only called out the distance to the setback from the rear of the home and not from the rear of the concrete slab.

Staff analysis: There are no particular extraordinary or exceptional conditions that affect the subject parcel. The lot is similar to other lots within Los Lagos. The contractor stated that the pool was measured off of the existing patio.

2. *Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and*

Applicant's response: The pool plans were conceived and built with the assumption that the house concrete slab was straight from the front to the rear of the home. It turns out that the existing patio juts out 6 inches in the rear of the home and is not called out in the previous survey. We believed we were building the pool deck to be within the set back by staying consistent with what was already at the home.

Staff analysis: Everyone involved – inclusive of the pool contractor, and the homeowner – are all assumed to have acted at all times in good faith. The pool contractor would not have knowingly increased the size of the pool deck: the measurements for the setbacks were limited such that there was no margin for error.

3. *The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and*

Applicant's response: This would not cause harm to the community. The home was already encroaching this much into the setback to begin with and the entire back of the property is encapsulated by a vinyl privacy fence.

Staff analysis: The variance would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article.

4. *No variance may be granted for a use of land or building that is not permitted by this article.*

Applicant's response: Pools are an accepted use in the Los Lagos subdivision.

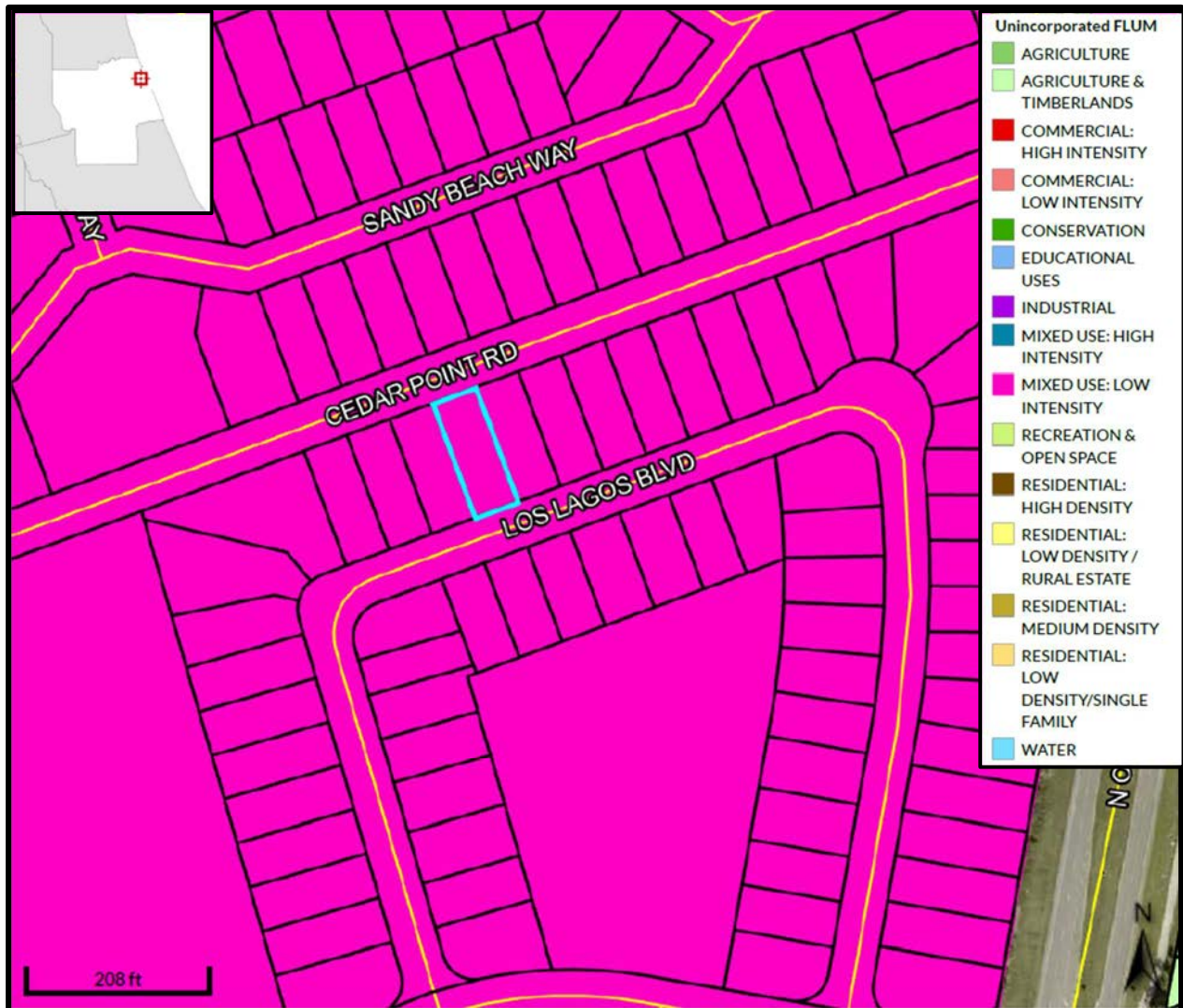
Staff Analysis: Los Lagos at Matanzas Shores I allows single-family dwellings as a permitted principal use and structure, and allows accessory uses including pools. The development agreement provides separate setbacks for pool decks and screenrooms. The requested variance is not for a use of land or building that is not permitted within this zoning district.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

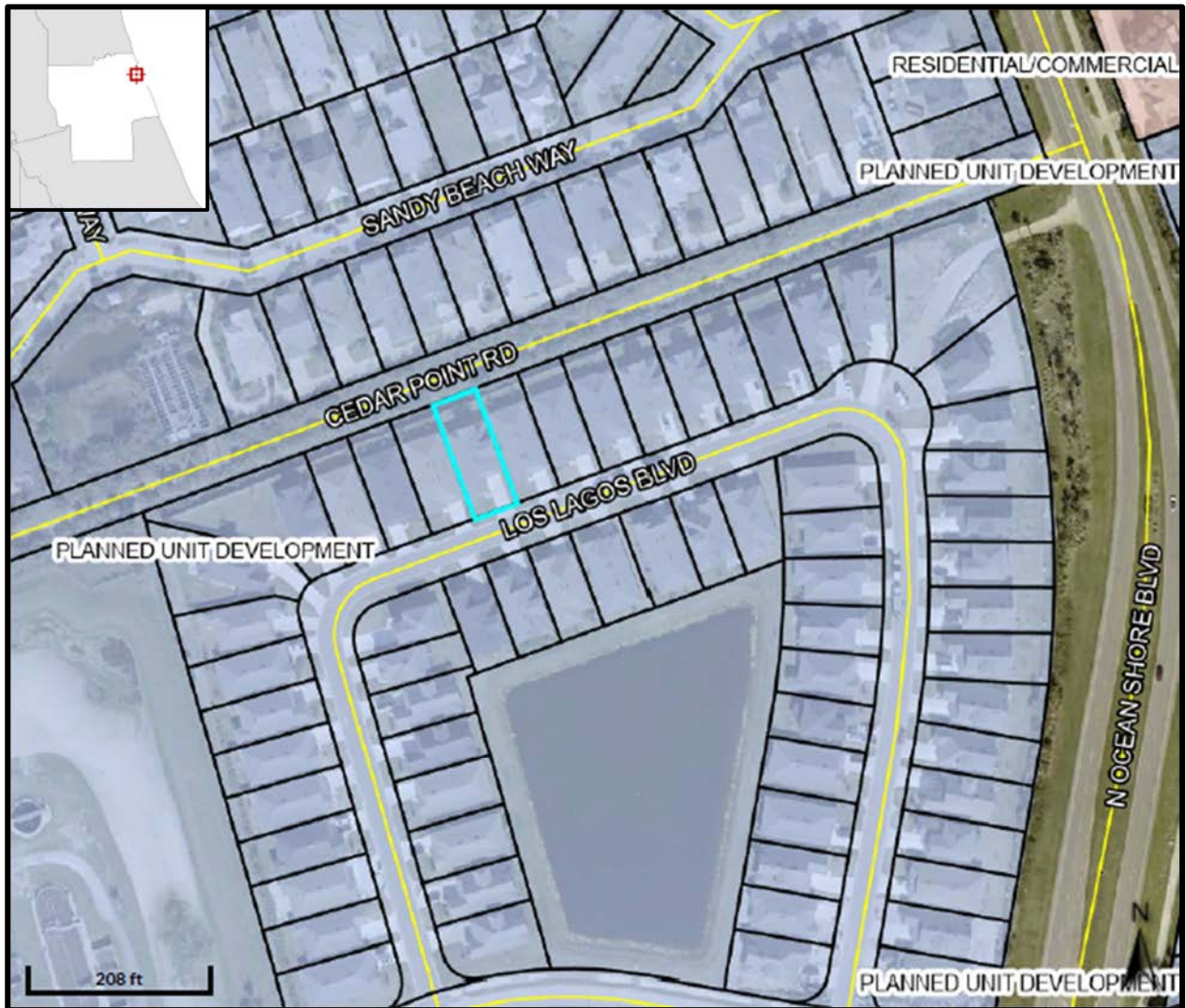
Applicant response: I acknowledge this.

Staff Analysis: The requested variance is the minimum relief necessary to alleviate the hardship.

Future Land Use Map



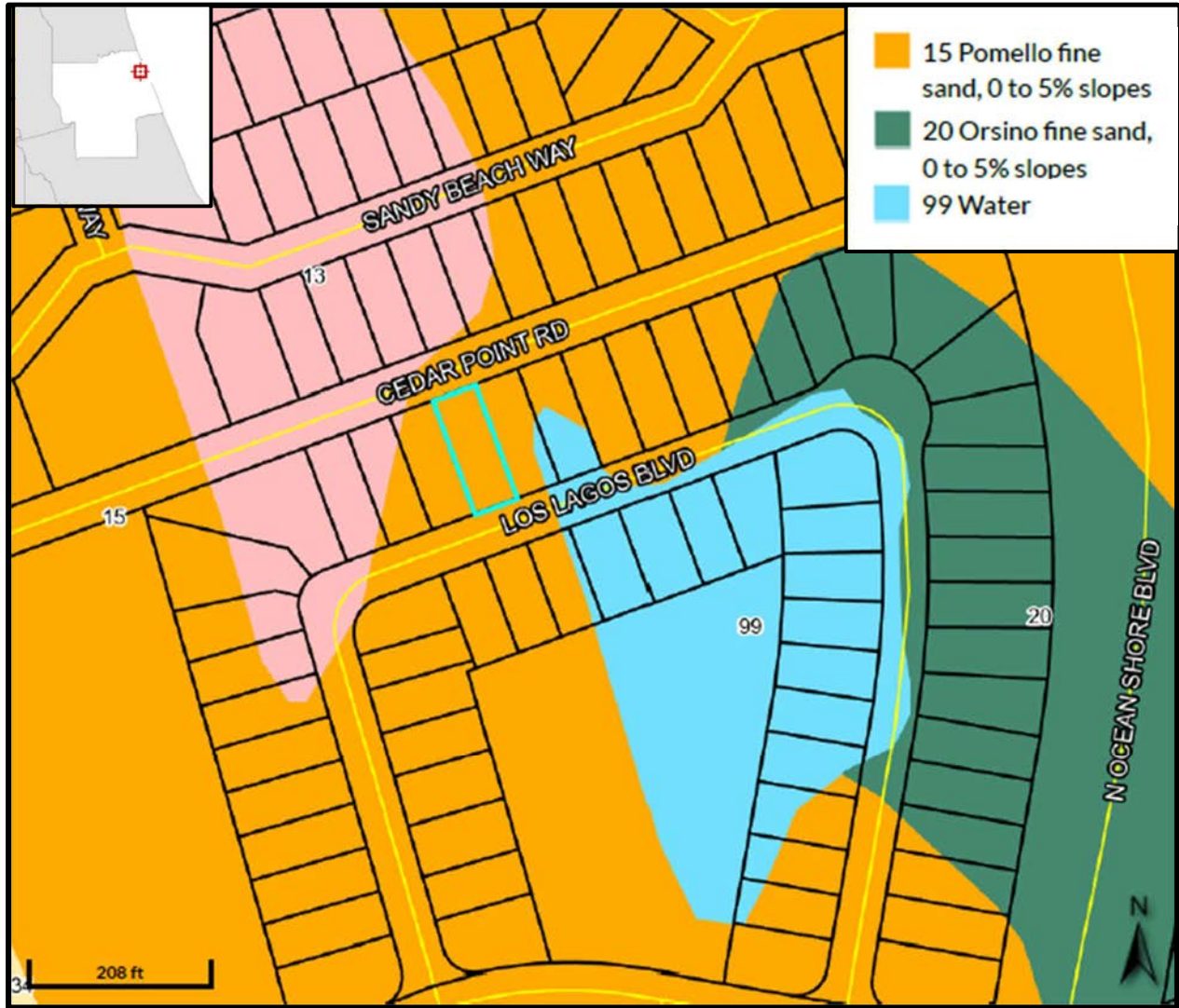
Zoning Map



Flood Zone Map



Soils



Wetlands





FLAGLER COUNTY
FLORIDA

APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: 11315

PROPERTY OWNER(S)	Name(s): Nicholas Mayville		
	Mailing Address: 52 Los lagos Blvd		
	City: Palm Coast	State: Florida	Zip: 32137
	Telephone Number 678-629-7236	Fax Number	

APPLICANT/AGENT	Name(s): Nicholas Mayville , Lauren Mayville		
	Mailing Address: 52 Los lagos Blvd		
	City: Palm Coast	State: Florida	Zip: 32137
	Telephone Number 678 - 629 - 7236	Fax Number	
	E-Mail Address: ickmayville@me.com		

SUBJECT PROPERTY	SITE LOCATION (street address):	52 Los lagos Blvd	
	LEGAL DESCRIPTION: <i>(briefly describe, do not use "see attached")</i>	single Family Home	
	Parcel # (tax ID #):	37-10-31-3785-00000-0150	
	Parcel Size:	6675 sqft	
	Current Zoning Classification:	Single Family	
	Current Future Land Use Designation	Single Family	
	Subject to A1A Scenic Corridor IDO?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

Relief Requested: .4 feet or 5.1 inches of relief to the left setback of 5 feet.


12/16/2024
 Signature of Owner(s) or Applicant/Agent _____ Date _____
 if Owner Authorization form attached

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED []
 *APPROVED WITH CONDITIONS []
 DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Subject Property: 52 Los Lagos Blvd

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

The Pool was planned, measured, and built off of the existing patio in an exact way. The previous survey failed to depict in the drawing that the existing patio was built 5.2 inches offset from the rest of the foundation and thus was already encroaching into the setback. The previous survey only called out the distance to the setback from the rear of the home and not from the rear of the concrete slab.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

The pool plans were conceived and built with the assumption that the house concrete slab was straight from the front to the rear of the home. It turns out that the existing patio juts out 6 inches in the rear of the home and is not called out in the previous survey. We believed we were building the pool deck to be within the set back by staying consistent with what was already present at the home.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

This would not cause harm to the community. The home was already encroaching this much into the setback to begin with and the entire back of the property is encapsulated by a vinyl privacy fence.

4. No variance may be granted for a use of land or building that is not permitted by this article.

Pools are an accepted use in the Los Lagos subdivision

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

I acknowledge this.



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Bldg 2

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: 11315

Required Attachments for Variance Application:

- 1.) Copy of Owner(s) recorded Warranty Deed;
- 2.) Application fee \$345.00 plus postage and \$50 for notification of public hearing (posting of sign). Make check payable to BOCC. Fee amount per Resolution 2008-31 as amended.
- 3.) Complete application and site plan meeting all requirements of Flagler County Land Development Code.

NOTE: Pursuant to Section 286.0105 of Florida Statutes, the Flagler County Planning Board hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

3.07.03. Procedure for variances and special exceptions.

- A. *Request application.* A request for a hearing before the planning board for a variance or special exception shall be made as follows:
1. A completed application form shall be filed with the planning and zoning director. Such application shall state the pertinent facts on which the request is based. The planning and zoning director may assist the applicant in preparing the application.
 2. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the planning and zoning director. Such site plan shall include, as a minimum, the following:
 - (a) Lot dimensions with property line monuments located thereon.
 - (b) Location and size of existing and proposed structures.
 - (c) Easements (public and private), water courses, and if existing and proposed, fences, street names, and street right-of-way lines and such information regarding abutting property, as directly affects the application.
- B. *Planning board hearing.*
1. The planning and zoning director shall schedule a hearing before the planning board to consider the application. Scheduling of this hearing shall provide ample time for the planning and zoning director to provide notice to surrounding property owners as set forth in subsection 3.07.03. In no event shall such hearing be scheduled more than forty-five (45) days from the date of application.
 2. The hearing provided for under this section shall be for the purpose of reviewing relevant information from the applicant regarding the requested variance and/or special exception. The planning board shall also review written and/or oral comments from the public in accordance with its established procedures.
 3. The planning board shall determine whether sufficient factual data was presented in order to render a decision. If the planning board determines that sufficient factual data was presented, then it shall render a decision to either:
 - a. Approve the request as submitted;
 - b. Approve the request with conditions;
 - c. Disapprove the request.
- If the planning board determines that sufficient factual data was not presented, the planning board may continue the hearing until the next scheduled meeting to allow for the preparation of such factual data. Only one (1) such continuation shall be allowed for each requested variance and/or special exception.
- C. *Appeal of planning board decision.*
1. Within thirty (30) days of the rendering of a decision by the planning board regarding a requested variance and/or special exception, an appeal may be filed with the board of county commissioners. Such appeal may be filed by the original applicant, the planning and zoning director, other county staff as authorized, and a surrounding property owner, as defined in subsection 3.07.03.
 2. The application for appeal shall be filed with the planning and zoning director who shall schedule a hearing on the appeal with the board of county commissioners. Scheduling of this hearing shall provide ample time for the applicant to provide notice to surrounding property owners, as set forth in subsection 3.07.03.
 3. The appeal hearing provided for under this section shall be for the purpose of reviewing all pertinent information regarding the appeal. The applicant shall provide all relevant factual data, materials and/or oral testimony to support the appeal. The board of county

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

commissioners shall also review written and/or oral comments from the public in

accordance with its established procedures.

4. At the conclusion of the appeals hearing provided for under this section, the board of county commissioners shall render a decision on the appeal. Any decision rendered by the board of county commissioners under this section shall be deemed final.

D. *Reserved*

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and
2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and
3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and
4. No variance may be granted for a use of land or building that is not permitted by this article.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

Prepared By:
Record and Return to:
American Home Title and Escrow Company
C/O Fidelity National Title of Florida Inc.
2310 E. Robinson Street
Orlando, FL 32803
File No.: FL400.12221
Parcel ID: 3710313785000000150
Sales Price: \$ 408,131

SPECIAL WARRANTY DEED

THIS INDENTURE, made the 23 day of June, 2021, between Richmond American Homes of Florida, LP, a Colorado limited partnership, 10255 Fortune Parkway, Ste. 150, Jacksonville, FL 32256 party of the first part, and Nicholas Charles Mayville, an unmarried man and Lauren Nicole Tewksbury, an unmarried woman, as Joint Tenants with Right of Survivorship, whose mailing address is 52 Los Lagos Boulevard, Palm Coast, FL 32137 party/parties of the second part,

WITNESSETH

First party, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto second party/parties, his/her/their heirs and assigns, the following described property, to wit:

Lot 15, of LOS LAGOS AT MATANZAS SHORES I, according to the map or plat thereof recorded in Map Book 39, Page 54 and 55, of the Public Records of Flagler County, Florida.

Subject, however, to all easements, restrictions, and rights of way of record, and taxes for year 2021 and thereafter.

TO HAVE AND TO HOLD said property, together with all and singular the rights, members, hereditaments, improvements, easements, and appurtenances thereunto belonging or in any wise appertaining unto second party/parties, his/her/their heirs and assigns forever in FEE SIMPLE. The grantor, for itself and its successors, does hereby covenant and agree that it shall and will WARRANT AND FOREVER DEFEND said property against the claims of all persons claiming the whole or any part thereof, by, through, or under the grantor.

IN WITNESS WHEREOF, first party has caused these presents to be executed by its duly authorized corporate officer, under seal, the day and year first above written.

Signed, sealed and delivered
In the presence of:

Witness Signature: [Signature] RICHMOND AMERICAN HOMES OF FLORIDA, LP,
Printed Name: MEGHAN WEBB A COLORADO LIMITED PARTNERSHIP

Witness Signature: [Signature]
Printed Name: Courtney Healey By: RAH of Florida, Inc., a Colorado corporation, Its
General Partner

[Signature]
Michael A. Carlo, Division President

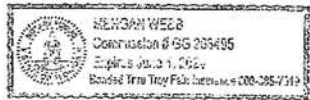


State of Florida
County of Duval

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this day of APR 09 2021, by Michael A. Carlo, Division President, of RAH of Florida, Inc., a Colorado corporation, on behalf of the corporation, as General Partner of Richmond American Homes of Florida, LP, a Colorado limited partnership, on behalf of the partnership, who is personally known to me or has produced a drivers license(s) as identification.

My commission expires:

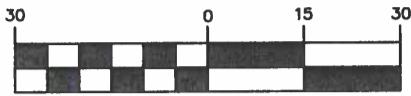
[Signature]
Notary Public (Printed Name): Serial Number



BOUNDARY/TOPOGRAPHIC SURVEY

LOT 15 AS SHOWN ON MAP OF
LOS LAGOS AT MATANZAS SHORES I
AS RECORDED IN MAP BOOK 39, PAGES 54-55 OF THE CURRENT PUBLIC RECORDS OF FLAGLER COUNTY, FL.

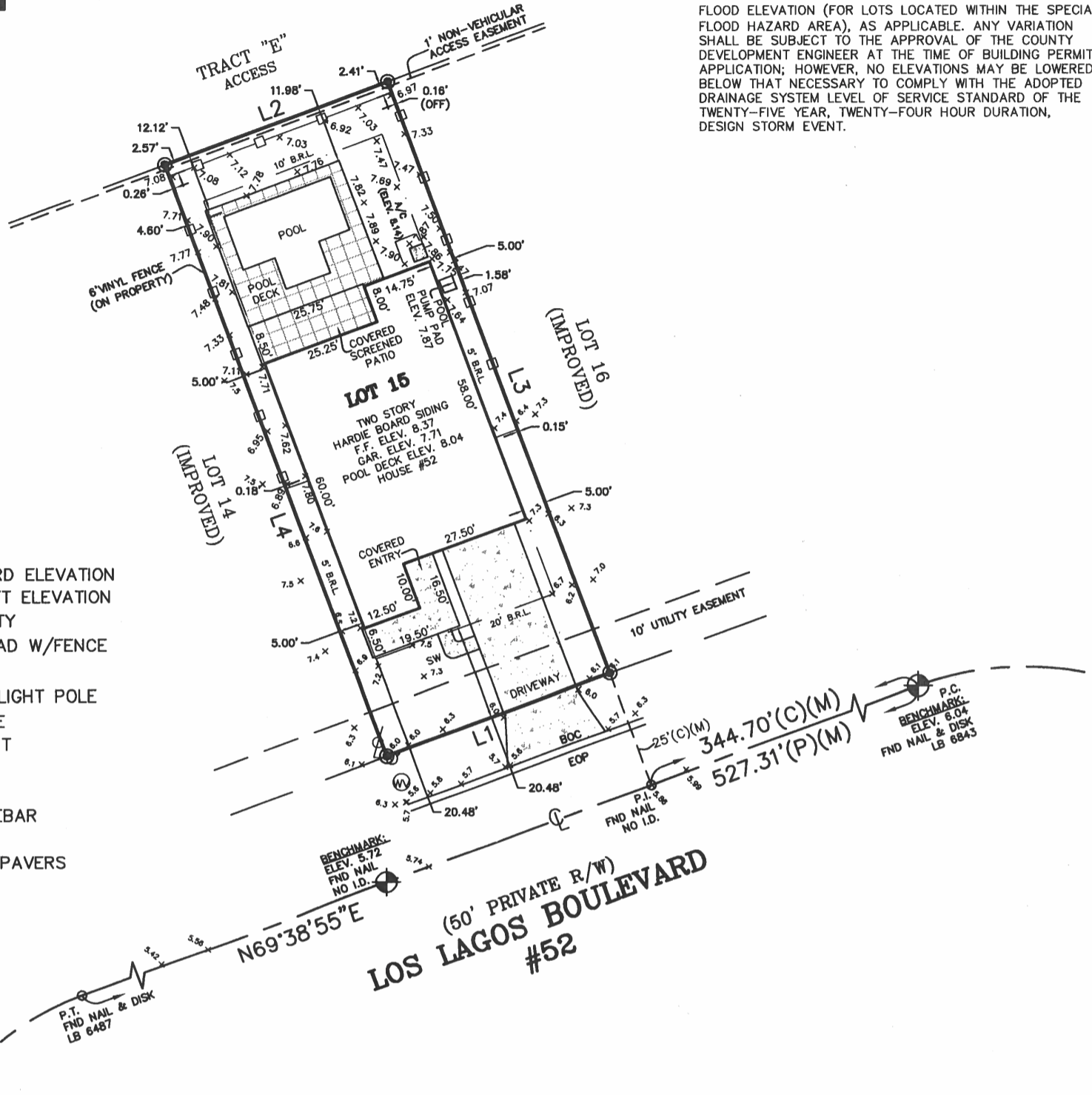
GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

SETBACKS
PER ORD 2018-05 SEC. 2(D):
FRONT YARD: 20 FEET
SIDE YARD: 5 FEET
REAR YARD: 10 FEET
SECOND FRONT YARD: 20 FEET
MAXIMUM IMPERVIOUS IS 60%

PER ORD 2018-05 SEC. 2(F):
THE FINISHED FLOOR ELEVATION FOR LOTS SHALL BE A MINIMUM OF ONE FOOT ABOVE THE CROWN OF THE ADJACENT ROADWAY OR ONE FOOT ABOVE THE BASE FLOOD ELEVATION (FOR LOTS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREA), AS APPLICABLE. ANY VARIATION SHALL BE SUBJECT TO THE APPROVAL OF THE COUNTY DEVELOPMENT ENGINEER AT THE TIME OF BUILDING PERMIT APPLICATION; HOWEVER, NO ELEVATIONS MAY BE LOWERED BELOW THAT NECESSARY TO COMPLY WITH THE ADOPTED DRAINAGE SYSTEM LEVEL OF SERVICE STANDARD OF THE TWENTY-FIVE YEAR, TWENTY-FOUR HOUR DURATION, DESIGN STORM EVENT.



- X 0.00 - DENOTES EXISTING HARD ELEVATION
- X 0.00 - DENOTES EXISTING SOFT ELEVATION
- (OFF) - DENOTES OFF PROPERTY
- A/C - DENOTES 3'X3' A/C PAD W/FENCE
- SW - DENOTES 3'SIDEWALK
- ⊕ - DENOTES FIBERGLASS LIGHT POLE
- ⊕ - DENOTES WATER VALVE
- ⊕ - DENOTES FIRE HYDRANT
- ⊕ - DENOTES BENCHMARK ELEVATION AS NOTED
- ⊕ - DENOTES FND 1/2" REBAR LB 6487
- ▣ - DENOTES TRAVERTINE PAVERS
- ▣ - DENOTES CONCRETE

GENERAL NOTES:

1. BEARINGS ARE BASED ON THE CENTERLINE OF LOS LAGOS BOULEVARD AS BEING N69°38'55"E.
2. DRAINAGE ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 1988.
3. THE LANDS SHOWN HEREON LIE WITHIN FLOOD ZONE "AE(6)" AS DEPICTED ON THE FLOOD INSURANCE RATE MAP (F.I.R.M.) COMMUNITY NUMBER 120085, PANEL NUMBER 0039E, DATED, JUNE 6, 2018, THE FLOOD ZONES SHOWN ON THIS SURVEY ARE SCALED OFF OF THE F.E.M.A. F.I.R.M. MAPS AND ARE FOR REFERENCE ONLY. THE F.I.R.M. INFORMATION AND DELINEATIONS ON THIS SURVEY ARE VALID ONLY FOR DATES UP TO AND INCLUDING THE DATE OF THIS SURVEY. THERE MAY HAVE BEEN SUBSEQUENT REVISIONS AFTER THIS DATE THAT WILL SUPERSEDE SAID INFORMATION. INQUIRIES SHOULD BE MADE TO THE CITY/COUNTY/COMMUNITY FLOODPLAIN MANAGEMENT TEAM.
4. FLOOD MAPS REFERENCED HEREON ARE BASED ON NAVD 1988.
5. NO UNDERGROUND FOUNDATIONS OR UTILITIES & NO IMPROVEMENTS, OTHER THAN THOSE SHOWN WERE LOCATED UNDER THE SCOPE OF THIS SURVEY.
6. ADDITIONS, DELETIONS AND/OR ANY WRITTEN INFORMATION ADDED TO THIS MAP AND/OR REPORT IS PROHIBITED AND IS NOT AUTHORIZED BY THE SIGNING SURVEYOR.
7. THIS MAP IS INTENDED TO BE VIEWED AT A SCALE OF 1"=30' OR SMALLER.
8. ENTRIES & PATIOS DEPICTED AS EXTENDING INTO THE BUILDING RESTRICTION LIMITS MUST REMAIN UNCOVERED & NOT ENCLOSED.
9. UPLAND BUFFERS ADJACENT TO WETLANDS ARE TO REMAIN NATURAL, VEGETATIVE, AND UNDISTURBED.
10. THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND NO CERTIFICATION HAS BEEN CREATED, EXPRESS OR IMPLIED, TO COPY THIS BOUNDARY SURVEY AND IS NOT TRANSFERABLE. ANY COPIES OF THIS BOUNDARY SURVEY THAT ARE USED IN ANY SUBSEQUENT TRANSACTIONS SHALL BE NULL AND VOID IF THEY DO NOT BEAR THE EMBOSSED RAISED SEAL OF THE SIGNING SURVEYOR. THE USE OF SUCH DOCUMENTS RELEASES THE SIGNING SURVEYOR OF ANY FURTHER CLAIMS OF LIABILITY OF ANY SUBSEQUENT TRANSACTIONS AND IS ONLY VALID UP TO 60 DAYS AFTER THE INITIAL SIGNING DATE.
11. DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.
12. THIS SURVEY IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A CERTIFICATE OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.
13. THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, AND COMMISSION OR OTHER ENTITY AND ANY LIABILITY RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE UNDERSIGNED.
14. UNLESS A COMPARISON IS MADE, MEASURED BEARINGS AND DISTANCES ARE IDENTICAL WITH PLAT VALUES.
15. THIS SURVEY IS BASED ON INFORMATION AS PROVIDED BY THE CLIENT.
16. BUILDING AND IMPROVEMENT TIES AS DEPICTED HEREON ARE PERPENDICULAR TO THE PARCEL PROPERTY LINES UNLESS OTHERWISE NOTED. ALL BUILDING TIES ARE SHOWN TO THE FOUNDATION.
17. PLEASE REFER TO THE PLAT FOR ADDITIONAL ITEMS THAT MAY AFFECT THIS LOT.

