

# City of Flagler Beach

## Planning and Architectural Review Board

Tuesday, August 6, 2013 at 5:30 p.m.

City Hall Commission Chambers

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### Agenda

1. Call the meeting to order.
2. Call the roll.
3. Pledge of Allegiance.
4. Approve the minutes of the Regular Meeting of June 4, 2013.
5. Approve the minutes of the Regular Meeting of July 2, 2013.
6. New Business:
  - A. Application #SE 13-08-01  
Special Exception to allow a professional office.  
Applicant: John Lynch, Stoughton Luxury Homes  
1736 South Ocean Shore Boulevard  
Property Owner: Harrison Wilder, Jr.
  - B. Application #VAR 13-08-01  
Variance to allow a non-residential structure setback 4' from the west property line.  
Applicant: Gail W. Holt  
2805 South Ocean Shore Boulevard  
Property Owner: The Type "E" Corporation, Inc.
  - C. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Section 2.04.02.9, Zoning Schedule Two Lot, Yard and Bulk Regulation, of the *Land Development Regulations* to add dimensional requirements for single-family dwelling units in the TC, Tourist Commercial zoning district; providing for codification, conflicts, and an effective date.
  - D. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Chapter 7 Buildings and Building Regulations, Article III, "House Numbering," of the *City of Flagler Beach Code of Ordinances* to revise the designated person for address assignments and to revise display, size of numbers; amending Section 5.00.01 of the *Land Development Regulations* to revise the list of codes adopted by reference and to revise the wind speed; providing for codification, conflicts, and an effective date.
7. PARB Member Comments.
8. Adjournment.



RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a CD of the meeting for \$3.00 at the City Clerk's office. Copies of CDs are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext. 235 at least 72 hours prior to the meeting.

Please take notice that individual Elected Officials of the City of Flagler Beach may attend this meeting. Those Elected Officials who attend will not take any action or take any vote at this committee meeting. This is not an official meeting of the Flagler Beach City Commission. This notice is being provided to meet the spirit of the Sunshine Law to inform the public that Elected Officials may be present at this committee meeting.

Posted July 31, 2013

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### Planning and Building Department

P.O. Box 70 • 116 3rd Street South, Flagler Beach, Florida 32136 • Phone (386) 517-2000 • Fax (386) 517-2016

FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD  
TUESDAY, JUNE 4, 2013 AT 5:30 P.M  
MINUTES

PRESENT: Alice M. Baker, Dan Bayerl, Don Deal, Cathy Feind, Joseph Pozzuoli, Roseanne Stocker, City Attorney Andrew Hand, City Planner Chad Lingenfelter, Board Secretary Kate Settle.

ABSENT: Lea Stokes.

1. CALL THE MEETING TO ORDER: Don Deal called the meeting to order at 5:30 p.m.
2. CALL THE ROLL: Kate Settle called the role.
3. PLEDGE OF ALLEGIANCE:
4. APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 2, 2013: **Motion** by Roseanne Stocker, seconded by Joseph Pozzuoli to approve the minutes of the meeting. The **motion** carried unanimously. The agenda moved to 6A.
5. OLD BUSINESS:

- A. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Section 2.06.06 of the Land Development Regulations to modify the list of site plan review findings into multi-family and motel structure standards; amending Section 8.00.15 of the Land Development Regulations to modify the list of reasons for site plan denial by the Planning and Architectural Review Board; provide the standards and conditions essential to ensure that site plan applications contain sufficient information for review and approval; providing for codification, conflicts, and an effective date: Mr. Deal read the item into the record. Mr. Lingenfelter noted the changes made at the last meeting regarding the ordinance and wanted to highlight the following changes: Lines 56-61 - he maintained the wording for "arrangement of buildings;" Line 101-102 - two family residences approved by staff.

The Board went through the ordinance page by page. The following changes were agreed to: add the section reference to Line 135; Line 139 to reflect interior and exterior; 144-146 change the wording to reflect keep parking lots under major but if the lot is of 7 or fewer spaces a minor fee will be paid; Line 153-155 - it was the consensus for the PAR Board to review a change of use from residential to non-residential use; Line 200-202 - structure or property site is altered by an act of nature; Lines 334-335 add the section number; Lines 395-398 - strike "on a site plan application" and add the wording "Request for an appeal must be filed . . .;" Line 427 - definition of minor changes; Line 428 - striking "parking spaces"; if there is an improvement to the property, a landscaping provision must be triggered; remove c and d from the list of the city manager having the right to waive; strike Line 464-467; all non-conforming uses are to be sent to the PAR Board; strike Line 476; Page 13 - eminent domain section needs to be reconsidered. The Board had a problem with citizens paying for a variance if the City takes a resident's property. The Board asked Mr. Lingenfelter to look into this area a little further. Mr. Deal asked the PAR Board if they would like a special meeting or to wait until the next Regular PAR Board meeting. The consensus of the board was to meet at a Regular PAR Board meeting. The agenda moved to Item 7.

