

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING

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

MEETING MINUTES

Tuesday, October 10, 2023 at 6:00 PM

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

Members Present: Michael Boyd, Jack Corbett, Heather Haywood (Vice Chair), Mark Langello, Fernando Melendez (Chair).

Members Excused: Timothy Conner and Anthony Lombardo

Present: Adam Mengel, Growth Management Director; Chuck Merenda, Assistant Director; Simone Kenny, Planner; Gina Lemon, Planner.

Board Counsel: Sean Moylan, Deputy County Attorney

2. Pledge to the Flag.
3. Approval of August 8, 2023 and September 12, 2023 regular meeting minutes and August 10, 2021 Corrected Minutes.

August 8, 2023 regular meeting minutes

Motion: Motion to approve

Motion by: Mark Langello

Motion 2nd by: Michael Boyd

Vote: motion carries unanimously

September 12, 2023 regular meeting minutes

Motion: Motion to approve.

Motion by: Mark Langello

Motion 2nd by: Michael Boyd

Vote: motion carries unanimously

August 10, 2021 Corrected Minutes.

Motion: Motion to approve.

Motion by: Mark Langello

Motion 2nd by: Michael Boyd

Vote: motion carries unanimously

4. **Quasi-judicial requiring disclosure of ex parte communication:**
Application #3391 – **VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for 4.7 foot rear (North) yard setback variance at 50 Moana Court South. Parcel No. 40-10-31-0390-00000-0500; 5,750+/- square feet. Owner/Applicant: Alina Pekarsky.
Project #2023080035 *(TRC, PDB)*

Board Member Disclosures: No disclosures.

Staff Presentation: by Adam Mengel, Growth Management Director

Applicant Presentation: Alina Pekarsky stated she is the owner of the property. The posts are for the sails. We have stopped the work. She did the application with the Homeowners Association. There are no problems with the neighbors. She is asking for forgiveness and approval.

Heather Haywood stated assumed that you tried to place it somewhere else. She questioned the owner, that she is a broker and property manager, how long have you been doing that in this town.

Ms. Pekarsky responded 18 years.

Ms. Haywood responded that you know the steps and process that we must go through.

Ms. Pekarsky responded honestly did not think about it because it was not my intention break the rules.

Ms. Haywood stated you have made your application to the HOA and have you read the CC&Rs, because she would like to have something over the spa to create shade.

Mark Langello said he has looked at it and thinks you could go closer to the house.

Ms. Pekarsky said that the length of the spa would go into the rear setback if the spa was turned.

Mr. Langello has a question for Adam: He asked if there are trees on this property.

Ms. Pekarsky responded that there are two trees on the property.

Mr. Langello questioned the dimensions of the spa, said he believes the spa could definitely go closer to the house.

Ms. Pekarsky responded that it is 21 feet by 9.3 feet.

Ms. Haywood questioned if she measured the concrete.

Mr. Langello was still thinking that the spa could fit.

Micheal Boyd asked if the HOA could make her move it.

Public Comment:

No Public Comment

Motion: THE PLANNING AND DEVELOPMENT BOARD CONTINUES THE VARIANCE REQUEST ON THE BASIS THAT ADDITIONAL INFORMATION IS NEEDED FROM STAFF OR THE APPLICANT, APPLICANT TO PROVIDE A SCALED DRAWING TO SHOW THE SPA IN A DIFFERENT DIRECTION, LENGTH-WISE WITH THE HOUSE. MOTION TO

CONTINUE THIS TO THE NOVEMBER 14, 2023, HOPEFULLY TO GET A RESPONSE FROM THE HOMEOWNERS ASSOCIATION.

Motion by: Mark Langelo

Motion 2nd by: Heather Haywood

Vote: motion carries unanimously

5. Quasi-judicial requiring disclosure of ex parte communication:

Application #3392 – **VARIANCE IN THE R-1B (URBAN SINGLE FAMILY) DISTRICT** – request for variances of 2.63 feet on the left (South) side yard, 2.57 feet on the right (North) side yard, and 0.52 feet on the rear (West) in the R-1b zoning district to the minimum required 10 foot side and 20 foot rear yard setbacks at 15 Hidden Hammock Court. Parcel No. 38-11-31-3070-00000-0040; 14,004+/- square feet. Owner: Daniel and Susan MacFarlan/Applicant: Slesser Custom Pools & Spas, Inc.

Project #2023080061

(TRC, PDB)

Staff Presentation: by Adam Mengel, Growth Management Director

Mark Langelo questioned the side yard setbacks.

Adam Mengel responded that the plain language of the text makes the pool deck meet the 10 foot setbacks, because the encroachment is on the rear.

Applicant Presentation: Jason Slesser, Slesser Custom Pool and Spas, Inc., said the pool deck is on a stem wall, to meet the minimum setback there is a lot that would have to be ripped out.

Public Comment:

No public comment.