LINE TABLE		
LINE	DIRECTION	LENGTH
L1(P)(M)	N69°38'55"E	50.00
L2(P)(M)	N69°38'55"E	50.00
L3(P)(M)	N20°21'05"W	133.50
L4(P)(M)	N20°21'05"W	133.50

PREPARED FOR: NICHOLAS MAYVILLE & LAUREN TEWKSBURY

CERTIFIED TO: NICHOLAS MAYVILLE & LAUREN TEWKSBURY

LEGEND

B.R.L. - DENOTES BUILDING RESTRICTION LIMITS. EDW - DENOTES EDGE OF WATER
 FND - DENOTES FOUND. BOC - DENOTES BACK OF CURB. ELEV. - DENOTES ELEVATION
 EOP - DENOTES EDGE OF PAVEMENT. F.F. - DENOTES FINISH FLOOR
 R/W - DENOTES RIGHT OF WAY. ORS - DENOTES OFFICIAL RECORD BOOK
 P.P. - DENOTES PIERCE POINT. H.S. - DENOTES NATURAL GROUND/GRADE
 P.C.C. - DENOTES POINT OF COMPOUND CURVATURE. JEA-E - DENOTES JEA EASEMENT
 C.I. INT. - DENOTES CENTERLINE INTERSECTION (NO) - DENOTES NON-RADIAL
 P.I. - DENOTES POINT OF INTERSECTION. SP - DENOTES DEEP BOOK
 P.C. - DENOTES POINT OF CURVATURE. VOL - DENOTES VOLUME
 P.C.C. - DENOTES POINT OF REVERSE CURVATURE
 P.V. - DENOTES PARKER RAYLON NAIL. P.T. - DENOTES POINT OF TANGENCY
 P.S.M. - DENOTES PROFESSIONAL SURVEYOR AND MAPPER
 P.L.S. - DENOTES PROFESSIONAL LAND SURVEYOR. CERT. - DENOTES CERTIFICATION
 N.T.S. - DENOTES NOT TO SCALE. N/A - DENOTES NOT APPLICABLE/AVAILABLE
 GAR. - DENOTES GARAGE. A/C - DENOTES AIR CONDITION
 E.E. - DENOTES ELECTRIC EASEMENT. C.C.U.A. - DENOTES CLAY COUNTY UTILITY AUTHORITY
 U.E. - DENOTES UTILITY EASEMENT. EASE.IG - DENOTES EASEMENT
 D.E. - DENOTES DRAINAGE EASEMENT
 U.E. - DENOTES UNRESTRICTED DRAINAGE EASEMENT
 C.E.C. - DENOTES CLAY ELECTRIC COOPERATIVE
 L.M.A. - DENOTES LETTER OF MAP ASSIGNMENT
 SURVAD - DENOTES ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
 (COLOR) - DENOTES (CONDITIONAL) LETTER OF MAP REVISION (PL)

⊕ - DENOTES PLAT
 (M) - DENOTES MEASURED
 (C) - DENOTES CALCULATED
 (P) - DENOTES FROM P.P.
 (F) - DENOTES FIELD BOOK
 (H) - DENOTES HANDED
 (M) - DENOTES MANHOLE
 (B) - DENOTES 4"X4" CONCRETE MONUMENT AS NOTED
 (O) - DENOTES 8" REBAR SET LB #8991
 (N) - DENOTES NORTH AMERICAN VERTICAL DATUM
 (F.E.M.A.) - DENOTES FEDERAL EMERGENCY MANAGEMENT AGENCY
 (F.I.R.M.) - DENOTES FEDERAL EMERGENCY MANAGEMENT AGENCY
 (C) - DENOTES CURVE
 (L) - DENOTES LINE
 (R) - DENOTES RADIAL
 (R) - DENOTES REBAR
 (L) - DENOTES FROM L.S.
 (P) - DENOTES PAGE(S)
 (B) - DENOTES BREAK LINE
 (H) - DENOTES HANDED
 (M) - DENOTES MANHOLE
 (B) - DENOTES 4"X4" CONCRETE MONUMENT AS NOTED
 (O) - DENOTES 8" REBAR SET LB #8991
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 (F.I.R.M.) - DENOTES FEDERAL EMERGENCY MANAGEMENT AGENCY
 (C) - DENOTES CURVE
 (L) - DENOTES LINE
 (R) - DENOTES RADIAL
 (R) - DENOTES REBAR
 (L) - DENOTES FROM L.S.
 (P) - DENOTES PAGE(S)
 (B) - DENOTES BREAK LINE
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 (F.E.M.A.) - DENOTES FEDERAL EMERGENCY MANAGEMENT AGENCY
 (F.I.R.M.) - DENOTES FEDERAL EMERGENCY MANAGEMENT AGENCY
 (C) - DENOTES CURVE
 (L) - DENOTES LINE
 (R) - DENOTES RADIAL
 (R) - DENOTES REBAR
 (L) - DENOTES FROM L.S.
 (P) - DENOTES PAGE(S)
 (B) - DENOTES BREAK LINE
 (H) - DENOTES HANDED
 (M) - DENOTES MANHOLE
 (B) - DENOTES 4"X4" CONCRETE MONUMENT AS NOTED
 (O) - DENOTES 8" REBAR SET LB #8991

BARTRAM TRAIL SURVEYING, INC.

LAND SURVEYORS - PLANNERS - LAND DEVELOPMENT CONSULTANTS

1501 COUNTY ROAD 315 SUITE NO. 106 (904) 284-2224
 GREEN COVE SPRINGS, FL 32043 FAX (904) 284-2258
 CERTIFICATE OF AUTHORIZATION LB #6991
 COPYRIGHT © 2024

I HEREBY CERTIFY, that this survey graphically represents the results of a field survey made under my responsible direction and complies with the latest Standards of Practice for Surveys as promulgated by the Florida State Board of Professional Surveyors and Mappers, Chapter 5J-17 F.A.C.; Pursuant to section 472.027, Florida statutes, subject to all notes and notations shown hereon.

OCTOBER 22, 2024 OCTOBER 25, 2024
 FIELD WORK COMPLETED MAP ORIGINALLY SIGNED

 THOMAS P. HUGHES, P.L.S.

NOTATION:
 The survey hereon was made without benefit of abstract or search of title, and therefore the undersigned and Bartram Trail Surveying make no Certifications regarding information shown or not shown hereon pertaining to easements, claims of easements, Rights-of-way, setback lines, overlaps, Boundary Line disputes, agreements, reservations or other similar matters which may appear in the abstract, or search.

This survey is prepared and certified for the exclusive use of the client named hereon and the survey map and report of the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

F.I.R.M. FLOOD ZONE	AE (6)
W/ ELEVATION:	
PANEL NO.:	120085 0039E 6/6/18
FB/PG:	1625/15 1665/61 1690/35 1730/21
DATE:	10/22/24
SCALE:	1"=30'
PROJECT NO.:	2565-24-001
REVISION:	

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Richmond American Homes of Florida, LP				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 52 Los Lagos Boulevard				Company NAIC Number:	
City Palm Coast		State Florida		ZIP Code 32137	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lot 15, Los Lagos at Matanzas Shores I					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>					
A5. Latitude/Longitude: Lat. <u>29°39'11.41"</u> Long. <u>-81°12'33.05"</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>1B</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>0.00</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A8.b <u>0.00</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>449.00</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A9.b <u>0.00</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number Flagler County 120085			B2. County Name Flagler		B3. State Florida
B4. Map/Panel Number 12035C 0039	B5. Suffix E	B6. FIRM Index Date 06-06-2018	B7. FIRM Panel Effective/ Revised Date 06-06-2018	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 6
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 52 Los Lagos Boulevard			Policy Number:
City Palm Coast	State Florida	ZIP Code 32137	Company NAIC Number

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ feet meters above or below the HAG.
- E3. Attached garage (top of slab) is _____ feet meters above or below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ feet meters above or below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name
Thomas P. Hughes, Jr.

Address 1501 County Road 315, Suite 106	City Green Cove Springs	State Florida	ZIP Code 32043
--	----------------------------	------------------	-------------------

Signature	Date	Telephone (904) 284-2224
-----------	------	-----------------------------

Comments

Check here if attachments.

BUILDING PHOTOGRAPHS

OMB No. 1660-0008
Expiration Date: November 30, 2022

ELEVATION CERTIFICATE

See Instructions for Item A6.

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 52 Los Lagos Boulevard			Policy Number:
City Palm Coast	State Florida	ZIP Code 32137	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption Front View: 02-15-2021

Clear Photo One



Photo Two

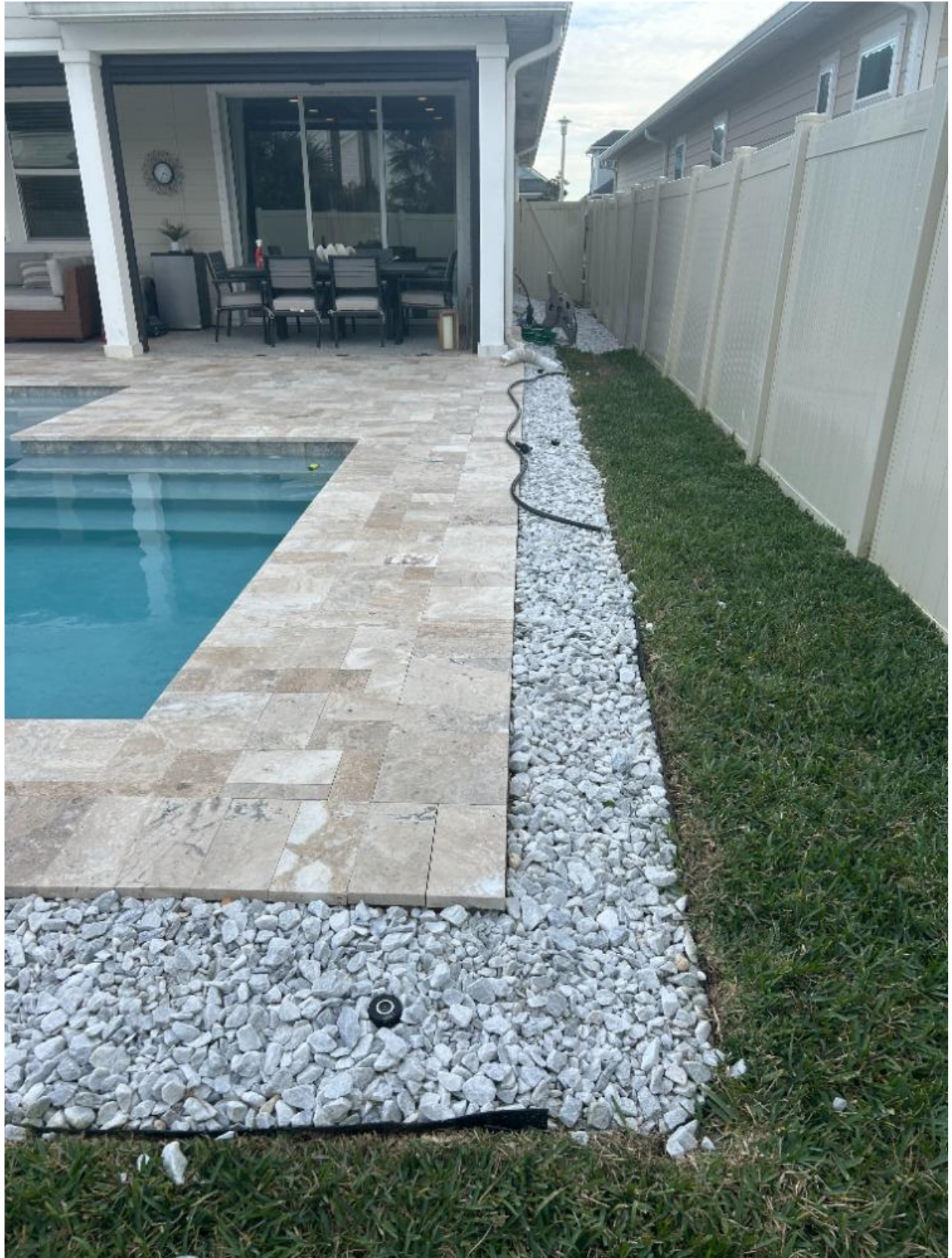
Photo Two Caption Left Side View: 02-15-2021

Clear Photo Two









Growth Management Department
Planning & Zoning
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110

www.flaglercounty.org

Phone: (386)313-4009

Fax: (386)313-4109



TECHNICAL REVIEW COMMITTEE COMMENTS

DATE: January 15, 2025

Project #: 2024120039 / AR #5331

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

Attachment: Staff Comments

Reviewing Department Comments

FD1 - FIRE REVIEW

Comments:

Marked INFORMATION By: JERRY SMITH - -
Fire Rescue has no issues with this variance.

ZON -ZONING

Comments:

No Comments at this time.

FLAGLER COUNTY PROPERTY APPRAISER



Overview



Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 1/23/2025
Last Data Uploaded: 1/23/2025 8:09:28 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110



www.flaglercounty.org
Phone: (386)313-4009
Fax: (386)313-4109

January 28, 2025

«OwnerName»
«OwnerAddress1»
«OwnerAddress2»
«OwnerCityStZip»

RE: Project No. 2024120039 – AR No. 5331– Variance in the PUD (Planned Unit Development) District

Dear Property Owner,

As owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by owner Nicholas Charles Mayville located at 52 Los Lagos Boulevard identified as Parcel Number: 37-10-31-3785-00000-0150 for a 0.4-foot left side (West) setback variance from the required 5-foot side setback for a pool in the Los Lagos subdivision. Variance a on a 6,675 +/- square foot parcel.

You are hereby notified that a public hearing before the **Flagler County Planning and Development Board**, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell, Florida, on **February 11, 2025**, beginning at **6:00 p.m.** or as soon thereafter as possible. You are welcome to attend and express your opinion.

Sincerely,

A handwritten signature in cursive script that reads "Simone Kenny".

Simone Kenny
Senior Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITHRESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATUM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

Andy Dance
District 1

Greg Hansen
District 2

Kim Carney
District 3

Leann Pennington
District 4

Pam Richardson
District 5

Project 2024120039

Parcelld	OwnerName	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCityStZip	Country
37-10-31-0365-000A0-018C	DENNIS WOOD ENGINEERING LLC		2105 LAKE ARIANA BLVD		AUBURNDALE, FL 33823	
37-10-31-0365-000A0-017C	MOSER MARK T & DIANE ROHMAN	MOSER H&W	18195 JOPLIN RD		TRIANGLE, VA 22172	
37-10-31-0365-00000-000D	BEACH HAVEN NEIGHBORHOOD ASSOCIATION INC	C/O VESTA PROPERTY SERVICES	411 S CENTRAL AVE SUITE B		FLAGLER BEACH, FL 32136	
37-10-31-0365-000A0-016C	MAGEE JERRY DEAN &	MELISSA JAFFREY H&W	33 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000A0-015C	ALEXANDER MARK D & LISA	BALLARD ALEXANDER H&W	31 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000A0-014C	COOK JEREMIAH J & ABBIE L	H&W	145 ISLAND ESTATES PKWY		PALM COAST, FL 32137	
37-10-31-0365-000A0-013C	ALLEMAN RICHARD P & YVETTE	ALLEMAN H&W	27 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000A0-012C	NENDZA WILLIAM JOHSEPH &	LAUREL JOYCE NENDZA H&W	25 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000A0-011C	COOKE JILL M LIFE ESTATE		23 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000A0-010C	BITTNER DENNIS C & BETH D H&W LIFE ESTATE		21 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000B0-011C	SAUCIER JOHN S	& PAMELA J SAUCIER H&W	38 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000A0-009C	SMART TIMOTHY MICHAEL & ROBIN DODD FOSTER H&W LIFE ESTATE		19 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000B0-010C	PODOLAK JAMES BRUCE	& DANA NUREE H&W	36 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000A0-008C	WALSH MICHELE Q & BRIAN E W&H		17 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000B0-009C	LIPOMI LOUIS M & BONNIE B H&W		34 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000B0-008C	CROSLY CHERYL M & BLANCA E	HANEY JTWROS	30 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000B0-007C	GREENWAY LISA N		28 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000B0-006C	WHITE ZEB M & MARCIA B H&W		26 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000B0-005C	FERONE ROBERT & CHRISTINE H&W		393 BRYSON AVENUE		STATEN ISLAND, NY 10314	
37-10-31-0365-000B0-004C	FRANKLIN SCOTT E Z		22 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-000B0-003C	SMITH DONALD A JR & JONI P H&W		20 SANDY BEACH WAY		PALM COAST, FL 32137	
37-10-31-0365-00000-00A1	BEACH HAVEN NEIGHBORHOOD ASSOCIATION INC	C/O VESTA PROPERTY SERVICES	411 S CENTRAL AVE SUITE B		FLAGLER BEACH, FL 32136	
37-10-31-0365-00000-00E1	BEACH HAVEN NEIGHBORHOOD ASSOCIATION INC	C/O VESTA PROPERTY SERVICES	411 S CENTRAL AVE SUITE B		FLAGLER BEACH, FL 32136	
37-10-31-3785-00000-062C	IRONS DAVISON ROCKWELL &	DIANE BURNHAM BYRNE TRUSTEE	45 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-006C	LANE MICHAEL L		74 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-061C	OQUYAN MICHEAL N	& CANAN H&W	13 PLEASANT VALLEY WAY		BOONTON, NJ 07005	
37-10-31-3785-00000-007C	KEMERER BEVERLY KAY	& JOHN JOSEPH H&W	72 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-060C	BUHRER DAVID E	& WENDY C H&W	5308 OAK MEADOW DR		TULSA, OK 74131	
37-10-31-3785-00000-008C	LYMAN ERIC MICHAEL	& STEVEN J MOES II	70 LOS LAGOS BLVD		PALM COAST, FL 32137	
37-10-31-3785-00000-059C	KEIL BRETT WILLIAM	& MONICA CARMEN H&W	39 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-009C	WEINBERG EILEEN		68 LOS LAGOS BLVD		PALM COAST, FL 32137	
37-10-31-3785-00000-058C	ROCK MENDEE		37 LOS LAGOS BLVD		PALM COAST, FL 32137	
37-10-31-3785-00000-057C	CRAVO ANTONIO		35 LOS LAGOS BLVD		PALM COAST, FL 32137	
37-10-31-3785-00000-008C	MATANZAS SHORES OWNERS ASSOCIATION INC		110 E COLLECTOR ROAD		PALM COAST, FL 32137	
37-10-31-3785-00000-048C	ADAMS STEVEN & PHILLIP HARGROVE AMC		17 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-056C	CRAVO DOMINGOS	& PAULINA H&W	33 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-055C	AVERSA EDWARD V		31 LOS LAGOS BLVD		PALM COAST, FL 32137	
37-10-31-3785-00000-054C	CAPLE NORMA J TRUSTEE		29 LOS LAGOS BLVD		PALM COAST, FL 32137	
37-10-31-3785-00000-049C	DAVIS JONATHAN D	& TAMARA J H&W	19 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-053C	RADZISZEWSKI WALTER JR		27 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-052C	WOOTEN CRAIG F	& CYNTHIA A H&W	25 LOS LAGOS BLVD		PALM COAST, FL 32137	
37-10-31-3785-00000-051C	SILVERIO DAVID JOHN	& BARBARA JEAN H&W	219 WALNUT ST		WINSTED, CT 06098	
37-10-31-3785-00000-011C	DENNIS B SHIELDS &	GREGORY B SHIELDS & ROBERT SMITHLINE H&W JTWROS	62 LOS LAGOS BLVD		PALM COAST, FL 32137	
37-10-31-3785-00000-012C	PETERS MICHAEL	& JOHANNA H&W	709 PONDEROSA DR		BEL AIR, MD 21014	
37-10-31-3785-00000-050C	CRONIN PRISCILLA P LIFE ESTATE		513 W PALM AIRE DRIVE		POMPANO BEACH, FL 33069	
37-10-31-3785-00000-013C	PIEKEN WOLFGANG	& SUSANNE H&W	56 LOS LAGOS BLVD		PALM COAST, FL 32137	
37-10-31-3785-00000-014C	BALKE BERNARD H II	& ANDREA MAGOULAS H&W	54 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-015C	MAYVILLE NICHOLAS CHARLES	& LAUREN NICOLE TEWKSBURY JTWROS	52 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-016C	GONZALEZ ROBERTO JOSE	& CARMEN MARIA NOVALES H&W	50 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-00AC	LOS LAGOS HOMEOWNERS ASSOCIATION INC	C/O PROPERTY ADVISORS MANAGEMENT	12724 GRAN BAY PKWY W STE 41C		JACKSONVILLE, FL 32258	
37-10-31-3785-00000-017C	PARKER EARL W	& REBECCA Z H&W LIFE ESTATE	48 LOS LAGOS BLVD		PALM COAST, FL 32137	
37-10-31-3785-00000-018C	BERNIER DIANE M		5 ALYSSA DRIVE		CHESHIRE, CT 06410	
37-10-31-3785-00000-019C	SAWYER-CHU MARK		44 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-020C	CIEPIELA ROBERT D	& MARLA KIM H&W	42 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-021C	FREDA JOHN T	& COLETTE Y H&W	40 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	
37-10-31-3785-00000-022C	WAGNER PENELOPE J		38 LOS LAGOS BOULEVARD		PALM COAST, FL 32137	

I hereby affirm mailed notice to each owner on 1 / 28 /2025 for the Planning and Development Board meeting on 2 / 11 /2025 at 6:00 pm.


 Simone Kenny, Senior Planner



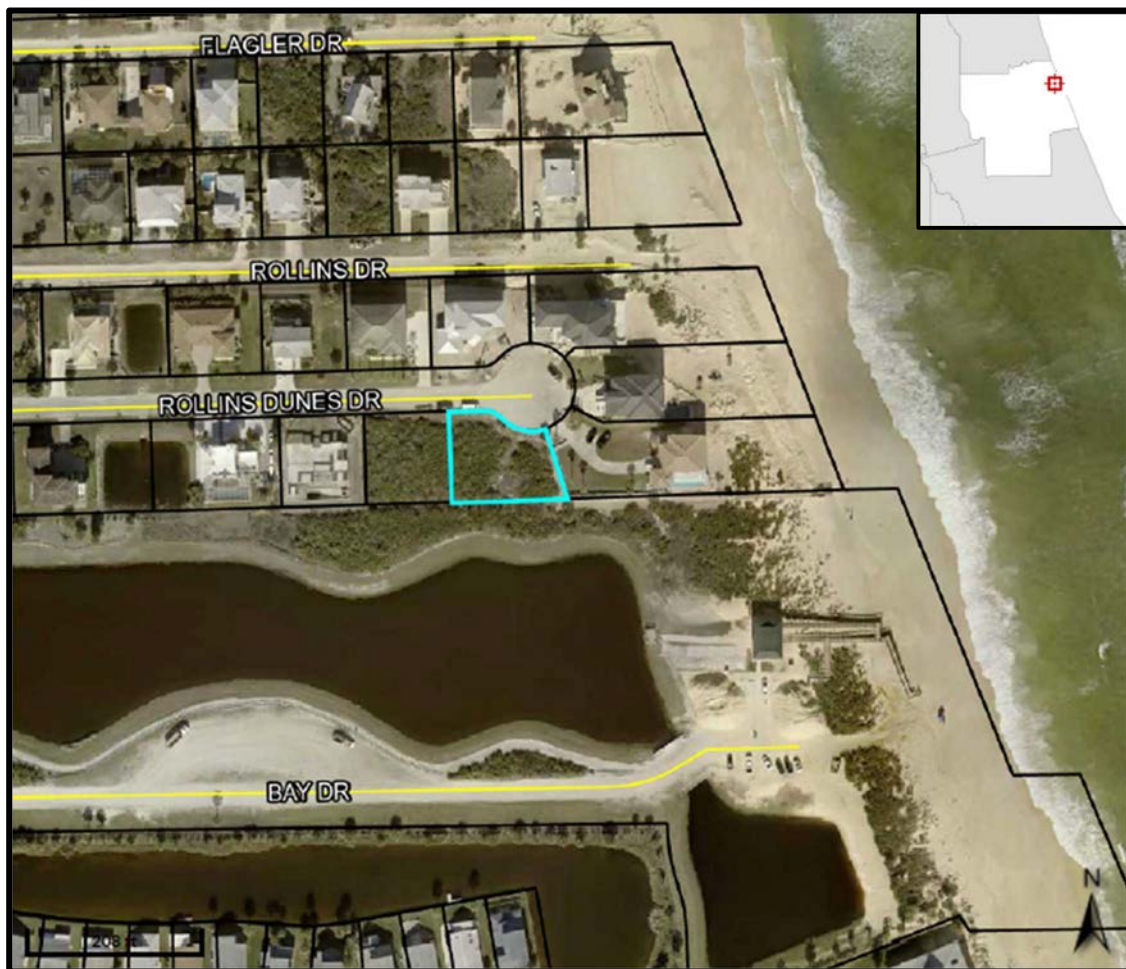
APPLICATION # 2024120059
NOTICE OF PUBLIC HEARING
THE FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD WILL HOLD A PUBLIC HEARING AT:
FLAGLER COUNTY GOVERNMENT SERVICES BUILDING BOARD CHAMBERS
1769 E. MOODY BOULEVARD, BLDG 2;
BUNNELL, FL 32110
FEBRUARY 11, 2025 @ 6:00 P.M.
REQUEST: VARIANCE
APPLICANT: NICHOLAS SAVILLE
Parcel Number: 17-0-31-1718-0000-0150
Zoning District: R2D (PLANNED UNIT DEVELOPMENT)
THE PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF HEARING ANY AND ALL INTERESTED PARTIES AND PERSONS WHO MAY BE FOR OR AGAINST THE APPLICATION RELATIVE TO THE PROPERTY WHEREIN THIS NOTICE IS POSTED.
For additional information, visit www.flaglercounty.com or call Flagler County, and may request a copy of the application at the public hearing. No fee is required.

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 9**

SUBJECT: QUASI-JUDICIAL – Project No. 2024120040 – Request for a 4 Foot Front (North) Yard Setback Variance from the Minimum Required 25 Foot Front Yard Setback in the R-1b (Urban Single-Family) District at 26 Rollins Dunes Drive; Parcel No. 17-10-31-5400-00000-0170; 11,274+/- square feet (0.26+/- acres). Owner: Amandio and Natalia Araujo/Applicant: Roy Waldhauer, II (AR No. 5332).

DATE OF MEETING: February 11, 2025

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a front yard setback variance in the R-1b (Urban Single-Family) District. This parcel is 11,274+/- square feet in size, identified as Parcel No. 17-10-31-5400-00000-0170:



Roy Waldhauer, II submitted an application for a variance on December 19, 2024. This is a before-the-fact variance request submitted after issuance of a building permit (Permit No. 2024060219).

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 9**

The subject property is described as Lot 17 of the Rollins Dunes Subdivision, according to the plat or map thereof, as recorded in Plat Book 29, Page 22, Public Records of Flagler County, Florida.

This application was reviewed by the Technical Review Committee (TRC) agenda at its January 15, 2025 regular meeting. The applicant has satisfactorily addressed the TRC comments.

Public notice has been provided for this application according to Flagler County Land Development Code Section 2.07.00.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD:

APPROVAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024120040 for a 4 foot front (North) yard setback variance from the minimum required 25 foot front yard setback at 26 Rollins Dunes Drive (Parcel No. 17-10-31-5400-00000-0170).

DENIAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024120040 for a 4 foot front (North) yard setback variance from the minimum required 25 foot front yard setback at 26 Rollins Dunes Drive (Parcel No. 17-10-31-5400-00000-0170).

CONTINUANCE: The Planning and Development Board continues the variance request on the basis that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision on the variance request. Continuing the variance request to a time and date certain will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

ATTACHMENTS:

1. Technical Staff Report
2. Application and supporting documents
3. TRC comments
4. Public notice

**PROJECT NO. 2024120040
FRONT SETBACK VARIANCE IN THE R-1B DISTRICT
26 ROLLINS DUNES DRIVE
TECHNICAL STAFF REPORT**

Project No./AR No.: 2024120040/5332

Address: 26 Rollins Dunes Drive

Owner: Amandio and Natalia Araujo

Applicant: Roy Waldhauer, II

Parcel No.: 17-10-31-5400-00000-0170

Parcel Size: 11,274+/- square feet

Legal Description:

Lot 17 of the Rollins Dunes Subdivision, according to the plat or map thereof, as recorded in Plat Book 29, Page 22, Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:

Zoning: R-1B (Urban Single-Family) District

Land Use: Residential: Low Density/Rural Estate

Future Land Use Map Classification/Zoning of Surrounding Land:

North: Rollins Dunes Drive; Residential: Low Density/Rural Estate/R-1b (Urban Single-Family) District

East: Elizabeth Dr W; Residential: Low Density/Rural Estate/ R-1b (Urban Single-Family) District

South: Mixed Use Low Intensity/R-1 (Rural Residential) District

West: Residential: Low Density/Rural Estate/ R-1b (Urban Single-Family) District

Flagler County Land Development Code (FCLDC) Sections Affected: Section 3.03.05, *R-1b – Urban Single-Family District*; Section 3.07.03, *Procedure for variances and special exceptions*; and Section 3.07.03.E, *Variance guidelines*.

**FCLDC Sec. 3.03.05.D.2. – Minimum Setback Requirements for Structures
(for the R-1 District):**

Front yard -- Twenty-five (25) feet.

Saltwater front lots—Twenty (20) feet.

Rear yard --Twenty (20) feet.

Swimming pools only—Ten (10) feet.

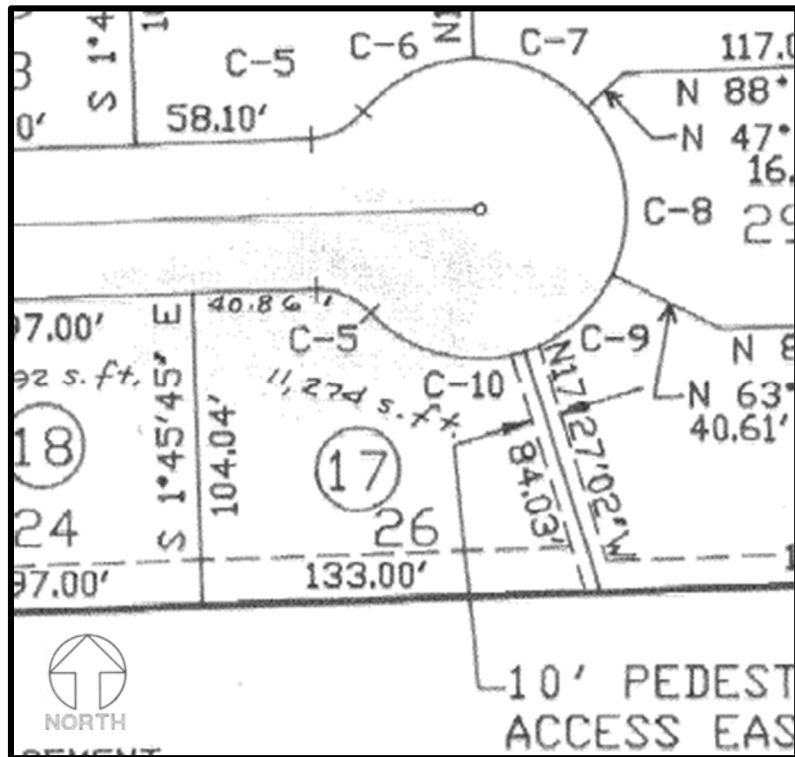
Side yard: Interior lot—Seven and one-half (7.5) feet.

Abutting any street—Twenty-five (25) feet.

Summary of Request:

The subject parcel is 11,274+/- square feet and is described as Lot 17 of the Rollins Dunes Subdivision, according to the plat or map thereof, as recorded in Plat Book 29, Page 22, Public Records of Flagler County, Florida. There is a 7.5 foot drainage and utility easement on the right (West) side property line, a 15 foot drainage easement on the rear (South) property line, a 7.5 foot drainage and utility easement and 10 foot pedestrian access easement on the left (East) side property line, and a 10 foot drainage and utility easement on the front (North) property line.

The plat for the Rollins Dunes Subdivision (Map Book 29, Page 22, Official Records of Flagler County, Florida) depicts Lot 17 as:



A County building permit (Permit No. 2024060219) was issued on December 12, 2024. A Site Plan completed by Dan A. Wilcox Jr., PSM of Stephenson, Wilcox, & Associates, Inc, and dated April 8, 2024 depicts the Northeast corner of the dwelling, approximately a 8.32 foot by 7 foot by 4.5 foot triangle, cut off to accommodate the 25 foot front setback that is pushed forwards as a result of the cul-de-sac. The variance request proposes squaring off this corner which would result in an approximately four foot encroachment into the 25 foot minimum required front setback.

The contractor and the owner had weighed the options, to either seek out the front setback variance or the rear setback variance, and opted for the front setback variance due to the limited adjustment that would be needed at the front because of the cul-de-sac

as opposed to the larger adjustment (and variance) that would be needed if the rear setback variance was requested. While the building permit has been issued for the single-family dwelling, this is a before-the-fact variance request.

Variance Guideline Analysis:

LDC Section 3.07.03.E, *Variance guidelines*, states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed followed by the applicant's statements (included below and attached in their entirety) and staff's analysis:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and*

Applicant's response: The size and shape of this property is extremely unique.

Staff analysis: The subject parcel is unique in shape due to the cut-out for the cul-de-sac at the end of Rollins Dunes Drive. This cut-out results in the left side (East) property line being approximately 20 feet shorter than the right side (West) property line, which increases the difficulty of accommodating the required setbacks.

2. *Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and*

Applicant's response: The home design was moved about the property due to setbacks, easements, and rules of overhang.

Staff analysis: The single-family home has been permitted with the Northeast corner cut off in order to accommodate the setback requirements. The applicant has applied for a variance prior to submitting a revision to the approved permit. The applicant has acted at all times in good faith.

3. *The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and*

Applicant's response: We are asking for 15 square feet of area into the front setback or 2' from the rear and 2.5' in the front.

Staff analysis: Provided that none of the neighbors express any concern or opposition to the variance request, staff will assume that the requested variance will have minimal impact on the neighborhood.

4. *No variance may be granted for a use of land or building that is not permitted by this article.*

Applicant's response: The home has been permitted with a cut of corner 4'-6"x 7'. We are asking to square off the corner.

