



FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
Government Services Building
Board Chambers
1769 East Moody Blvd., Bldg. 2, Bunnell, Florida 32110

MEETING

A G E N D A

DATE – MAY 9, 2023

TIME – 6:00 P.M.

1. Roll Call.
2. Pledge to the Flag.
3. Approval of: April 11, 2023 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:
Application #3333 – **VARIANCE – SIDE YARD SETBACK VARIANCE IN THE R-1 (RURAL RESIDENTIAL) DISTRICT** – request for a 0.31 foot left side yard setback variance from the required minimum 7.5 foot side yard setback. Parcel Number 20-10-31-0300-01490-0000; 23,488.09+/- square feet. Owner: John Beem/Applicant: Lanni Construction, Inc.
Project #2022100019 (TRC, PDB)
5. Staff Comments.
6. Board Comments.

7. 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.
8. 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.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, STATES THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY A BOARD AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE 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.

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, April 11, 2023 at 6:00 PM

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

Members present: Timothy Connor, Heather Haywood, Mark Langelo, and Fernando Melendez (Chair).

Members excused: Michael Boyd, Jack Corbett, and Anthony Lombardo.

Staff present: Adam Mengel, Growth Management Director; Chuck Merenda, Assistant Growth Management Director; and Gina Lemon, Development Review Planner III.

Board Counsel: Sean Moylan, Deputy County Attorney.

2. Pledge to the Flag.

3. Approval of: March 14, 2023 regular meeting minutes.

Motion: Motion for approval.

Motion by: Mark Langelo

Motion 2nd by: Timothy Conner

Vote: Motion carried unanimously.

4. Legislative, not requiring disclosure of ex parte communication:

Application #3330 – **SMALL SCALE FUTURE LAND USE MAP AMENDMENT FROM COMMERCIAL: HIGH INTENSITY (6.52+/- AC) AND INDUSTRIAL (21.80+/- AC) TO RESIDENTIAL: HIGH DENSITY (28.32+/- AC)** – request to amend the Future Land Use Map designation at 5615 State Road 100 East. Parcel Number 08-12-31-0650-000B0-0070; 28.32+/- acres. Owner: Flagler Pines Properties, LLC/Applicant: Jay W. Livingston, Esq.

Project #2022090031

(TRC, PDB, BCC)

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Jay Livingston, Esquire, Livingston and Sword, gave an overview of the proposed project. He explained that the proposed high density residential use. He explained the parcel specific limiting policy does exist in the Future

Land Use Element now and explained the proposed changes to the parcel specific limiting policy. Flagler Airport does not have a Part 150 sound study, Mr. Livingston engaged a Sound Engineer to perform a sound analysis to determine if we were going to be within the 65 decibel range.

Sound Engineer, Rob Lilkendey, of RML Acoustics, LLC, explained the process that took place to create the sound study. For noise impacts, the FAA uses a yearly day/night average sound level. This is a measure of all the sounds averaged over the 24 hour period. This is what the FAA uses to determine compatibility. Based on the weeks' worth of sound level it is compatible with the airport.

Steven Grigg, President of Republic Properties Corporation. He is a resident of St. Johns County and a licensed architect in the State of Florida. The setbacks on the south side will be about 115 feet and about 100 feet on the property line from west. The project will be located behind the commercial parcels adjacent to E. Moody Boulevard. There are 3-story 40-unit buildings. There are preserved wetlands. From their experience the freeway noise is a much bigger issue than runway noise.

Board Question:

Mark Langello questioned the height of the buildings. Thirteen feet per floor will be over forty feet for the third floor, will be lower than the trees. Mr. Langello also questioned the sound study, what was the height of the microphones.

Mr. Lilkendey responded 6 ½ feet. The pines are approximately 40'.

Mr. Langello questioned the methodology; the microphone was nestled down 6 ½ feet high. He went on with this disagreement to the methodology.

Mr. Lilkendey responded that the table there was 337 flights, that is 22 flights an hour. Mr. Lilkendey explained the propagation of sound for the Board Members.

Mr. Livingston explained the closest airport that has Part 150 sound study. The example was Ft. Lauderdale. Mr. Livingston explained that the locations of the buildings are outside the 65 decibel range.

Mr. Lilkendey explained that being 1000 feet way, then moving 50 feet away is not going to change the sound level much.

Mr. Livingston explained summed up the discussion on the sound with bugs and having been in the County for a very long-time bikes going on SR 100 are not going to be louder than the place sources. Insects with some of the road noise exceed the plane noise. We are in the middle, the sound has much less of an impact.

Heather Haywood questioned the educational facilities increase. How was that calculated?

Mr. Mengel used the generator based on housing type.

Heather Haywood questioned the staff with the student generator. Mr. Mengel responded that the generator is provided by the School District.

Mr. Livingston said the school district did a school impact fee study; the school district has a school generator factor. The student generation rates actually declined from the study that was provided in 2006 and two years ago.

Public Comments:

Roy Seiger, Airport Director of the Flagler Executive Airport commented the rezoning should not be approved. The property was rezoned in 2021 from AC (Agriculture) District to I (Industrial) District at Ordinance No. 2021-10, the felt that the Industrial District is compatible. The Flagler Executive Airport does have a perceived noise problem. The property is contiguous to the Flagler Executive Airport, is not compatible.

Public comments closed.

Board Discussion:

Timothy Conner commented on the need for more multifamily residential development. The location is not compatible. We've only heard from some experts, the experts say that noise is not incompatible. Mr. Conner then made a motion to approve the Future Land Use Designation.

Chair Melendez wanted to collect Board comments.

Mark Langelo commented on traffic and the sound of the report. He did find some inconsistencies with the tables. He found that the commercial would produce less trips. He took classes in college on sound, he is a general contractor. Commented on removing Industrial space. He doesn't think this is a great use of the land.

Heather Haywood agreed that there is a great need for multifamily, however there is a need for the flow of the community.

Timothy Conner commented on the limited for industrial land use but commented that this land is not going to be used for industrial purposes. This is going to be a big box, but if you start putting together mixed use, residential and commercial in close proximity to each other then you have a place for the residents to shop and visit restaurants nearby. To simply do a commercial strip down Highway 100 is bad planning, not good planning. Multi family residential is good for the environment, particularly when you stack structures in multi-level buildings, you have more green space. This close to the Target Shopping Center, it is close to the Shopping Center at Airport Commons, you have restaurants and the school nearby and the gas station is on the corner.

Motion: The Planning and Development Board recommends to the Board of County Commissioner Approval of Application #3330, a Future Land Use Map

amendment (for Parcel # 08-12- 31-0650-000B0-0070) totaling 28.32+/- acres from Commercial High Intensity and Industrial to Residential High Density, finding that the amendment is consistent with the Flagler County Comprehensive Plan.

**Motion by: Timothy Conner
Motion died for lack of second.**

Jay Livingston on rebuttal, this particular parcel is not going to be used as industrial. He went on to describe the lack of compatibility with industrial uses. There is a lot of industrial land within this area, but it is not being utilized as industrial. We have seen commercial development and residential development. There are apartments within Town Center, this is almost the same uses and zoning. The apartment projects are really nice. Mixing the multifamily locations with the commercial has been demonstrated to work; to find locations build multifamily without having to make everyone angry. This concept that this property will not be developed for industrial.

Mark Langello understood what Mr. Conner was talking about and mixing it up, but disagreed with the lack of industrial.

Motion: The Planning and Development Board recommends to the Board of County Commissioners denial of Application #3330, a Future Land Use Map amendment (for Parcel # 08-12- 31-0650-000B0-0070) totaling 28.32+/- acres from Commercial High Intensity and Industrial to Residential High Density, finding that the amendment is not consistent with the Flagler County Comprehensive Plan on two points: the land zoning that is here is more appropriate; and changing it to residential is not consistent.

For the record, Mr. Conner explained that this will never be used for industrial.

**Motion by: Mark Langello
Motion 2nd by: Heather Haywood**

Vote: Motion carried with 3 ayes, Timothy Conner voted nay.

5. Quasi-judicial requiring disclosure of ex parte communication:
Application #3331 – **REZONING FROM C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT AND I (INDUSTRIAL) DISTRICT TO R-3B (MULTIFAMILY RESIDENTIAL) DISTRICT** – request for rezoning at 5615 State Road 100 East. Parcel Number 08-12-31-0650-000B0-0070; 28.32+/- acres. Owner: Flagler Pines Properties, LLC/Applicant: Jay W. Livingston, Esq.
Project #2022090032 (TRC, PDB, BCC)

No Board disclosures.

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Jay Livingston, Esquire, Livingston and Sword continued that

the property will be annexed to the City of Palm Coast. The presentation was relative to both items.

Board Questions:

Mark Langello asked if the City of Palm Coast has been talked to about this project.

Mr. Livingston commented that this will be a mixed use area.

Mark Langello questioned if the part or the whole would be annexed.

Mr. Livingston responded that they would take the whole, because you do not want to create an enclave.

Public Comments:

No public comment.

Mr. Moylan explained that the Board is a recommending body, therefore make a motion based on the merits of the project.

Motion: The Planning and Development Board recommends to the Board of County Commissioners denial of Application #3331, a rezoning from C-2 (General Commercial and Shopping Center) and I (Industrial) Districts to R-3b (Multifamily Residential) District for 28.32+/- acres, finding that the proposed rezoning is inconsistent with the Flagler County Comprehensive Plan and the Flagler County Land Development Code and compatibility to the surrounding area.

Motion by: Mark Langello

Motion 2nd by: Heather Haywood

Vote: Motion carried 3 ayes, Timothy Conner voted nay.

6. Quasi-judicial requiring disclosure of ex parte communication:
Application #3345 – **SPECIAL EXCEPTION IN THE C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT** – request for a Special Exception for a Roadside Vendor for art and food trucks at 2751 Moody Boulevard. Parcel Number 11-12-31-0650-000C0-0050; 9+/- acres. Owner: Robert Mott and John Mott/Applicant: Amber Embers.
Project #2023020040 *(TRC, PDB)*

Mark Langello disclosed that he had a conversation with the applicant, stopped the conversation and said will discuss in the proper setting.

Staff Presentation: Mr. Mengel presented the staff report.

Mark Langello, questioned the signage, up at the street to advertise their overall project. Not limiting the tent signage.

Heather Haywood question the parking is going to be monitored.

Mr. Mengel responded that it will be complaint driven. The traffic hazard will be FDOT.

Applicant Presentation: Amber Embers, owner of the Cosmic Hippie. The vendors are driving to Jacksonville and Daytona Beach. She will have canvas artwork, custom chocolates and artisan work. She requires that the applicants to provide documentation and digital. Her husband is the security guy and will do the parking.

Board Questions:

Heather Haywood questioned the restrooms.

Ms. Embers answered that there are two port-a-potties, one regular and one handicapped accessible with a hand washing station.

