

**Zoning Board of Appeals
Regular Meeting Minutes May 11, 2010**

Meeting called to order at 4:00pm by Vice-Chair, Cleveland Hobbs. **Members present:** Blanch Rogers, Marcia Lane, Eddie Collins, Dwight Parker and Betty Willis. **Members absent:** Ellsworth Lowry Taylor III. **Also present:** Debbie Banks, Director of Building & Zoning; Pam Sprouse, Recording Secretary and Donald Holmes, City Attorney.

Motion made by Mrs. Willis to approve the minutes of the April 13, 2010 meeting. Dwight Parker seconded the motion. All those present voted affirmative. Motion passed

“To Appeal any Decision” read by Debbie Banks.

Old Business- None

New Business:

Case ZB 10-16 Request to allow a proposed use of an existing Single-Family home as a facility for the Children’s Advocacy Center in an R-1A zoning district.

Location: 513 S 19th St.
Parcel: 12-10-26-6850-3970-0040
Owner: Todd G + Alisha Gipe
Agent: None

(PUBLIC HEARING)

Donald Holmes advised that the Board was tasked to decide an appeal of the administrative staff regarding a proposed use not being appropriate for this zoning district. He stated that this is not a variance request, or a land use change, where you are considering and applying criteria to. It is in deciding whether or not the administrative staff is accurate in determining that the use is not one that is permissible in the R-1A zoning district. This use would be used for a residence, but an interviewing/counseling type facility. It is staff’s opinion that this use would not be allowed in the R-1A residential zoning district.

Todd Gipe, 2508 Fairway Dr. and owner of property in question, gave a basic introduction from his perspective and stated that he and his wife were approached by the Child Advocacy Center to purchase this property for their existing office and operations in Palatka. The facility is not the question - it is the use in question. He stated that this model is intended to be more of a healing center for abused victims in a more comfortable type environment versus hospitals, police departments and clinics. They would bring the abused victim there for processing. He stated that they would conduct business from 8:00A.M. -5:00P.M. type hours.

Gary Bryant, 604 S. 18th Street, stated that he lives directly behind the proposed facility. He does not see any problem with it or any reason that it should not be allowed and that he would prefer someone living there.

Phil Leary 1824 Carr Street (approximately 3 houses down from the proposed) stated that he is a professional land use planner and listed his credentials. He contended that he is here to support the Planning Director’s decision that this particular use does not fall within the context of the R-1A zoning district. He referred to and gave an example of how zoning was established for the protection and the integrity of a zoning district. He believes that all of the factual and technical planning & zoning criteria are not only in the ordinance but also in law, support what the Planning Director’s decision was.

Colleen Mathews, 1915 Diana Drive, spoke in opposition to the request. She stated that she can see this residence from several sides of her property and that she has two dogs that bark and there are many dogs in the neighborhood. She stated that she is not against the center just where they want to locate it. She mentioned concerns of the activities of this facility as she had found out it will operate 24/7 and will be used by multiple districts as well. She added that

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this is a residential neighborhood and the residents do not want to have a business in the middle of their neighborhood and spoke of concerns of the loss of property value as well as strangers in the neighborhood. She stated that there is a lot of abuse in Putnam, Volusia and in St. Johns counties and that there is a real need for a center like this with its homey and comfortable atmosphere, but it doesn't need to be in a residential neighborhood, it is the interior surroundings that are important. A center like this can be located in so many other locations including Putnam County Governmental complex as there is a lot of empty space.

Carol Ross, 301 S 19th St., spoke in opposition to the request and stated that the neighborhood is charming and delightful with residents walking their babies and dogs, and wants to keep it the way it is.

Sally Jan Smith, 501 S. 19th Street, (right next door to the Gipes), spoke in opposition, stating she finds this very difficult as the Gipes have been very good to her but stated her concerns for safety and requested that the Board uphold Staff's decision.

Sam Willis, 1309 Crill Ave, spoke in opposition as he concurred with previous comments shared regarding this request. He stated that he believes the characteristic of the neighborhood would be disturbed if staff's decision were overturned and this use allowed, adding that this use needs to be in an area more conducive to this use.

Millie Jernigan, 1900 Carr St., spoke in opposition of this request stating that her family moved here from Virginia a few years ago and in the neighborhood they moved from a similar center had been allowed to open, which is one of the reasons she moved here. She does not want a commercial establishment in her neighborhood. She ended by saying that this is not the place and believes there are more appropriate locations for this commercial use.

Molly Melfi, 411 S 19th St., stated that she works at the Property Appraiser's office and advised that every property on that street is owner occupied and homesteaded. The owners have all put in substantial money to improving their homes and that it is a close knit neighborhood with narrow streets. She opposes any non-conforming use. She explained a non-conforming use would drastically affect any buyer's perceived value of a home in the neighborhood.

Mrs. William Gayle stated that her father was Mayor of Palatka for two terms in the twenties and one of the first families to live in this neighborhood and thinks this would be terrible for their neighborhood and that zoning is important and would hope it will continue to be in this neighborhood.

Jim Melfi, 411 S 19th St., concurred with what our city has ruled, our city attorney has ruled and the concerns stated here today. He added that he had put a lot of toil and money into his home and believes that at this particular time with the current state of the economy, there is no lack of choices for this facility, that it certainly does not belong in a residential area.

Debra Yates, 707 S 15th St, stated that she believes that staff's decision is correct and asked the Board to uphold the decision made.

Maryanne Barry with the Children's Advocacy Center stated there would not be any inmates or trustees working at the center. She advised that it would be very rare that they would hold evening sessions. She stated that they have facilities in other areas that sit on the edge of a residential street and there are some businesses across the street. She stated that the purpose of the center is to provide comfortable homelike environment for the children of abuse for forensic services. She stated that they are already here in Palatka and are in need of moving because the rent became too much.

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(REGULAR MEETING)

Motion made by Eddie Collins to uphold staff decision as he did not hear anything to overturn the original decision made by staff. Motion seconded by Dwight Parker. **DISCUSSION:** Dwight Parker wanted to remind everyone that as there was a lot of discussion for and against the use the charge for the Board is to determine if staff's decision was correct. Marcia Lane asked Ms. Banks to elaborate on the use not meeting the definition of a childcare center. Ms. Banks advised that a child care facility means an establishment or arrangement where child care is regularly provided for five or more children, unrelated to the operator, and which receives a payment, fee or grant for any of the children receiving care. With no further discussion, motion carried.

Case ZB 10-17 Request for an 8' variance to the setback to construct a carport in an R-1A zoning district.

Location: 105 Underwood Dr.
Parcel: 11-10-26-9101-0010-0010
Owner: Joanna Crawford

(PUBLIC HEARING)

Glenn Crawford, 105 Underwood Dr., advised that he was the son of the owner and spoke on his mother's behalf stating that she is ill. He stated that they want to put up a carport so his autistic brother and sister can get in and out of the car away from the sun. He added that he is the neighboring the property owner and has no problems with this request.

Ms. Banks advised that this case was properly advertised and noticed and that she did not receive any comments.

Motion made by Dwight Parker to approve the variance as requested, and seconded by Eddie Collins. Motion passed.

Meeting adjourned at 4:55 p.m.