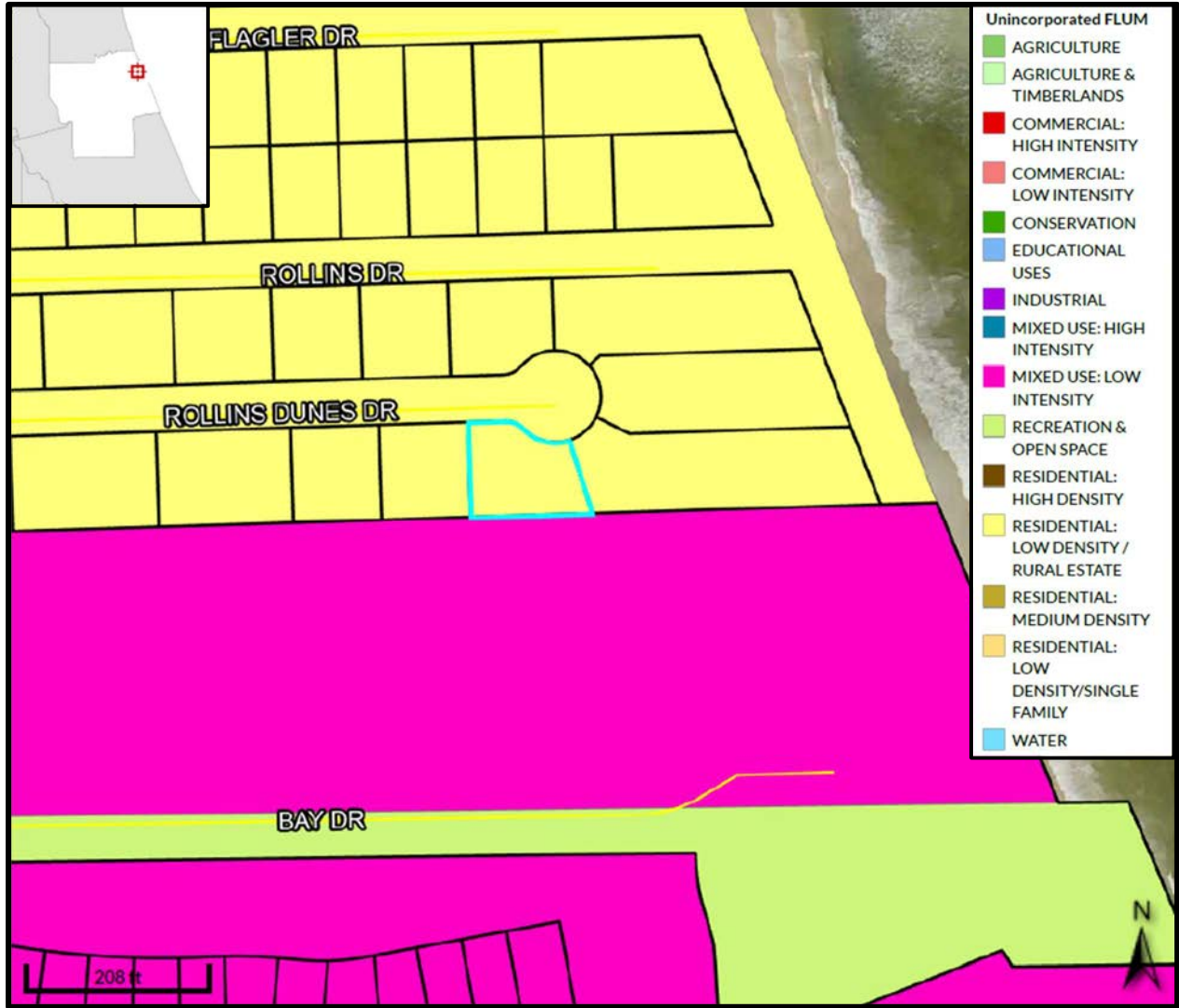
Staff Analysis: A single-family dwelling is a permitted use within the R-1b district.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

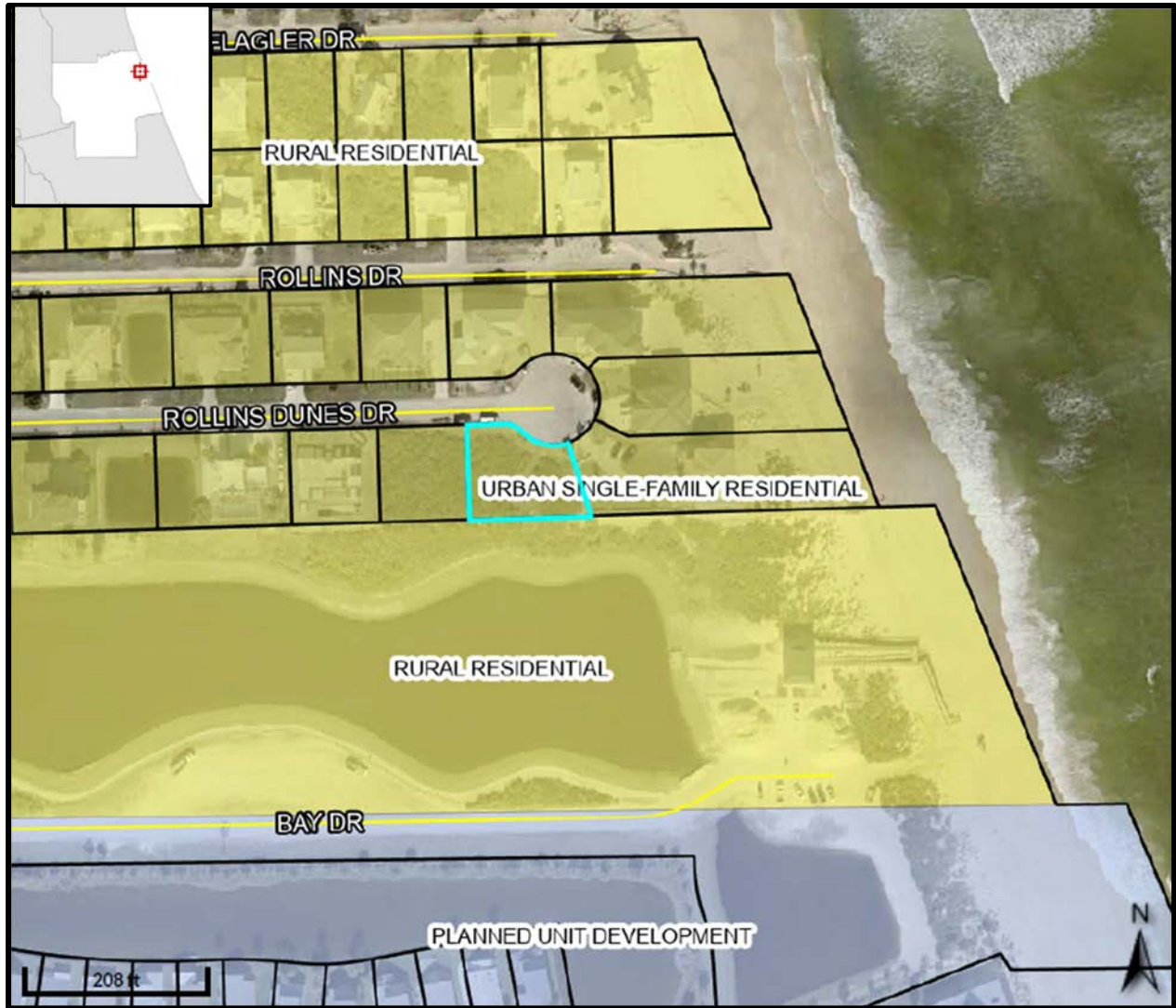
Applicant response: [No response.]

Staff Analysis: The requested variance is the minimum relief necessary to alleviate the hardship.

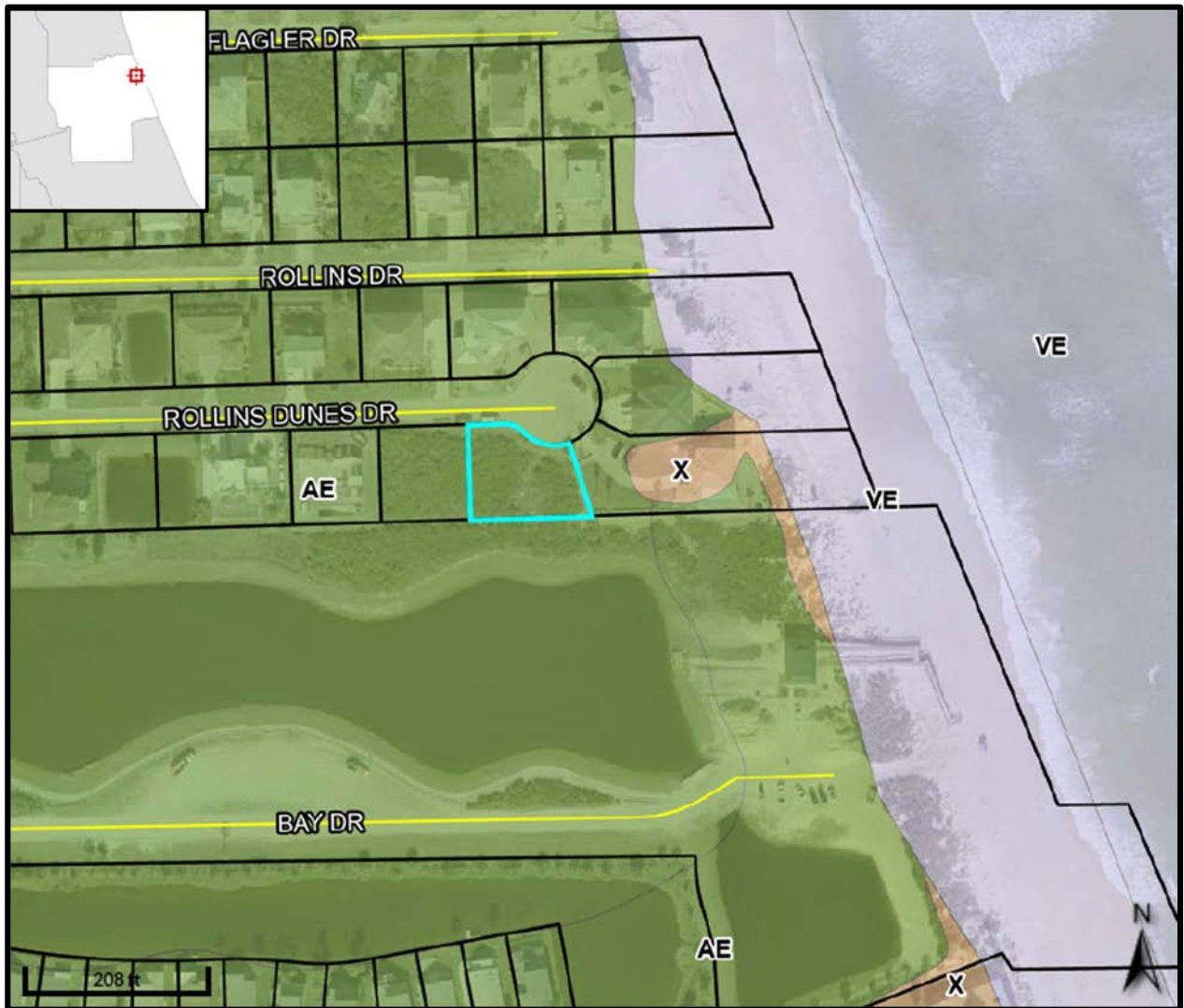
Future Land Use Map



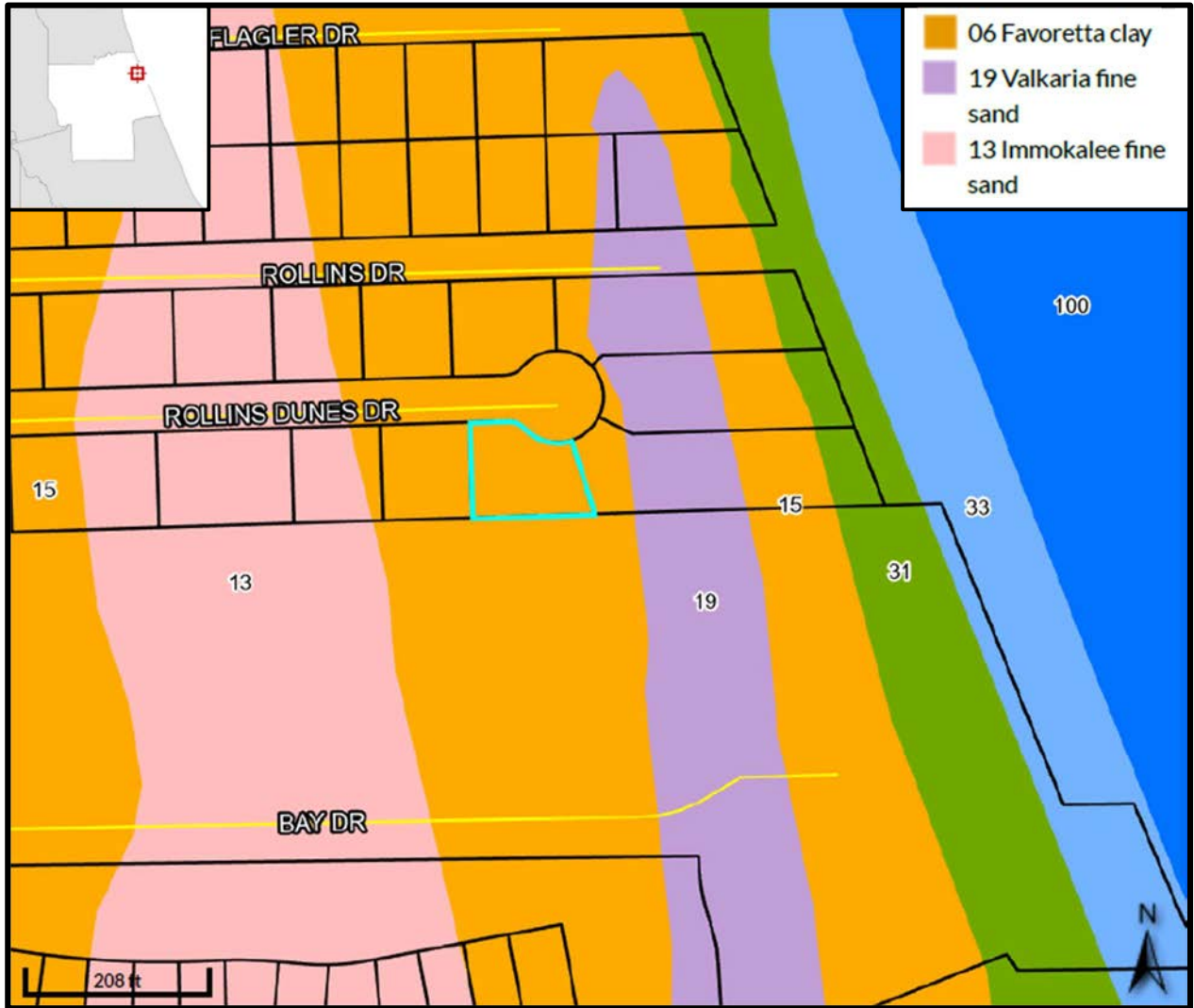
Zoning Map



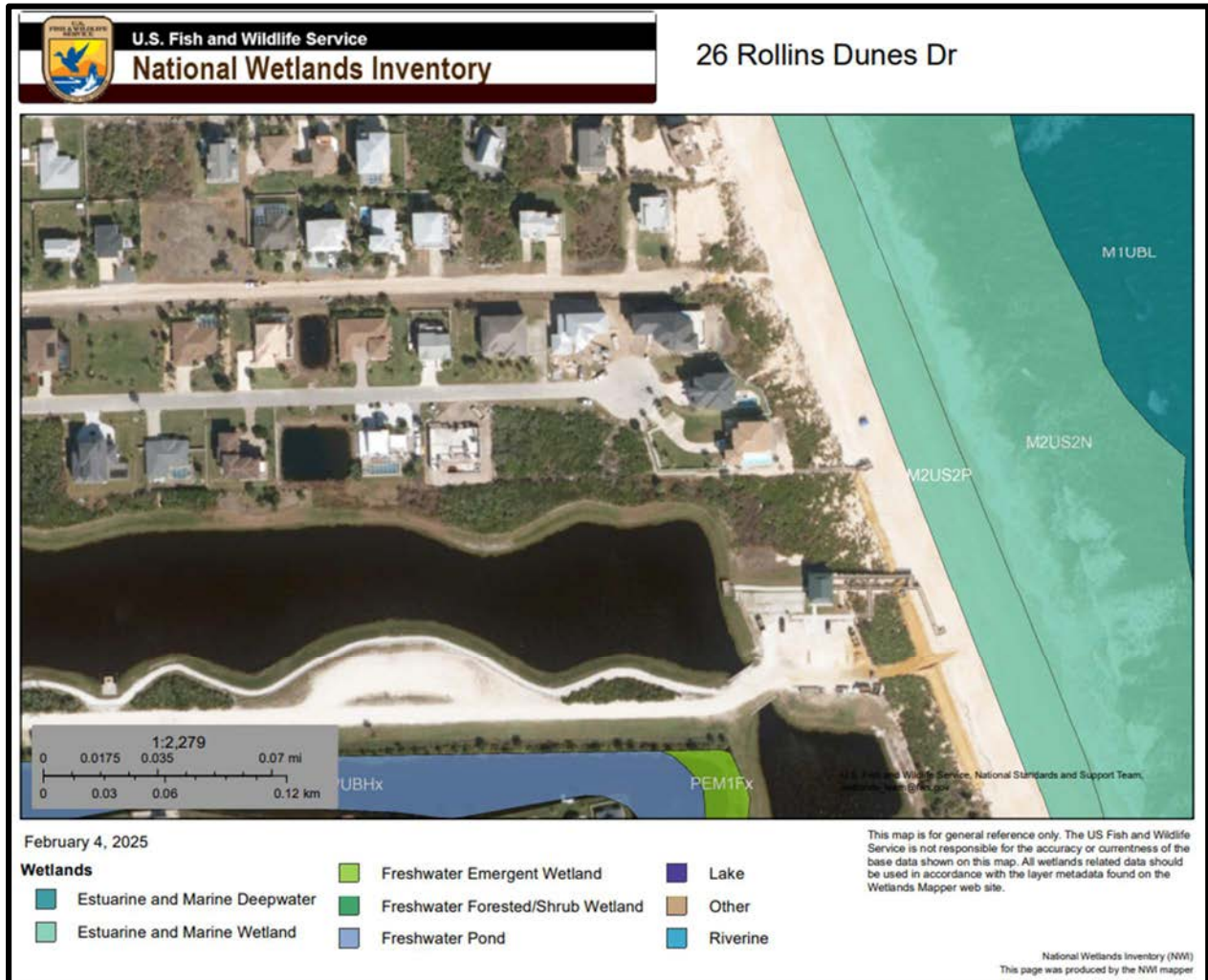
Flood Zone Map



Soils



Wetlands





APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
 1769 E. Moody Blvd, Suite 105
 Bunnell, FL 32110
 Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

PROPERTY OWNER(S)	Name(s): Amandio & Natalia Araujo		
	Mailing Address: 123 Nyes Lane		
	City: Acushnet	State: MA	Zip: 02743
	Telephone Number 774-930-5168	Fax Number	

APPLICANT/AGENT	Name(s): By The Shore Inc.		
	Mailing Address: 1600 N. State Street #103		
	City: Bunnell	State: FL	Zip: 32110
	Telephone Number 386-263-8272	Fax Number	
	E-Mail Address: bytheshorehomes@gmail.com		

SUBJECT PROPERTY	SITE LOCATION (street address):	26 Rollins Dunes Drive, Palm Coast, FL. 32137	
	LEGAL DESCRIPTION: (briefly describe, do not use "see attached")	ROLLINS DUNES SUBD LOT 17	
	Parcel # (tax ID #):	17-10-31-5400-00000-0170	
	Parcel Size:	11274 Sq. Ft.	
	Current Zoning Classification:	RESIDENTIAL	
	Current Future Land Use Designation	RESIDENTIAL	
	Subject to A1A Scenic Corridor IDO?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

Relief Requested: 4'-6" into front setback. A total of 15 square feet to square off the front corner of home along cul-de-sac curve.

 Signature of Owner(s) or Applicant/Agent
 if Owner Authorization form attached

12/16/2024

 Date

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED []
 *APPROVED WITH CONDITIONS []
 DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Subject Property: 26 ROLLINS DUNES DRIVE, PALM COAST, FL. 32137

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

The size and shape of this property is extremely unique.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

The home design was move about the property due to set backs, easements, and rules of overhang.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

We are asking for 15 square feet of area into the front setback or 2' from the rear and 2.5' in the front.

4. No variance may be granted for a use of land or building that is not permitted by this article.

The home has been permitted with a cut of corner 4'-6"x 7'. We are asking to square off the corner.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Bldg 2

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

Required Attachments for Variance Application:

- 1.) Copy of Owner(s) recorded Warranty Deed;
- 2.) Application fee \$345.00 plus postage and \$50 for notification of public hearing (posting of sign). Make check payable to BOCC. Fee amount per Resolution 2008-31 as amended.
- 3.) Complete application and site plan meeting all requirements of Flagler County Land Development Code.

NOTE: Pursuant to Section 286.0105 of Florida Statutes, the Flagler County Planning Board hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

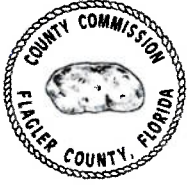
Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

3.07.03. Procedure for variances and special exceptions.

- A. *Request application.* A request for a hearing before the planning board for a variance or special exception shall be made as follows:
1. A completed application form shall be filed with the planning and zoning director. Such application shall state the pertinent facts on which the request is based. The planning and zoning director may assist the applicant in preparing the application.
 2. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the planning and zoning director. Such site plan shall include, as a minimum, the following:
 - (a) Lot dimensions with property line monuments located thereon.
 - (b) Location and size of existing and proposed structures.
 - (c) Easements (public and private), water courses, and if existing and proposed, fences, street names, and street right-of-way lines and such information regarding abutting property, as directly affects the application.
- B. *Planning board hearing.*
1. The planning and zoning director shall schedule a hearing before the planning board to consider the application. Scheduling of this hearing shall provide ample time for the planning and zoning director to provide notice to surrounding property owners as set forth in subsection 3.07.03. In no event shall such hearing be scheduled more than forty-five (45) days from the date of application.
 2. The hearing provided for under this section shall be for the purpose of reviewing relevant information from the applicant regarding the requested variance and/or special exception. The planning board shall also review written and/or oral comments from the public in accordance with its established procedures.
 3. The planning board shall determine whether sufficient factual data was presented in order to render a decision. If the planning board determines that sufficient factual data was presented, then it shall render a decision to either:
 - a. Approve the request as submitted;
 - b. Approve the request with conditions;
 - c. Disapprove the request.
- If the planning board determines that sufficient factual data was not presented, the planning board may continue the hearing until the next scheduled meeting to allow for the preparation of such factual data. Only one (1) such continuation shall be allowed for each requested variance and/or special exception.
- C. *Appeal of planning board decision.*
1. Within thirty (30) days of the rendering of a decision by the planning board regarding a requested variance and/or special exception, an appeal may be filed with the board of county commissioners. Such appeal may be filed by the original applicant, the planning and zoning director, other county staff as authorized, and a surrounding property owner, as defined in subsection 3.07.03.
 2. The application for appeal shall be filed with the planning and zoning director who shall schedule a hearing on the appeal with the board of county commissioners. Scheduling of this hearing shall provide ample time for the applicant to provide notice to surrounding property owners, as set forth in subsection 3.07.03.
 3. The appeal hearing provided for under this section shall be for the purpose of reviewing all pertinent information regarding the appeal. The applicant shall provide all relevant factual data, materials and/or oral testimony to support the appeal. The board of county

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

commissioners shall also review written and/or oral comments from the public in

accordance with its established procedures.

4. At the conclusion of the appeals hearing provided for under this section, the board of county commissioners shall render a decision on the appeal. Any decision rendered by the board of county commissioners under this section shall be deemed final.

D. *Reserved*

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and
2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and
3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and
4. No variance may be granted for a use of land or building that is not permitted by this article.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

This instrument prepared by:
Name: Isadora M.A. Hobbs
Flagler County Abstract Company
300 N 2nd Street
Flagler Beach, Florida 32136
FILE NO. S3797
Property Appraisers Parcel Identification Number(s):
17-10-31-5400-00000-0170

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED made the 19 day of April, 2017 by

John T. Ahern and Virginia A. Ahern, husband and wife

whose street address is **PO Box 368, Kings Park, NY 11754**

hereinafter called the grantor*, to

Amandio Araujo and Natalia Araujo, husband and wife

whose street address is **123 Nyes Lane, Acushnet, MA 02743-1959**

hereinafter called the grantee*:

(*Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other valuable considerations to said grantors in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed unto the grantee and grantee's heirs forever the following described land situate in County of Flagler, State of Florida, to wit:

Lot 17, Rollins Dunes Subdivision, a subdivision according to the plat or map thereof described in Plat Book 29, Page 22, of the Public Records of Flagler County, Florida.

GRANTOR WARRANTS THAT THIS IS NOT HOMESTEAD PROPERTY.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining. **To Have and to Hold**, the same in fee simple forever.

And the grantor hereby covenants with the grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31ST, 2016. **FURTHER SUBJECT TO Restrictions, Reservations, Covenants, Dedications, Resolutions, Conditions and Easements of record, if any, however this reference shall not operate to reimpose same.**

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

2 Different Witnesses

Wyatt Malby
Witness 1 Signature

WYATT MALBY
Printed or Typed Name

Colleen Shivers
Witness 2 Signature

COLLEEN SHIVERS
Printed or Typed Name

John T. Ahern
John T. Ahern

Virginia A. Ahern
Virginia A. Ahern

STATE OF NEW YORK
COUNTY OF SUFFOLK

The foregoing instrument was acknowledged before me this 19 day of April, 2017, by John T. Ahern and Virginia A. Ahern, husband and wife who is personally known to me or who produced NEW STATE DRIVER LICENSE as identification and who did/did not take an oath VALID, with photo ID

Kevin J. Malloy
Notary Public

My Commission Expires:
KEVIN J. MALLOY
Notary Public, State of New York
No. 4983679
Qualified in Suffolk County
Commission Expires July 8, 2017

[seal]
Kevin J. Malloy
KEVIN J. MALLOY
Notary Public, State of New York
No. 4983679
Qualified in Suffolk County
Commission Expires July 8, 2017



Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project # _____

Roy C. Waldhauer, II / By The Shore Inc., is hereby authorized TO ACT ON BEHALF OF Amandio & Natalia Araujo, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for a Variance.

(ALL PERSONS, WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By: *Amandio Araujo*
Signature of Owner

Amandio Araujo
Printed Name of Owner / Title (if owner is corporation or partnership)

Natalia Araujo
Signature of Owner

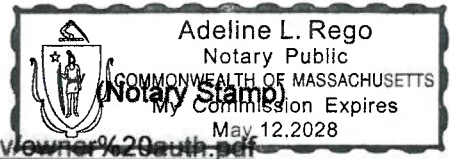
Natalia Araujo
Printed Name of Owner

Address of Owner: 39J American Legion Highway Telephone Number (incl. area code) 774-930-5168
Mailing Address
Westport MA 02790
City State Zip

STATE OF Massachusetts
COUNTY OF Bristol

The foregoing was acknowledged before me this 9th day of December, 2024 by Amandio Araujo and Natalia Araujo who is/are personally known to me or who has produced Driver's Licenses as identification, and who (did) / (did not) take an oath.

Adeline L. Rego
Signature of Notary Public 5/12/2028



<http://www.flaglercounty.org/doc/dpt/centprmt/landdev/owner%20auth.pdf>

Revised 5/08

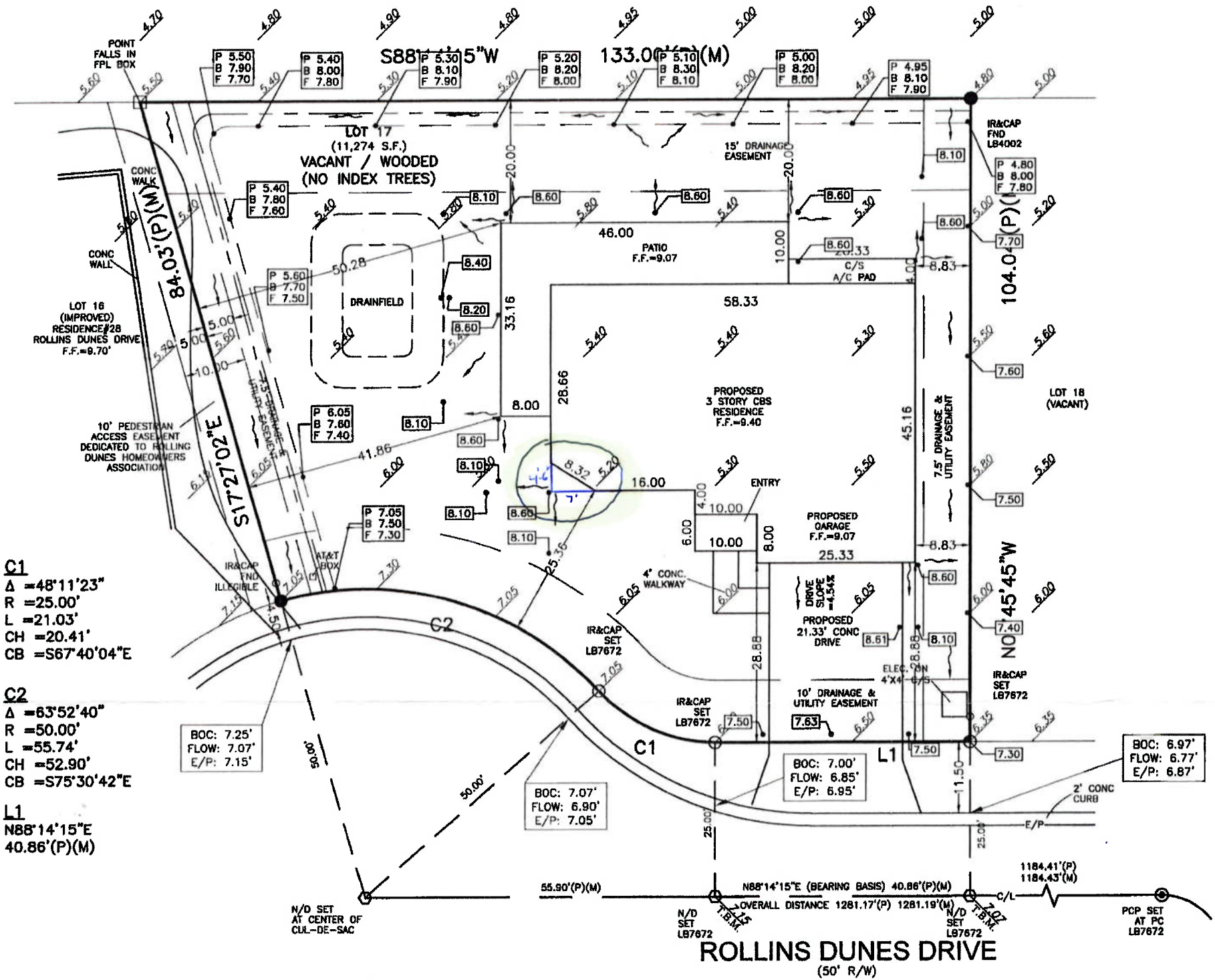
ADDRESS: 26 ROLLINS DUNES DRIVE

STANDARD SITE PLAN / GRADING NOTES

- 1. ALL SETBACKS, LOCATIONS, AND GRADING SHALL BE SUBMITTED TO AND APPROVED BY THE RESPECTIVE AUTHORIZING AGENCIES.
2. ALL GRADES ALONG IMPROVED PROPERTY LINES SHALL MATCH EXISTING UNLESS OTHERWISE NOTED.
3. PROPOSED CONVEYANCE SWALES ALONG IMPROVED PROPERTIES SHALL BE CONSTRUCTED 4 FEET INSIDE THE SUBJECT PROPERTY UNLESS OTHERWISE NOTED.
4. THERE SHALL BE NO CHANGE OR DEVIATION FROM THESE PLANS WITHOUT PRIOR APPROVAL BY THE ENGINEER OF RECORD.
5. STORMWATER CONVEYANCE SWALES SHALL BE DIVERTED AROUND PEP TANK LIDS, AS APPLICABLE. PEP LOCATION/ELEVATION TO BE PROVIDED BY CITY OF PALM COAST.

PART OF GOVT. LOT 4, SECTION 17, T10S, R31S

NORTH SCALE: 1"=20'



C1
Delta = 48'11'23"
R = 25.00'
L = 21.03'
CH = 20.41'
CB = S67'40'04"E

C2
Delta = 63'52'40"
R = 50.00'
L = 55.74'
CH = 52.90'
CB = S75'30'42"E

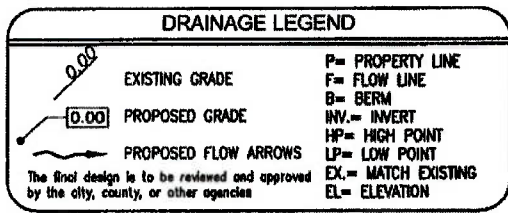
L1
N88'14'15"E
40.86'(P)(M)

BOC: 7.25'
FLOW: 7.07'
E/P: 7.15'

BOC: 7.07'
FLOW: 6.90'
E/P: 7.05'

BOC: 7.00'
FLOW: 6.85'
E/P: 6.95'

BOC: 6.97'
FLOW: 6.77'
E/P: 6.87'



- REVISIONS:
ADDED FRONT SETBACK TIES | 11/14/24 | KCA
REVISED SITE PLAN: 10/31/24 CJB
REVISED SITE PLAN: 10/03/24 CJB

ENGINEERED SITE PLAN / GRADING PLAN
TYPE OF SURVEY: BOUNDARY / TOPOGRAPHIC / TREE LOCATION
NOTE: THIS SURVEY IS VALID NO MORE THAN 90 DAYS FROM DATE OF LAST FIELD WORK

DESCRIPTION: LOT 17, ROLLINS DUNES SUBDIVISION, AS RECORDED IN MAP BOOK 29, PAGE 22, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LEGEND table with symbols for IR (Iron Rod), IP (Iron Pipe), N/D (Nail and Disk), PCP (Permanent Control Point), CM (Concrete Monument), FND (Found), LS (Licensed Surveyor), PSM (Professional Surveyor), Q.R. (Official Records Book), PG (Page).

LEGEND table with symbols for PT (Point of Tangency), PI (Point of Intersection), U.E. (Utility Easement), D.E. (Drainage Easement), L.E. (Landscape Easement), N.G.V.D. (National Geodetic Vertical Datum), N.A.V.D. (North American Vertical Datum), M.S.L. (Mean Sea Level), B.M. (Bench Mark), T.O.B. (Top Of Bank), T.O.E. (Top Of Elevation), F.F. (Finish Floor Elevation), INV. (Invert), C.B.S. (Concrete Block & Stucco Conc.), C/S (Concrete Slab).