Public Comments:

No public comments.

Board Discussion:

Heather Haywood discussed 5 food trucks on the property.

Mark Langelo questioned staff with the parking.

Mr. Mengel responded that there are patrons of the food trucks that will come buy the food and then leave.

Ms. Embers responded that they have measured the property numerous times, if the vendor comes with a trailer, they will require the pickup to park with the vendor parking and work from the trailer.

Mark Langelo questioned 3 food trucks versus 5 food trucks have an effect on the business plan?

Ms. Embers responded that they were looking for variety of the food trucks.

Mark Langelo questioned the amount of food trucks and the related bathrooms.

Mr. Mengel responded that the commonsense answer would be to provide more of them.

Timothy Conner discussed that there are built in constraints, this spot has been used for this kind of activity. He says in his experience he has not seen this become a dangerous situation.

Motion: The Planning and Development Board finds that all the special exception criteria as listed in the guidelines at Land Development Code (LDC) Section

3.07.03.F have been met and therefore approves the roadside vendor use at 2751 Moody Boulevard (Parcel #11-12-31-0650-000C0-0050), subject to the following conditions:

On a continual basis as required by the LDC specific to roadside vendors:

- 1. Limited to operation at an approved site, but not within five hundred (500) feet of an existing permanent business offering the same services or products.**
- 2. Must provide safe ingress and egress to the site.**
- 3. Must obtain County Business Tax Receipts.**

On an initial and/or continual basis, as applicable, and as required by the LDC for this Special Exception use:

- 4. This Special Exception runs with the land.**
- 5. All roadside vendors are required to set-up and take-down all aspects of the roadside vendor operation on a daily basis. No part of any roadside vendor operation is permitted to remain on site overnight.**
- 6. All roadside vendors operating from the site are required to secure their roadside vendor operation during any period of intermittent severe weather.**
- 7. Roadside vendors shall be limited to: art, jewelry, cottage-made foods, honey, bread, baked goods, home décor and collectibles, non-profit agencies, and food trucks.**
- 8. The location on the site of the roadside vendor (art, jewelry, cottage-made foods, honey, bread, baked goods, home décor and collectibles, non-profit agencies, and food trucks) shall be in a manner consistent with the site plan submitted as part of this application and shall in no instance be permitted to be placed within a vehicular access way or in a required off-street parking space.**
- 9. Refuse will be collected in trash cans and disposed of with ordinary waste generated by the owners' present commercial use unless additional special requirements are called for by other relevant agencies.**
- 10. Parking associated with the use shall be off-street parking, and no parking will be permitted within the right-of-way of Moody Boulevard/State Road 100. Should vehicular traffic and/or off-street parking exceed the provided capacity, the applicant shall utilize staff to direct customers away from the parcel and out of the Moody Boulevard/State Road 100 right-of-way. If required, the applicant shall require "one-in, one-out" traffic management if all available off-street parking is utilized. Customers shall not queue within the Moody Boulevard/State Road 100 right-of-way.**
- 11. Any signs or lighting located within any vendor space or on any food truck/trailer shall be configured in such a manner so as to maintain traffic safety and to minimize glare on adjacent properties.**
- 12. Signage for the use shall be limited to the signage affixed to any vendor space or on any food truck/trailer, including the use of electronic messaging signage or signage with exposed illumination. Individual vendors and food trucks/trailers may have one two-sided sandwich "menu**

board” sign adjacent to their vendor space or food truck/trailer – but not placed within a vehicular access way or in a required off-street parking space – while the roadside vendor is onsite and open for business. A single, two-sided sign no larger than 32 square feet in sign area and with an overall sign height not to exceed six feet may be permitted by the applicant on the subject parcel and identifying “The Cosmic Landing” and the hours of operation, to be located generally within the location as depicted on the Site Plan. No signs may be placed within the right-of-way of State Road 100/Moody Boulevard.

13. Days and hours of operation of the roadside vendors shall be limited to 11 a.m. to dusk daily, with set-up to begin no earlier than 9 a.m.
14. The use of amplified speakers on, or situated in association with, any vendor space or any food truck/trailer shall be limited to no more than 80 dBA while operating at the property as measured at the parcel line of the subject parcel.
15. All vendors and food trucks/trailers shall be required to obtain and maintain on an ongoing basis any Business Tax Receipt and/or agency permit or authorization, including but not limited to issuance of a County Business Tax Receipt by the Flagler County Tax Collector, the Department of Agriculture and Consumer Services, the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, and the Health Department, as applicable.
16. All vendors and food trucks/trailers shall not have permanent connections to onsite utilities.
17. Driveway connection to State Road 100/Moody Boulevard will be subject to permit/approval from the Florida Department of Transportation (FDOT), and will be subject to FDOT access requirements on an ongoing basis for the duration of the use.

Motion by: Heather Haywood

Motion 2nd by: Timothy Conner

Vote: Motion carried unanimously.

7. Quasi-judicial requiring disclosure of ex parte communication:
Application #3346 – **SITE DEVELOPMENT PLAN REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a Site Development Plan Review in a PUD for model homes and parking in the proposed Groveside at Ormond Station Subdivision (f/k/a Celedine). Parcel number 22-14-31-0000-01010-0091; 39.81+/- acres. Owner: ADJ Hunters Ridge, LLC/Applicant: D. R. Horton.
Project #2023020047 (TRC, PDB, BCC)

No Board disclosures.

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Sydney Kendrick, D. R. Horton, no presentation available for questions.

Board Questions:

Mark Langello asked about time limit on the model homes and temporary sales center.

Public Comments:

Jennifer Liddell of 46 Huntington Place, spoke on concerns timing, environmental impact studies, wetland mitigation, negative impact to the wildlife.

Sidney Kendrick explained that the speaker's comments were not related to this application. Her comments are more related to the subdivision.

Public comments closed.

Motion: The Planning and Development Board recommends to the Board of County Commissioners approval of the PUD Site Development Plan in addition that a timeframe for the sales center that would possibly have extensions, the lots no longer used as a sales center must return to a single-family dwelling and the parking lot removed and the lot restored.

Motion by: Mark Langello

Motion 2nd by: Heather Haywood

Vote: Motion carried unanimously.

8. Quasi-judicial requiring disclosure of ex parte communication:
Application #3347 – **SITE DEVELOPMENT PLAN REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a Site Development Plan Review in a PUD for model homes and parking in the proposed Gardenside Subdivision (f/k/a Iris). Parcel numbers 21-14-31-0000-01010-0000; 21-14-31-0000-01010-0030; 22-14-31-0000-01010-0070; 22-14-31-0000-01010-0080; and 22-14-31-0000-01010-0130; 60.06+/- acres. Owner: US Capital Alliance, LLC/Applicant: D. R. Horton.
Project #2023020048 *(TRC, PDB, BCC)*

No Board disclosures.

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Sydney Kendrick, D. R. Horton no presentation, available for questions.

Public Comments:

Will Rourk, 8 Shear Water Trail, questions how many lot will be developed and the widening of Airport Road.

Barbara Roark, 8 Shear Water Trail, questioned what will happen with the Fire Department and the schools.

Public comments closed.

Mr. Mengel explained the development of regional impact for the Hunter's Ridge and the development yet to come.

Motion: The Planning and Development Board recommends to the Board of County Commissioners approval of the PUD Site Development Plan in addition that a timeframe for the sales center that would possibly have extensions, the lots no longer used as a sales center must return to a single-family dwelling and the parking lot removed and the lot restored.

Motion by: Mark Langelo

Motion 2nd by: Heather Haywood

Vote: Motion carried unanimously.

9. Staff Comments.

None

10. Board Comments.

None

11. 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.

12. Adjournment:

Motion to adjourn Motion by: Mark Langelo

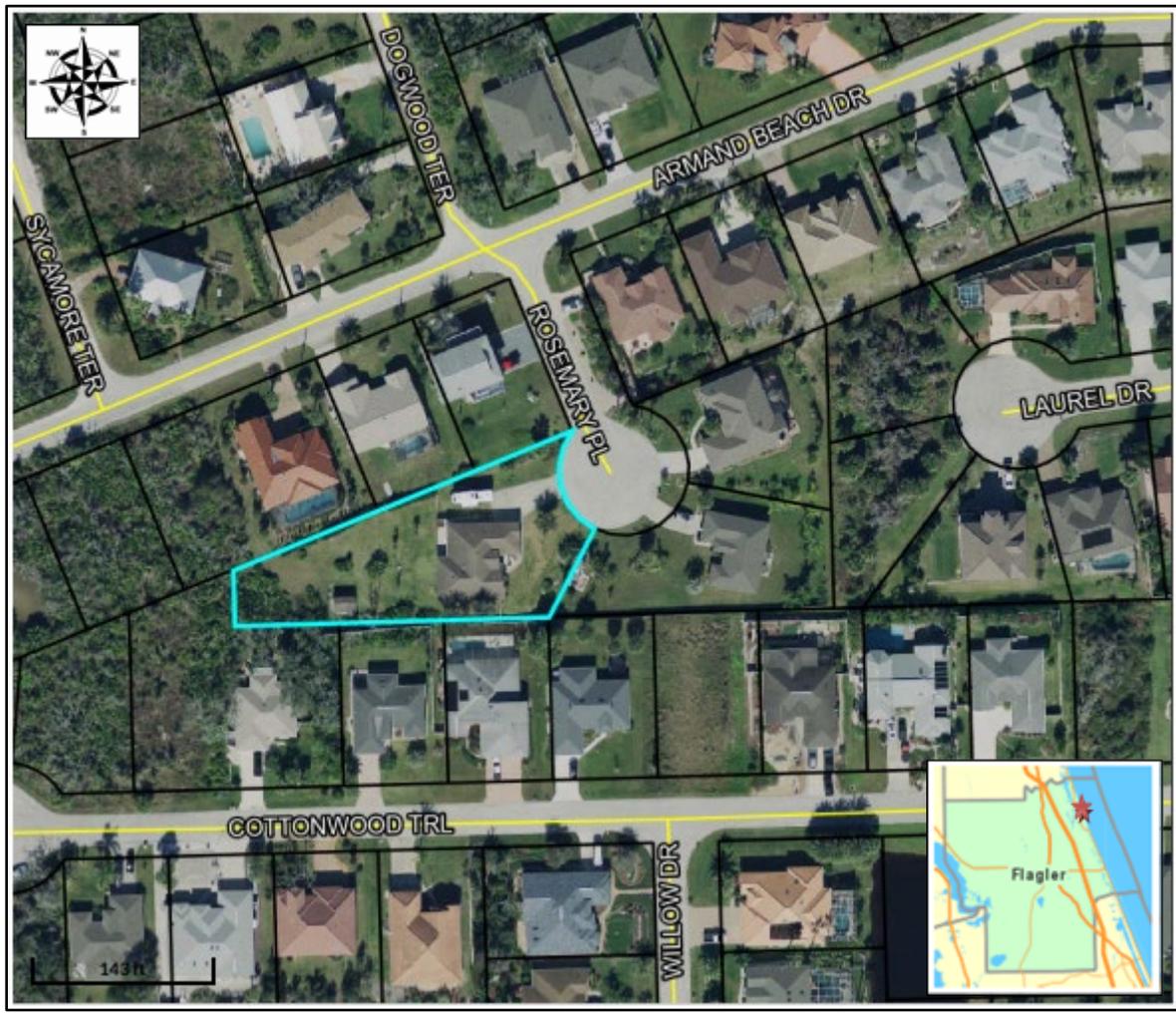
Meeting adjourned at 9:03 p.m.

