

ZONING BOARD OF APPEALS  
CITY OF PALATKA

**Minutes for the April 9, 2013 Meeting**

The Zoning Board of Appeals meeting was called to order by Vice-Chair Cleveland Hobbs at 4:00 pm. Other members present included Betty Willis, Eddie Collins, Marcia Lane, Rufus Borom and Blanch Rogers. The following member was absent: Ellsworth Lowery Taylor III.

Staff present: Planning Director Thad Crowe and Recording Secretary Deena McCamey.

**Motion** made by Mr. Collins to approve the February 14, 2013 minutes, seconded by Ms. Willis. All present voted affirmative, motion passed.

**Appeals Procedure-** Ms. McCamey read the appeals procedure.

**OLD BUSINESS-** None

**NEW BUSINESS-**

<b>Case:</b>	13-16
<b>Address:</b>	276 N. U.S. 17
<b>Parcel:</b>	37-09-26-0000-0060-0480
<b>Owner:</b>	Beck/Sloan Properties Inc.
<b>Request:</b>	Request for a variance from Zoning Code Sec. 940147(f)(6)(a) to reduce minimum required front yard (setback) from 25ft. to 0 ft. (fronting U.S. 17)

Mr. Crowe identified himself to the board and said the applicant was present for questioning. He stated the property in question fronts US 17, is a corner lot, and under the Zoning Code is required to have two front setbacks. The applicant was under the impression from former staff that just one 25-foot front setback would apply and then no side setbacks would be required for the second street frontage. He said this double front setback presents a hardship to the applicant. He added that the development of the property is on a tight timeframe due to grant funding restrictions.

He then went over the criteria for the application, explaining that special conditions and circumstances exist on the property, namely the two utility easements, one of which runs through the center of the site and the other that runs along the south property line. These easements prohibited the use of the standard carwash template on the property.

Another criterion met indicated that the applicant had been acting in good faith. A third criterion does not allow the granting of special privileges and Mr. Crowe indicated this request did not constitute a special privilege and staff would make a similar recommendation for other properties that were impacted by the two-front setback standard. He pointed out that US 17 had a wide right of way and the pavement is more than 40 feet between the roadway and the property line, therefore there would be ample space.

Vice Chairman Hobbs asked how many setbacks the applicant was asking for. Mr. Crowe replied just the one setback facing US 17; the applicant will meet the 25' front setbacks facing the Old Jax Lane side. Ms. Lane asked what would happen if the state decided to widen the highway. Mr. Crowe explained the state establishes future roads when it purchases and develops the right-of-way; therefore the state is committed to the present right-of-way. He added it would be unlikely that this four-lane highway would be expanded into a six-lane highway but, reminded the board that if that did happen, there would be plenty of room for the road widening because another 12-foot wide travel lane would leave 28 feet of grassy right of way untouched. Ms. Lane replied there would be more than 12' involved. The Applicant, Mr. Breck Sloan said there was actually a total of 56 feet from the edge of US 17 to their property line. Mr. Crowe contended the state will never have enough money to widen that highway. Mr. Collins remarked that FDOT owns the land for at least 25 years before they do anything with it. Vice Chairman Hobbs asked what the 0-foot setback applies to. Mr. Crowe said the setback applies to the building. Vice Chairman Hobbs asked what will happen to the drainage if the building is placed there. Mr. Crowe directed the board to turn to page 6 in their packet; referencing the concept plan showing the storm water pond in rear of the property.. Vice Chairman Hobbs said there is currently a drainage ditch on US 17 near the turning lane. Mr. Crowe said yes, that is a swale; it takes care of the roadway drainage. This lot will not drain into that swale and the storm water on the property will be retained on site per requirements of the St. Johns River Water Management. Vice Chairman Hobbs asked how far the building will be from the roadway ditch. Mr. Crowe said the applicant will have to grade the site so the water will run off away the ditch and into the pond on the site. Mr. Sloan said their property line did not begin until 15' east of that drainage ditch, so there will be plenty of room.

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Julie Young of Beck/Sloan Properties added that there was a deceleration lane on the north end of the parcel that is 22' with 34' of grass bordering it. She said that a 33-foot wide strip was donated from the original parcel for Jax Lane right-of-way. She said the Applicant had a development meeting with City staff and at that time they considered front setbacks to be wherever the 911 ingress and egress would be and at that time they did not mention two fronts. She added they had some problems with the grant and application process that delayed their project for three years. Ms. Young said when they came to pull the necessary permits the Code clearly defined that corner lots needed to have two fronts, but three years prior they gave the 33-foot strip to the County to pave Jax Lane and a 10-foot wide easement on the south side of the property to the City for gas, water and sewer main improvements. The City came back and said they needed to double this easement because there was a required distance between each pipe being laid. Later FPL®, Comcast® and AT&T® wanted to upgrade their lines by going underground and since the grant funding was in place for infrastructure improvements they assumed they could develop the site with no problems.

Ms. Lane asked how would someone turn off US 17 onto the property. Ms. Young said there will be no turn there – in order to access the property vehicles will have to turn from the deceleration lane onto Jax Lane and then into the property.

Mr. Borom said he thought the zero-foot setback would have been adjacent to US 17. Ms. Young said she was told it would be adjacent to the parcel line, from which point US 17 is 56-feet away. She said the proposed building will not be placed on the property line plus there is the landscape code which requires a five-foot wide buffer along US 17.

Ms. Willis asked if staff received any responses from surrounding properties. Mr. Crowe replied in the negative.

**Motion-** made by Mr. Collins to approve, seconded by Mr. Borom. All present voted affirmative, motion passed.

**Other Business-** None

**Motion to adjourn-** made by Mr. Collins and seconded by Ms. Willis.

**Meeting adjourned-** at 4:20 pm