- NOTES:
1. The entire map encompassing this survey is recorded in Map Book 29, Page 22.
2. Elevations refer to N.A.V.D. 1988 datum and reference local datum.
3. Underground improvements and utilities not located.
4. Bearings refer to plat datum and to the centerline of ROLLINS DUNES DRIVE as being N88'14'15"E.
5. Property lies in Flood Zone "AE" (base flood elevation = 7.0') with reference to Map No. 12035C0039E, Effective Date: June 8, 2018.
6. Description provided by client.
7. No search for encumbering instruments was made by surveyor.
8. Error of closure meets or exceeds 1:7500 feet.

WALDHAUER & SON, INC.
1600 N STATE STREET SUITE 102
BUNNELL, FL 32110



STEPHENSON, WILCOX & ASSOCIATES, INC.
2729 E. Moody Blvd., Ste. 400
PO Box 186 Bunnell FL 32110
Phone: 386.437.2363 • Email: info.swa@gmail.com

Table with columns: JOB TYPE, FIELD DATE, OFFICE DATE, JOB NO., BY:
Rows: Boundary, Site Plan, House Stake, Formboard, Foundation, Final

I hereby certify that the survey represented hereon meets or exceeds the minimum standards established pursuant to Section 472.027, Florida Statutes, and adopted in Chapter 5J-17 Florida Administrative Code.
DAN A. WILCOX, JR., PSM No. 5749, PE No. 57633
Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.

SHEET 1 of 1

Growth Management Department
Planning & Zoning
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110

www.flaglercounty.org

Phone: (386)313-4009

Fax: (386)313-4109



TECHNICAL REVIEW COMMITTEE COMMENTS

DATE: January 15, 2025

Project #: 2024120040 / AR #5332

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

Attachment: Staff Comments

Reviewing Department Comments

ZON - ZONING (386-313-4009)

Comments:

Rejected By: SIMONE KENNY - - SKENNY@FLAGLERCOUNTY.GOV

1. Please show the setback (distance) from the the proposed corner expansion to the closest point of property line on the site plan.

FD1 - FIRE REVIEW

Comments:

Marked INFORMATION By: JERRY SMITH - -

Fire Rescue has no issues with this variance.

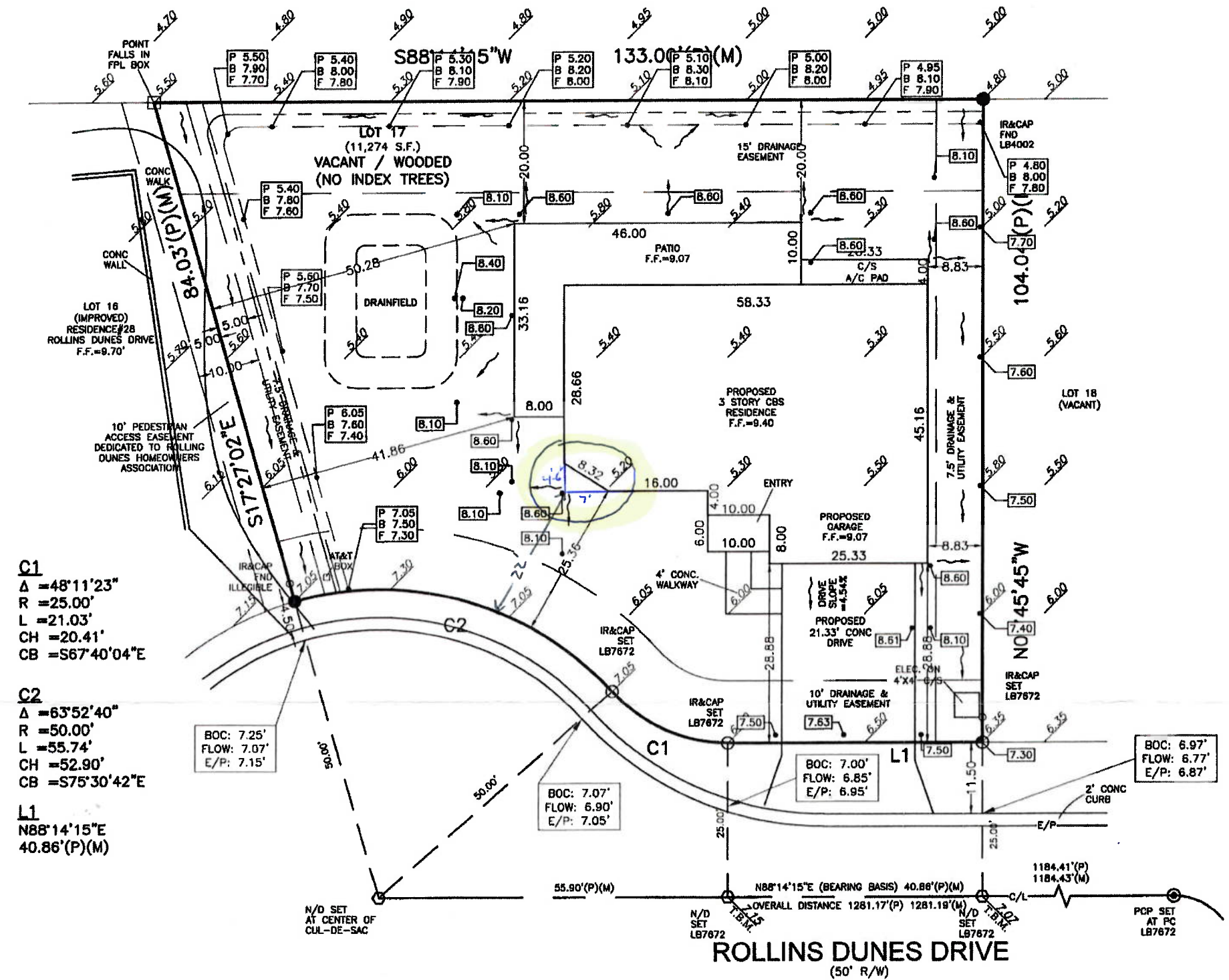
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PART OF GOVT. LOT 4,
SECTION 17, T10S, R31S

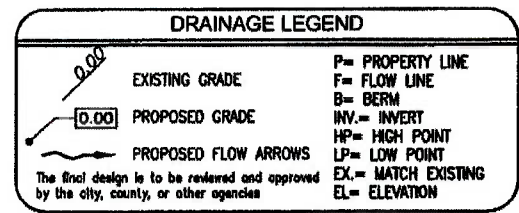
NORTH
SCALE: 1"=20'



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L1
 $N88^{\circ}14'15''E$
 $40.86'(P)(M)$



REVISIONS:
 ADDED FRONT SETBACK TIES | 11/14/24 | KCA
 REVISED SITE PLAN: 10/31/24 CJB
 REVISED SITE PLAN: 10/03/24 CJB

ENGINEERED SITE PLAN / GRADING PLAN
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DESCRIPTION: LOT 17, ROLLINS DUNES SUBDIVISION, AS RECORDED IN MAP BOOK 29, PAGE 22, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LEGEND:

IR	1/2" Iron Rod set "LB7672"	(D)	Deed Bearing & Distance	PT	Point of Tangency	A/C	Air Conditioner Pad
IR	5/8" Iron Rod found	(P)	Plot Bearing & Distance	PI	Point of Intersection	EOP	Pool Equipment Pad
IP	1/2" Iron Pipe	(M)	Measured Bearing & Distance	U.E.	Utility Easement	PEP	Pretreatment Effluent Pumping Tank
N/D	Nail and Disk set "LB7672"	(C)	Calculated Bearing & Distance	D.E.	Drainage Easement	O/E	Overhead Electric
N/D	Nail and Disk found	(C/L)	Center Line	L.E.	Landscape Easement	P/P	Power Pole
PCP	Permanent Control Point	E/P	Edge of Pavement	N.G.V.D.	National Geodetic Vertical Datum	Manhole	Manhole
CM	Concrete Monument set	R/W	Edge of Road	N.A.V.D.	North American Vertical Datum	Telephone Riser	Telephone Riser
CM	Concrete Monument found	Delta	Right of Way	MSL	Mean Sea Level	Cable Television Riser	Cable Television Riser
PRM	Permanent Reference Monument	R	Radius	B.M.	Bench Mark	Water Meter	Water Meter
FND	Found	L	Length	T.O.B.	Top of Bank	Electric Meter	Electric Meter
LB	Licensed Business	CB	Chord Bearing	TOE	Top of Elevation	Water Hydrant	Water Hydrant
LS	Licensed Surveyor	CH	Chord Distance	TOF	Top of Finish	Water Edge	Water Edge
PSM	Professional Surveyor & Mapper	PC	Point of Curvature	TOE	Top of Edge	Yield Edge	Yield Edge
O.R.	Official Records Book	PRC	Point of Reverse Curvature	C.B.S.	Concrete Block & Stucco	Chain, Line, Fence	Chain, Line, Fence
PG.	Page	N.R.	Non-Radial Curve	Conc.	Concrete		

NOTES:

1. The entire map encompassing this survey is recorded in Map Book 29, Page 22.
2. Elevations refer to N.A.V.D. 1988 datum and reference local datum.
3. Underground improvements and utilities not located.
4. Bearings refer to plat datum and to the centerline of ROLLINS DUNES DRIVE as being N88°14'15"E.
5. Property lies in Flood Zone "AE", (base flood elevation = 7.0') with reference to Map No. 120350039E, Effective Date: June 6, 2018. This location is based on maps prepared by the Federal Emergency Management Agency. Final location and flood zone determination rest with said agency and based on N.A.V.D. 1988 datum.
6. Description provided by client.
7. No search for encumbering instruments was made by surveyor.
8. Error of closure meets or exceeds 1:7500 feet.

WALDHAUER & SON, INC.
 1600 N STATE STREET SUITE 102
 BUNNELL, FL 32110

STEPHENSON, WILCOX & ASSOCIATES, INC. CA#27726-LB#7672
 2729 E. Moody Blvd., Ste. 400
 PO Box 186 Bunnell FL 32110
 Phone: 386.437.2363 • Email: info.swa@gmail.com

JOB TYPE:	FIELD DATE	OFFICE DATE	JOB NO.	BY:
Boundary	03/28/24	03/29/24	24-0889	CJB
Site Plan	03/28/24	04/08/24	24-0889	BAS
House Stake				
Formboard				
Foundation				
Final				

I hereby certify that the survey represented hereon meets or exceeds the minimum standards established pursuant to Section 472.027, Florida Statutes, and adopted in Chapter 5J-17 Florida Administrative Code.

DANA A. WILCOX, JR., PSM No. 5749, PE No. 57633
 Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.

SHEET
1 of 1

FLAGLER COUNTY PROPERTY APPRAISER



Overview



Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 1/23/2025
Last Data Uploaded: 1/23/2025 8:09:28 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110



Flaglercounty.gov
Phone: (386)313-4009
Fax: (386)313-4109

January 28, 2025

«OwnerName»
«OwnerAddress1»
«OwnerAddress2»
«OwnerCityStZip»

RE: Project No. 2024120040– Variance in the R-1b (Urban Single-Family Residential) District

Dear Property Owner,

As owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by Roy Waldhauer, II on behalf of owners Amandio and Natalia Araujo located at 26 Rollins Dunes Drive identified as Parcel Number: 17-10-31-5400-00000-0170 for a 4-foot (15 square feet total) variance from the minimum required 25-foot front (North) setback. Variance on a 11,274 +/- square foot parcel.

You are hereby notified that a public hearing before the **Flagler County Planning and Development Board**, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell, Florida, on **February 11, 2025**, beginning at **6:00 p.m.** or as soon thereafter as possible. You are welcome to attend and express your opinion.

Sincerely,

A handwritten signature in cursive script that reads "Simone Kenny".

Simone Kenny
Senior Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITHRESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATUM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

Andy Dance
District 1

Greg Hansen
District 2

Kim Carney
District 3

Leann Pennington
District 4

Pam Richardson
District 5

Project 2024120040

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCityStZip	Country
17-10-31-0000-04090-0000	FLAGLER COUNTY		1769 E MOODY BLVD BLDG 2		BUNNELL, FL 32110	
17-10-31-5400-00000-0200	GRODE JOHN & LINDA H&W		20 ROLLINS DUNES DRIVE		PALM COAST, FL 32137	
17-10-31-5400-00000-0100	GEORGE AND DORIS CHRISTOPHER TRUST		19 ROLLINS DUNES DR		PALM COAST, FL 32137	
39-10-31-4250-00110-0290	GUTTMANN LOUIS B III &	PAULA R H&W	61 ROLLINS DRIVE		PALM COAST, FL 32137	
39-10-31-4250-00110-0280	BRADY KATHLEEN M &	GERARD STEPHEN EARLE TRUSTEES	63 ROLLINS DR		PALM COAST, FL 32137	
17-10-31-5400-00000-0110	MILLICAN THOMAS W &	ELIZABETH M H&W	21 ROLLINS DUNES DR		PALM COAST, FL 32137	
17-10-31-5400-00000-0190	GERMAN PAUL A	& BETH A H&W	12816 FOREST CREEK COURT		SYKESVILLE, MD 21784	
39-10-31-4250-00110-0270	LYONS AMY JO &	MONICA C GRADY & GAIL M BURGER & DONNA M DEELY JTWRO	42 FILLINGAME WAY		REHOBOTH BEACH, DE 19971	
17-10-31-5400-00000-0120	POLYAK HELENA TRUSTEE		PO BOX 354393		PALM COAST, FL 32135	
17-10-31-5400-00000-0180	DEFELICE FREDERICK J	TRUSTEE	3204 CONNEMARA DRIVE		ORMOND BEACH, FL 32174	
39-10-31-4250-00110-0260	AHUMADA LEONIK A	& SALESIA ALVARADO-AHUMADA H&W	7639 SE 12TH CIRCLE		OCALA, FL 34480	
39-10-31-4250-00110-0250	BAUMGARDNER CHRISTOPHER & STACEY H&W LIFE ESTATE &	STEPHEN T SPREHE & ELLEN K H STREHE	9448 MANORWOOD DRIVE		MECHANICSVILLE, VA 23116	
39-10-31-4250-00110-0240	LEVIN ERIK	& JONATHAN JORDAN JTWROS	2080 NE 214TH STREET		MIAMI, FL 33179	
39-10-31-4250-00110-0230	GONZALEZ RAFAEL E & GLORIA H	H&W	3210 SW 62ND CT		MIAMI, FL 33155	
17-10-31-5400-00000-0170	ARAUJO AMANDIO & NATALIA	ARAUJO H&W	123 NYES LANE		ACUSHNET, MA 02743	
17-10-31-5400-00000-0160	SOSA MARCOS & JACQUELINE H&W		108 W GOLD AVE		HOBBS, NM 88240	
17-10-31-5400-00000-0150	HOOFNAGLE GEOFFREY M & DIANE L	H&W	12141 SHADOWBROOK LANE		ORLANDO, FL 32828	
17-10-31-5400-00000-0130	BORZEL UWE-HERMANN E H & VERA ALEXANDRA R FREIFRAU VON COBUR		6912 CHELNHAM COURT		CENTREVILLE, VA 20120	
17-10-31-5400-00000-0140	MCFADDEN JAMES & VIRGINIA	H&W	7131 NW 25TH LANE		GAINESVILLE, FL 32606	

I hereby affirm mailed notice to each owner on 1 / 28 /2025 for the Planning and Development Board meeting on 2 / 11 /2025 at 6:00 pm.


 Simone Kenny, Senior Planner



APPLICATION # 2014-12040
NOTICE OF PUBLIC HEARING
THE PLANNING AND DEVELOPMENT DEPARTMENT HAS RECEIVED AN APPLICATION FOR A PUBLIC HEARING AT:
PLANNING COUNTY GOVERNMENT
REGULATORY SERVICES
3700 W. BAYVIEW BOULEVARD, SUITE 200
BOCA RATON, FL 33433
TEL: (561) 995-3274
REGARDING: 26 PARCELS
APPLICANT: [REDACTED]
PROJECT: [REDACTED]
DATE: [REDACTED]
TIME: [REDACTED]
LOCATION: [REDACTED]
FOR MORE INFORMATION, CONTACT THE PLANNING AND DEVELOPMENT DEPARTMENT AT (561) 995-3274.



**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 10**

SUBJECT: QUASI-JUDICIAL – Project No. 2024120054 – Request for a 1.5 Foot Rear (North) Yard Setback Variance from the Minimum Required 5 Foot Rear Yard Setback for a Pool Deck and Screenroom in the PUD (Planned Unit Development) District at 258 Stirling Bridge Drive; Parcel No. 10-13-31-5120-2AF06-0130; 10,530+/- square feet. Owner/Applicant: Volusia Residential Construction, LLC/Elisabeth Latorre. (AR No. 5345).

DATE OF MEETING: February 11, 2025

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a rear yard setback variance in the PUD (Planned Unit Development) District. This parcel is 10,530+/- square feet in size, identified as Parcel No. 10-13-31-5120-2AF06-0130:



Elisabeth Latorre submitted an application for variance on December 20, 2024. This is a before-the-fact variance application prior to application for a pool permit. The house is currently under construction (Permit No. 2024100025).

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 10**

The subject property is described as Lot 13, Plantation Bay Section 2A-F, Unit 6 Subdivision, as recorded in Plat Book 38, Pages 57 through 61 of the Public Records of Flagler County, Florida.

Minimum setbacks for Lots 9 through 23 and Lots 46 through 67 in Unit 6 are: 20 foot front yard setback; 20 foot rear yard; 5 foot side yard setback (and 20 foot for side street); and 5 foot to the rear for the pool deck/screenroom.

This application was reviewed by the Technical Review Committee (TRC) agenda at its January 15, 2025 regular meeting. The applicant has satisfactorily addressed the TRC comments.

Public notice has been provided for this application according to Flagler County Land Development Code Section 2.07.00.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD:

APPROVAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024120054 for a 1.5 foot rear (North) yard setback variance from the minimum required 5 foot rear yard setback at 258 Stirling Bridge Drive (Parcel No. 10-13-31-5120-2AF06-0130).

DENIAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies Project No. 2024120054 for a 1.5 foot rear (North) yard setback variance from the minimum required 5 foot rear yard setback at 258 Stirling Bridge Drive (Parcel No. 10-13-31-5120-2AF06-0130).

CONTINUANCE: The Planning and Development Board continues the variance request on the basis that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision on the variance request. Continuing the variance request to a time and date certain will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

ATTACHMENTS:

1. Technical Staff Report
2. Application and supporting documents
3. TRC comments
4. Public notice

PROJECT NO. 2024120054
REAR (EAST) SETBACK VARIANCE IN THE PUD DISTRICT
258 STIRLING BRIDGE DRIVE
TECHNICAL STAFF REPORT

Project No./AR No.: 2024120054/5345

Address: 258 Stirling Bridge Drive

Owner: Volusia Residential Construction, LLC

Applicant: Elisabeth Latorre

Parcel No.: 10-13-31-5120-2AF06-0130

Parcel Size: 10,530+/- square feet

Legal Description:

Lot 13, Plantation Bay Section 2A-F, Unit 6, According to the Map or Plat Thereof, as Recorded in Map Book 38, Pages 57 through 61, Inclusive, of the Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:

Zoning: PUD (Planned Unit Development) District

Land Use: Mixed Use - Low Intensity – Low Density

Future Land Use Map Classification/Zoning of Surrounding Land:

North: Mixed Use – Low Intensity – Density/PUD (Planned Unit Development District)

East: Mixed Use – Low Intensity – Density/PUD (Planned Unit Development District)

South: Stirling Bridge Drive; Mixed Use – Low Intensity – Density/PUD (Planned Unit Development District)

West: Mixed Use – Low Intensity – Density/PUD (Planned Unit Development District)

Flagler County Land Development Code (FCLDC) Sections Affected: Section 3.03.20, *PUD – Planned Unit Development District*; Section 3.07.03, *Procedure for variances and special exceptions*; and Section 3.07.03.E, *Variance guidelines*.

FCLDC Sec. 3.03.20.D.2. – The Development Agreement for Plantation Bay Section 2A-F Unit 6, call for;

Front yard — Twenty-five (25) feet.

Rear yard — Twenty (20) feet.

Rear to pool deck – Five (5) feet.

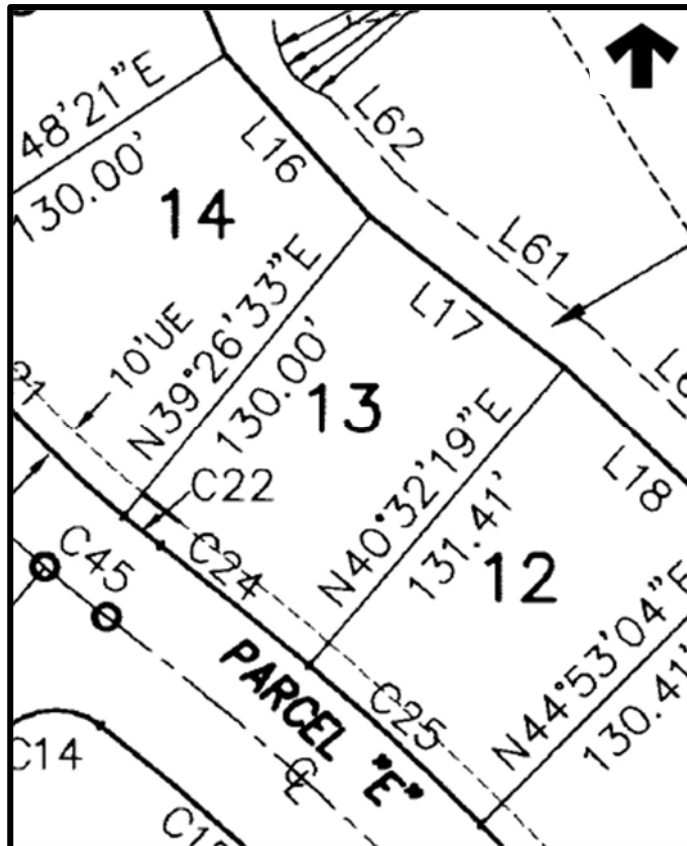
Side yard interior lot — Seven and one-half (7.5) feet.

Summary of the Request:

The subject parcel is 10,530+/- square feet in size, and is described as Lot 13 in Plantation Bay Section 2A-F, Unit 6 subdivision. The property was purchased by Volusia Residential Construction, LLC, through a Special Warranty Deed dated March 17, 2021 and recorded on March 29, 2021 in Official Records Book 2544, Page 44, Public Records of Flagler County, Florida.

The applicant submitted a variance application December 20, 2024. The site plan, completed by Robert Evers bearing a December 20, 2024 signature date is a revision to the foundation survey submitted for the house permit (Permit No. 2024100025). The site plan shows a pool and pool deck with a width of 67.67 feet (in line with the house) and a depth of 18.5 feet squared-off from the house. The right side (East) side of the pool deck conforms with the 5 feet rear setback being 5.5 feet from the rear property line. However, because the left side (West) property line is 1.4 feet shorter than the right (East) side property line, this would result in an encroachment of 1.4 feet into the rear setback.

The plat for Plantation Bay Section 2A-F Unit 6 (Map Book 38, Page 60, Official Records of Flagler County, Florida) depicts Lot 13 as:



Variance Guideline Analysis:

LDC Section 3.07.03.E, *Variance guidelines*, states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed followed by the applicant's statements (included below and attached in their entirety) and staff's analysis:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and*

Applicant's response: The property referenced above has created an unnecessary hardship due to the unique shape of the lot.

Staff analysis: The size of the single-family dwelling compared to the size of the lot leaves little room for error. Additionally, the left side (West) property line is 1.41 feet shorter than the right side (East) property line, creating a unique condition as opposed to other lots.

2. *Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and*

Applicant's response: We have acted in good faith at all times and are being proactive with this request.

Staff analysis: This is a before-the-fact variance request submitted prior to building permit application. The applicants have acted at all times in good faith.

3. *The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and*

Applicant's response: The variance requested will not cause detriment to the public health, welfare, safety, morals of the community or impair the purpose and intent of this article.

Staff analysis: The variance would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article. The property to the North that abuts the setback in question is common

area. Additionally, the applicant has received approval from the Westlake at Plantation Bay Property Owners Association.

4. *No variance may be granted for a use of land or building that is not permitted by this article.*

Applicant's response: The variance is for permitted use, a pool is permitted use.

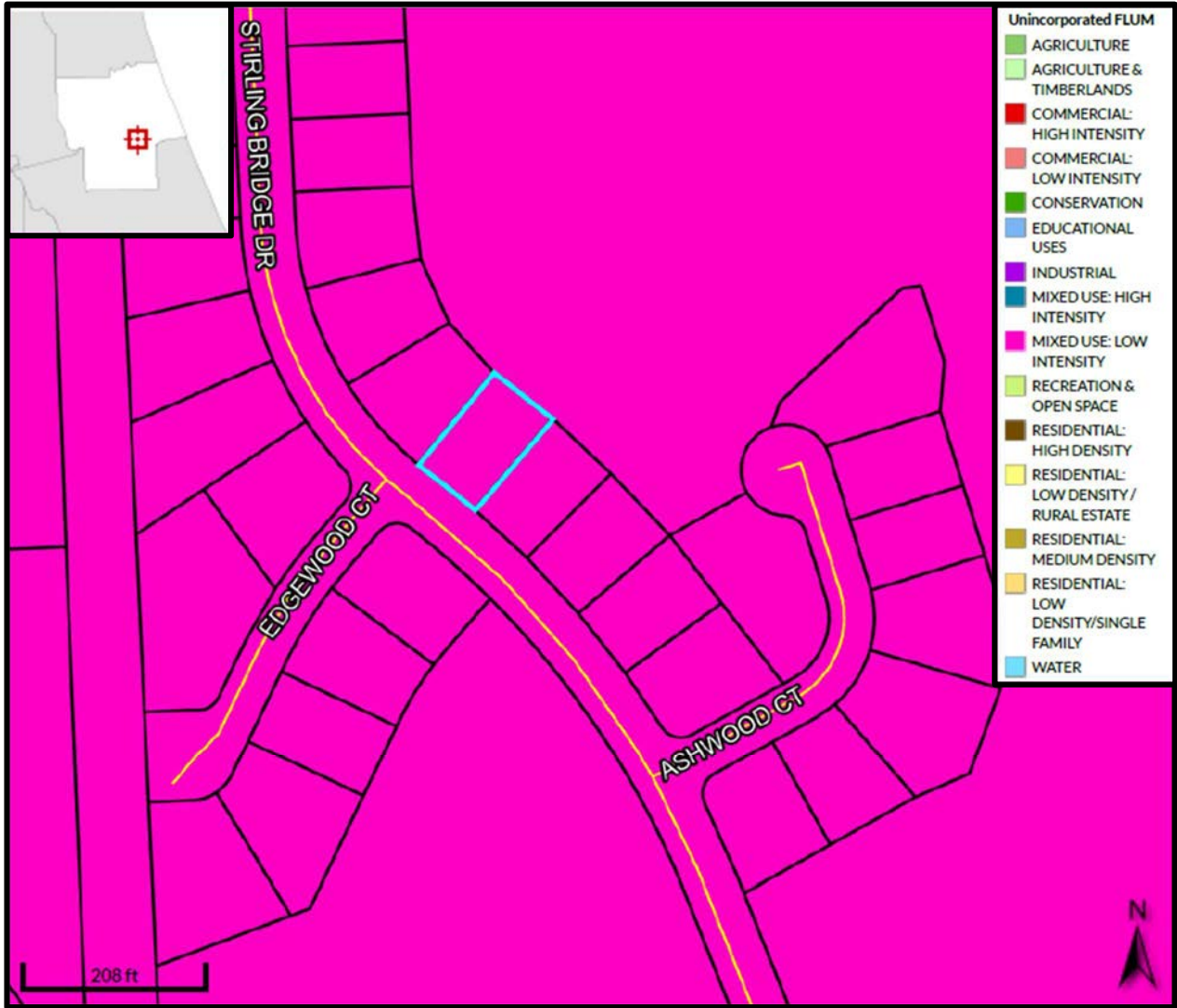
Staff Analysis: The Plantation Bay Section 2A-F, Unit 6 Development Agreement allows pool and pool decks as an accessory use. The requested variance is not for a use of land or building that is not permitted within this zoning district.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

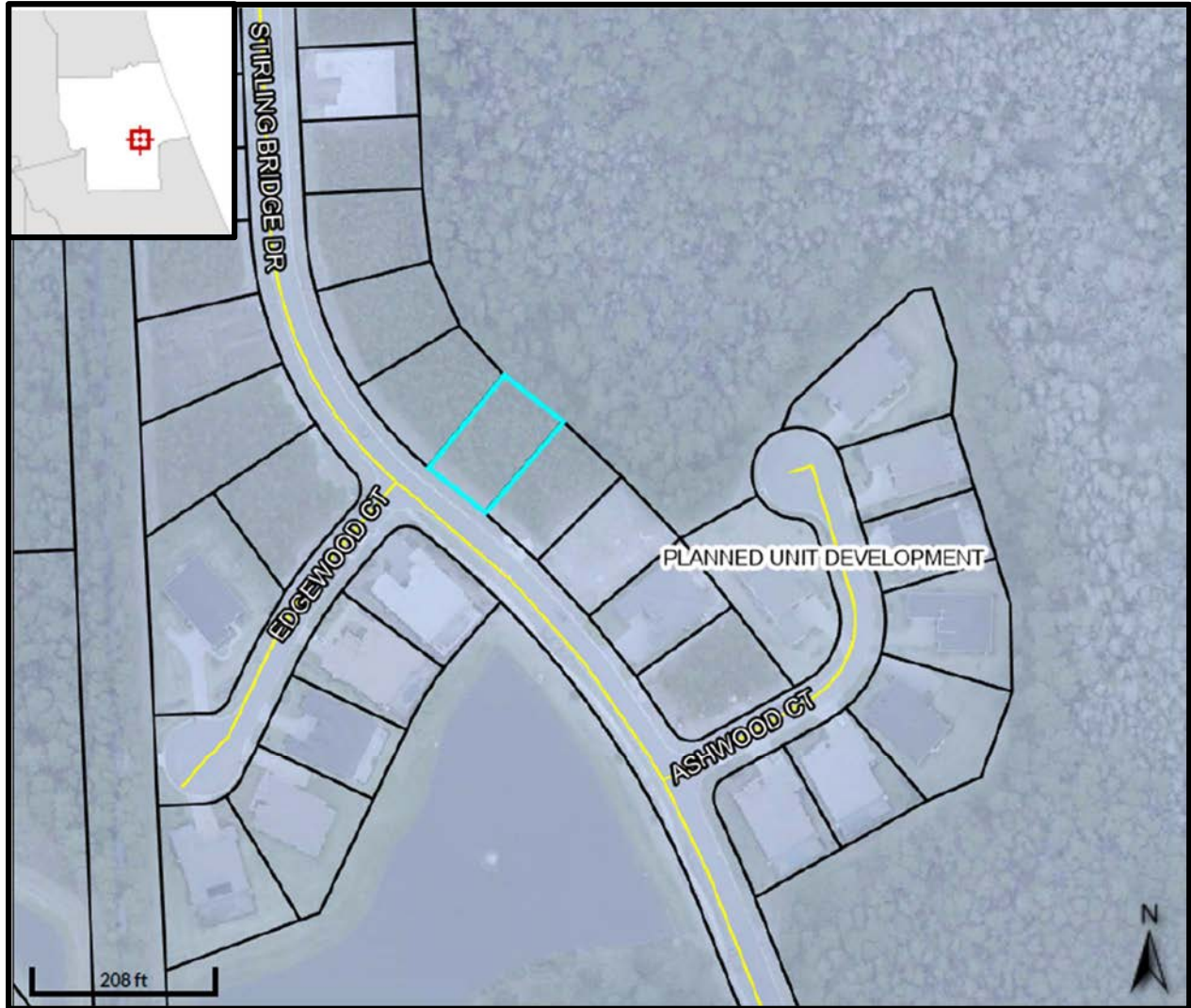
Applicant response: The minimum variance requested is on the rear-left side of the home only, 1'-6" encrachment [sic] (30%) into the 5' rear pool setback, due to the unique shape of the lot.

Staff Analysis: The requested variance is the minimum relief necessary to alleviate the hardship.