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM #4**

SUBJECT: QUASI-JUDICIAL – Application #3333 – Request for a 0.31 left side yard (South) setback variance from the required 7.5 foot minimum side yard setback in the R-1 (Rural Residential) District at 4 Rosemary Place. Parcel #20-10-31-0300-01490-0000; 23,488+/- square feet. Owner: John Kelly Beem/Applicant: Lanni Construction, Inc. (Project #2022100019).

DATE OF MEETING: May 9, 2023

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 on the left (South) side of the lot in the R-1 (Rural Residential) District. This parcel is 23,488+/- square feet in size, identified as parcel #20-10-31-0300-01490-0000:



On March 20, 2023, Mr. Bill Lanni submitted an application for a variance following review of the final survey for a building permit for a guest/hobby addition. This request began as an Administrative Variance, however the Planning Department received a letter of

objection from an abutting neighbor at 44 Armand Beach Drive, Mr. Andre E. M. van de Ven and Marsha Tidy. With the objection, the Planning Board must decide the Variance.

The subject property is described as Lot 149, Armand Beach East Subdivision as recorded in Plat Book 8, Pages 21 through 22 of the Public Records of Flagler County, Florida.

This application was reviewed by the Technical Review Committee (TRC) at its April 19, 2023 meeting. The Technical Review Committee provided comments to be addressed by the applicant, and the applicant provided his response at the meeting.

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 Application #3333 for a 0.31 foot left (South) side yard setback variance from the minimum 7.5 foot side yard setback for a guest/hobby addition at 4 Rosemary Place (Parcel # 20-10-31-0300-01490-0000).

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 Application #3333 for a 0.31 foot left (South) side yard setback variance from the minimum 7.5 foot side yard setback for a guest/hobby addition at 4 Rosemary Place (Parcel # 20-10-31-0300-01490-0000).

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

**APPLICATION #3333
SIDE SETBACK VARIANCE
IN THE R-1 DISTRICT
4 ROSEMARY PLACE
TECHNICAL STAFF REPORT**

Application/Project #: 3333/2022100019

Address: 4 Rosemary Place

Owner: John Kelly Beem

Applicant: Bill Lanni, Lanni Construction, Inc.

Parcel #: 20-10-31-0300-01490-0000

Parcel Size: 23,488+/- square feet

Legal Description:

Lot 149, Armand Beach East Subdivision as recorded in Plat Book 8, Pages 21 through 22 of the Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:

Zoning: R-1 (Rural Residential) District

Land Use: Residential Low Density/Rural Estate

Future Land Use Map Classification/Zoning of Surrounding Land:

North: Residential Low Density/Rural Estate/ R-1 (Rural Residential) District

East: Residential Low Density/Rural Estate/ R-1 (Rural Residential) District

South: Residential Low Density/Rural Estate/ R-1 (Rural Residential) District

West: Residential Low Density/Rural Estate/ R-1 (Rural Residential) District

Flagler County Land Development Code (FCLDC) Sections Affected: Section 3.02.04(G), *Nonconformance*; Section 3.03.04, *R-1 – Rural Residential District*; Section 3.07.03, *Procedure for variances and special exceptions*; and Section 3.07.03.E, *Variance guidelines*.

Flagler County Land Development Code, Section 3.02.04.G, minimum setback dimensions for a lot of record are:

Front yard — Twenty-five (25) feet.

Rear yard — Twenty (20) feet.

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

Summary of Request: The subject parcel is 23,488+/- square feet in size. The Beems purchased the subject parcel through the Warranty Deed executed on September 18,

2020 and recorded on September 23, 2020 at Official Records Book 2479, Page 992, Public Records of Flagler County, Florida.

The original contractor on this job was Mr. Richard Sean Fulmer d/b/a RichardSean Construction, Inc. In May, 2020, the owner contracted with RichardSean to complete the addition. On November 20, 2020, Mr. Fulmer applied for a building permit (BR-005064-2020) for an attached 849 s.f. addition. Available records indicate that Mr. Fulmer withdrew from the job in 2021. On March 3, 2022, Mr. Bill Lanni d/b/a Lanni Construction, Inc., applied to complete the unfinished addition. By the time Mr. Lanni took over the construction, the foundation had been poured and the walls were up, with roof decking in place but lacking the roofing, doors, and windows. Interior framing was complete, but interior finishes had not been completed. Mr. Lanni was contracted by the owner to complete the unfinished addition. When the work was completed and all inspections were approved, the final survey indicated that the southwest corner of the addition (along Lot 149's left – south – side, adjoining Lots 191, 192, and 193) encroached 0.31 feet into the 7.5 foot minimum setback, while the southwest corner of the addition encroached 0.27 feet into the setback. According to the survey by Stephenson, Wilcox & Associates, Inc., bearing a signature and seal date of September 22, 2022, the observed setbacks from the side property line were 7.19 feet and 7.23 feet, respectively, for the southwest and southeast corners. Due to the encroachment, the building permit cannot be closed out.

Based on the limited amount of variance that was needed, the owners first sought an administrative variance following the process outlined in LDC Sec. 3.07.03.D. Upon the objection of the owners at 44 Armand Beach Drive, public notice was completed for the subject variance request. For reference, the administrative variance process requires notice to be provided to all adjacent parcels. If an objection is received, the administrative variance shifts into a variance request to be heard by the Planning and Development Board. As one of the lots at the end of an interior cul-de-sac in Armand Beach East, this lot is larger than other adjacent lots, is irregular in shape, and because of its relative size, has ten adjoining lots: along its right (North side) lot line, Lots 150, 151, 152 and 153 (with Lots 152 and 153 combined as a single parcel, who is also the objecting party to the administrative variance); Lot 190 at its rear (with Lot 190 and Lot 191 combined into a single parcel); Lots 191, 192, 193, and 194 (which adjoins the subject Lot 149 at its northwest lot corner) along the left (South) lot line); and Lot 148 along the left (southeast) lot line, adjoining Lot 149 in the cul-de-sac.

Compounding the difficulty for the owners of the subject parcel (Lot 149) resulting from the encroaching addition is the reservation through the plat of the Armand Beach East subdivision (Map Book 8, Page 22, Public Records of Flagler County, Florida) of a 7.5 foot wide "utility and/or drainage easement" along all rear and side lot lines. Not only does the addition encroach into the setback, but the addition encroaches to a greater degree into the platted easement, where the eaves protrude beyond the setback encroachment (and acknowledging that setbacks are measured to the foundation of the home and eaves may ordinarily extend into a setback, but no portion of a structure may extend into an easement). Due to the easement encroachment (and assuming that the variance is granted), a partial plat vacation to reduce the platted easement to

accommodate the encroachment will be necessary. The partial plat vacation is anticipated to be reviewed by the Board of County Commissioners at a forthcoming meeting.

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 is on a culdesac [sic] and is an unusual pie shape that tapers to the rear of the property.

Staff analysis: The pie-shaped lot is unusual and tapers to the rear at a line that is 42.39 feet wide, with the right (North) side lot line 279.93 feet, and the left (South) side lot line measuring 240.00 feet, and the common lot line between the subject Lot 149 and Lot 148 (left, southeast side) measuring 75.65 feet. The typical lot in the subdivision has dimensions of 80 feet wide by 125 feet deep, with an area of 10,000 s.f. The subject parcel – Lot 149 – is over twice the size of the typical lot; however, this parcel is still considered to be a nonconforming lot of record (benefitting from the reduced minimum side yard setback of 7.5 feet) due to the lot size being under one acre. The final survey indicates that the existing dwelling is 18.96 feet off of the left (South) side lot line. The original site plan showed that the addition was going to be 9.58 feet off of the left lot line. The original building contractor failed to build the addition according to the approved site plan.

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 original contractor, failed to layout the addition correctly as far as the setbacks yet complied with the elevation requirements.

Staff analysis: The property owner purchased the parcel with the existing dwelling in place. The owners relied on the original contractor to layout the addition in the correct 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*

Applicant's response: The oversight does not pose any public health issues or impede on any access to any easement property.

Staff analysis: Each variance rises or falls on its own merits. This variance is not anticipated to cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of LDC Article III.

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

Applicant's response: The property is zoned for the correct use.