MOTION: THE PLANNING AND DEVELOPMENT BOARD FINDS THAT ALL THE VARIANCE CRITERIA LISTED IN THE GUIDELINES AT LAND DEVELOPMENT CODE SECTION 3.07.03.E HAVE BEEN MET AND THEREFORE APPROVED APPLICATION #3392 FOR VARIANCES OF 2.63 FEET ON THE LEFT (SOUTH) SIDE YARD, 2.57 FEET ON THE RIGHT (NORTH) SIDE YARD, AND 0.52 FEET ON THE REAR (WEST) IN THE R-1B ZONING DISTRICT TO THE MINIMUM 10 FOOT SIDE YARD AND THE 20 FOOT REAR YARD SETBCKS FOR 15 HIDDEN HAMMOCK COURT (PARCEL #38-11-31-3070-00000-0040).

Motion by: Jack Corbett

Motion 2nd by: Mark Langelo

Vote: motion carries unanimously

Public Comment on items postponed to November 14, 2023 meeting:

Alan Sanderford, 14 Treetop Circle, commented on the density and traffic on Old Dixie Highway.

Jane Gentile Youd, 3 Magnolia Drive North, stated the Planning and Development Board may not procedurally consider the applicant's request for continuance, commented on the

application being wrong, and described the valuation. She is an expert witness. Ms. Youd stated the sign and hotel should come down.

Larry Schott, 39 Treetop Circle, he is going to talk on a different matter, it is called safety. There are three/four story apartments to be rented in Palm Coast and Ormond Beach. He moved down here 3½ years ago from Missouri/Illinois area. I leave my wife at home by herself, we bought this place because it is very safe and secure, it is a gated community. You are talking another 200 families, another 600-800 people. In my previous profession there are some people that cause some problem areas. I do not want those people coming into my subdivision. I am going to be afraid to leave my wife and mother-in-law at home. The area is natural, we are getting rid of all the natural areas in this County. We have apartments right now sitting vacant, we don't need this. If this is approved I will move out of Flagler County.

Denise Sumerix, 31 Treetop Circle, concerning the pending application #3397 and #3398 again it has to do with the zoning change for the apartment complex. The application that was sent out, I believe the statements in the application are misleading. There was a mix of uses on the property, she firmly believes that these were made for a very important reason. The atmosphere, the wildlife is the reason that we purchased our house, where they are proposing to put the building. One of the statements that is made is the zoning is compatible with the surrounding land uses. I fully disagree with that, it is an area of single family homes. They get to see eagles fly by and they have deer, this is very personal to me. In no way disparaging the residents that would live next door, I just firmly believe that where they are planning on putting that is not appropriate to the community.

Wayde Sumerix, 31 Treetop Circle, we like to call our community paradise. They plan on clear-cutting the whole thing. The nice wall of trees will be gone. We will be looking 3 and 4 story apartments. We also lose privacy, in our spas. It will be a paradise lost.

Jane Gentile Youd returned to the podium and stated that the applicant had to be present by law for a continuance to occur. You have a Sunshine violation.

6. Staff Comments

No comments.

7. Board Comments

Heather Haywood commented on our volunteerism.

Mark Langello stated – in response to Ms. Youd and other public comments – that we don't have an item on the agenda to do anything about. I encourage you to come back. We don't even have an application to talk about.

Adam Mengel replied to audience comments about next meeting, stating nothing will happen without public notice.

8. Public Comments:

No comments.

9. Adjournment: Motion to adjourn

Motion by: Jack Corbett.

Motion 2nd by: Mark Langello

Meeting adjourned at 7:08 PM.



October 4, 2023

Re: the Application #3391 — Variance in the PUD

From: Beachwalk Flagler Homeowners Association, Inc.

Dear Flagler County Planning and Development Board:

We are writing to register our objection to variance application #3391 associated with 50 Moana Court.

Beachwalk Flagler Homeowners Association, Inc. ("The Association") has architectural control over the homes in the reference PUD and has not as of the date of this letter has not received an architectural review application related to the variance request. Therefore, The Association has not approved the work.

Further, The Association has easement rights that may be impacted by this variance request as afforded by the Declaration of Covenants, Conditions, Restrictions, and Easements; section 13.5.

"... In addition, Declarant reserves an easement 10 foot (10') in width along the front and back of each Lot, and five foot (5') in width along the side of each Lot for drainage and utilities and for access."

We respectfully request that we be afforded an opportunity to review and approve an architectural review application prior to a decision on this variance application.

If you have any questions or would like more information, please reach out to our Community Association Manager, Becky Olsen, CAM, directly at 904-461.5556 ext. 2020.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex Allison", is written over a light blue rectangular background.

Alex Allison

Vice President

Beachwalk Flagler Homeowners Association, Inc

RECEIVED

OCT 9 2023

Flagler County
Planning & Zoning Dept.

Exhibit #3391