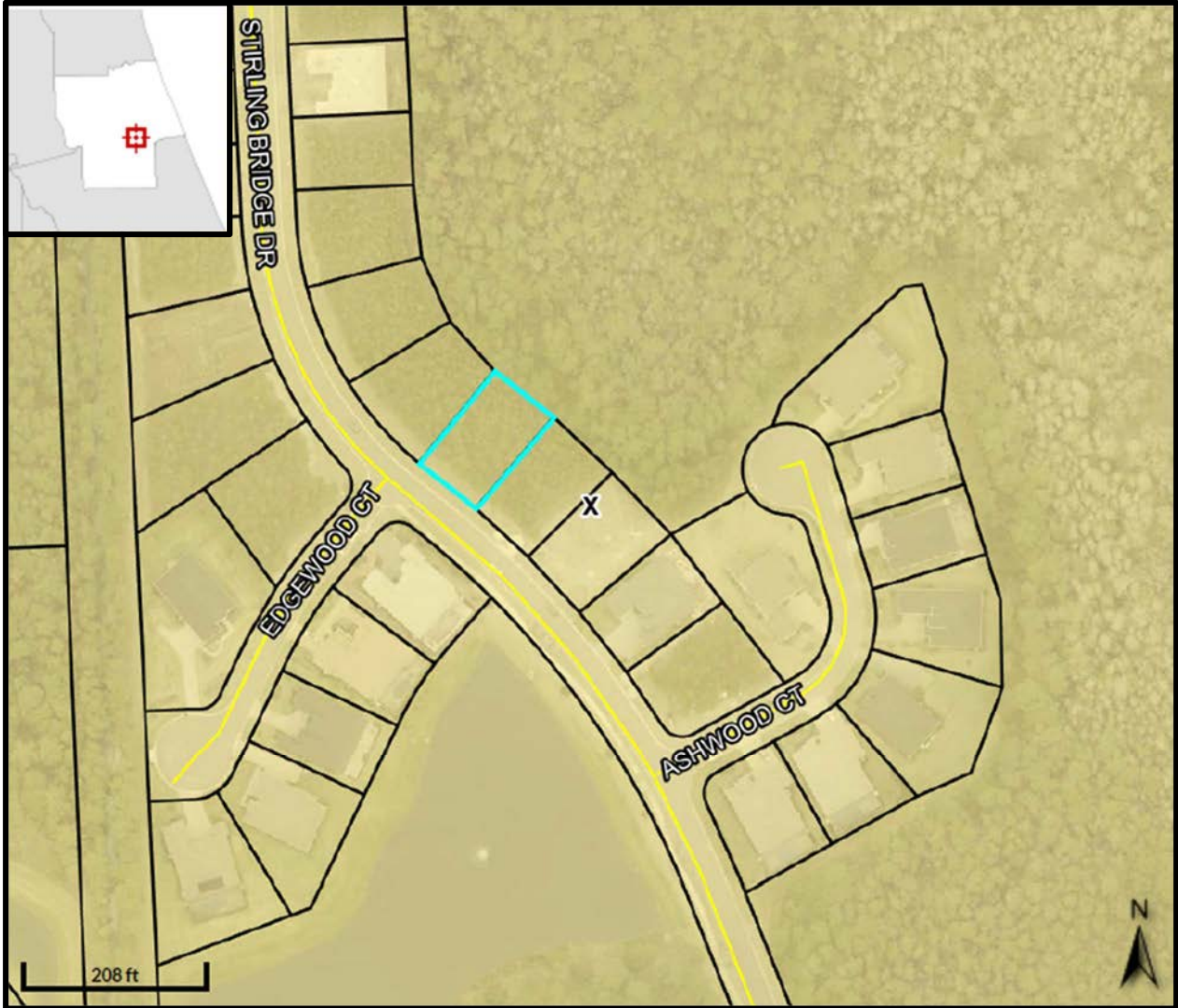
Future Land Use Map



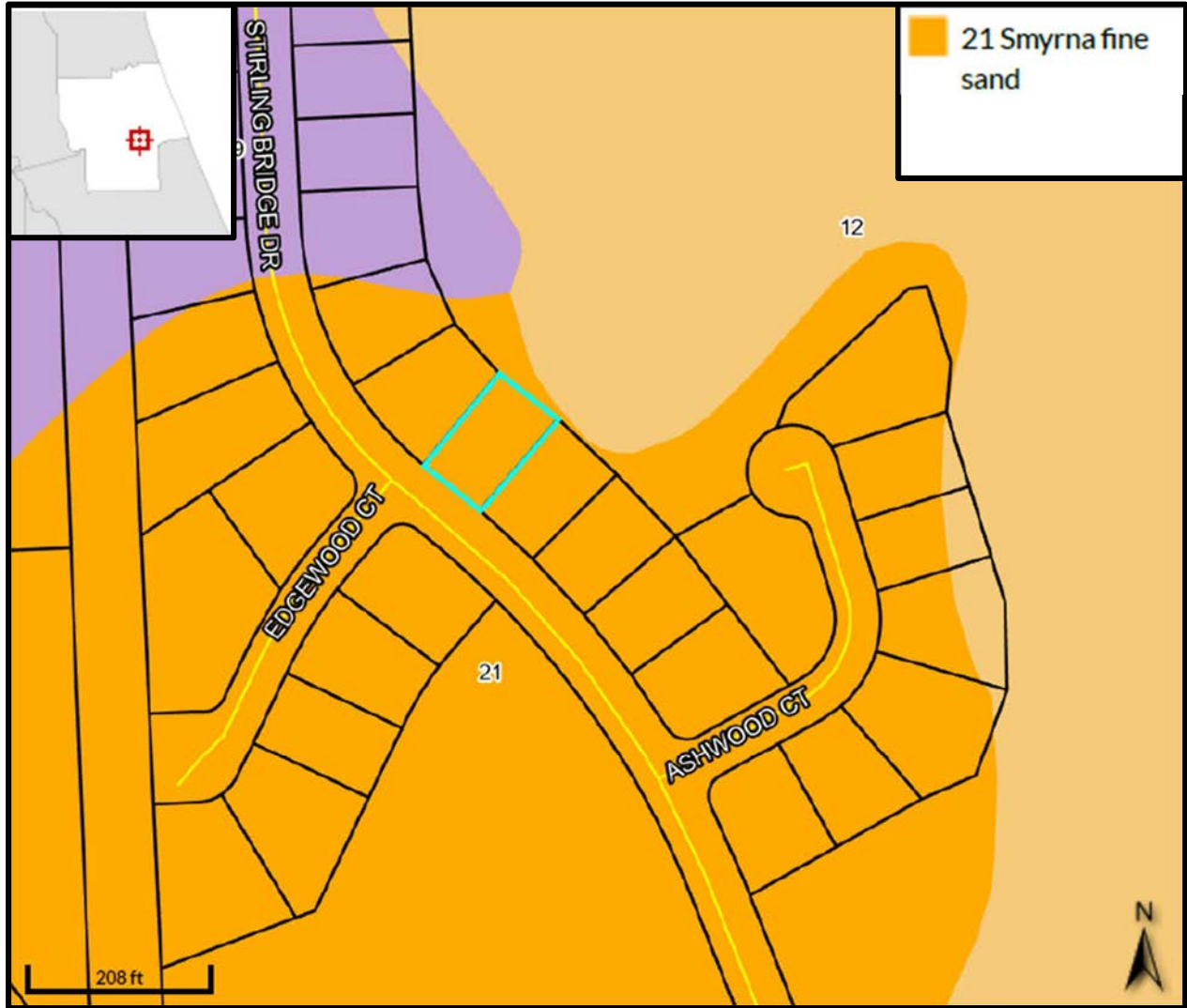
Zoning Map



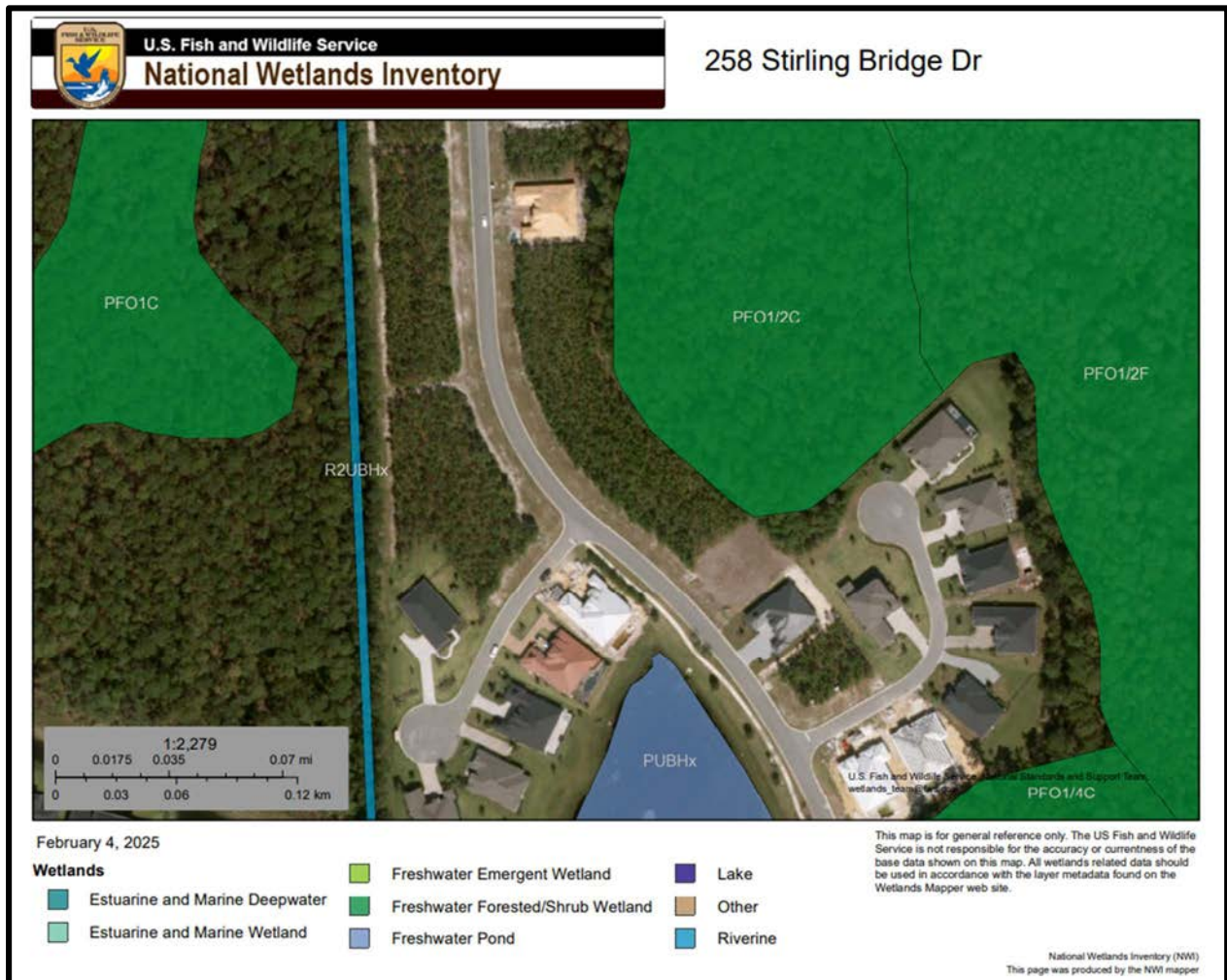
Flood Zone Map



Soils



Wetlands





APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
 1769 E. Moody Blvd, Suite 105
 Bunnell, FL 32110
 Telephone: (386) 313-4009 Fax: (386) 313-4109

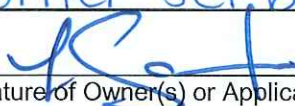
Application/Project #: _____

PROPERTY OWNER(S)	Name(s):	Volusia Residential Construction, LLC		
	Mailing Address:	2379 Beville Rd		
	City:	Daytona	State:	FL
			Zip:	32119
	Telephone Number	386-335-8035	Fax Number	

APPLICANT/AGENT	Name(s):	Elisabeth LaTorre		
	Mailing Address:	2379 Beville Rd		
	City:	Daytona	State:	FL
			Zip:	32119
		Telephone Number	386-335-8035	Fax Number
	E-Mail Address:	ELaTorre@ICI Homes.com		

SUBJECT PROPERTY	SITE LOCATION (street address):	258 Stirling Bridge Dr	
	LEGAL DESCRIPTION: (briefly describe, do not use "see attached")	Plantation Bay Sec 2AF, unit 6 MB 38 PG 57 LOT 13	
	Parcel # (tax ID #):	10-13-31-5120-2AF06-0130	
	Parcel Size:	10,532.623 GIS SQFT	
	Current Zoning Classification:	Residential: planned unit dev.	
	Current Future Land Use Designation	Residential	
	Subject to A1A Scenic Corridor IDO?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

Relief Requested: 1.5' Variance in the back left-rear corner set-back... (Rear setback effected, not left side set-back)


 Signature of Owner(s) or Applicant/Agent
 if Owner Authorization form attached

12/20/24
 Date

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED []
 *APPROVED WITH CONDITIONS []
 DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Subject Property: 258 Stirling Birdge Dr (Parcel: 10-13-31-5120-2AF06-0130)

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

The property referenced above has created an unnecessary hardship due to the unique shape of the lot.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

We have acted in good faith at all times and are being proactive with this request.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

The variance requested will not cause detriment to the public health, welfare, safety, morals of the community or impair the purpose and intent of this article.

4. No variance may be granted for a use of land or building that is not permitted by this article.

The variance requested is for permitted use, a pool is permitted use.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

The minimum variance requested is on the rear-left side of the home only, 1'-6" encrachment (30%) into the 5' rear pool setback, due to the unique shape of the lot.

PREPARED BY:
J. ANDREW HAGAN, ESQUIRE
2379 BEVILLE ROAD
DAYTONA BEACH, FLORIDA 32119

SPECIAL WARRANTY DEED

[WESTLAKE 6]

THIS SPECIAL WARRANTY DEED is made and executed as of the 17th day of March, 2021, by **INTERVEST AT PLANTATION BAY**, a Florida general partnership (“Grantor”), whose address is 2379 Beville Road, Daytona Beach, Florida 32119 to **VOLUSIA RESIDENTIAL CONSTRUCTION, LLC**, a Florida limited liability company (“Grantee”), whose address is 2379 Beville Road, Daytona Beach, Florida 32119.

WITNESSETH:

That in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants, bargains, sells, conveys and confirms to Grantee and its successors and assigns, all of the real property in Flagler County, Florida, more particularly described on **Exhibit “A”** attached hereto and made a part of this Deed (the “Property”), together with all tenements, hereditaments, and appurtenances pertaining to the Property and subject to the restrictions, easements, agreements, reservations and other matters set forth on **Exhibit “B”** attached hereto and made a part hereof and other matters of record (the “Permitted Exceptions”).

TO HAVE AND TO HOLD the same in fee simple forever.

Grantor hereby covenants to Grantee that the Property is free from all encumbrances placed on the Property by Grantor (except for the Permitted Exceptions) and that Grantor will warrant and defend Grantee’s title against lawful claims of all persons claiming by, through or under Grantor (except claims made pursuant to the Permitted Exceptions) but against none other.

[This space intentionally left blank.]

EXHIBIT "A"

TO SPECIAL WARRANTY DEED

PROPERTY

Lots 1, 2, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 71 and 73, Plantation Bay Section 2A-F, Unit 6, according to the plat thereof recorded in Plat Book 38, Page 57, public records of Flagler County, Florida

EXHIBIT "B"

TO SPECIAL WARRANTY DEED

All recording references below are to the public records of Volusia County, Florida.

1. Notice of Contract Right recorded in Official Records Book 595, Page 1971, and Official Records Book 600, Page 60.
2. Notice of Establishment of the Tomoka Community Development District in Official Records Book 995, Page 843, Notice of the Special Assessments for the Tomoka Community Development District in Official Records Book 1020, Page 409, Declaration of Consent to the Tomoka Community Development District in Official Records Book 1084, Page 1453, Disclosure of Public Financing for Tomoka Community Development District in Official Records Book 1712, Page 1822, Amended and Restated Boundary of the Tomoka Community Development District in Official Records Book 2275, Page 1654, Notice of Special Assessments Tomoka Community Development District in Official Records Book 2190, Page 1565, Declaration of Consent to Tomoka Community Development District in Official Records Book 2190, Page 1570, Collateral Assignment recorded in Official Records Book 2190, Page 1576, Agreement for the Tomoka Community Development District in Official Records Book 2190, Page 1591.
3. Grant of Easement recorded in Official Records Book 1965, Page 1697.
4. Resolution No. 2004-125 recorded in Official Records Book 1145, Page 1928.
5. Conservation Easement recorded in Official Records Book 908, Page 482.
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7. Declaration recorded in Official Records Book 924, Page 641.
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APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
 1769 E. Moody Blvd, Suite 105
 Bunnell, FL 32110
 Telephone: (386) 313-4009 Fax: (386) 313-4109

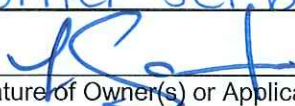
Application/Project #: _____

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	City:	Daytona	State:	FL
			Zip:	32119
	Telephone Number	386-335-8035	Fax Number	

APPLICANT/AGENT	Name(s):	Elisabeth LaTorre		
	Mailing Address:	2379 Beville Rd		
	City:	Daytona	State:	FL
			Zip:	32119
		Telephone Number	386-335-8035	Fax Number
	E-Mail Address:	ELaTorre@ICI Homes.com		

SUBJECT PROPERTY	SITE LOCATION (street address):	258 Stirling Bridge Dr	
	LEGAL DESCRIPTION: (briefly describe, do not use "see attached")	Plantation Bay Sec 2AF, unit 6 MB 38 PG 57 LOT 13	
	Parcel # (tax ID #):	10-13-31-5120-2AF06-0130	
	Parcel Size:	10,532.623 GIS SQFT	
	Current Zoning Classification:	Residential: planned unit dev.	
	Current Future Land Use Designation	Residential	
	Subject to A1A Scenic Corridor IDO?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

Relief Requested: 1.5' Variance in the back left-rear corner set back... (Rear setback effected, not left side set-back)


 Signature of Owner(s) or Applicant/Agent
 if Owner Authorization form attached

12/20/24
 Date

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED []
 *APPROVED WITH CONDITIONS []
 DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Subject Property: 258 Stirling Birdge Dr (Parcel: 10-13-31-5120-2AF06-0130)

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

The property referenced above has created an unnecessary hardship due to the unique shape of the lot.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

We have acted in good faith at all times and are being proactive with this request.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

The variance requested will not cause detriment to the public health, welfare, safety, morals of the community or impair the purpose and intent of this article.

4. No variance may be granted for a use of land or building that is not permitted by this article.

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A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

The minimum variance requested is on the rear-left side of the home only, 1'-6" encrachment (30%) into the 5' rear pool setback, due to the unique shape of the lot.

PREPARED BY:
J. ANDREW HAGAN, ESQUIRE
2379 BEVILLE ROAD
DAYTONA BEACH, FLORIDA 32119

SPECIAL WARRANTY DEED

[WESTLAKE 6]

THIS SPECIAL WARRANTY DEED is made and executed as of the 17th day of March, 2021, by **INTERVEST AT PLANTATION BAY**, a Florida general partnership (“Grantor”), whose address is 2379 Beville Road, Daytona Beach, Florida 32119 to **VOLUSIA RESIDENTIAL CONSTRUCTION, LLC**, a Florida limited liability company (“Grantee”), whose address is 2379 Beville Road, Daytona Beach, Florida 32119.

WITNESSETH:

That in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants, bargains, sells, conveys and confirms to Grantee and its successors and assigns, all of the real property in Flagler County, Florida, more particularly described on **Exhibit “A”** attached hereto and made a part of this Deed (the “Property”), together with all tenements, hereditaments, and appurtenances pertaining to the Property and subject to the restrictions, easements, agreements, reservations and other matters set forth on **Exhibit “B”** attached hereto and made a part hereof and other matters of record (the “Permitted Exceptions”).

TO HAVE AND TO HOLD the same in fee simple forever.

Grantor hereby covenants to Grantee that the Property is free from all encumbrances placed on the Property by Grantor (except for the Permitted Exceptions) and that Grantor will warrant and defend Grantee’s title against lawful claims of all persons claiming by, through or under Grantor (except claims made pursuant to the Permitted Exceptions) but against none other.

[This space intentionally left blank.]

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

GRANTOR:

INTERVEST AT PLANTATION BAY, a Florida general partnership

By: PLANMOR, INC., a Florida corporation, its general partner

Teri L. Hansen

(Print Name TERI L. HANSEN)

By: *Morteza Hosseini-Kargar*

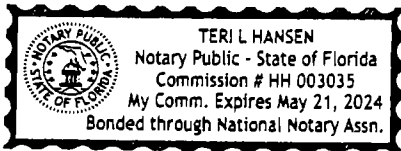
Morteza Hosseini-Kargar
Its: President

Joanne Schmieder

(Print Name JOANNE SCHMIEDER)

STATE OF FLORIDA)
)SS
COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 17th day of March, 2021, by Morteza Hosseini-Kargar, the President of PLANMOR, INC., a Florida corporation, general partner of INTERVEST AT PLANTATION BAY, a Florida general partnership, on behalf of the partnership.



Teri L. Hansen

(Print Name TERI L. HANSEN)
NOTARY PUBLIC
State of Florida at Large
Commission # HH 003035
My Commission Expires: May 21, 2024
Personally Known X
or Produced I.D. _____
[check one of the above]
Type of Identification Produced _____

EXHIBIT "A"

TO SPECIAL WARRANTY DEED

PROPERTY

Lots 1, 2, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 71 and 73, Plantation Bay Section 2A-F, Unit 6, according to the plat thereof recorded in Plat Book 38, Page 57, public records of Flagler County, Florida

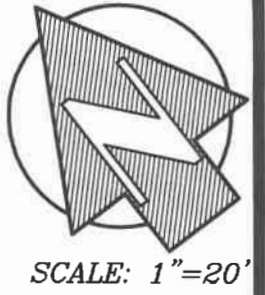
EXHIBIT "B"

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6. Conservation Easement recorded in Official Records Book 1368, Page 1770.
7. Declaration recorded in Official Records Book 924, Page 641.
8. Declaration recorded in Official Records Book 924, Page 670.

LEGAL DESCRIPTION: (WRITTEN)
 LOT 13, PLANTATION BAY SECTION
 2A-F, UNIT 6, ACCORDING TO THE
 PLAT THEREOF RECORDED IN PLAT
 BOOK 38, PAGE 57, PUBLIC RECORDS
 OF FLAGLER COUNTY, FLORIDA.



SCALE: 1"=20'

NOTES:

BEARINGS SHOWN HEREON ARE
 BASED ON THE NORTH LINE OF
 LOT 13 AS BEING A BEARING
 OF S 52°17'20" E (PLAT).

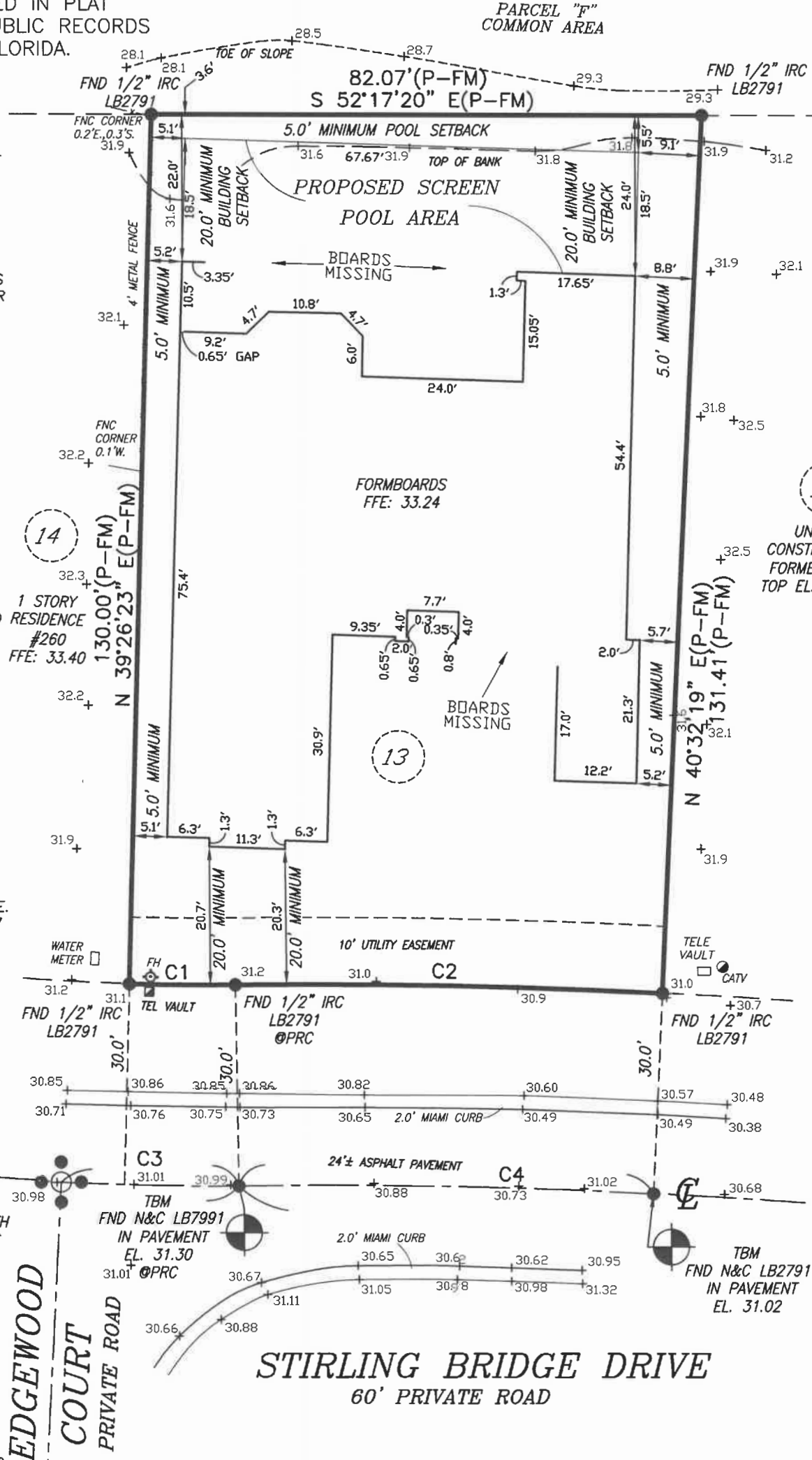
THE FLOODPLAIN BOUNDARY, IF
 SHOWN HEREON, WAS SCALED
 FROM A LARGE SCALE FEMA
 FLOOD INSURANCE MAP AND AS
 SUCH HAS AN INHERENT ERROR
 OF 10% OF THE FEMA MAP
 SCALE.

UNDERGROUND UTILITIES AND
 FOUNDATION MAY EXIST AND
 HAVE NOT BEEN LOCATED,
 EXCEPT AS SHOWN.

I HEREBY CERTIFY THAT THE
 SURVEY SHOWN HEREON WAS
 MADE UNDER MY RESPONSIBLE
 CHARGE AND THAT IT HAS
 BEEN PREPARED IN
 ACCORDANCE WITH THE
 STANDARDS OF PRACTICE
 (MINIMUM TECHNICAL
 STANDARDS) AS SET FORTH BY
 THE FLORIDA BOARD OF
 PROFESSIONAL SURVEYORS AND
 MAPPERS IN CHAPTER 5J-17,
 OF THE FLORIDA
 ADMINISTRATIVE CODE, SECTION
 472.027, FLORIDA STATUTES.

ELEVATIONS SHOWN HEREON
 ARE BASED ON NGVD 1929
 PER SITE BENCHMARKS.

CIVIL ENGINEER PLANS ON
 RECORD AT FLAGLER COUNTY
 FOR THIS COMMUNITY ARE
 BASED UPON NGVD 1929.
 CURRENT FEMA FLOOD MAPS
 ARE NAVD 1988. CONVERSION
 FACTOR IS (-) 1.03' FROM
 NGVD 1929 TO NAVD 1988 (I.E.
 ELEV. 100.00 - 1.03 = 98.97
 NAVD 1988), AS PROVIDED BY
 VERTCON SOFTWARE.



12
 UNDER
 CONSTRUCTION
 FORMBOARDS
 TOP EL.: 33.02

DRAWING REVISED TO SHOW
 PROPOSED SCREEN POOL
 LOCATION,
 DATED: 12/20/2024
 FORMBOARD LOCATION CERTIFIED TO:
 ICI HOMES,
 DATED: 11/01/2024

FLOOD CERTIFICATION:
 (Per map dated JUNE, 06
 2018)
 This is to certify that I have
 consulted the Federal
 Insurance Flood Hazard
 Boundary Map and found the
 ABOVE named Property IS
 NOT located in a special
 flood hazard area, according
 to Community Panel Map No.
 12035C-0245-E Map Panel
 245 of 930, Zone "X".

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	370.00'(P-FM)	15.81'(P-FM)	15.81'(P-FM)	S 51°46'54" E(P-FM)	02°26'55"(P-FM)
C2	1030.00'(P-FM)	63.72'(P-FM)	63.71'(P-FM)	N 51°14'01" W(P-FM)	03°32'41"(P-FM)
C3	400.00'(P-FM)	26.55'(FM)	26.55'(FM)	S 51°06'25" E(FM)	03°48'11"(FM)
		26.59'(P)	26.58'(P)	S 51°06'07" E(P)	03°48'29"(P)
C4	1000.00'(P-FM)	61.87'(FM)	61.86'(FM)	N 51°14'01" W(P-FM)	03°32'41"(P-FM)

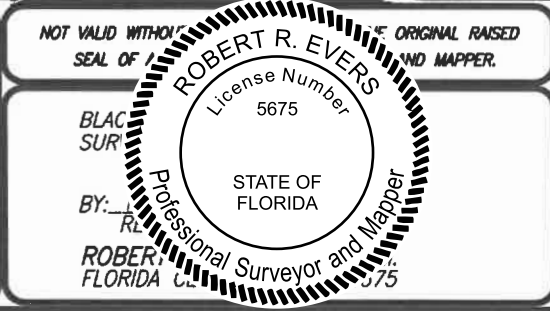
LEGEND AND ABBREVIATIONS

AC	Air Conditioning Unit	LB	Land Surveyor's Business
ASPH	Asphalt	MB	Map Book
BM	Benchmark	MES	Material End Section
CALC	Calculated	MON	Monument
CATV	Cable TV Service	N&C	Nail & Cap
CB	Concrete Block	NO ID	No Identity
CL	Center Line	OR	Official Record Book
CLF	Chainlink Fence	(P)	Plot
CM	Concrete Monument	PC	Point of Curve
CMP	Corrugated Metal Pipe	PCC	Point of Compound Curve
CONC	Concrete	PCP	Permanent Control Point
COR	Corner	PG	Page
CUP	Concrete Utility Pole	PRC	Point of Reverse Curve
(D)	Deed Call	PRM	Permanent Reference Monument
EL	Elevation	PSI	Point of Street Intersection
FFE	Finish Floor Elevation	PSM	Professional Surveyor & Mapper
(FM)	Field Measurement	PVC	Poly-Vinyl-Chloride Pipe
FNC	Fence	R	Radius & Curve or Radial Line
FND	Foundation	RP	Radius Point
FH	Fire Hydrant	RLS	Registered Land Surveyor
INV	Invert	T	Tangent
IR	Iron Rod	TBM	Temporary Benchmark
IRC	Iron Rod & Cap	WPF	Wood Privacy Fence
IP	Iron Pipe	WUP	Wood Utility Pole

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC
 995 W. VOLUSIA AVE. * DELAND, FL. * PH: (386)-734-8050
 WWW.BLACKWELLSURVEYING.COM

BOUNDARY SURVEY CERTIFIED TO:
ICI HOMES

NOTE:
 This Plat of Survey is certified to and prepared for the sole and exclusive benefit of the entities and or individuals shown hereon, valid on the most current date shown hereon, and shall not be relied upon by any other entity or individual whomsoever.
 This Survey / Sketch has been prepared without benefit of abstract or title search unless otherwise noted hereon.
 There may be additional restrictions and/or other matters of record not shown on this Survey / Sketch that may be found in the Public Records of the county or contained within the Title Commitment.



LOT 13, 258 STIRLING BRIDGE DRIVE
 DATE : 08/13/2024
 W.O. No. 08-335-24
 DRAWN BY : KCB
 FIELD BOOK : 764/56
 CADD FILE : 08-335-24

**WESTLAKE AT PLANTATION BAY
PROPERTY OWNERS ASSOCIATION, INC.
103A North Lake Drive
Ormond Beach, FL 32174
(386) 437-0038**

December 20th, 2024

Re: Westlake 6, Lot 13

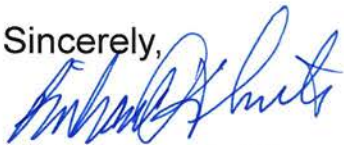
To whom it may concern:

This letter shall serve as confirmation that Westlake at Plantation Bay Property Owners Association, Inc. (WL POA) has no objection to the proposed 1.5 ft. variance, from the minimum required rear setback, for a proposed pool deck on the above referenced lot.

WL POA is the owner of the Common Area adjacent to the rear of this property and would be considered the most affected property. That portion of the Common Area immediately adjacent to this lot is a heavily-vegetated upland and therefore the affect upon others within this neighborhood would be nominal.

If you have any questions, or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Richard D. Smith
President, WL POA

Cc: Margie Hall, CAM

**WESTLAKE AT PLANTATION BAY
PROPERTY OWNERS ASSOCIATION, INC.
103A North Lake Drive
Ormond Beach, FL 32174
(386) 437-0038**

December 20th, 2024

Re: Westlake 6, Lot 13

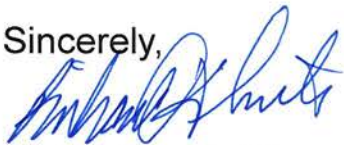
To whom it may concern:

This letter shall serve as confirmation that Westlake at Plantation Bay Property Owners Association, Inc. (WL POA) has no objection to the proposed 1.5 ft. variance, from the minimum required rear setback, for a proposed pool deck on the above referenced lot.

WL POA is the owner of the Common Area adjacent to the rear of this property and would be considered the most affected property. That portion of the Common Area immediately adjacent to this lot is a heavily-vegetated upland and therefore the affect upon others within this neighborhood would be nominal.