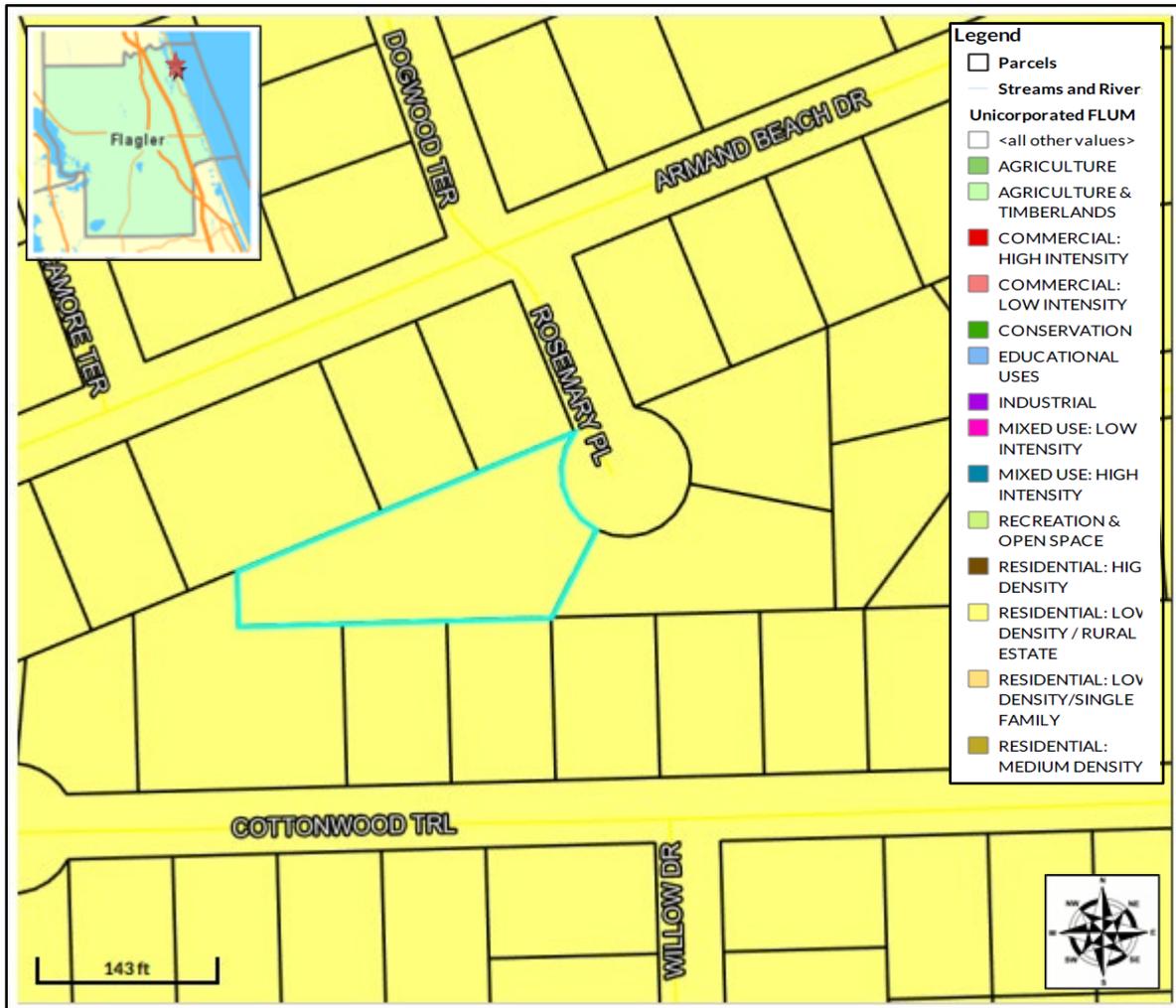
Staff analysis: Construction of an addition is permitted within the R-1 District.

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 variances the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

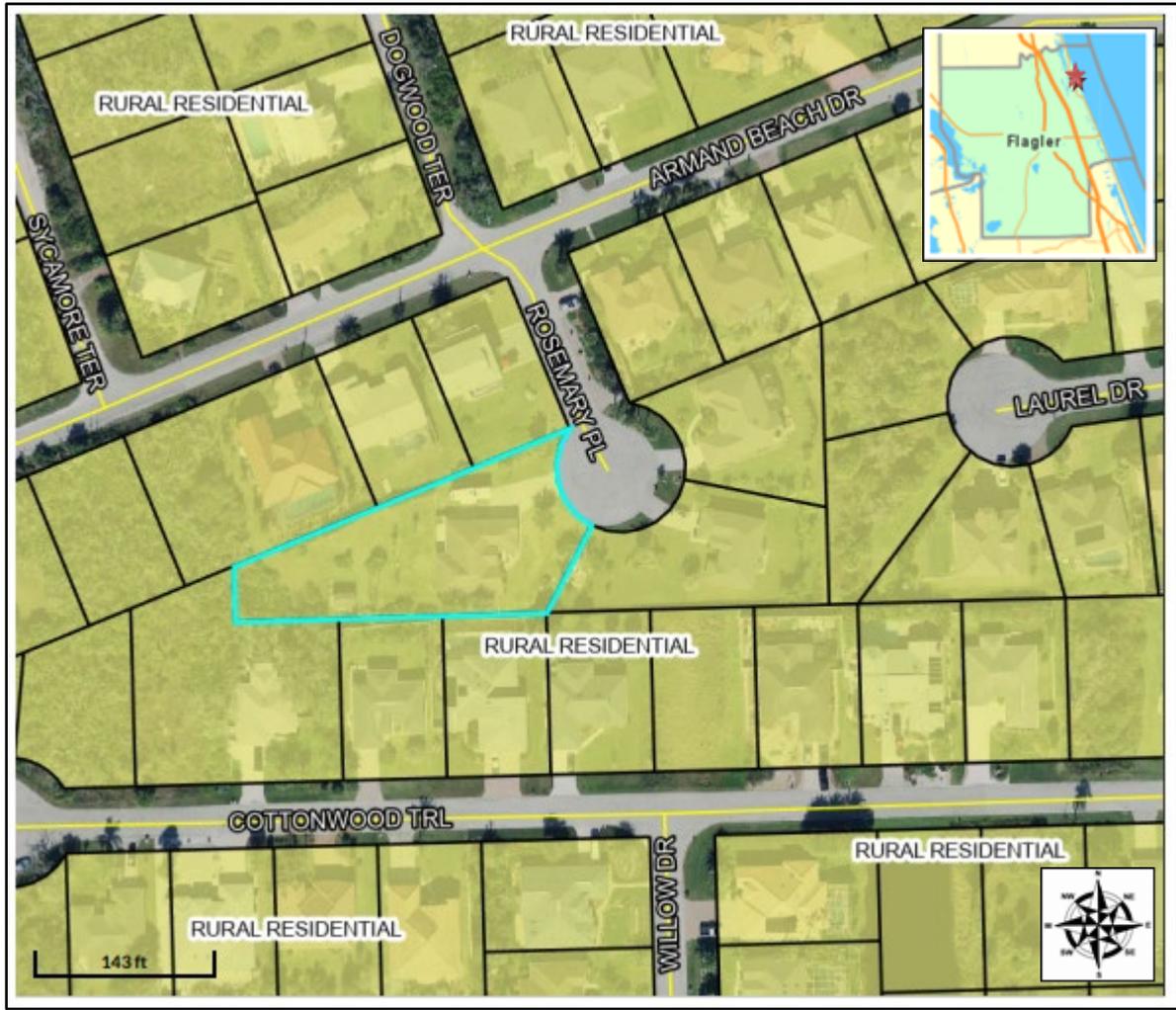
Applicant's response: If the Owner is not granted the variance, it will deprive the Owner use of the new addition for which the Owner is seeking to obtain a Certificate of Occupancy and use the new addition, a hardship variance must be granted.

Staff analysis: The applicant is asking for the minimum amount of relief necessary to complete the addition to the dwelling.