If you have any questions, or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Richard D. Smith
President, WL POA

Cc: Margie Hall, CAM

Growth Management Department
Planning & Zoning
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110

www.flaglercounty.org

Phone: (386)313-4009

Fax: (386)313-4109



TECHNICAL REVIEW COMMITTEE COMMENTS

DATE: January 15, 2025

Project #: 2024120054 / AR #5345

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

Attachment: Staff Comments

Reviewing Department Comments

ZON - ZONING (386-313-4009)

Comments:

Marked INFORMATION By: SIMONE KENNY - - SKENNY@FLAGLERCOUNTY.GOV

Requested relief is 1.5 feet.

No other comments at this time.

FD1 - FIRE REVIEW

Comments:

Marked INFORMATION By: JERRY SMITH - -

Fire Rescue has no issues with this variance.

POOL SPECS

SIZE: 12' x 38' SOFT: 408
 DEPTH: 3' x 5'6" PERIMETER: 93
 EST TOTAL GALLONS: 12971 SKIMMERS: 1
 RETURNS: 3 INTERIOR MATERIAL: spec sheet
 SPECIAL: _____ TILE: spec sheet

PLUMBING

RETURNS: 2 SKIMMERS: 2
 POOL MAIN DRAINS: 2 SPA MAIN DRAINS: _____
 VAC LINES: 2
 WATER FEATURES: 1
 LIGHTS IN POOL: 2 micro color
 SPECIAL: _____

NOTES: _____

DECK

DECK TYPE: travertine
 DECK SOFT: 830+24=854 Porch 659
 RAISED BEAM: 12'@+6" 4'@+12" LIP STYLE: _____
 MATERIAL 1: 3' waterfall

NOTES: _____

EQUIPMENT

POOL PUMP: variable speed 2ND PUMP: _____
 FILTRATION: clean & Clear rp FILTER SIZE: 150
 HEATER: aqua cal T-135 INLINE: erosion
 TIMER: on pump GAS: _____
 SPECIAL: _____

NOTES: _____

NAME: Gonderman

ADDRESS: 258 Stirling Bridge Dr

CITY: Ormond Beach STATE: Florida

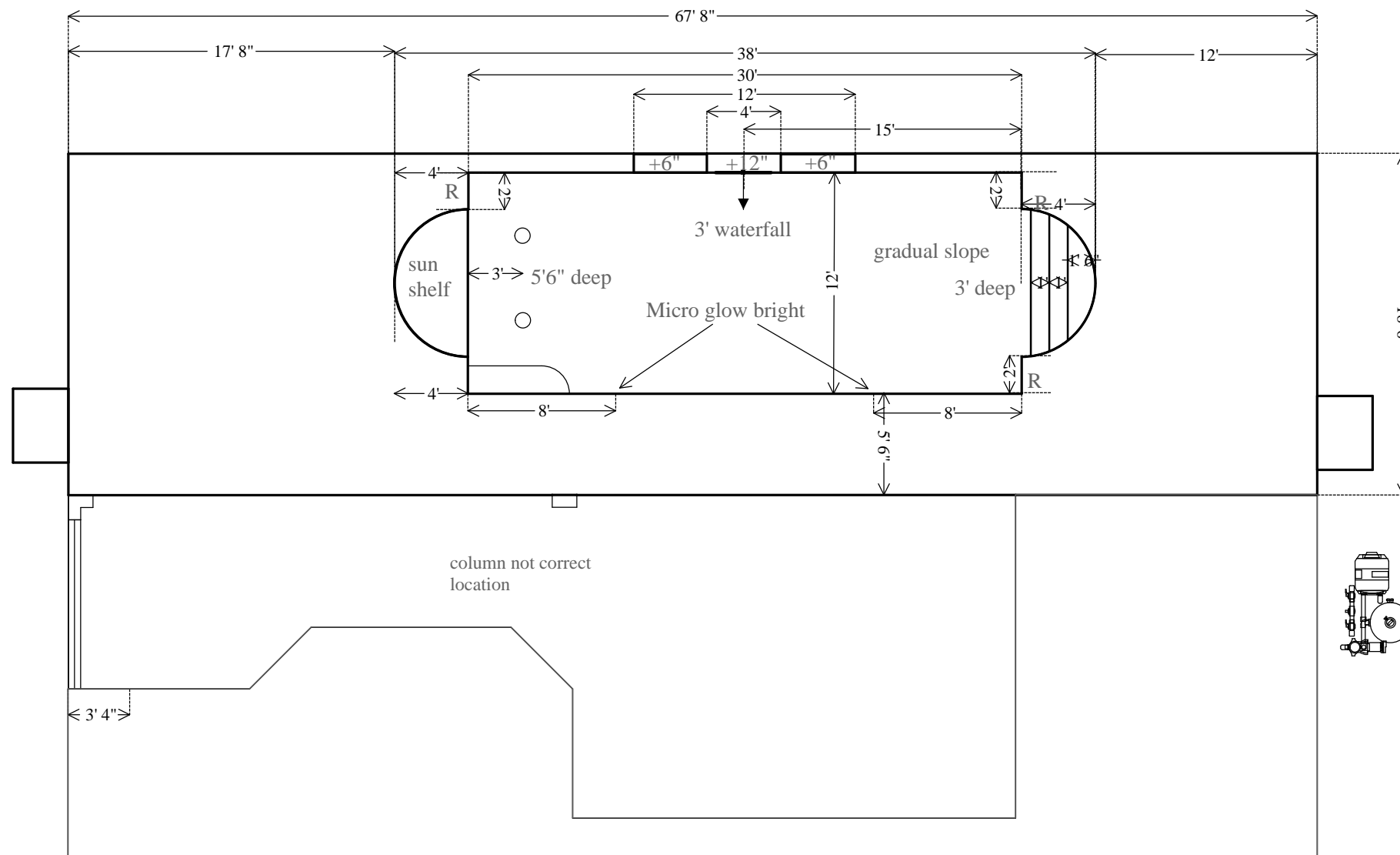
PHONE: _____ ZIP: _____

WORK: _____

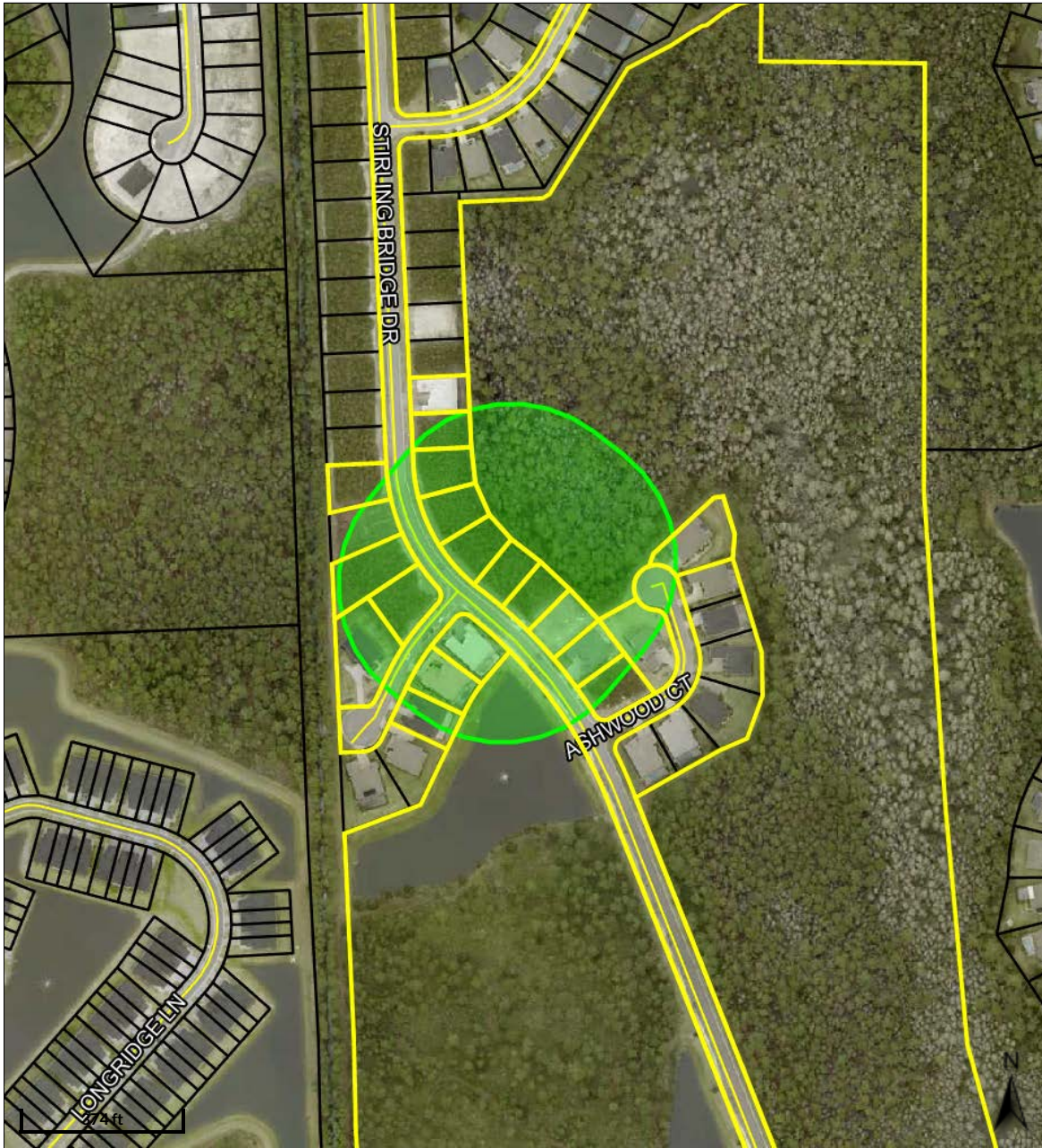
CELL: _____

JOB#: _____

MEGA view 20/20 screen chair rail down



FLAGLER COUNTY PROPERTY APPRAISER



Overview



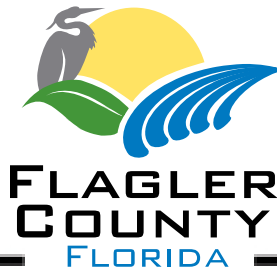
Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 1/23/2025
Last Data Uploaded: 1/23/2025 8:09:28 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110



www.flaglercounty.org
Phone: (386)313-4009
Fax: (386)313-4109

January 28, 2025

«OwnerName»
«OwnerAddress1»
«OwnerAddress2»
«OwnerCityStZip»

RE: Project No. 2024120054 – Rear Setback Variance in the PUD (Planned Unit Development) District

Dear Property Owner,

As owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been by owner Volusia Residential Construction, LLC for a 1.5-foot Rear Setback Variance from the minimum required 5-foot Rear Setback for a Pool located at 258 Stirling Bridge Drive; on a 10,532 ± square foot lot identified as Parcel Number:10-13-31-5120-2AF06-0130.

You are hereby notified that a public hearing before the **Flagler County Planning and Development Board**, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell Florida, on **February 11, 2025**, beginning at **6:00 p.m.** or as soon thereafter as possible. You are welcome to attend and express your opinion.

Sincerely,

Simone Kenny
Senior Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATUM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

Andy Dance
District 1

Greg Hansen
District 2

Kim Carney
District 3

Leann Pennington
District 4

Pam Richardon
District 5

Project 2024120054						
ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCityStZip	Country
10-13-31-5120-2AF06-0670	VOLUSIA RESIDENTIAL CONSTRUCTION LLC		2379 BEVILLE ROAD		DAYTONA BEACH, FL 32119	
10-13-31-5120-2AF06-0660	REHEUSER MICHAEL EDWARD &	DENISE ANNE H&W	255 STIRLING BRIDGE DRIVE		ORMOND BEACH, FL 32174	
10-13-31-5120-2AF06-0140	WEBB STEPHEN D & SHANNAN K H&W		260 STIRLING BRIDGE DRIVE		ORMOND BEACH, FL 32174	
10-13-31-5120-2AF06-0150	VOLUSIA RESIDENTIAL CONSTRUCTION LLC		2379 BEVILLE ROAD		DAYTONA BEACH, FL 32119	
10-13-31-5120-2AF06-0640	GIFFORD DOUGLAS K &	LINDA KNIOIA-GIFFORD H&W	259 STIRLING BRIDGE DRIVE		ORMOND BEACH, FL 32174	
10-13-31-5120-2AF06-0160	HENDRICKS LORIE		1224 US HWY 377 #303-60		ROANOKE, TX 76262	
10-13-31-5120-2AF06-0170	VOLUSIA RESIDENTIAL CONSTRUCTION LLC		2379 BEVILLE ROAD		DAYTONA BEACH, FL 32119	
10-13-31-5120-2AF06-0180	AMETHYST PROPERTIES LLC		101 S PHILLIPS AVE STE 509		SIOUX FALLS, SD 57104	
10-13-31-5120-2AF06-0710	LANGDON WILLIAM R	& TAMMY L H&W TRUSTEES	205 EDGEWOOD COURT		ORMOND BEACH, FL 32174	
10-13-31-5120-2AF06-0720	PRERAD VLADIMIR & GLORIA J	TRUSTEES	203 EDGEWOOD COURT		ORMOND BEACH, FL 32174	
10-13-31-5120-2AF06-0730	HEALEY PATRICK J & JENNIFER L TRUSTEES		201 EDGEWOOD COURT		ORMOND BEACH, FL 32174	
10-13-31-5120-2AF06-0680	KOHLER NANCY J	TRUSTEE	204 EDGEWOOD COURT		ORMOND BEACH, FL 32174	
10-13-31-5120-2AF06-0130	VOLUSIA RESIDENTIAL CONSTRUCTION LLC		2379 BEVILLE ROAD		DAYTONA BEACH, FL 32119	
10-13-31-5120-2AF06-0120	VOLUSIA RESIDENTIAL CONSTRUCTION LLC		2379 BEVILLE ROAD		DAYTONA BEACH, FL 32119	
10-13-31-5120-2AF06-0100	KARABINAS THOMAS	& AMY KARABINAS H&W	252 STIRLING BRIDGE DR		ORMOND BEACH, FL 32174	
10-13-31-5120-2AF06-0110	YAX DAVID L & SANDRA H CAVENDER-YAX H&W		254 STIRLING BRIDGE DRIVE		ORMOND BEACH, FL 32174	
10-13-31-5120-2AF06-0090	VOLUSIA RESIDENTIAL CONSTRUCTION LLC		2379 BEVILLE ROAD		DAYTONA BEACH, FL 32119	
10-13-31-5120-2AF06-0080	AYUPOVA NARGIZA A		203 ASHWOOD CT		ORMOND BEACH, FL 32174	
10-13-31-5120-2AF06-0070	SMITH BRIAN C & DEBORAH O H&W		214 ASHWOOD COURT		ORMOND BEACH, FL 32174	
10-13-31-0000-01010-0010	INTERVEST AT PLANTATION BAY		2379 BEVILLE RD		DAYTONA BEACH, FL 32119	
10-13-31-5120-2AF06-00F0	TOMOKA COMMUNITY DEVELOPMENT	DISTRICT	3501 QUADRANGLE BOULEVARD SUITE 270		ORLANDO, FL 32817	
10-13-31-5120-2AF06-00E0	WESTLAKE AT PLANTATION BAY	PROPERTY OWNERS ASSC, INC	103A NORTH LAKE DRIVE		ORMOND BEACH, FL 32174	

I hereby affirm mailed notice to each owner on 1 / 28 /2025 for the Planning and Development Board meeting on 2 / 11 /2025 at 6:00 pm.


 Simone Kenny, Senior Planner



Builders FirstSource

ICI HOMES

WARNING
Please note this area is a designated construction site. Trespassers will be prosecuted to the fullest extent of the law.

COMMUNITY *Lakeview* NEIGHBORHOOD *Coastal Bay*
LOT # *1* MODEL # *242-0042*
PERMIT # *2024000000* BUILDER LICENSE # *CB00000000*
ADDRESS *200 Shoreside Drive SE*

APPLICATION # 2024120054

NOTICE OF PUBLIC HEARING

THE FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD WILL HOLD A PUBLIC HEARING AT:

FLAGLER COUNTY GOVERNMENT SERVICES BUILDING BOARD CHAMBERS 1769 E. MOODY BOULEVARD, BLDG 2, BUNNELL, FL 32110

FEBRUARY 3, 2025 @ 6:00 PM

REQUEST: VARIANCE
APPLICANT: ELLIOTT R. SATCHEL
Parcel Number: 01253152024506-020
Zoning District: PD20/JMBL0612416(2024P)

THE PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF HEARING ANY AND ALL INTERESTED PARTIES AND PERSONS WHO MAY BE AFFECTED BY THE APPLICANT'S REQUEST. THE APPLICANT IS REQUESTING THE FOLLOWING VARIANCE:

THIS NOTICE IS POSTED.

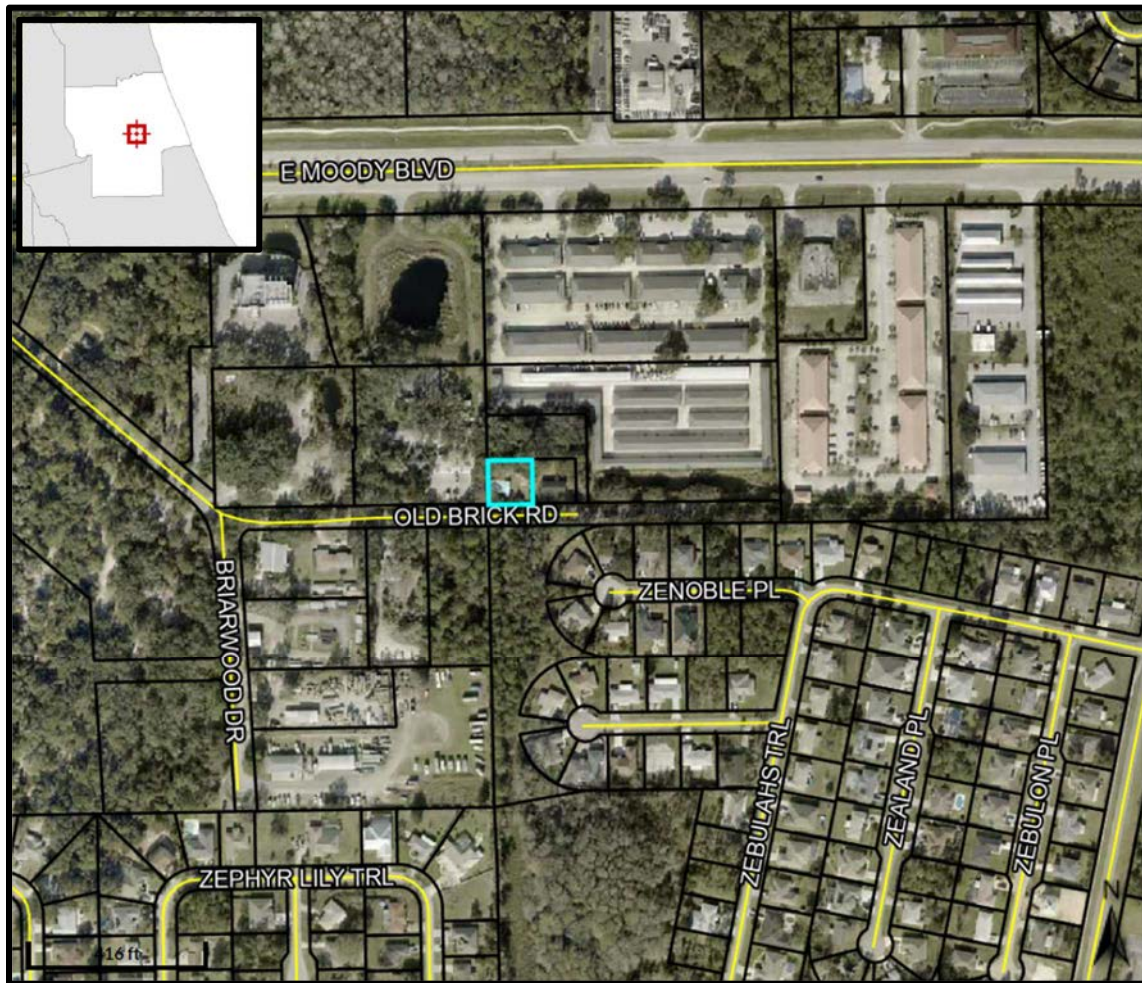
FOR MORE INFORMATION, CONTACT THE PLANNING AND DEVELOPMENT BOARD AT (386) 833-3333 OR VISIT OUR WEBSITE AT WWW.FLAGLERCOUNTYFLA.GOV.

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 11**

SUBJECT: QUASI-JUDICIAL – Project 2024120055– Request for a Variance from the 35 Foot Minimum Required Right (East) Side Yard Setback Requirement in the C-2 (General Commercial and Shopping Center) District at 325 Old Brick Road. Parcel Number: 12-12-30-0650-000A0-0102; 9,952+/- square feet (0.23+/- acres). Owner/Applicant: Garden of Faith Preschool and School of Arts Inc/Pastor Abolaji Akinbo (AR No. 5346).

DATE OF MEETING: February 11, 2024

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a side yard setback variance in the C-2 (General Commercial and Shopping Center) District. This parcel is 9,952+/- square feet in size, identified as Parcel No. 12-12-30-0650-000A0-0102:



On December 27, 2024, Pastor Akinbo submitted an application for a variance. This request is after-the-fact following issuance of a Notice of Violation due to unpermitted work on an existing non-conforming accessory structure.

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 11**

The subject property is described as a portion of the Southwesterly corner of the South one half of Tract 10, Block A, Section 12, Township 12 South, Range 30 East, Bunnell Development Company Subdivision, as shown on Plat Book 1, Page 1, of the Public Records of Flagler County, Florida. The minimum setbacks for a principal structure in the C-2 (General Commercial and Shopping Center) District are: 35 foot front yard setback and 10 rear and side yard setbacks, unless abutting any residentially-classified property, then 35 feet. The minimum setbacks for a principal residential structure on a Lot of Record are: 25 foot front yard setback, 7.5 foot side yard setback, and 20 foot rear yard setback. Lot of Record setbacks do not apply to an accessory structure.

Public notice has been provided for this application according to Flagler County Land Development Code Section 2.07.00.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD:

APPROVAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024120055 for a 33.7 foot right (East) side yard variance from the minimum required 35 foot side yard setback at 325 Old Brick Road (Parcel No. 12-12-30-0650-000A0-0102).

DENIAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies Project No. 2024120055 for a 33.7 foot right (East) side yard variance from the minimum required 35 foot side yard setback at 325 Old Brick Road (Parcel No. 12-12-30-0650-000A0-0102).

CONTINUANCE: The Planning and Development Board continues the variance requests on the basis that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision on the variance requests. Continuing the variance requests to a time and date certain will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

ATTACHMENTS:

1. Technical Staff Report
2. Application and supporting documents
3. Public notice

PROJECT NO. 2024120055
SIDE SETBACK VARIANCE IN THE C-2 DISTRICT
325 OLD BRICK ROAD
TECHNICAL STAFF REPORT

Project No./AR No.: 2024120055/5346

Address: 325 Old Brick Road

Owner: Garden of Faith Preschool and School of Arts Inc

Applicant: Pastor Abolaji Akinbo

Parcel No.: 12-12-30-0650-000A0-0102

Parcel Size: 9,952+/- square feet

Legal Description:

A portion of the Southwesterly corner of the South ½ of Tract 10, Block A, Section 12, Township 12 South, Range 30 East, Bunnell Development Company Subdivision, as shown in Plat Book 1, Page 1, of the Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:

Zoning: C-2 (General Commercial) District

Land Use: Mixed Use: High Intensity

Future Land Use Map Classification/Zoning of Surrounding Land:

North: Mixed Use: High Intensity/C-2 (General Commercial) District

East: City of Bunnell; Mixed Use/B-1 (Business) District

South: Old Brick Road; City of Palm Coast; Greenbelt/PSP (Public/Semipublic) District

West: Mixed Use: High Intensity/C-2 (General Commercial) District

Flagler County Land Development Code (FCLDC) Sections Affected: Section 3.02.04.G, *Lot of Record*; Section 3.03.17, *C-2 – General Commercial and Shopping Center District*; Section 3.07.03, *Procedure for variances and special exceptions*; and Section 3.07.03.E, *Variance guidelines*.

FCLDC Sec. 3.03.17.D.2. – Minimum Setback Requirements for Structures
in the C-2 District (General Commercial):

Front yard -- 35 feet

Rear and side yard -- 10 feet

Abutting any residentially classified property -- 35 feet.

FCLDC Sec. 3.02.04.G. – Minimum Setback Requirements for Primary Structures
(for a Lot of Record):

- Front Yard — 25 feet
- Rear Yard — 20 feet
- Side Yard — 7.5 feet
- Street Side Yard — 20 feet

Summary of Request:

The subject parcel is 9,952+/- square feet in size having a width of 100 feet and a depth of 100 feet. The property was purchased by Garden of Faith Preschool and School of Arts Inc through a Warranty Deed dated July 1, 2024 and recorded on July 29, 2024 at Official Records Book 2888, Page 1480, Public Records of Flagler County, Florida.

The parcel is described as a portion of the Southwesterly corner of the South one half of Tract 10, Block A, Section 12, Township 12 South, Range 30 East, Bunnell Development Company Subdivision, as shown on Plat Book 1, Page 1, of the Public Records of Flagler County, Florida. While the earliest available recorded deed indicates that the property had this description since at least 1990, the Property Appraiser's records show that the single-family dwelling was built in 1958, and that the single-family dwelling directly to the East was built in 1960, suggesting that the property has been subdivided this way since at least 1960.

At 9,952+/- square feet, the parcel is undersized for the C-2 District which requires a minimum lot size of 10,000 square feet, qualifying the property to be a non-conforming Lot of Record. As a Lot of Record, the only permissible use of the property is for a single-family dwelling, despite being zoned C-2, and for uses accessory to a single-family dwelling. The existing single-family dwelling conforms to the Lot of Record setback requirements being located 10 feet from the left side (West) property line, 29.9 feet from the front (South) property line, and having greater setbacks from the rear (North) and right side (East) property lines.

However, FCLDC Sec. 3.02.04.G. – Minimum Setback Requirements for Primary Structures (for a Lot of Record) – does not provide setback relief for accessory structures. Instead, FCLDC Sec. 3.03.17.D.2. – Minimum Setback Requirements for Structures in the C-2 District (General Commercial) must be applied. The minimum required setbacks for accessory structures are 35 feet in the front (South) yard, 10 feet in the rear (North) yard, and 10 feet on the side (East and West) yards. Because the property to the East is classified as residential, despite also being in the C-2 District, the right (East) side yard minimum required setback is 35 feet. The accessory structure is currently located 45 feet from the front (South) property line, more than 10 feet from the rear (North) property line, more than 10 feet from the left side (West) property line, and 1.5 feet from the right side

(East) property line. This is an encroachment of 33.7 feet into the minimum required 35 foot right side (East) yard setback.

Additionally, the applicant has slightly expanded the roofed porch. Located on the Southwest corner of the structure, the roofed area has been expanded from 7.1 feet by 11.3 feet to 8.1 feet by 14.1 feet to make it square with the structure. The renovation resulted in the Issuance of Notice of Violation for unpermitted work (Code Case No. 2024080017). While non-conforming structures can be renovated given that the cost of renovation does not exceed 50 percent of the value of the structure, the non-conformity cannot be expanded (FCLDC Sec 3.02.04.C.). Therefore, the expansion of the roofed area has triggered a need for the variance to bring the structure into compliance to allow for permitting and resolution of the Code case.

Variance Guideline Analysis:

LDC Section 3.07.03.E, *Variance guidelines*, states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed followed by the applicant's statements (included below and attached in their entirety) and staff's analysis:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and*

Applicant's response: The Lot is undersized

Staff analysis: The subject parcel is a Lot of Record having been split prior to the adoption of the FCLDC in 1991 and being undersized for the C-2 District. According to the Property Appraiser's records, the single-family dwelling was built in 1958 and the accessory structure was built in 1978.

2. *Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and*

Applicant's response: The property was purchased with building in that location

Staff analysis: The property was purchased with the accessory structure in the non-conforming location. The applicant was issued a Notice of Violation for unpermitted work for updating the structure. While renovations of non-conforming structures can be permitted if the cost is less than 50 percent of the value of the structure, the

applicant slightly expanded the roofed porch area, which prompted the need for a variance.

3. *The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and*

Applicant's response: Variance will not cause substantial detriment to public health

Staff analysis: The accessory structure has been in its current location since 1978, according to the Property Appraiser's records. Updating the structure would improve the safety of the structure. The roofed porch expansion is on the West side of the structure, away from the East property line. The variance would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article.

4. *No variance may be granted for a use of land or building that is not permitted by this article.*

Applicant's response: Storage building is permitted use

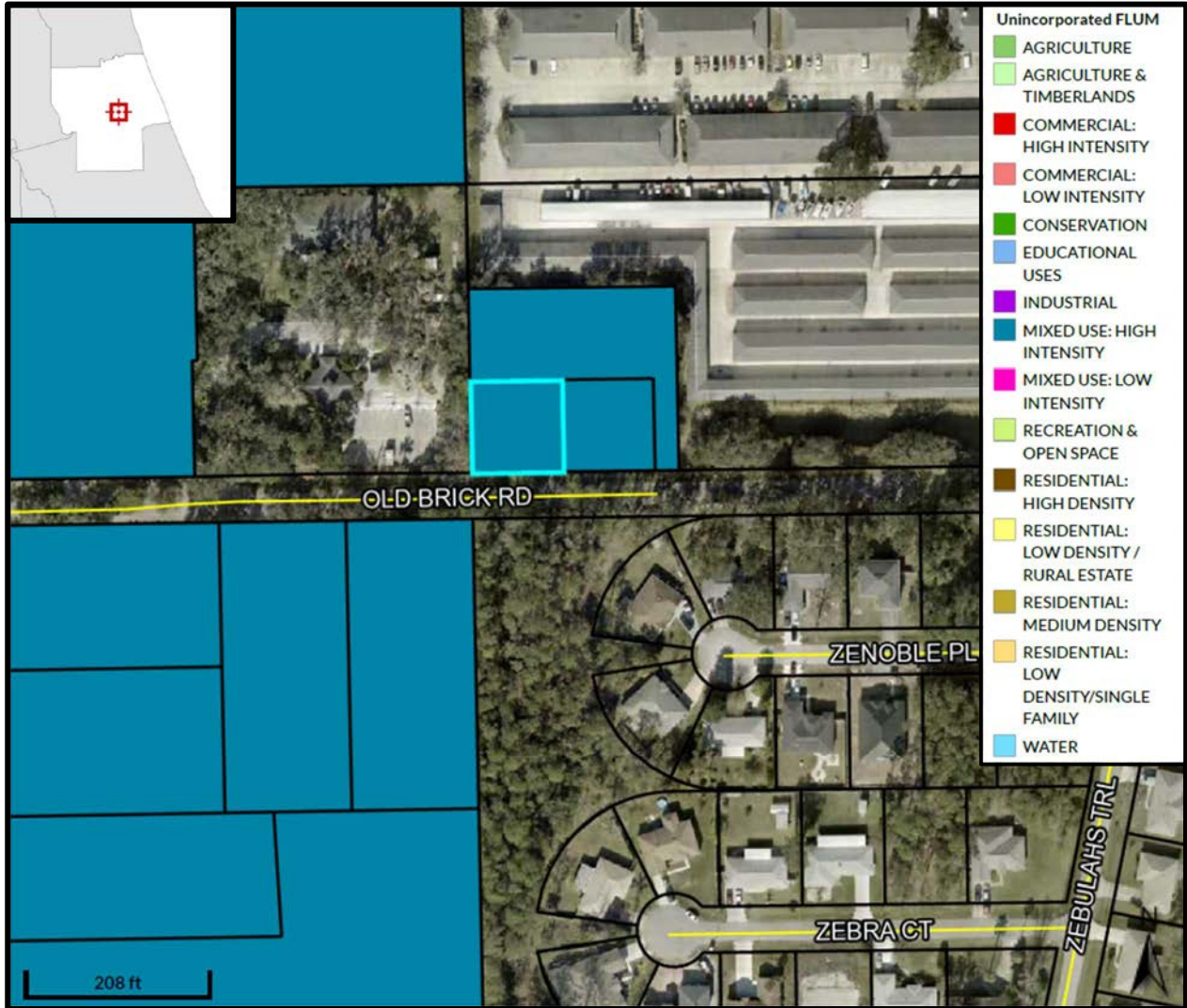
Staff Analysis: Single-family dwellings and their accessory uses are permitted on Lots of Record.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

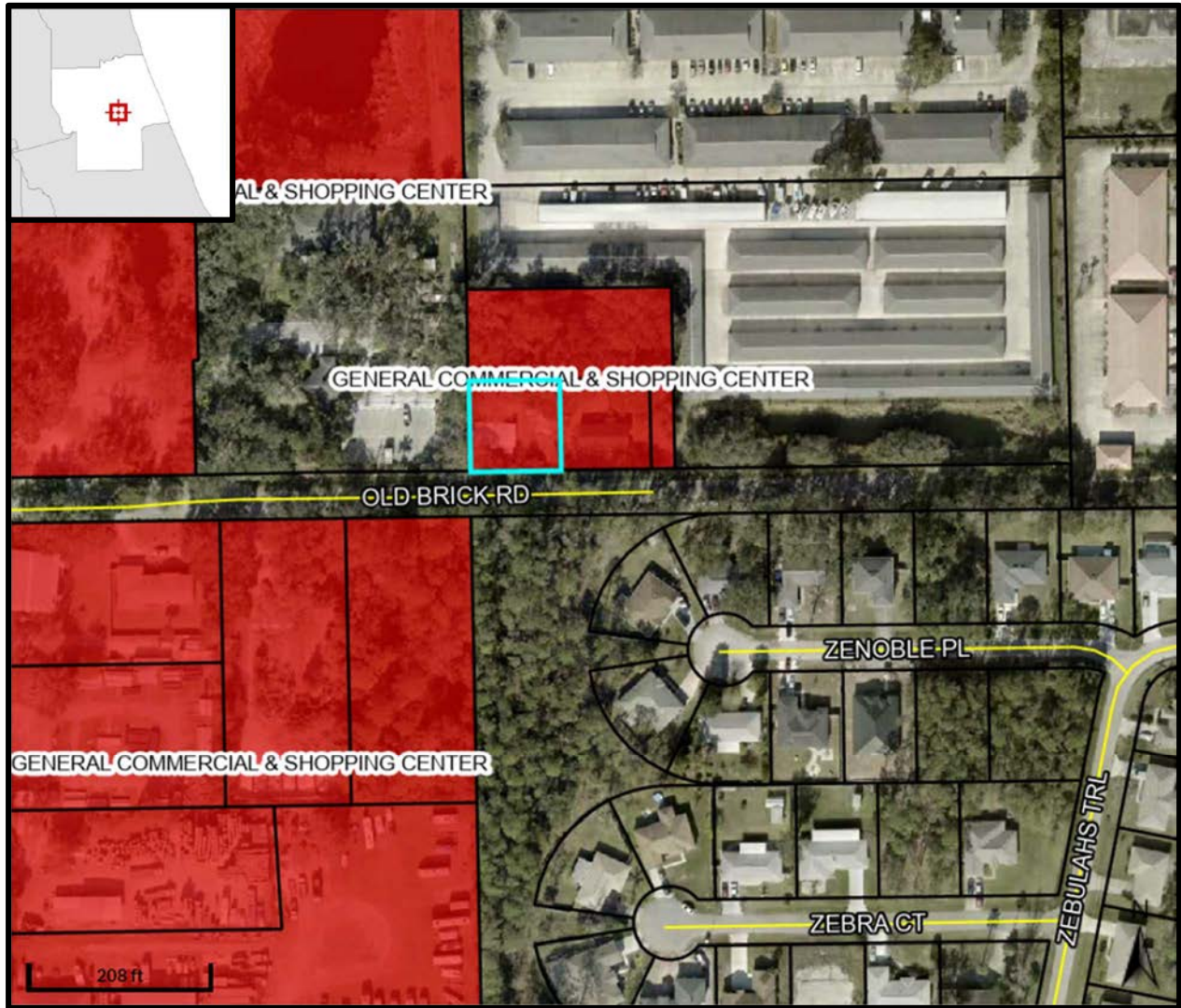
Applicant response: acknowledged

Staff Analysis: The requested variances are the minimum relief necessary to alleviate the hardship.