Future Land Use Map



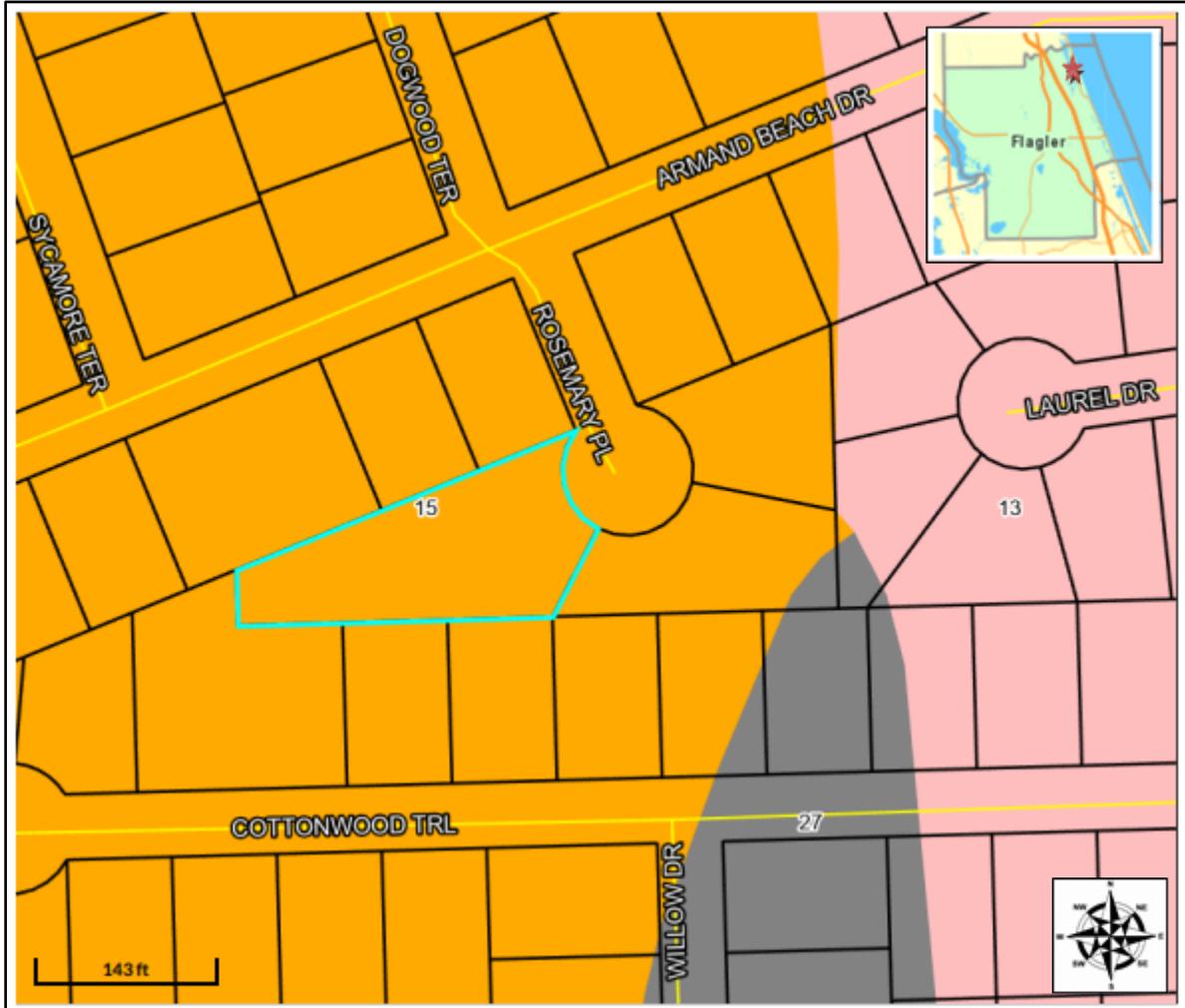
Zoning Map



Flood Zone Map

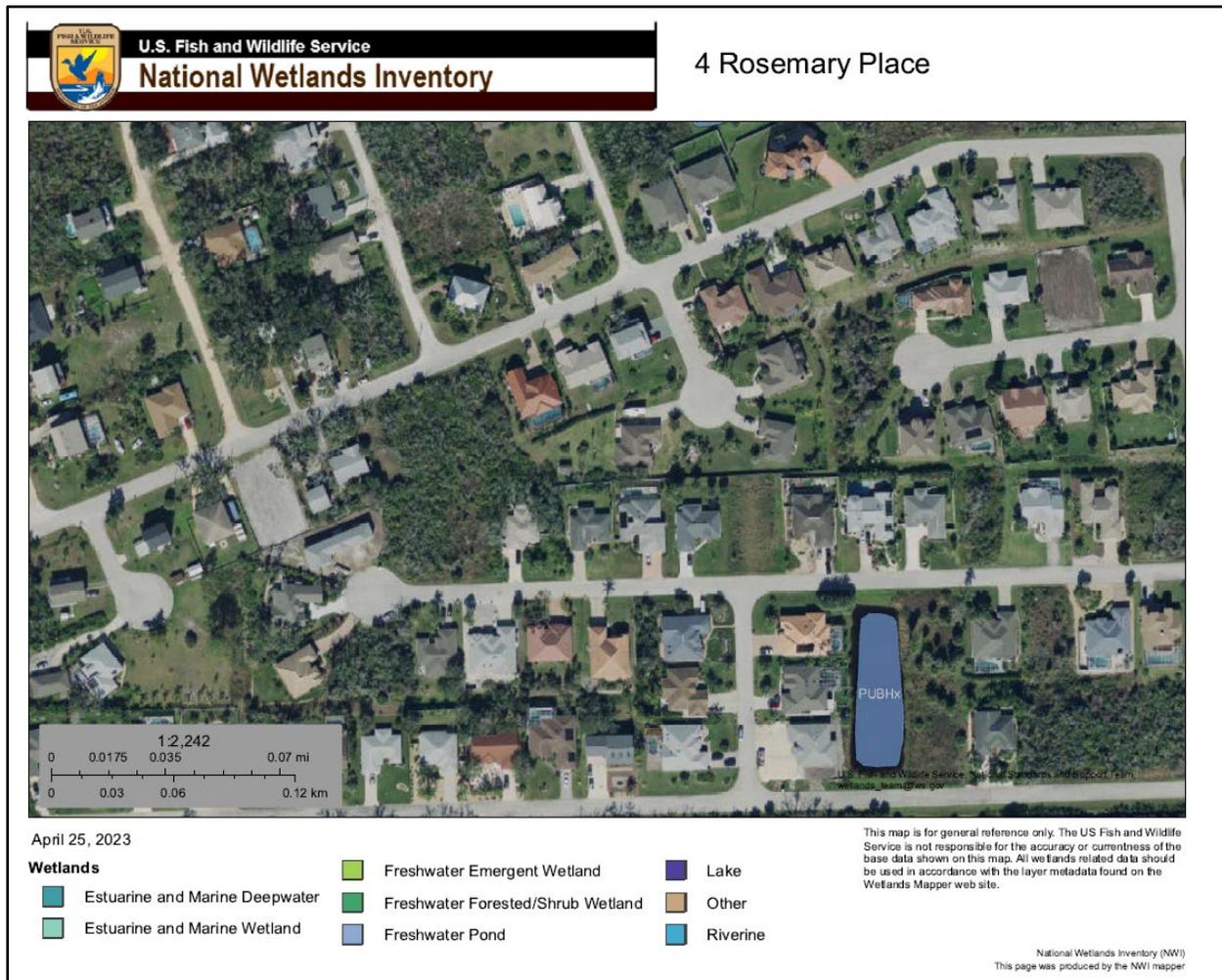


Soils



Soil Types
13 Immokalee fine sand
15 Pomello fine sand, 0 to 5% slopes
27 Cassia fine sand

Wetlands





APPLICATION FOR VARIANCE

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

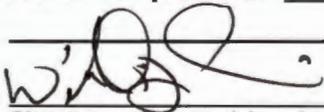
Application/Project #: 3333 / 2022100019

PROPERTY OWNER(S)	Name(s): John Beem		
	Mailing Address: 4 Rosemary Pl		
	City: Palm Coast	State: FL	Zip: 32137
	Telephone Number 573-823-8262	Fax Number	

APPLICANT/AGENT	Name(s): Lanni Construction, Inc.		
	Mailing Address: 4075 A1A S, Ste 100A,		
	City: St. Augustine	State: FL	Zip: 32080
	Telephone Number 904-814-7761	Fax Number	
	E-Mail Address: bill@lanniconstruction.com		

SUBJECT PROPERTY	SITE LOCATION (street address):	4 Rosemary Pl	
	LEGAL DESCRIPTION: (briefly describe, do not use "see attached")	ARMOND BEACH EAST BUBD LT149 OR71 PG307 OR567 PG1638 OR743 PG1341 OR1018 PG1042 OR2397/763 OR2479/992-RDMAN	
	Parcel # (tax ID #):	20-10-31-0300-1490-0000	
	Parcel Size:	3,647 Square Feet	
	Current Zoning Classification:	Single Family (000100) R-1	
	Current Future Land Use Designation	Single Family (000100) RSFL	
	Subject to A1A Scenic Corridor IDO?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

Relief Requested: Only a single setback encroachment or exceedance of maximum lot coverage



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

03/20/2023

 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

RECEIVED

MAR 17 2023

Flagler County
Planning & Zoning Dept.

March 13, 2023

Concerns: Application #3333- Administrative Variance Request
by Lanni Construction, Inc on behalf of Jim Beem.

Dear Planning and Development Board,

According to your letter dated March 1, 2023, the variance is requested due to a violation of the setback requirements.

My wife and me are not enthusiastic about this request.

Why not? Since this family of two elder people and their (step)daughter took residence at 4 Rosemary Pl, there were nothing but problems with this family.

It started with the installation of about 6 windchimes, some of them very loud. Complaints about them where of no use: "It's my land and I do what I want"

Then suddenly a massive RV appears on the driveway at the side of the house, blocking all view for the houses on the side of that driveway. The intention is that the daughter is going to live there and she uses it as such. It turns out that the RV is not steady at that position and the driveway is extended towards the west and the RV also moves. After enforcement action by the county, the daughter understands that she cannot use the RV as living quarters and the RV is sold.

Then came the idea of adding an extension to the house. When finally this addition is finished, it is apparently too close to the boundary of the lot and now a variance has to be requested.

The addition has windows on the side of the boundary, which means that the owners of 37 Cottonwood Trail loose all their privacy in their garden. Who approves this?

Next is the sudden appearance of a garage shed on the place where the RV was previously located, with dimensions of approximately 10 x 30ft and 10ft high. Now our neighbors at 46 Armand Beach Dr loose all their view and in a lesser way ourselves at 44 Armand Beach Dr.

Also the shed does not comply with the required setback and again enforcement action by the county is needed.

What's next? An extra shed for even more stowage? How much storage do you need with a family of two elder people and a daughter, at the detriment to other neighbors?

My request to the board is to critically assess how to handle this variance request and take further applications for extensions or other structures with the utmost reserve in view of the living experience of the surrounding neighbors.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized combination of the letters 'A' and 'M'.

Andre E.M. van de Ven and Marsha Tidy
44 Armand Beach Dr
Palm Coast, FL 32137-2613
386-445-6997



APPLICATION FOR VARIANCE

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

RECEIVED

FEB 21 2023

Flagler County
Planning & Zoning Dept.

Subject Property: 4 Rosemary Place, Palm Coast, 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 property is on a Culdesac and is an unusual pie shape that tapers to the rear of the property

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 original contractor, failed to layout the addition correctly as far as the setbacks yet complied with the elevation requirements

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 oversight does not pose any public health issues or impede on access to any easement property.

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

The property is zoned for the correct 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.

If the Owner is not granted the variance, it will deprive the Owner use of the new addition for which the Owner is seeking to obtain a Certificate of Occupancy and use the new addition, a hardship variance must be granted

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



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 # _____

Lanni Construction, Inc. _____, is hereby authorized TO ACT ON BEHALF OF Beem, John Kelly Life Estate, 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 Administrative Variance.

(ALL PERSONS, WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By: John Beem
Signature of Owner

John Beem
Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner: Telephone Number (incl. area code)

4 Rosemay Place 573-823-8262
Mailing Address

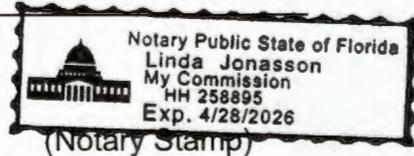
Palm Coast, FL 32137
City State Zip

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing was acknowledged before me this 17TH day of SEPT., 2022 by JOHN BEEM and _____ who is/are personally known to me or who has produced _____ as identification, and who (did) / (did not) take an oath.

Linda Jonasson
Signature of Notary Public





APPLICATION FOR ADMINISTRATIVE VARIANCE

Pursuant to Flagler County Land Development Code, Section 3.07.03(D)

FLAGLER COUNTY, FLORIDA

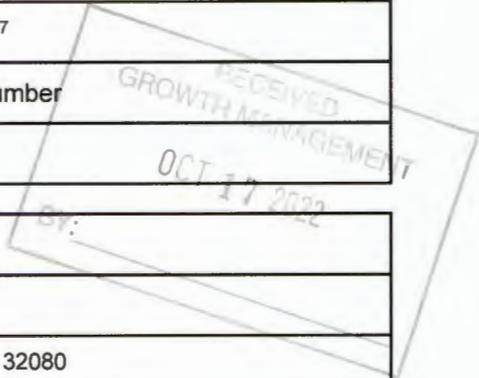
1769 E. Moody Blvd, Bldg. 2, Suite 105; Bunnell, FL 32110

Telephone: (386) 313-4009

Fax: (386) 313-4109

Application/Project #: 3333 / 2022100019

PROPERTY OWNER(S)	Name(s):	John Beem		
	Mailing Address:	4 Rosemary Place		
	City:	Palm Coast	State:	Florida
			Zip:	32137
	Telephone Number	5 7 3 - 8 2 3 - 8 2 6 2	Fax Number	
	E-Mail Address:	b3eem@hotmail.com		



APPLICANT/AGENT	Name(s):	Lanni Construction, Inc		
	Mailing Address:	4075 A1A South, Suite 100A		
	City:	St. Augustine	State:	FL
			Zip:	32080
	Telephone Number	904-814-7761	Fax Number	N/A
	E-Mail Address:	Bill@lanniconstruction.com		

SUBJECT PROPERTY	SITE LOCATION (street address):	4 Rosemary Place
	LEGAL DESCRIPTION: (briefly describe, do not use "see attached")	Armand Beach East Bubb LT149 OR71 PG307 OR567 PG1938 OR743 PG1341 OR1018 PF1042 OR2397/763 OR2479/992-RDMAN
	Parcel # (tax ID #):	20-10-31-0300-01490-0000
	Parcel Size:	3,647 ^{23,454.89} Square feet
	Current Zoning Classification:	Single Family (000100) <u>R-1</u>
	Current Future Land Use Designation	Single Family (000100) <u>Residential Low: Rural Estate</u>

Relief Requested: (only a single setback encroachment or exceedance of maximum lot coverage)

Variance for encroachment of 18^{3.72} inches (4.13^{16.6}%) into the minimum required setback of 7.5 feet.

check one:

front	rear	right side	X	left side	street side yard
-------	------	------------	---	-----------	------------------

OR

Variance for an additional _____ % of lot coverage to exceed maximum allowable lot coverage of _____ %.