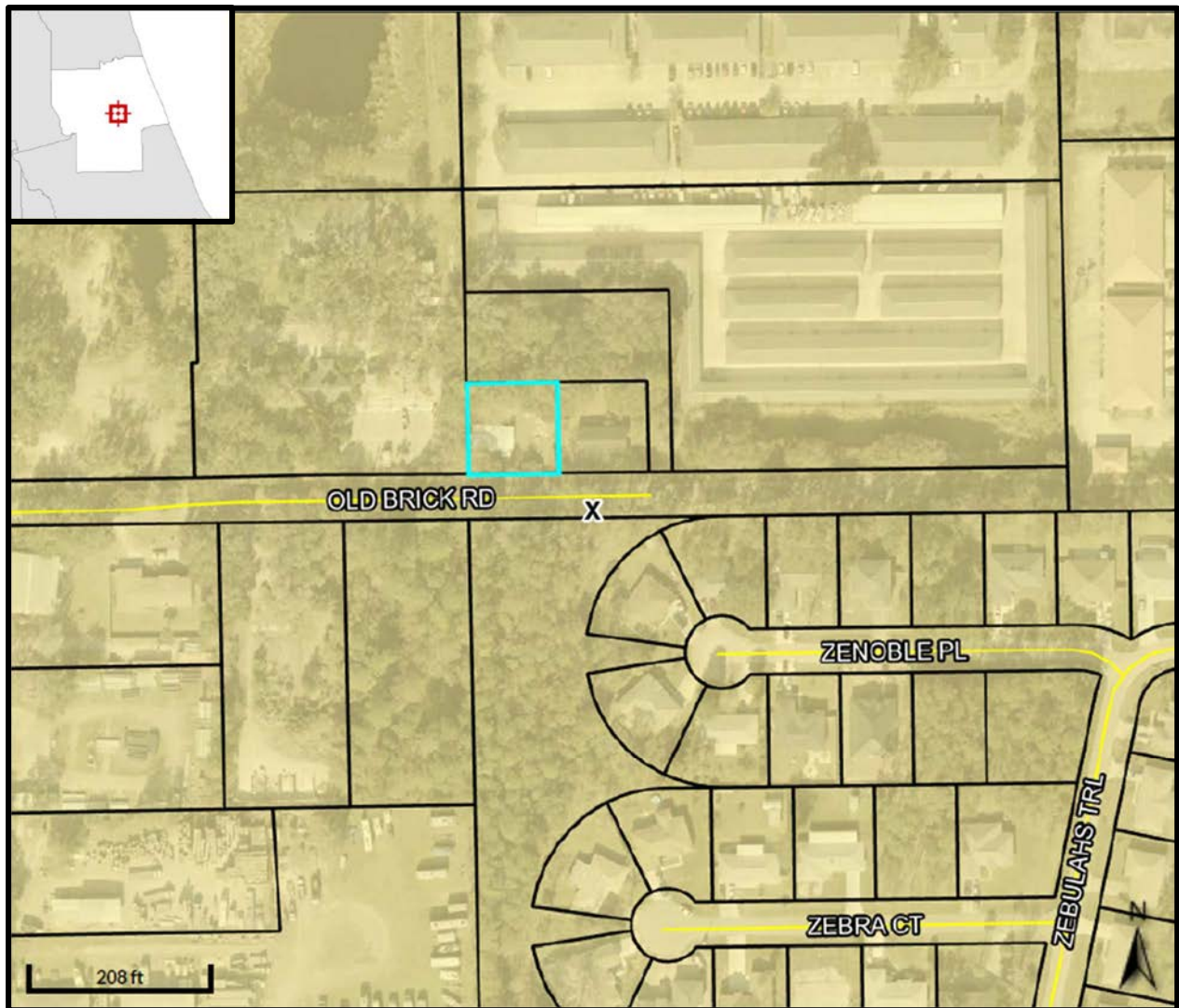
Future Land Use Map



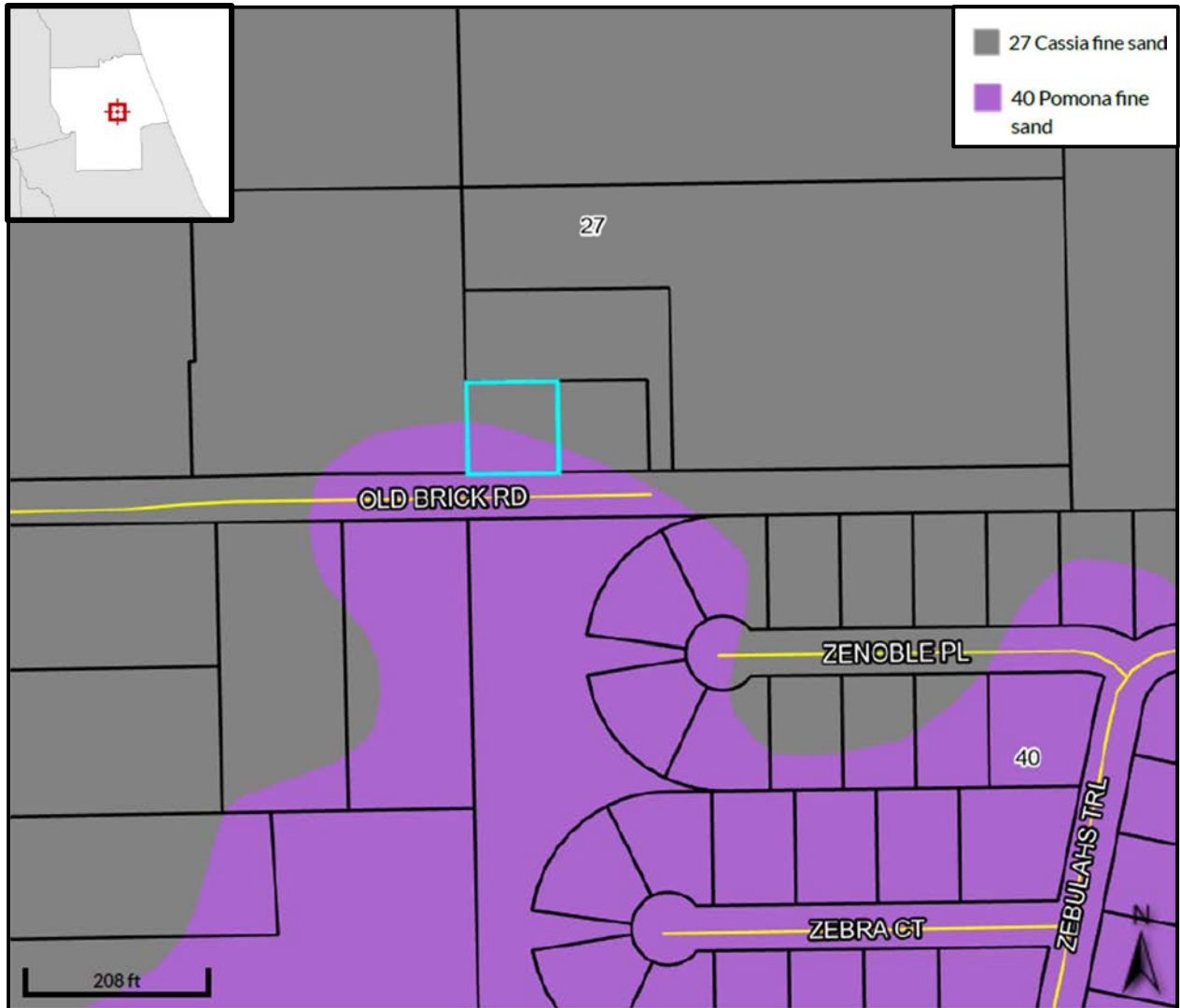
Zoning Map



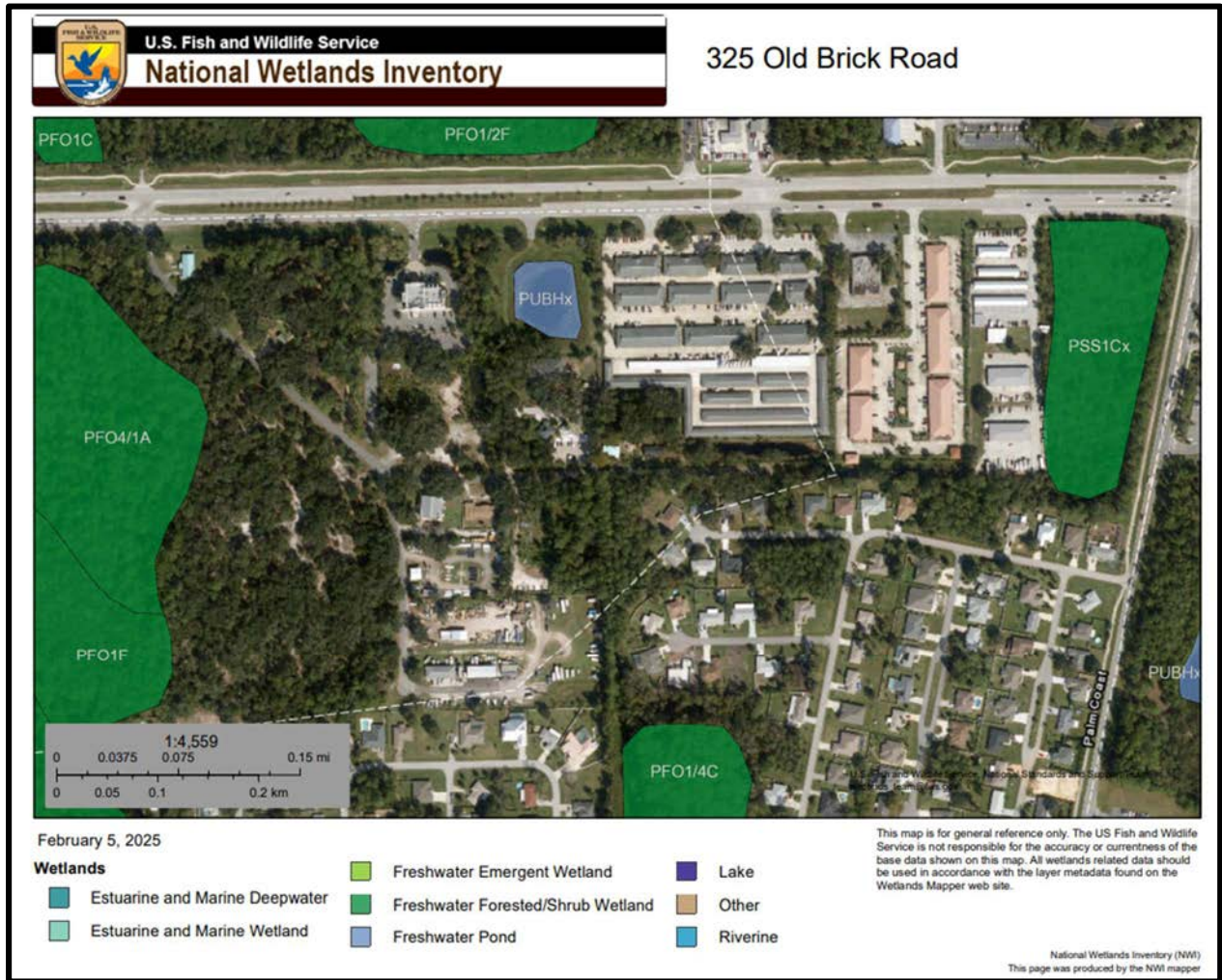
Flood Zone Map



Soils



Wetlands





APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
 1769 E. Moody Blvd, Suite 105
 Bunnell, FL 32110
 Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

PROPERTY OWNER(S)	Name(s): <u>Garden Faith Preschool and School of Arts</u>		
	Mailing Address: <u>313 Old Brick Road</u>		
	City: <u>Bunnell</u>	State: <u>FL</u>	Zip: <u>32110</u>
	Telephone Number <u>(386) 237 1359</u>		Fax Number

APPLICANT/AGENT	Name(s): <u>ABOLASI AKINBO</u>		
	Mailing Address: <u>163 S Coopers Hawk Way</u>		
	City: <u>P/C</u>	State: <u>FL</u>	Zip: <u>32164</u>
	Telephone Number <u>(386) 237-1359</u>		Fax Number
	E-Mail Address: <u>GardenfaithPreschool@gmail.com</u>		

SUBJECT PROPERTY	SITE LOCATION (street address):		<u>325 Old Brick Rd, Bunnell FL 32110</u>
	LEGAL DESCRIPTION: (briefly describe, do not use "see attached")		
	Parcel # (tax ID #):		<u>12-12-30-0650-000A0-0102</u>
	Parcel Size:		<u>9,951.848</u>
	Current Zoning Classification:		<u>C2 General Commercial</u>
	Current Future Land Use Designation		<u>Mixed used high intensity</u>
	Subject to A1A Scenic Corridor IDO?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Relief Requested: _____

_____ 12/23/2024
 Signature of Owner(s) or Applicant/Agent Date
 if Owner Authorization form attached

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION: APPROVED []
*APPROVED WITH CONDITIONS []
DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Subject Property: 325 Old Brick Rd, Bunnell FL 32110

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

The Lot is undersized

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

Property was purchased with building in that location

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

Variance will not cause substantial detriment to public health

4. No variance may be granted for a use of land or building that is not permitted by this article.

Storage building is permitted use

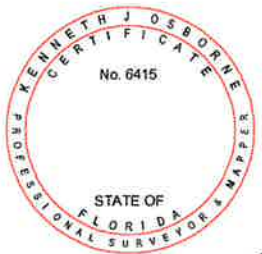
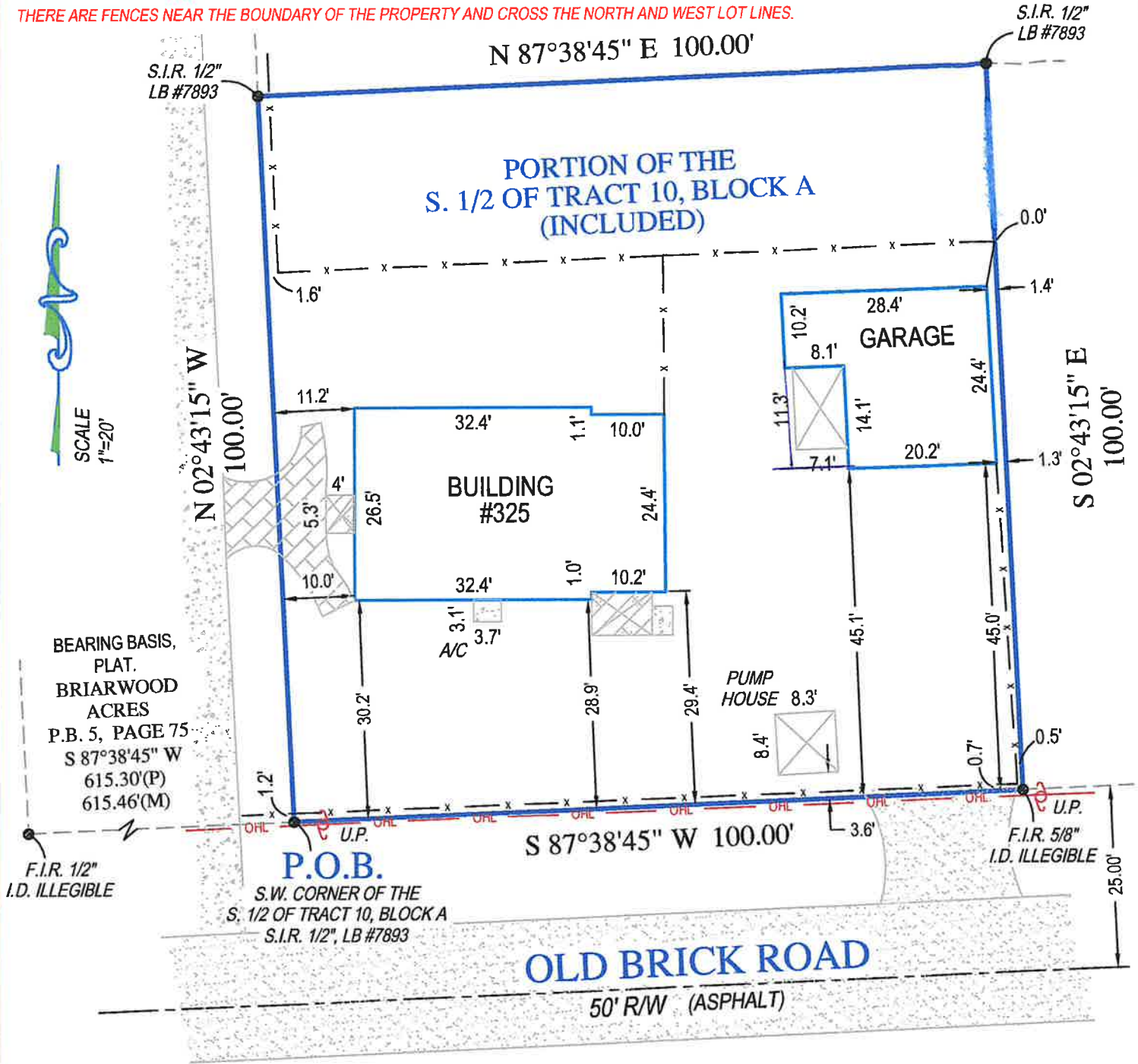
A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

acknowledged

BOUNDARY SURVEY

SURVEY NOTES

- PAVERS DRIVE CROSSING THE WEST LOT LINE.
- ASPHALT CROSSING THE SOUTH LOT LINE.
- THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY AND CROSS THE NORTH AND WEST LOT LINES.



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Kenneth Osborne
Kenneth Osborne

(SIGNED) **KENNETH J OSBORNE**
 PROFESSIONAL SURVEYOR AND MAPPER #6415

TARGET SURVEYING, LLC

LB #7893

SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102
 WEST PALM BEACH, FL 33407
 PHONE (561) 640-4800
 STATEWIDE PHONE (800) 226-4807
 STATEWIDE FACSIMILE (800) 741-0576
 WEBSITE: <http://targetsurveying.net>

Digitally signed by Kenneth Osborne
 Date: 2018.01.24 09:21:11 -05'00'

LEGAL DESCRIPTION AND CERTIFICATION

This description begins at the point marking the SW corner of the South 1/2 of Tract 10, Block A, Section 12, Township 12 South, Range 30 East, and from said point of beginning running in a Northerly direction along the westerly boundary of said Tract 10 a distance of 100' to a point; thence running in a Easterly direction parallel to the southerly boundary of said Tract 10 a distance of 100' to a point; thence in a southerly direction parallel to the westerly boundary of said Tract 10, a distance of 100' to a point of the southerly boundary of said Tract 10, thence in a westerly direction to the point of beginning. Said intention is to convey a 100' square lot in the Southwesterly corner of the South 1/2 of Tract 10, Block A, Section 12, Township 12 South, Range 30 East, Public Records of Flagler County, Florida.

Community Number: 120086 Panel: 0226 Suffix: D Flood Zone: X Field Work: 1/23/2018

Certified To:

MATCHETT HOLDINGS, LLC; AMERICA'S CHOICE TITLE COMPANY/NEIL S. SCHECHT, P.A.; CHICAGO TITLE INSURANCE COMPANY; AMERIS BANK, its successors and/or assigns.

Property Address:

325 OLD BRICK ROAD
BUNNELL, FL 32110








Survey Number: 314083

Client File Number:

ABBREVIATION DESCRIPTION:

A.E. ANCHOR EASEMENT	F.F. EL. FINISH FLOOR ELEVATION	O.R.B. OFFICIAL RECORDS BOOK
A/C AIR CONDITIONER	F.I.P. FOUND IRON PIPE	(P) PLAT
B.M. BENCH MARK	F.I.R. FOUND IRON ROD	P.B. PLAT BOOK
B.R. BEARING REFERENCE	F.P.K. FOUND PARKER-KALON NAIL	P.C. POINT OF CURVATURE
(C) CALCULATED	(L) LENGTH	P.C.C. POINT OF COMPOUND CURVE
Δ CENTRAL / DELTA ANGLE	L.A.E. LIMITED ACCESS EASEMENT	P.O.B. POINT OF BEGINNING
CH CHORD	L.M.E. LAKE MAINTENANCE EASEMENT	P.O.C. POINT OF COMMENCEMENT
(D) DEED / DESCRIPTION	(M) MEASURED / FIELD VERIFIED	P.R.C. POINT OF REVERSE CURVE
D.E. DRAINAGE EASEMENT	M.H. MANHOLE	P.T. POINT OF TANGENCY
D.H. DRILL HOLE	N&D NAIL & DISK	R/W RIGHT-OF-WAY
D/W DRIVEWAY	N.R. NOT RADIAL	(R) RADIAL / RADIUS
E.O.W. EDGE OF WATER	N.T.S. NOT TO SCALE	S.I.R. SET IRON ROD
F.C.M. FOUND CONCRETE MONUMENT	O.H.L. OVERHEAD UTILITY LINES	T.O.B. TOP OF BANK
		U.E. UTILITY EASEMENT

SYMBOL DESCRIPTIONS:

	= CATCH BASIN		= MISC. FENCE
	= CENTERLINE ROAD		= PROPERTY CORNER
	= COVERED AREA		= UTILITY BOX
+ X.XX	= EXISTING ELEVATION		= UTILITY POLE
	= HYDRANT		= WATER METER
	= MANHOLE		= WELL
	= METAL FENCE		= WOOD FENCE

PAGE 1 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 2)

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS LOCATED.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.G.V.D. 1929
- 9) IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.



**TARGET
SURVEYING, LLC**

LB #7893
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6250 N. MILITARY TRAIL, SUITE 102
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PHONE (561) 640-4800
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WEBSITE: <http://targetsurveying.net>

Growth Management Department
Planning & Zoning
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110

www.flaglercounty.org

Phone: (386)313-4009

Fax: (386)313-4109



TECHNICAL REVIEW COMMITTEE COMMENTS

DATE: January 15, 2025

Project #: 2024120055 / AR #5346

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

Attachment: Staff Comments

Reviewing Department Comments

ZON - ZONING (386-313-4009)

Comments:

Marked INFORMATION By: SIMONE KENNY - - SKENNY@FLAGLERCOUNTY.GOV

1. Because the Lot of Record setbacks do not apply to accessory structures and the property to the east is a residential use, the east side setback increases from 10 feet to 35 feet. Therefore the requested relief is 33.7 feet. FCLDC Sec. 3.03.17.2.(b).

FD1 - FIRE REVIEW

Comments:

Held By: JERRY SMITH - -

More information is need. What is the variance for?

ENGIN1 - DEVELOPMENT ENGINEERING (386-313-4082)

Comments:

Rejected By: SUSAN GRAHAM - (386)313-4082 - SGRAHAM@FLAGLERCOUNTY.GOV

Variance #5346

325 Old Brick Road

2024120055

Comments:

1.What is the relief that is being sought. What is the Variance requested for.

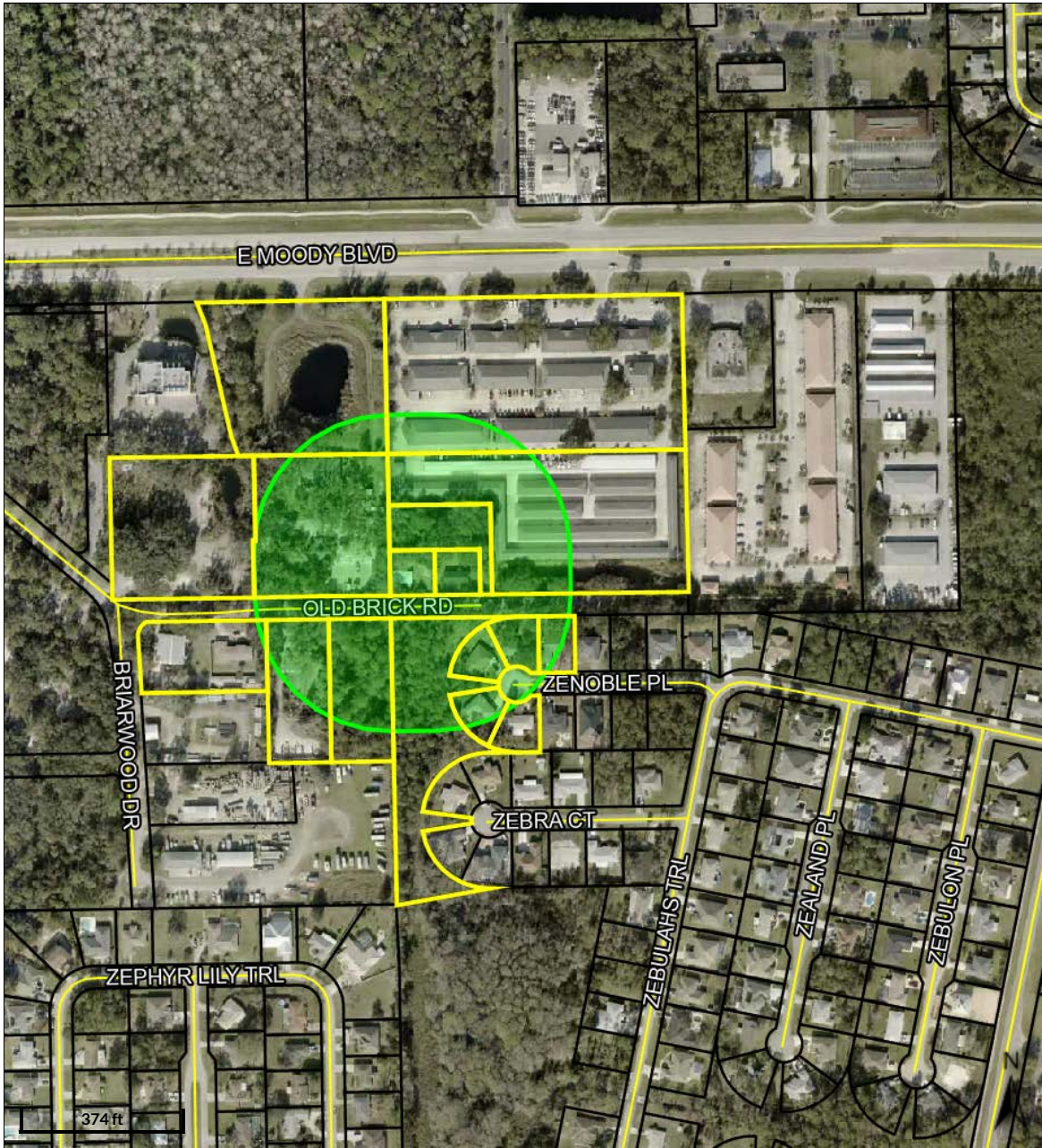
EH - ENVIRONMENTAL HEALTH DEPT

Comments:

Marked INFORMATION By: SIMONE KENNY - - SKENNY@FLAGLERCOUNTY.GOV

- No objections if building is used for storage. Septic system was recently repaired for a 2 bedroom SFR.

FLAGLER COUNTY PROPERTY APPRAISER



Overview



Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 1/23/2025
Last Data Uploaded: 1/23/2025 8:09:28 AM

Developed by  SCHNEIDER
GEOSPATIAL

Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110



Flaglercounty.gov
Phone: (386)313-4009
Fax: (386)313-4109

January 28, 2025

«OwnerName»
«OwnerAddress1»
«OwnerAddress2»
«OwnerCityStZip»

RE: Project No. 2024120055– Variance in the C-2 (General Commercial and Shopping Center) District

Dear Property Owner,

As owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by applicant Abolaji Akinbo on behalf of owner Garden of Faith Preschool and School of Arts Inc, located at 325 Old Brick Road, identified as Parcel Number 12-12-30-0650-000A0-0102, for a 33.7 foot Variance from the 35 foot minimum required right side (East) setback for an accessory structure in the C-2 (General Commercial and Shopping Center) District. Variance on a 9,952 +/- square foot parcel.

You are hereby notified that a public hearing before the **Flagler County Planning and Development Board**, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell, Florida, on **February 11, 2025**, beginning at **6:00 p.m.** or as soon thereafter as possible. You are welcome to attend and express your opinion.

Sincerely,

A handwritten signature in cursive script that reads "Simone Kenny".

Simone Kenny
Senior Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITHRESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATUM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

Andy Dance
District 1

Greg Hansen
District 2

Kim Carney
District 3

Leann Pennington
District 4

Pam Richardson
District 5

Project 2024120055						
ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCityStZip	Country
12-12-30-0900-00000-017C	GODS FAMILY BIBLE CHURCH INC		PO BOX 2449		BUNNELL, FL 32110	
12-12-30-0900-000A0-001C	STATE OF FLORIDA	DEPARTMENT OF TRANSPORTATION	719 S WOODLAND BLVD		DELAND, FL 32720	
12-12-30-0900-00000-018C	GARDEN OF FAITH PRESCHOOL AND SCHOOL OF ARTS INC		256 OLD BRICK RD		BUNNELL, FL 32110	
12-12-30-0900-00000-019C	GODS FAMILY BIBLE CHURCH INC		PO BOX 2449		BUNNELL, FL 32110	
12-12-30-0650-000A0-010C	GSI BUNNELL LLC		6805 MORRISON BLVD SUITE 250		CHARLOTTE, NC 28211	
12-12-30-0650-000A0-0104	WALLACE JOYCE D LIFE ESTATE		2087 BLACK POINT ROAD		BUNNELL, FL 32110	
12-12-30-0650-000A0-0102	GARDEN OF FAITH PRESCHOOL AND SCHOOL OF ARTS INC		256 OLD BRICK RD		BUNNELL, FL 32110	
07-11-31-7063-RP0J1-000C	CITY OF PALM COAST		160 LAKE AVENUE		PALM COAST, FL 32164	
12-12-30-0650-000A0-0101	WALLACE JOYCE D LIFE ESTATE		2087 BLACK POINT ROAD		BUNNELL, FL 32110	
07-11-31-7063-00770-016C	JECKOVICH DAVID J & SUZANNE L H&W		135 JENKINS ST STE 105B BOX 351		SAINT AUGUSTINE, FL 32086	
07-11-31-7063-00780-001C	BROWN DUSTIN W & DAWN VIEHE-BROWN H&W		13 ZENOBLE PL		PALM COAST, FL 32164	
07-11-31-7063-00770-015C	KRAMER R TODD &	LEXY H&W	12 ZENOBLE PLACE		PALM COAST, FL 32164	
07-11-31-7063-00780-002C	SULTAN BAYLEE		11 ZENOBLE PLACE		PALM COAST, FL 32164	
07-11-31-7063-00770-014C	QUALLS NICOLE	& JOANNE RUGGIERO JTWROS	9 ZENOBLE PLACE		PALM COAST, FL 32164	
12-12-30-0650-000A0-009C	GODS FAMILY BIBLE CHURCH INC		PO BOX 2449		BUNNELL, FL 32110	
12-12-30-0650-000A0-0092	GARDEN OF FAITH PRESCHOOL AND SCHOOL OF ARTS INC		256 OLD BRICK RD		BUNNELL, FL 32110	
12-12-30-0650-000A0-0103	PANGO MARVINS GARDEN LLC		4870 E DEER LAKE DRIVE		JACKSONVILLE, FL 32246	

I hereby affirm mailed notice to each owner on 1 / 28 /2025 for the Planning and Development Board meeting on 2 / 11 /2025 at 6:00 pm.