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

9/27/22

Date

**** OFFICIAL USE ONLY ****

DECISION:

Date: _____

APPROVED []
DENIED []

Signature of Planning and Zoning Director: _____

Prepared by and when recorded, return to:
Wendy A. Mara, Esq.
555 West Granada Blvd., Ste. D-10
Ormond Beach, Florida 32174

(Space above this line reserved for recording office use only)

ENHANCED LIFE ESTATE DEED

1. IDENTIFICATION OF GRANTOR

Grantor's name and address is: John K. Beem
4 Rosemary Place
Palm Coast, FL 32137

The word "I" or "me" as hereafter used means the Grantor.

2. IDENTIFICATION OF GRANTEE

"Life Estate Grantee's" name and address is: John K. Beem
4 Rosemary Place
Palm Coast, FL 32137

"Remainder Grantee's" name and address is: Hazel G. Beem
4 Rosemary Place
Palm Coast, FL 32137

The word "you" as hereafter used means the Grantee.

3. MEANINGS OF TERMS

The terms "I," "me," "you," "grantor," and "grantee," shall be non-gender specific ((i) masculine, (ii) feminine, or (iii) neuter, such as corporations, partnerships or trusts), singular or plural, as the context permits or requires, and include heirs, personal representatives, successors or assigns where applicable and permitted.

4. DESCRIPTION OF REAL PROPERTY CONVEYED

Property hereby conveyed (the "Real Property") is described as follows:

Lot 149, ARMAND BEACH EAST SUBDIVISION, according to the map or plat thereof, recorded in Map Book 8, Pages 21 and 22, Public Records of Flagler County, Florida.

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

The Property Parcel Identification Number is 20-10-31-0300-01490-0000.

5. CONSIDERATION

Good and valuable consideration plus the sum of Ten Dollars (\$10.00) received by me from you.

6. CONVEYANCE OF REAL PROPERTY

For the consideration described in Paragraph 5 which I have received, I convey, remise (give up a claim), and quit-claim (transfer without warranty) to the Life Estate Grantee a life estate in and to any interest I may have in and to the Real Property, and to the Remainder Grantee, the Real Property, to have and hold in fee simple forever, subject, however, to the life estate hereby granted to the Life Estate Grantee.

The Life Estate Grantee retains, for and during his/her lifetime, the exclusive possession, use, and enjoyment of the rents and profits of the property described herein, the right to sell, lease, encumber by mortgage, pledge, lien, or otherwise manage and dispose, in whole or in part, or grant any interest therein of the aforesaid premises, by gift, sale, or otherwise so as to terminate the interests of the Remainder Grantee, as the Life Estate Grantee in his/her sole discretion shall decide, or otherwise deal with the subject property on his/her own signature alone and without the necessity of joinder by the Remainder Grantee, except to dispose of said property, if any, by devise upon death. The Life Estate Grantee may do anything with regard to the property on his/her signature alone as if he owned an undivided fee simple interest, including changing the Remainder Grantee or extinguishing the remainder interest altogether.

Executed on 18 September 2020

John K. Beem
John K. Beem
4 Rosemary Place
Palm Coast, FL 32137 (Date)

Signed in the presence of:
Felicia Pellegrino 9/18/20
Signature Date

Printed Name: Felicia Pellegrino
555 W. Granada Blvd. Ste. D-10
Ormond Beach, FL 32174
Witness

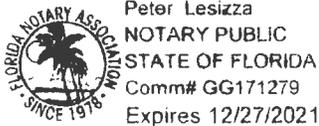
Signed in the presence of:
Kathy G. Szlosek 9/18/20
Signature Date

Printed Name: Kathy G. Szlosek
555 W. Granada Blvd. Ste. D-10
Ormond Beach, FL 32174
Witness

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 18th day of September, 2020, by **John K. Beem**, who appeared physically before me and is ___ personally known to me or has produced Driver License as identification.

Peter Lesizza
Notary Public - State of Florida





13 October 2022

Page 1 of 2

County Commission
Flagler County
1769 E Moody Blvd. Building 2, Suite 105
Bunnell, FL 32110

RE: Beam Residence
4 Rosemary Place
Palm Coast, FL 32137
Parcel Number: 20-10-31-0300-01490-0000
Building Permit #BR005064-2020

Honorable Commissioners:

Back in May of 2020 John Beam contracted the services of a Licensed Contractor to build an addition to the west of his existing home. It was to be a Guest House attached to the existing home by a covered breezeway. The project received a building permit in December of 2020. Construction commenced and building inspections were called in and passed as required to further the project along. The Contractor completed the concrete slab and most of the framing completed; roof decked, but no roofing and no windows or doors installed. The Contractor was over his contracted price yet Mr. Beam still paid them.

The Contractor stopped performing on his contract with Mr. Beam. The addition sat in limbo for a year. In an effort to finish the project, Mr. Beam contracted with us. All permits were transferred to us. We picked up the ball and finished the addition passing all required building inspections. However, when we submitted the final survey, the addition shows encroachment on the required building set-backs by approximately 1.77ft on the SE side and 1.81ft on the SW side of the addition. Curious to us how that happened since it is required to provide the Building Department a certified "spot" survey with elevations at the slab stage to ensure it is construction is within the set backs and at the required elevation to move forward with construction and further inspections. Until that is signed off by the Building Department, no other inspections can be scheduled. It all happened during the Covid epidemic and that might explain what happened.



Lanni Construction, Inc.

Beam Residence
Page 2 of 2

In consideration of the above, we request a zoning variance to make and exception for the encroachment so Mr. Beam can occupy his new guesthouse.

Please let us know if you have any questions. Thank you for your consideration and time.

Respectfully,

Bill Lanni, President
Lanni Construction, Inc
High Tide Roofing & Waterproofing, Inc
State Certified Roofing Contractor CCC1331007
State Certified General Contractor CGC053500
Commercial & Home Property Inspector HI3422
Mold Assessor MRSA1606
Lead Certifications LBP-F1721188-1, NAT-F171188-2
Mold Remediator MRSR1746
USCG Licensed Master Captain 7307156