 Simone Kenny, Senior Planner

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 12**

SUBJECT: LEGISLATIVE – Request for Review and Recommendation to the Board of County Commissioners on the Airport Zoning Ordinance.

DATE OF MEETING: February 11, 2024

OVERVIEW/SUMMARY: This request is legislative in nature and does not require disclosure of ex parte communication. The Legislature in 2016 enacted changes to Florida Statutes that required adoption of airport zoning regulations to protect public use airports. These statutes are intended to protect public investment in airports throughout the state. These statutory changes were summarized by the legislative staff as:

- updates statutory definitions and terms in accordance with federal regulations.
- streamlines the current local airport protection zoning process to a simpler permitting model.
- provides local governments the flexibility to structure and incorporate the airport protection zoning review process into existing local zoning review processes and repeals duplicative requirements for obtaining a variance.
- makes other grammatical, editorial, and conforming changes.

Since the statutory changes took effect, County staff has worked informally with the staff of the municipalities – specifically the City of Bunnell and Palm Coast – over the years on the adoption of these regulations, since the impacts of these regulations extend beyond the boundaries of the Flagler Executive Airport. An initial meeting was held on June 29, 2017 with the staff of all three jurisdictions to discuss the two adoptions: adoption of the airport zoning through an interlocal agreement; or, alternatively, creating the combined joint airport protection zoning board (s. 333.03(b), F.S.). The staff members collectively agreed to pursue the interlocal agreement following adoption of the airport zoning ordinance. Work on the airport zoning ordinance since these initial discussions has been sporadic, with other priorities demanding attention.

Recent public comments related to aircraft noise have elevated the call for airport zoning; however, the public has incorrectly viewed airport zoning as regulating the County's airspace. As has been previously described, the Federal Aviation Administration (FAA) has the sole authority over the regulation of airspace. The adoption of airport zoning regulations will not subvert FAA's regulatory authority: if anything, these regulations will support (and encourage) additional airside operations associated with the Flagler Executive Airport.

The statute required political subdivisions having an airport within its territorial limits to adopt airport zoning regulations by July 1, 2017 (s. 333.135(2), F.S.). As provided in the statute (s. 333.135(3), F.S.), the Florida Department of Transportation will administer the permitting process for obstructions (s. 333.025, F.S.) in jurisdictions that have not yet adopted airport zoning regulations.

While County staff had prepared (and routed) a draft ordinance to meet the statutory requirements for the adoption of airport zoning regulations – with this draft ordinance sent to the Florida Department of Transportation Aviation Office (the responsible authority for

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 12**

review of the airport zoning regulations) on October 31, 2023 – the Aviation Office has since amended its guidance to local governments, publishing its [2024 Airport Land Use Compatibility Guidebook](#). This Guidebook included – among other things – a model ordinance, which has been formatted into the attached draft ordinance for the Board’s review. This model ordinance identifies two airport zones of influence: the Airport Height Notification Zone and the Airport Overflight Zone. Adoption of the State’s model ordinance without changes is presumed to satisfy the statutory requirement for the adoption of airport zoning. If the airport zoning regulations are approved by the Board of County Commissioners, these regulations will need to be adopted by the City of Bunnell and the City of Palm Coast through an interlocal agreement to fulfill the statutory requirements.

As a final note, while the City of Flagler Beach would not have to adopt these regulations at this time since no portion of its jurisdiction falls within the identified airport zones of influence, should the annexation of the West portion of Veranda Bay occur, then – based on current measurements – the City of Flagler Beach will be required to join into the interlocal agreement. (The City of Flagler Beach’s water treatment plant on Seminole Woods Parkway is within the airport zones of influence, within the City of Palm Coast.)

Public notice has been provided for this application according to Sec. 125.66 and Sec. 333.05(1), Florida Statutes.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD: The Planning and Development Board recommends to the Board of County Commissioners that the Board:

ADOPT the Flagler County Airport Zoning Regulations ordinance.

ADOPT WITH CHANGES the Flagler County Airport Zoning Regulations ordinance, subject to changes recommended by the Planning and Development Board.

NOT ADOPT the Flagler County Airport Zoning Regulations ordinance.

The Planning and Development Board may also continue its review of the draft ordinance on the basis that additional information is needed from staff. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision on the draft ordinance. Continuing the Board’s review of the draft ordinance to a time and date certain will preserve public notice and provide an opportunity for staff to provide additional information.

ATTACHMENTS:

1. Draft Ordinance
2. Public notice

47 **WHEREAS**, airport obstruction hazards endanger the lives and property of users
48 of an airport and of the occupants of land in its vicinity by reducing the size of the area
49 available for aircraft taking off, maneuvering, or landing, thus tending to destroy or impair
50 the utility of the Airport and the public investment therein; and

51
52 **WHEREAS**, it is further found that certain activities and uses of land in the
53 immediate vicinity of airports as enumerated in Section 333.03(2), Florida Statutes, are
54 not compatible with normal airport operations, and may, if not regulated, also endanger
55 the lives of the participants, adversely affect their health, or otherwise limit the
56 accomplishment of normal activities; and

57
58 **WHEREAS**, the creation or establishment of an airport hazard and the
59 incompatible use of land in airport vicinities are public nuisances and injure the community
60 served by the airport in question; and

61
62 **WHEREAS**, it is therefore necessary in the interest of the public health, public
63 safety, and general welfare that the creation or establishment of airport hazards and
64 incompatible land uses be prevented; and

65
66 **WHEREAS**, the limitation of land uses incompatible with normal airport operations,
67 the prevention of the creation or establishment of airport hazards, and the elimination,
68 removal, alteration, mitigation, or marking and lighting of existing airport hazards are
69 public purposes for which political subdivisions may raise and expend public funds and
70 acquire land or property interests therein, or air rights thereover; and

71
72 **WHEREAS**, every political subdivision having an airport hazard area within its
73 territorial limits is required by Section 333.03(1)(a), Florida Statutes, to adopt, administer,
74 and enforce, under the police power and in the manner and upon the conditions
75 prescribed in this section, airport protection zoning regulations for such airport hazard
76 area; and

77
78 **WHEREAS**, the Board of County Commissioners has determined that it is in the
79 best interest of the citizens of Flagler County to adopt the proposed Airport Zoning
80 Regulations, that these Regulations meet the requirements of Chapter 333, Florida
81 Statutes, with regards to Airport Zoning, and that this amendment to the Land
82 Development Code is consistent with the Comprehensive Plan; and

83
84 **WHEREAS**, the Board of County Commissioners approved this ordinance on first
85 reading at its March 3, 2025 regular meeting; and

86
87 **WHEREAS**, following public hearings on March 3, 2025 and on March 17, 2025,
88 including the presentation by staff and public comments as part of the public hearings,
89 the Board of County Commissioners adopted this ordinance on second and final reading
90 at its March 17, 2025 regular meeting; and

91

92 **WHEREAS**, public notice has been provided in accordance with Section 125.66,
93 Florida Statutes.

94
95 **NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD**
96 **OF COUNTY COMMISSIONERS:**

97
98 **Section 1. RECITALS.**

99
100 A. The foregoing whereas clauses are incorporated herein by reference and made a part
101 hereof.

102
103 **Section 2. CODE AMENDMENT.**

104
105 A. Section 3.06.17, Airport Zoning Regulations, Article III, Zoning District Regulations, of
106 the Flagler County Land Development Code (Appendix C to the Code of Ordinances
107 of Flagler County, Florida), is hereby created:

108
109 **Sec. 3.06.17. Airport zoning regulations.**

110
111 a. *Title.* These regulations shall be known as the Flagler County Airport
112 Zoning Regulations.

113
114 b. *Purpose and intent.* The purpose of these airport zoning regulations is to
115 provide both airspace protection and land use compatibility in relation to the
116 normal operation of the Flagler Executive Airport (KFIN) licensed for public-
117 use by the State of Florida Department of Transportation (FDOT) in Flagler
118 County, Florida. These regulations, through the establishment of airport
119 zones and corresponding regulations, provide for the independent review
120 of development proposals in order to promote the public interest in safety,
121 health, and general welfare within the territorial limits over which Flagler
122 County has jurisdiction, and to ensure that all airports licensed for public-
123 use in the County can effectively function.

124
125 Therefore, Flagler County deems it necessary to regulate the uses of land
126 located around said airports relative to the:

- 127 • Height of structures and objects of natural growth on such land;
- 128 • Uses of land in areas subject to airport noise;
- 129 • Uses of land in areas subject to aircraft overflight potential;
- 130 • Establishment of residential use or educational facilities of public and
131 private schools on such land;
- 132 • Uses of land which result in the generation of in-flight visual or electronic
133 interference; and
- 134 • Uses of land which result in aircraft bird strike hazards.
- 135

136 There is hereby adopted and established these airport zoning regulations
137 pursuant to the authority conferred on Flagler County by Chapters 163 and
138 333, Florida Statutes (F.S.), as they may be amended from time to time.
139

140 c. *Definitions.* The following terms shall be defined herein as follows:
141

142 1. *Aeronautical study:* a Federal Aviation Administration study,
143 conducted in accordance with the standards of 14 C.F.R. part 77,
144 subpart C, and Federal Aviation Administration policy and guidance,
145 on the effect of proposed construction or alteration upon the
146 operation of air navigation facilities and the safe and efficient use of
147 navigable airspace.
148

149 2. *Affected local governments:* any municipality or county having
150 jurisdiction over the airport and any municipality or county located
151 within two (2) miles of the boundaries of the land subject to the airport
152 master plan. For purposes of this section, Flagler County is the
153 owner and operator of the Flagler Executive Airport (KFIN), while the
154 City of Bunnell and the City of Palm Coast are municipalities located
155 within two (2) miles of the boundaries of the land subject to the airport
156 master plan.
157

158 3. *Airport:* any area of land or water designed and set aside for the
159 landing and taking off of aircraft and used or to be used in the interest
160 of the public for such purpose. The term “airport” shall mean the
161 Flagler Executive Airport (KFIN), a general aviation public-use airport
162 owned and operated by Flagler County. For purposes of airport
163 protection and land use compatibility regulations in this section, the
164 term “airport” also includes all land lying vertically under the
165 designated approach zones.
166

167 4. *Airport elevation:* the highest point of an airport’s usable landing area
168 measured in feet above Mean Sea Level.
169

170 5. *Airport hazard:* an obstruction to air navigation which affects the safe
171 and efficient use of navigable airspace or the operation of planned or
172 existing air navigation and communication facilities.
173

174 6. *Airport hazard area:* any area of land or water upon which an airport
175 hazard might be established.
176

177 7. *Airport land use compatibility zoning:* airport zoning regulations
178 governing the use of land on, adjacent to, or in the immediate vicinity
179 of airports.
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8. *Airport layout plan*: a set of scaled drawings that provide a graphic representation of the existing and future development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport.
 9. *Airport master plan*: a comprehensive plan of an airport which typically describes current and future plans for airport development designed to support existing and future aviation demand.
 10. *Airport protection zoning regulations*: airport zoning regulations governing airport hazards.
 11. *Airport zoning administrator*: the Airport Director shall serve as the Airport Zoning Administrator.
 13. *Avigation easement*: an agreement that compels property owners to surrender their property's air rights to the government.
 14. *Day/night sound level (DNL)*: the system used by the FAA and the Department of Housing and Urban Development (HUD) to measure noise. Contours representing DNL levels are generated from the INM. The military also uses the DNL methodology to express noise impacts. Sound levels in the DNL contours are expressed in decibel units.
 15. *Decision height*: the height at which a decision must be made during all ILS instrument approach to either continue the approach or to execute a missed approach.
 16. *Department*: the Department of Transportation as created under Section 20.23, Florida Statutes.
 17. *Educational facility*: any structure, land, or use that includes a public or private kindergarten through 12th grade school, charter school, magnet school, college campus, or university campus. The term does not include space used for educational purposes within a multi-tenant building.
 18. *Landfill*: has the same meaning as provided in Section 403.703, Florida Statutes.
 19. *Minimum descent altitude*: the lowest altitude, expressed in feet above Mean Sea Level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach where no electronic glide slope is provided.

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- 20. *Nonconforming use*: for purposes of this section, any preexisting structure, object of natural growth or use of lands which is inconsistent with the provisions therein.
- 21. *Object of natural growth*: a woody plant.
- 22. *Obstruction*: any existing or proposed object, terrain, or structure construction or alteration that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C that obstructs the airspace required for flight of aircraft in landing and takeoff at an airport or is otherwise hazardous to such landing or takeoff of aircraft. The term includes: any object of natural growth or terrain; permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or alteration of any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.
- 23. *Person*: any individual, firm, co-partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- 24. *Political subdivision*: the local government of any county, municipality, town, village, or other subdivision or agency thereof, or any district or special district, port commission, port authority, or other such agency authorized to establish or operate airports in the state. For purposes of this section, this term shall mean Flagler County as the owner and operator of the Flagler Executive Airport (KFIN).
- 25. *Precision instrument runway*: a runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA-approved airport layout plan; a military service's approved military airport layout plan; any other FAA planning document, or military service's military airport planning document.
- 26. *Public-use airport*: an airport, publicly owned and maintained, licensed by the state, which is open for use by the public. For the purposes of this section, the publicly owned and maintained airport within Flagler County is Flagler Executive Airport (KFIN).
- 27. *Runway*: A defined rectangular surface on an airport prepared or suitable for the landing or takeoff of airplanes.

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- 28. *Runway protection zone (RPZ)*: an area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground.
- 29. *Sound exposure level*: see “Day/night sound level (DNL)”.
- 30. *Sound level*: see “Day/night sound level (DNL)”.
- 31. *Structure*: any object constructed, erected, altered, or installed, including, but not limited to, buildings, towers, smokestacks, utility poles, power generation equipment, and overhead transmission lines.
- 32. *Substantial modification*: any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the repair, reconstruction, rehabilitation, or improvement of the structure equals or exceeds 50 percent of the market value of the structure.
- 33. *Visual runway*: a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedures and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military layout plan, or by any planning document submitted to the FAA by competent authority.

d. *Airport zones of influence*. Flagler County hereby establishes two (2) airport zones of influence. Said zones are established to regulate land development in relation to the Flagler Executive Airport in Flagler County. The location of these airport zones of influence and restrictions on the use of land within said zones are hereby established by these regulations. The boundaries of said zones and restrictions on the use of land within said zones shall be changed only through the amendment of these regulations by the Flagler County Board of County Commissioners.

Any application for land development within these airport zones of influence shall comply with these regulations, any applicable state or federal regulations, and any applicable requirements of the land development regulations of Flagler County. The airport zones of influence established in these regulations include:

- Airport Height Notification Zone; and
- Airport Overflight Zone.

- 1. *Airport height notification zones and regulations*.
 - a. Establishment of zone.

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For the Flagler Executive Airport in Flagler County, the boundary of the Airport Height Notification Zone established in these regulations is based on the runway configuration which is planned and documented as such in its approved airport layout plan, which is defined as the airport layout plan submitted by the owner of each such airport to the FAA for approval.

An Airport Height Notification Zoning Map series shall be maintained by Flagler County based on an application of the boundaries set forth herein. This map shall be updated as necessary to reflect any changes in the documentation of the runway configuration on which said zone is based. The dimensions of the Airport Height Notification Zone boundaries as prescribed in these regulations shall serve as the authoritative source for said boundaries.

In the event a discrepancy arises between an Airport Height Notification Zone boundary depicted on the map and the boundary located by application of the definition of said boundary as set forth in these regulations, the boundary as prescribed by the latter shall prevail.

There is hereby established the Airport Height Notification Zone as an airport zone of influence. The Airport Height Notification Zone is established to regulate the height of structures and objects of natural growth in areas lying beneath the primary, approach, transitional, horizontal, and conical surfaces around Flagler Executive Airport in Flagler County. A site located in more than one of the described surfaces shall apply the most restrictive height limitation. The various surfaces as defined in 14 CFR, Part 77 are hereby established as the Airport Height Notification Zones.

b. Airport height notification regulations.

All development proposals for land lying within an Airport Height Notification Zone shall be reviewed for conformance with the federal obstruction standards contained in 14 CFR, Part 77, for civil airports.

Relative to the Flagler Executive Airport in Flagler County, any proposed land development shall be considered a “potential airport obstruction,” if the proposed land development would

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result in a structure or object of natural growth having a height which would exceed the previously prescribed standards.

Any person that is planning to sponsor construction or alterations which may affect navigable airspace, must file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) either electronically or manually with the FAA. No land development proposal determined to result in a structure or object of natural growth that constitutes a “potential airport obstruction” shall be approved for construction unless an Airport Obstruction Permit is issued by the Airport Zoning Administrator and has been coordinated through the FAA.

2. *Airport overflight zones and regulations.*

a. Establishment of zone.

There is hereby established the Airport Overflight Zone as an airport zone of influence. The Airport Overflight Zone is established to regulate the uses of land lying in specified areas above which aircraft must routinely operate at low altitudes and climb from or descend to the runways of public-use airports. Within an Airport Overflight Zone, certain land uses are restricted or prohibited due to land use characteristics which could result in further death, injury, and property damage in the event of an aircraft accident, as such areas are more likely, statistically, to be exposed to accidents involving aircraft climbing from or descending to the runway at low altitudes.

The Airport Overflight Zone includes the area over which aircraft routinely operate at low altitudes and includes protections against:

- Development within runway protection zones
- Development within airport noise zones
 - Development of educational or residential land uses
 - Development within FAA approved noise studies
- Development of landfills

For the Flagler Executive Airport in Flagler County, the boundary of the Airport Overflight Zone established in these regulations is based on the runway configuration documented in its approved airport layout plan, which is defined as the airport layout plan submitted by the owner of each such airport to the FAA for approval.

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An Airport Overflight Zoning Map series shall be maintained by Flagler County based on an application of the boundaries set forth herein. These maps shall be updated as necessary to reflect any changes in the documentation of the runway configuration on which said zone is based. The Airport Overflight Zone boundaries as prescribed in these regulations shall serve as the authoritative source for said boundaries.

In the event a discrepancy arises between an Airport Overflight Zone boundary depicted on the maps and the boundary located by application of the definition of said boundary as set forth in these regulations, the boundary as prescribed by the latter shall prevail.

b. Airport overflight zone regulations.

i. Prohibited land uses.
All development proposals for land lying within an Airport Overflight Zone shall be reviewed for conformance with the state standards contained in Ch. 333, F.S. Referencing and adhering to the guidelines set forth in this statute when planning future development is required.

c. Determination of boundaries.

In determining the location of airport zone boundaries, the following rules shall apply:

- Where boundaries are shown to follow streets or alleys, the centerline of such streets or alleys as they exist at the time of adoption of these regulations, shall be the airport zone boundary;
- Where boundaries are shown to enter or cross platted lots, property lines of lots as they exist at the time of adoption of these regulations shall be the airport zone boundary;
- Notwithstanding the above, where boundaries are shown on any platted lot, provisions of the more restrictive airport zone shall apply;
- Where boundaries are shown on unsubdivided property of less than five (5) acres in area, provisions of the more restrictive airport zone shall apply; and
- Where boundaries are shown on unsubdivided property of five (5) or more acres in area, the location shall be determined by the Airport Noise Zone boundary the Airport Height Notification Zone or Airport Overflight Zone

455 boundary located by application of the definition of said
456 zone boundaries set forth in these regulations.

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458 d. Nonconforming uses.

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460 If a nonconforming obstruction has been abandoned or is
461 more than eighty (80) percent torn down, destroyed,
462 deteriorated, or decayed, a permit may not be granted if it
463 would allow the obstruction to exceed the applicable height
464 limit or otherwise deviate from the Airport Zoning Regulations.
465 Whether or not an application is made for a permit, the owner
466 of the nonconforming obstruction may be required, at his or
467 her own expense, to lower, remove, reconstruct, alter, or
468 equip such obstruction as may be necessary to conform to the
469 current Airport Zoning Regulations. If the owner of the
470 nonconforming obstruction neglects or refuses to comply with
471 such requirement for ten (10) days after Notice, the County
472 may proceed to have the obstruction so lowered, removed,
473 reconstructed, altered, or equipped and assess the cost and
474 expense thereof upon the owner of the obstruction or the land
475 whereon it is or was located.

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477 If a nonconforming obstruction is determined to be an airport
478 hazard and the owner will not remove, lower, or otherwise
479 eliminate it, the approach protection necessary cannot,
480 because of constitutional limitations, be provided by the
481 Flagler County Airport Zoning Regulations; or it appears
482 advisable that the necessary approach protection be provided
483 by acquisition of property rights rather than by the Flagler
484 County Airport Zoning Regulations, the County may acquire,
485 by purchase, grant, or condemnation in the manner provided
486 by Chapter 73 and 74, F.S.

487
488 e. *Administration and enforcement.*

489
490 1. *Duties of the airport zoning administrator.*

491
492 It shall be the duty of the Airport Zoning Administrator to administer
493 and enforce the regulations prescribed herein. Permits shall be
494 requested through the submission of an application to the Airport
495 Zoning Administrator.

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497 Temporary or conditional permits pending completion of review,
498 comment, or approval by any other local, state, or federal agency
499 shall not be issued.

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2. *Permits.*

Any applicant receiving a “Notice of Potential Airport Obstruction” may apply to the Airport Zoning Administrator for an Airport Obstruction Permit.

a. Procedures for requesting and airport obstruction permit.

The applicant shall submit a completed Airport Obstruction Permit application, as provided by the Airport Zoning Administrator, to include the final written Determination of the “Notice of Proposed Construction or Alteration” issued by the FAA.

Upon receipt of a complete permit application, the County shall provide a copy of the application to the FDOT Aviation Office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. To evaluate technical consistency, FDOT shall have a 15-day review period following receipt of the application, which shall run concurrently with the County permitting process. Cranes, construction equipment, and other temporary structures in use or in place for a period not to exceed eighteen (18) consecutive months are exempt from the FDOT’s review, unless such review is requested by FDOT. The FDOT shall, within thirty (30) days after receipt of an application for a permit, issue or deny a permit for the construction or alteration of an obstruction. The Department shall review permit applications for issuance by the Department in conformity with Section 120.60, F.S.

b. Criteria for granting an airport obstruction permit.

In determining whether to issue or deny a permit, the following shall be considered:

- i. The safety of persons on the ground and in the air;
- ii. The safe and efficient use of navigable airspace;
- iii. The nature of the terrain and height of existing structures;
- iv. The effect of the construction or alteration on the state licensing standards for a public-use airport contained in Chapter 330, F.S., and rules adopted thereunder;
- v. The character of existing and planned flight operations and developments at public-use airports;

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- vi. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA;
- vii. The effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport;
- viii. The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area; and
- ix. The County shall require the owner of the obstruction to install, operate, and maintain thereon, at his or her own expense, marking and lighting in conformance with the specific standards established by the FAA.

Where the FAA has reviewed a proposed development and determined it would not affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities, the Airport Zoning Administrator may grant an Airport Obstruction Permit for a proposed development, provided that conditions are attached to said permit to ensure the installation, operation, and maintenance of appropriate obstruction marking, lighting, and/or flagging, if such obstruction marking, lighting, and/or flagging is required in its written Determination. No Airport Obstruction Permit shall be issued after the expiration date indicated on the FAA’s written Determination. Each Airport Obstruction Permit issued shall specify a reasonable expiration date as a condition.

Where the FAA has reviewed a proposed land development request and determined it would affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities for civil airports, or the establishment of a “Hazard to Air Navigation,” or both, no Airport Obstruction Permit shall be granted by the Airport Zoning Administrator.

3. *Notification requirements.*

- a. Notification of airport noise potential.

The following notification requirement shall apply to property lying within any Airport Noise Zone defined in these regulations.

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Constructive knowledge shall be made available to all purchasers of property located in any Airport Noise Zone defined in these regulations.

- Public notice, via maps depicting said zones, shall be made available by the (Name of Political Subdivision).
- A disclosure statement shall be completed upon the sale of all residential property located in any such zone and shall be filed with the property deed.

b. Notification of aircraft overflight potential.

The following notification requirement shall apply to property lying within any Airport Overflight Zone defined in these regulations.

Constructive knowledge shall be made available to all purchasers and users of property in any Airport Overflight Zone defined in these regulations.

- Constructive knowledge shall be accomplished in the manner and form prescribed in Section 3.06.17.e.3.a. of these regulations.
- When the end user of any property located in any Airport Overflight Zone defined in these regulations is not the purchaser, the purchaser shall convey the notification condition to the user. Such notification shall be in writing, shall be acknowledged by user's signature, and shall be accomplished prior to the user occupying or making any type of legally binding obligation to occupy said property. A copy of the user's acknowledgment shall be filed with the property deed.

When said property also lies partially or entirely within any Airport Noise Zone defined in these regulations, notification shall include specific reference to both airport noise and aircraft overflight potential.

f. *Judicial review.*

1. Any person, political subdivision, or joint airport zoning board aggrieved by a decision of Flagler County or its administrative agency may seek judicial relief by filing an application within thirty (30) days after the decision is rendered. The review shall be conducted through a petition for writ of certiorari, governed by the Florida Rules of Appellate Procedure.

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2. The circuit court in the Seventh Judicial Circuit shall have exclusive jurisdiction to affirm, reverse, or modify the decision on the permit or other determination being appealed. The court may also order further proceedings by Flagler County or its administrative agency, if deemed necessary. The court shall accept the findings of fact made by Flagler County or its administrative agency as conclusive if supported by substantial evidence. Only objections raised during the underlying proceeding shall be considered by the court.
3. In the event that airport zoning regulations adopted under this chapter are determined by a court to unduly interfere with the use and enjoyment of a specific structure or parcel of land, to the extent that it constitutes a taking or deprivation of property in violation of the State Constitution or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land not involved in the particular decision.
4. A judicial appeal to any court under this section shall not be permitted until the appellant has exhausted all available remedies through the application for local government permits, exceptions, and appeals.

g. *Acquisition of air rights.*

If a nonconforming obstruction is deemed to pose a hazard to the airport and the owner refuses to remove, lower, or otherwise eliminate it, and if providing necessary approach protection through airport zoning regulations under Chapter 333, F.S., is not feasible due to constitutional limitations, or if it is determined that acquiring property rights would be more advisable than relying on airport zoning regulations, the political subdivision in which the property or nonconforming obstruction is located, or the political subdivision that owns or operates the airport or is served by it, may acquire the necessary property, air rights, avigation easements, or other interests in the property or nonconforming obstruction through purchase, grant, or condemnation as provided by Chapter 73, F.S. In the case of condemnation, the political subdivision shall have the right to take immediate possession of the property, interest in property, air rights, or other rights sought to be condemned in accordance with the provisions of Chapter 74, F.S. Additionally, if any property, easement, or interest therein is purchased or acquired through eminent domain, the political subdivision shall be responsible for not only compensating for the taking, injury, or destruction of the property, but also for covering the costs associated with the removal and relocation of any structure or public utility that needs to be moved to a new location.

h. *Enforcement and remedies.*

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1. Each violation of Chapter 333, F.S., or of any airport zoning regulations, orders, or rulings adopted or made pursuant to Chapter 333, F.S., shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S., and each day a violation continues to exist shall constitute a separate offense.
 2. In addition, Flagler County may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of Chapter 333, F.S., or of airport zoning regulations adopted under Chapter 333, F.S., or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts and circumstances of the case in order to fully effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto.
 3. The Department may institute a civil action for injunctive relief in the appropriate circuit court to prevent violation of any provision of this chapter.

702 **Section 3. FISCAL IMPACT STATEMENT.**

703
704 The amendment to the Land Development Code included in this Ordinance should have
705 a negligible effect upon property owners relative to the cost of compliance.
706

707 **Section 4. APPLICABILITY.**

708
709 This Ordinance shall be effective within the unincorporated areas of Flagler County,
710 Florida, and shall include such incorporated areas of Flagler County if provisions of this
711 Ordinance are specifically recognized through one or more interlocal agreements as
712 applicable and enforceable within such incorporated areas.
713

714 **Section 5. CODIFICATION.**

- 715
716 A. Only Section 2 of this Ordinance shall be codified and included within the Code of
717 Ordinances of Flagler County, Florida.
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719 B. It is the intent of the Board of County Commissioners that the provisions of this
720 Ordinance shall become and be made a part of the Flagler County Code of
721 Ordinances, and that the sections of this Ordinance may be renumbered or relettered
722 and the word “ordinance” may be changed to “section,” “article,” “regulations,” or such
723 other appropriate word or phrase in order to accomplish such intentions.
724

725 **Section 6. SEVERABILITY.**

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727 If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason,

728 declared by the courts to be unconstitutional or invalid, such decision shall not affect the
729 validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

730

731 **Section 7. EFFECTIVE DATE.**

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733 A. This Ordinance shall become effective upon filing of this Ordinance with the
734 Department of State.

735

736 B. A certified copy of this Ordinance shall be filed with the Department of State within ten
737 (10) days after enactment by the Board of County Commissioners.

738

739 **PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF**
740 **FLAGLER COUNTY, FLORIDA, UPON SECOND AND FINAL READING THIS 17TH**
741 **DAY OF MARCH, 2025.**

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**BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA**

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Andrew S. Dance, Chair

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ATTEST:

APPROVED AS TO FORM:

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Tom Bexley, Clerk of the
Circuit Court and Comptroller

Al Hadeed, County Attorney

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Edits:

761

10/31/2023 – removed references to ASR-9 radar site

762

01/08/2025 – changed ordinance year in heading from 2023 to 2025

763

01/08/2025 – changed Chair from Hansen to Dance

764

02/06/2025 – revised ordinance to FDOT model ordinance text as provided on pages 70-77 in the [FDOT](#)

765

[Aviation Airport Land Use Compatibility Guidebook](#) published in 2024.

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Serial Number
25-00016F

Observer

You. Your Neighbors. Your Neighborhood.
Palm CoastObserver.com

Palm Coast Observer
Published Weekly
Palm Coast, Flagler County, Florida

COUNTY OF FLAGLER

STATE OF FLORIDA

Before the undersigned authority personally appeared Hailey McMillan who on oath says that he/she is Publisher's Representative of the Palm Coast Observer a weekly newspaper published at Palm Coast, Flagler County, Florida; that the attached copy of advertisement,

being a Notice of Meeting

in the matter of February 11th, March 3rd & March 17th

in the Court, was published in said newspaper by print in the

issues of 1/23/2025

Affiant further says that the Palm Coast Observer complies with all legal requirements for publication in chapter 50, Florida Statutes.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

Hailey McMillan
Hailey McMillan

Sworn to and subscribed, and personally appeared by physical presence before me,

23rd day of January, 2025 A.D.

by Hailey McMillan who is personally known to me.

Tanya Vrieseema

Notary Public, State of Florida
(SEAL)



NOTICE OF ADOPTION OF AMENDMENT TO THE FLAGLER COUNTY LAND DEVELOPMENT CODE

Pursuant to Chapter 123.66, Florida Statutes, the Flagler County Board of County Commissioners hereby gives notice of a proposal to adopt an Ordinance affecting the actual list of permitted, conditional, or prohibited uses within the unincorporated area of Flagler County and titled similar to: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING THE FLAGLER COUNTY LAND DEVELOPMENT CODE (APPENDIX C TO THE FLAGLER COUNTY CODE OF ORDINANCES), BY AMENDING SECTION 3.06.09, SPECIAL PROVISIONS OTHER, ARTICLE III, ZONING DISTRICT REGULATIONS, BY ESTABLISHING AIRPORT PROTECTION AND LAND USE COMPATIBILITY OVERLAY ZONE REGULATIONS; PROVIDING FOR FISCAL IMPACTS; PROVIDING FOR APPLICABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public hearings on the ordinance will be held in the location listed below at the dates and times provided:

PLANNING AND DEVELOPMENT BOARD - Public Hearing - Tuesday, February 11, 2025 at 6:00 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, 32110.

BOARD OF COUNTY COMMISSIONERS - First Reading - Monday, March 3, 2025 at 9:30 a.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, 32110.

BOARD OF COUNTY COMMISSIONERS - Second Reading and Adoption - Monday, March 17, 2025 at 5:30 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, 32110.

All interested persons are urged to attend the public hearing and be heard. Anyone wishing to express their opinion may attend, telephone 386-313-4009 or write to: Flagler County Planning and Zoning Department, 1769 E. Moody Blvd, Building 2, Bunnell, FL 32110 or email to planning@flaglercounty.gov. Copies of the proposed ordinance, supporting data and analysis, staff reports and other pertinent information are available for review at the Flagler County Planning and Zoning Department, 1769 East Moody Boulevard, Building 2, Bunnell, Florida 32110, Monday through Friday (except holidays) from 9:00 am to 5:00 pm.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING, A RECORD OF THE PROCEEDINGS MAY BE NEEDED AND, FOR SUCH PURPOSES, THE PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE COUNTY ADMINISTRATION AT (386) 313-4001 AT LEAST 48 HOURS PRIOR TO THE MEETING.

Jan. 23 25-00016F