FEB 2022



FEB 2022

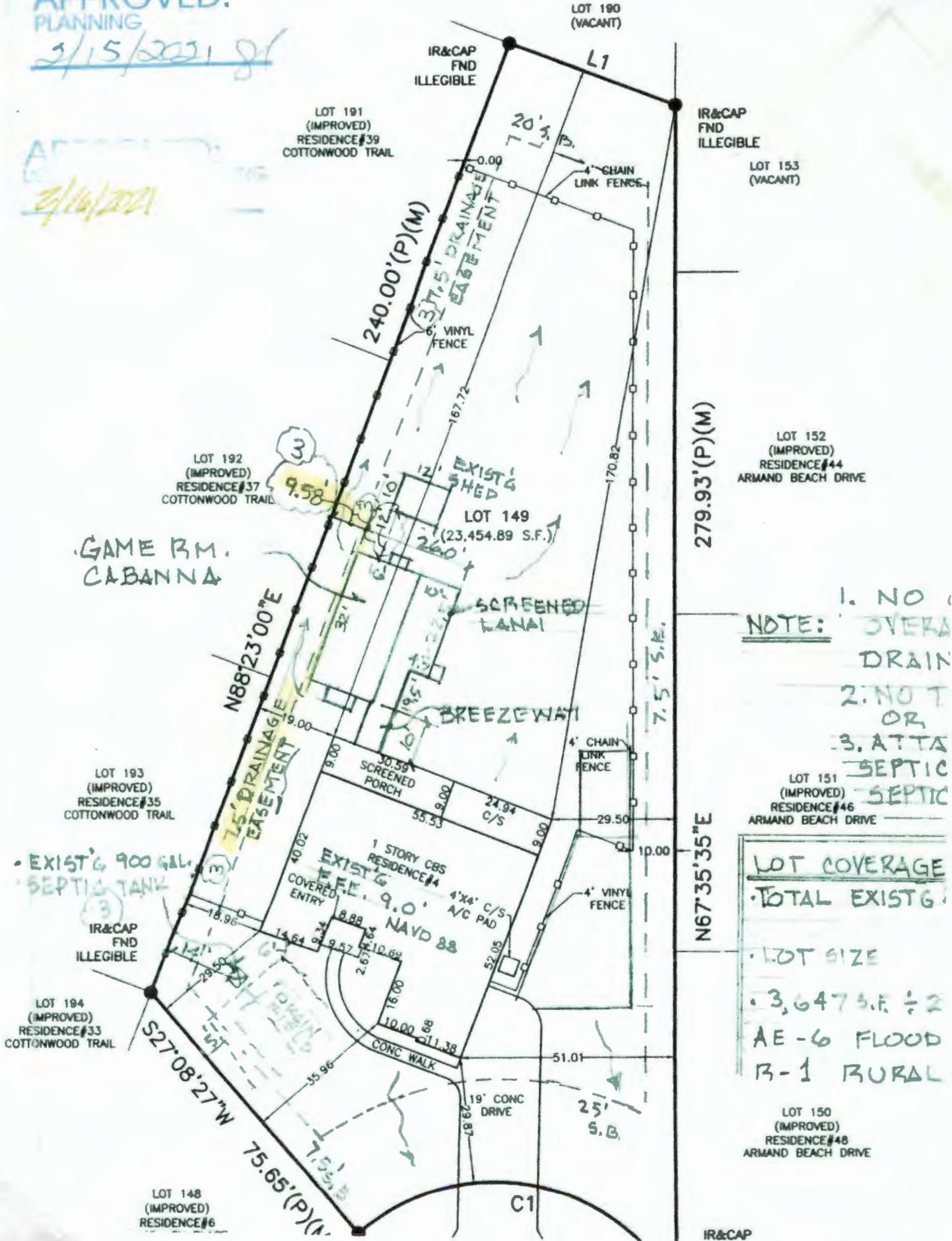


FEB 2022

APPROVED:
PLANNING

3/15/2021 *gt*

APPROVED:
3/16/2021



- NOTE:
1. NO OVERDRAIN
 2. NOT OR
 3. ATTN SEPTIC SEPTIC
- LOT 151 (IMPROVED) RESIDENCE #46 ARMAND BEACH DRIVE

LOT COVERAGE

TOTAL EXISTG

LOT SIZE

3,647 S.F. ÷ 2

AE-6 FLOOD

R-1 RURAL

LOT 150 (IMPROVED) RESIDENCE #48 ARMAND BEACH DRIVE

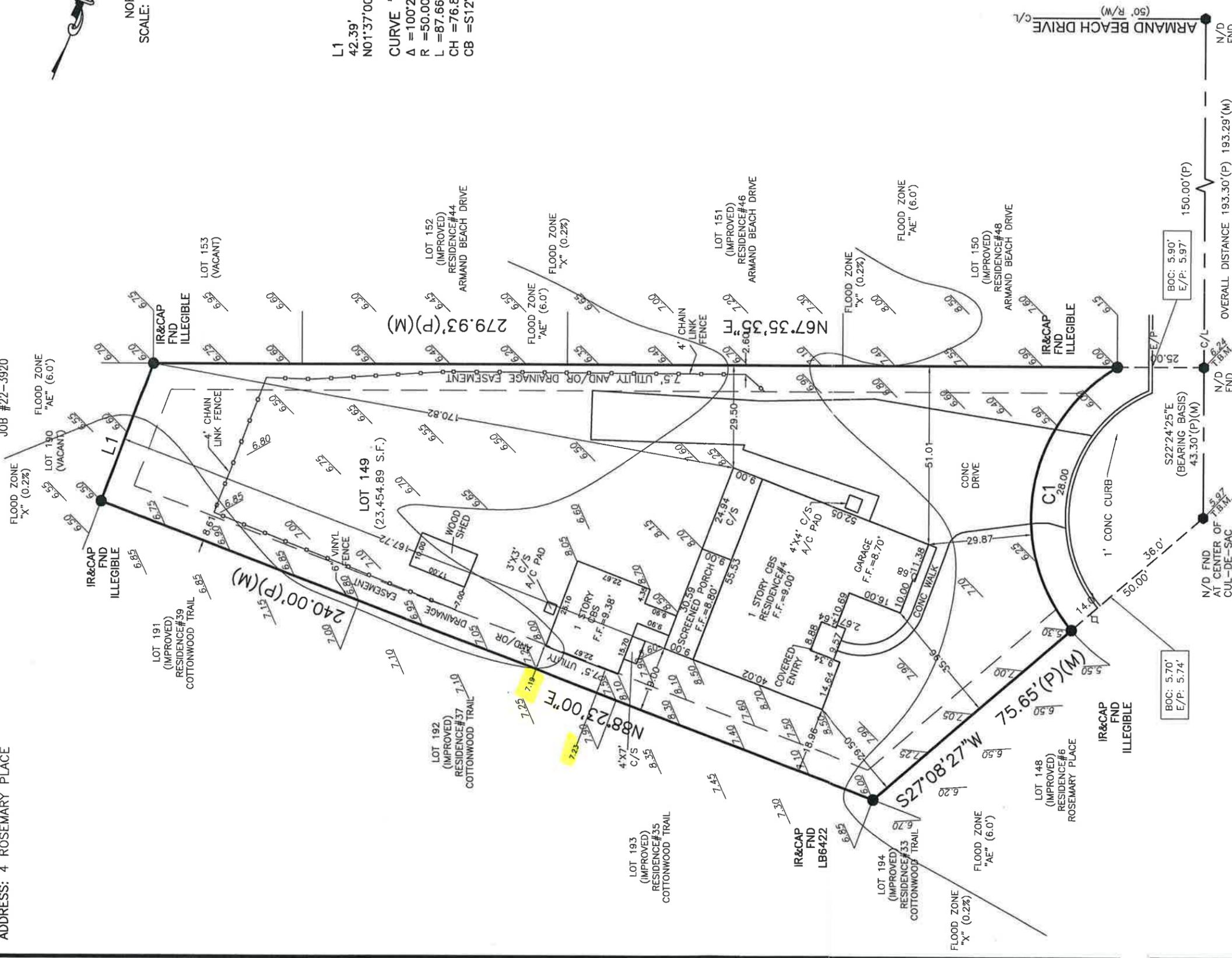
ADDRESS: 4 ROSEMARY PLACE

JOB #22-3920



SCALE: 1"=30'

L1
42.39'
N01°37'00"W
CURVE "A"
Δ = 100°27'08"
R = 50.00'
L = 87.66'
CH = 76.85'
CB = S12°38'20"E



TYPE OF SURVEY: BOUNDARY / LOCATION / TOPOGRAPHIC / FOUNDATION / FINAL ON ADDITION
NOTE: PURSUANT TO FLORIDA STATE LAW, THIS SURVEY IS VALID NO MORE THAN 90 DAYS FROM DATE OF LAST FIELD WORK

DESCRIPTION: LOT 149, ARMAND BEACH EAST, A SUBDIVISION AS RECORDED IN MAP BOOK 8, PAGE 22, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LEGEND:

IR&C	5/8" Iron Rod & Cap set
IR&C	5/8" Iron Rod & Cap found
IP	1/2" Iron Pipe
N/D	Nail and Disk set
PCP	Permanent Control Point
CM	4"x4" Concrete Monument set
CM	4"x4" Concrete Monument found
FND	Found
C/L	Center Line
E/P	Edge of Pavement
R/W	Right of Way
Δ	Delta
R	Radius
L	Length
CB	Chord Bearing
CH	Chord Distance
PC	Point of Curvature
PI	Point of Intersection
MSL	Mean Sea Level
C.M.P.	Corrugated Metal Pipe
C.B.S.	Concrete Block & Stucco
O.R.	Official Records Book & Page
N.G.V.D.	National Geodetic Vertical Datum
N.A.V.D.	North American Vertical Datum

B.M.	Bench Mark
T.B.M.	Temporary Bench Mark
TOB	Top of Bank
DOE	Top of Slope
P/P	Overhead Electric
P/P	Overhead Pole
P/P	Manhole
P/P	Manhole Tank
P/P	Manhole Riser
P/P	Cable Television Riser
P/P	Water Meter
P/P	Electric Meter
P/P	Fire Hydrant
W.V.	Water Valve
C/S	Concrete Slab
A/C	Air Conditioner Pad
LB	Licensed Business
F.F.	Finished Floor Elevation
N.R.	North-Right to Curve
(D)	Plat Bearing & Distance
(M)	Measured Bearing & Distance

NOTES:
 1. The entire map encompassing this survey is recorded in Map Book 8, Pages 21-22.
 2. Elevations refer to NAVD 1988 datum and reference local datum.
 3. Underground improvements and utilities not located.
 4. Bearings refer to plot datum and to the centerline of ROSEMARY PLACE as being S22°24'25"E.
 5. Property lies in Flood Zone "X", (0.2% ANNUAL CHANCE FLOOD), "AE", (base flood elevation = 6.0') with reference to Map No. 12035C0127E, Effective Date: June 5, 2018. This location is based on maps prepared by the Federal Emergency Management Agency, 1988 datum.
 6. Description provided by client.
 7. No section for encumbering instruments was made by surveyor.
 8. Error of closure meets or exceeds 1:7500 feet.

PREPARED FOR:
LANNI CONSTRUCTION
 4075 A1A SOUTH STE 100 A
 SAINT AUGUSTINE, FL 32080

STEPHENSON, WILCOX & ASSOCIATES, INC. (CAP#7736 / LBF#673)
 CIVIL ENGINEERS • LAND SURVEYORS • CONSULTANTS • PLANNERS
 204 N. Railroad Street PO Box 186 Bunnell FL 32110
 Phone: 386.437.2363 Fax: 386.437.0030
 Email: info.swa@gmail.com

TYPE SURVEY: FIELD DATE OFFICE DATE JOB NO. BY:

Boundary	09/12/22	09/20/22	22-3920	CJB
Formboard				
Foundation				
Final	09/12/22	09/20/22	22-3920	CJB

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.

FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 4 / 19 / 2023

SETBACK VARIANCE IN THE R-1 (RURAL RESIDENTIAL) DISTRICT

APPLICANT: Lanni Construction, Inc. / OWNER: John Beem

Distribution date: April 14, 2023

Project #: 2022100019

Application #: 3333

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

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. No comments at this time.

REVIEWING DEPARTMENT: COUNTY ENGINEERING

1. No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. No comments at this time.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments at this time.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

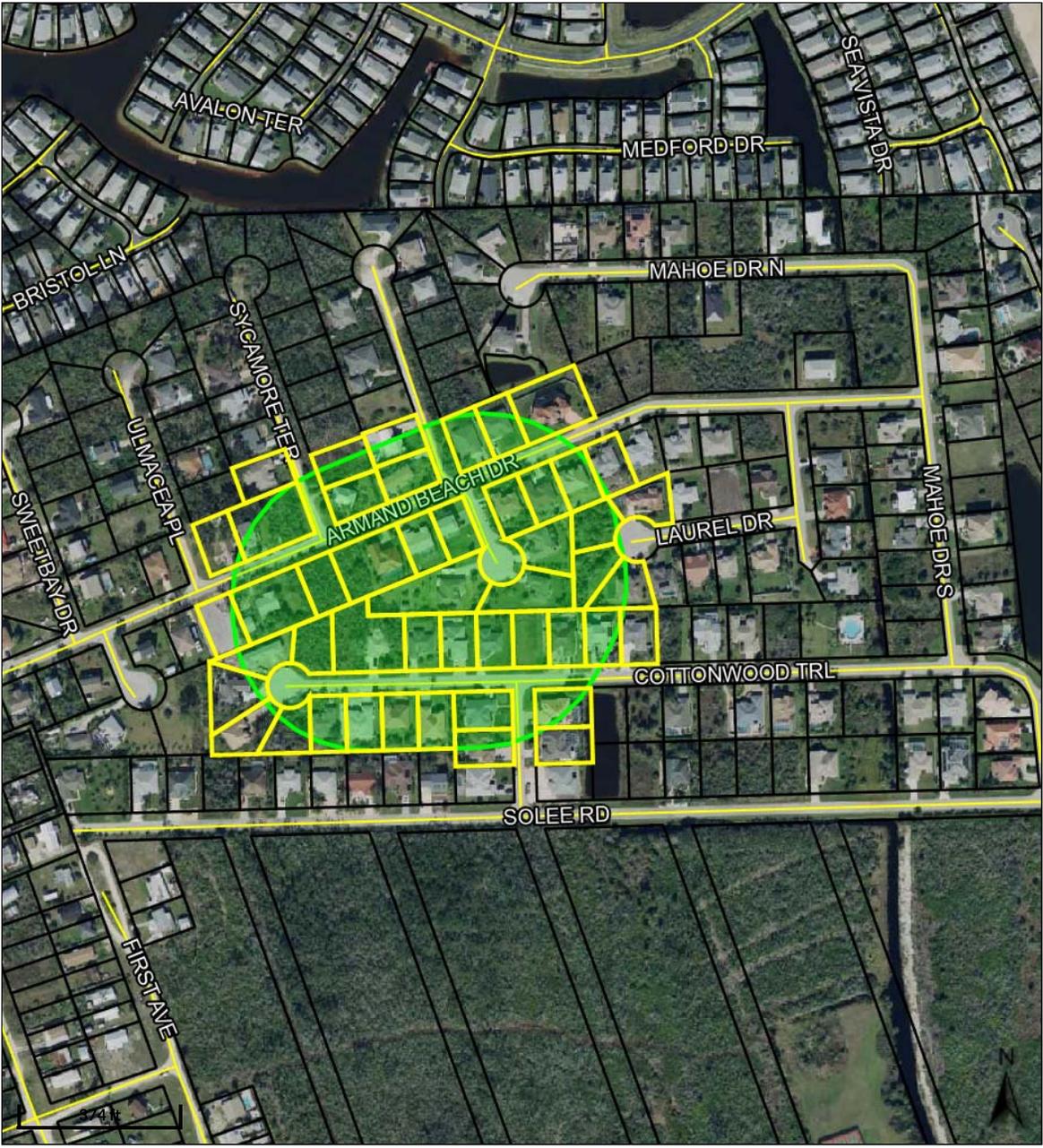
1. Department Approval was granted on 1/28/21 for the addition of a 512sqft Cabana/Game Room to connect to the existing septic system servicing the property. Approval was granted on the basis that an additional bedroom was not being added to the septic systems capacity. TRC application indicates that the addition to be used as a guest house. The addition of a guest house would require that the septic system be modified to meet the requirements of 62-6, F.A.C. Application for system modification is to be made to the Florida Department of Health in Flagler County.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. Fire Rescue has no issues with this variance.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. No further comment on the Variance request.
2. Reminder that the left side utility and/or drainage easement must be vacated.



Overview



Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 4/21/2023
Last Data Uploaded: 4/21/2023 8:53:36 AM
Developed by 

Applicaition #3333
4 Rosemary Place
Variance

Parcelld	OwnerName	OwnerAddress1	OwnerAddress2	OwnerCityStZip
20-10-31-0300-00340-0000	CLARKE WILLIAM C & JESSICA	MARIE CLARKE H&W	23 MAHOE DR S	PALM COAST, FL 32137
20-10-31-0300-00350-0000	POWELL JENNIE & JAMES W JR &	KATHRYN E POWELL & JAMES TIC	37 ARMAND BEACH DR	PALM COAST, FL 32137
20-10-31-0300-00370-0000	ROBINSON LAURIE L	& THOMAS H ROBINSON JTWROS	9 EVERGREEN CT	BURNT HILL, NY 12027
20-10-31-0300-00500-0000	HUMPHREYS JEFFREY & OKSANA	HUMPHREYS JTWROS	4679 WESTHAMPTON DRIVE	TUCKER, GA 30084
20-10-31-0300-00510-0000	BURKE JEFFREY B		1 SYCAMORE TER	PALM COAST, FL 32137
20-10-31-0300-00520-0000	STARR SCOTT & JUDITH K H&W		45 ARMAND BEACH DRIVE	PALM COAST, FL 32137
20-10-31-0300-00530-0000	STUCKEY RICHARD E &	TERESA C H&W LIFE ESTATE	4 DOGWOOD TERRACE	PALM COAST, FL 32137
20-10-31-0300-00660-0000	FARRAH MARK S & BERNADETTE I H&W		47 ARMAND BEACH DRIVE	PALM COAST, FL 32137
20-10-31-0300-00670-0000	CEDAR INVESTING LLC TRUSTEE		13 SHIMONI STREET	TEL AVIV, ISRAEL 69026-07,
20-10-31-0300-00680-0000	MASON RICHARD	& MERCELITA H&W	51 ARMAND BEACH DRIVE	PALM COAST, FL 32137
20-10-31-0300-01320-0000	IVERSEN GARY A & RAISA H&W		10 LAUREL DR E	PALM COAST, FL 32137
20-10-31-0300-01330-0000	MAKELA KAI AAPALI & KIRSI SUSANNA H&W	CARIDAD H&W	2220 SW 11TH PL	BOCA RATON, FL 33486
20-10-31-0300-01340-0000	AVILA ALCIDES &	LIFE ESTATE	12130 SW 68TH AVE	MIAMI, FL 33156
20-10-31-0300-01350-0000	ESPOSITO VICTOR & ZAIDA H&W	& MICHAEL BUFO JR TIC	7 LAUREL DRIVE	PALM COAST, FL 32137
20-10-31-0300-01430-0000	BASSETT REBECCA J	DONNA B H&W & REBECCA TAYLOR JTWROS	3 LARBOARD LANE	KENNEBUNK, ME 04043
20-10-31-0300-01440-0000	VANDER VLIET ROBERT J SR &	SWEZY	54 ARMAND BEACH DRIVE	PALM COAST, FL 32137
20-10-31-0300-01450-0000	SINGH RABINDRA NATH & NISHA		52 ARMAND BEACH FL	PALM COAST, FL 32137
20-10-31-0300-01460-0000	ALICIA ANDERSON TRUSTEE		50 ARMAND BEACH DRIVE	PALM COAST, FL 32137
20-10-31-0300-01470-0000	MCCUE TERENCE J & TAMMY H&W		3 ROSEMARY PL	PALM COAST, FL 32137
20-10-31-0300-01480-0000	MCCUE TERENCE J		3 ROSEMARY PLACE	PALM COAST, FL 32137
20-10-31-0300-01490-0000	BEEM JOHN KELLY	LIFE ESTATE	4 ROSEMARY PLACE	PALM COAST, FL 32137
20-10-31-0300-01510-0000	WILLIAMSON RICHARD B & LINDA	S WILLIAMSON H&W	46 ARMAND BEACH DRIVE	PALM COAST, FL 32137
20-10-31-0300-01520-0000	VAN DE VEN ANDRE E M &	MARSHA TIDY JTWROS	44 ARMAND BEACH DR	PALM COAST, FL 32137
20-10-31-0300-01540-0000	WEAVER GORDON K	KELLY G H&W	40 ARMAND BEACH DR	PALM COAST, FL 32137
20-10-31-0300-01550-0000	HADDAD STEPHEN J		PO BOX 812137	BOCA RATON, FL 33481
20-10-31-0300-01570-0000	GAVETTE PAMELA		34 ARMAND BEACH DRIVE	PALM COAST, FL 32137
20-10-31-0300-01790-0000	GIBBS LANDON S & BERDELLA J	H&W	4 WILLOW DRIVE	PALM COAST, FL 32137
20-10-31-0300-01800-0000	MAXWELL LESLIE ELWOOD &	GERALDINE HIGGINS MAXWELL H&W LIFE ESTATE	6 WILLOW DRIVE	PALM COAST, FL 32137
20-10-31-0300-01810-0000	KITCHENS TAM TRUSTEE		36 COTTONWOOD TRAIL	PALM COAST, FL 32137
20-10-31-0300-01820-0000	HARMON DALE L & ELIZABETH A	H&W	38 COTTONWOOD TRL	PALM COAST, FL 32137
20-10-31-0300-01830-0000	FELICIANO SARAH	LIFE ESTATE	40 COTTONWOOD TRAIL	PALM COAST, FL 32137
20-10-31-0300-01840-0000	TETREAULT MARC JOSEPH &	JEANNE MARIE TETREAULT H&W	42 COTTONWOOD TRAIL	PALM COAST, FL 32137
20-10-31-0300-01850-0000	ORTONOWSKI WITOLD	& IZABELA ORTONOWSKI H&W	44 COTTONWOOD TRAIL	PALM COAST, FL 32137
20-10-31-0300-01860-0000	LOMBARDI ERASMO &	GIOVANNA H&W LIFE ESTATE	46 COTTONWOOD TRL	PALM COAST, FL 32137
20-10-31-0300-01870-0000	REVELLI STEPHANIE A		47 COTTONWOOD TRAIL	PALM COAST, FL 32137
20-10-31-0300-01880-0000	DEMEN ROGELIO & JULIETA H&W		45 COTTONWOOD TRL	PALM COAST, FL 32137
20-10-31-0300-01890-0000	WILLIAMS DAVID	& CYNTHIA H&W	7640 SW 84TH DRIVE	GAINESVILLE, FL 32608
20-10-31-0300-01910-0000	WASHINGTON JERRY & SUSAN	WASHINGTON H&W	39 COTTONWOOD TRAIL	PALM COAST, FL 32137
20-10-31-0300-01920-0000	VRANY GEORGE	& HANA H&W LIFE ESTATE	37 COTTONWOOD TRAIL	PALM COAST, FL 32137
20-10-31-0300-01930-0000	HARNEY PAUL J	& PAMELA J HARNEY H&W	11 CALF PASTURE LANE	POUND RIDGE, NY 10576
20-10-31-0300-01940-0000	BRUNT AARON P & CASEY N H&W		33 COTTONWOOD TRAIL	PALM COAST, FL 32137
20-10-31-0300-01950-0000	PATRICK DAN ALAN	& SHERI LYNN H&W	9 RAEMOND LANE	PALM COAST, FL 32164

I hereby affirm mailed notice to each owner on 4/24 /2023 for the Planning and Development Board meeting on 5 / 9 /2023 at 6:00 pm.


Gina Lemon, Development Review Planner III

Applicaiton #3333
4 Rosemary Place
Variance

20-10-31-0300-01960-0000 WALSH NANCY J & RICKY J KNAP
20-10-31-0300-01970-0000 THOMPSON STEPHEN E & MOYA D
20-10-31-0300-01980-0000 HODDINOTT JAMES C JR &
20-10-31-0300-02050-0000 MULLANEY THOMAS &
20-10-31-0300-02060-0000 GOOLSBY ROBERT P & KARLA

TRUSTEES
THOMPSON H&W
JEANNE L H&W
BARBARA H&W LIFE ESTATE
GOOLSBY H&W

29 COTTONWOOD TRL
27 COTTONWOOD TRAIL
25 JOHN EDWARD DRIVE
5 WILLOW DRIVE
3 WILLOW DRIVE

PALM COAST, FL 32137
PALM COAST, FL 32137
LITTLESTOWN, PA 17340
PALM COAST, FL 32137
PALM COAST, FL 32137

I hereby affirm mailed notice to each owner on 4/24 /2023 for the Planning and Development Board meeting on 5 / 9 /2023 at 6:00 pm.


Gina Lemon, Development Review Planner III

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

April 24, 2023

BEEM JOHN KELLY
LIFE ESTATE
4 ROSEMARY PLACE
PALM COAST, FL 32137

RE: Application #3333 – Setback Variance in the R-1 (Rural 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 Applicant Lanni Construction, Inc. on behalf of Owner John Beem for a 0.31 foot Left Side Setback Variance from the minimum required 7.5 foot Side Setback an addition to a home on the subject property at 4 Rosemary Place, on a 23,454 square foot lot and identified as Parcel Number: 20-10-31-0300-01490-0000.

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 **May 9, 2023**, beginning at **6:00 p.m.** or as soon thereafter as possible.

You are welcome to attend and express your opinion.

Sincerely,

Gina Lemon
Development Review Planner III

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

David Sullivan
District 3

Leann Pennington
District 4

Donald O'Brien, Jr.
District 5