6. NEW BUSINESS:
  - A. Application #OE 13-06-01  
OUTDOOR ENTERTAINMENT TO ALLOW AMPLIFIED AND NON-AMPLIFIED EVENTS CONSISTING OF MUSIC, SPOKEN WORDS AND/OR OTHER FORMS OF ENTERTAINMENT ON THE SUBJECT PROPERTY IN THE GC, GENERAL COMMERCIAL ZONING DISTRICT:  
Applicant: Ken and Kelly Tarsitano for Flagler Beachfront Winery

611 North Ocean Shore Boulevard  
Property Owner: Kenneth R. Tarsitano

Mr. Tarsitano spoke to the nature of his request and the type of venue his establishment would hire for outdoor entertainment. A question and answer period followed. There was some discussion regarding the idea of holding a special event in the parking lot of the establishment and the administrative process which City staff currently employs. The public hearing was opened. The following citizen came forward to express their concerns, opinions and suggestions: Sil DeGregorio. The public hearing was closed. **Motion** by Roseanne Stocker, seconded by Joseph Pozzuoli, that we recommend approval for the outdoor entertainment permit for Application #OE 13-06-01. The **motion** carried unanimously.

B. Application #OE 13-06-02

Outdoor Entertainment to allow amplified and non-amplified events consisting of music, spoken words and/or other forms of entertainment on the subject property in the GC, General Commercial zoning district.

Applicant: Nicolas Kimball for Fuego del Mar  
608 South Ocean Shore Boulevard  
Property Owner: AIA Burrito Works, Inc.

Mr. Kimball spoke to the nature of his request. The board wanted to be assured that all speakers would be facing east. Mr. Kimball agreed. Discussion covered parking and the number of spaces currently available; the lease for the adjacent parking lot; the terms of the lease; site plan approval; temporary Certificate of Occupancy being revoked by July 1 if the parking is not in compliance with what has been approved; the parking spaces behind the building and the location of the dumpster. The public hearing was opened. The following citizens came forward to express their concerns, opinions and suggestions: David Gillum; Kathleen McKenzie, Janie Oel, Sil DiGregorio, Steve O'Brien, Michelle Burpeau. The public hearing was closed. Mr. Kimball addressed some of the concerns of the public. The board had questions regarding parking spaces in the right of way; the configuration of the parking in the back of the building; the hours of operation; landscaping the parking lot; not having adequate parking to support a new amenity; giving credit for leasing the lot next door; making the motion to approve contingent on leasing the lot; parking lot needing to be striped and the amount of overflow parking currently taking place. **Motion** by Roseanne Stocker, seconded by Dan Bayerl, to recommend approval with two contingencies and the two contingencies being that the applicant maintain a lease for that parking lot to the north that he referred to, just north of his property and the second contingency is that the lot be properly striped so as to permit the maximum use of parking on that lot, per our code and that the dumpster remain in place where it is. The **motion** carried unanimously.

C. Application #SP 13-06-01

Site Plan Review for Break-Awayz @ the Beach Outside Deck and Patio Additions.

Applicant: Tyler Ecker  
819 North Ocean Shore Boulevard  
Property Owner: D & N Mgmt., LLC

Mr. Deal read the item into the record. Mr. Pozzuoli recused himself from the item. Tyler Ecker explained his request. Mr. Lingenfelter spoke to the location of the property, the size of the property; the property being in the general commercial zoning district and it is located in the downtown retail corridor overlay but also in the central business district exclusion. The applicant

is asking for an outside deck. He then spoke to the parking associated with the property. Mr. Deal had concern over the parking lot backing in and backing out. Mr. Pozzuoli sketched a different design for the parking. **Motion** by Roseanne Stocker, seconded by Dan Bayerl, that we recommend approval contingent upon changing the parking to the drawing that was just reviewed by during the meeting by the PAR Board and contingent upon the changing of the flood lights so they do not direct into the residential neighbors and the spot light would be on the NW corner of the storage building. The **mollon** carried unanimously. Mr. Deal recessed the meeting at 7:30 p.m. The meeting reconvened at 7:40 p.m.

- D. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending the *City of Flagler Beach Code Of Ordinances, Appendix "A", Land Development Regulations, Article V, Development Design And Improvement Standards, Sections 5.03.17 and 5.03.53* to provide for pass-through of costs incurred by the city for extension of water and sewer pipes to properties without existing stub-ups; providing for codification, conflicts, and an effective date. Mr. Lingenfelter spoke to the history of the item. A question and answer period followed. The PAR Board had a concern regarding payment within 30 days. **Motion** by Joseph Pozzuoli, seconded by Roseanne Stocker, the PAR Board had concerns regarding payment within thirty days because it might cause a hardship and would like the Commission to address it in the best way possible. The **mollon** carried unanimously. The agenda moved to Item 5.

7. PARB MEMBER COMMENTS: No comments were received.
8. ADJOURNMENT: Motion by Roseanne Stocker, seconded by Kathy Feind to adjourn the meeting at 8:01 p.m.

FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD  
TUESDAY, JULY 2, 2013 AT 5:30 P.M  
MINUTES

PRESENT: Alice M. Baker, Dan Bayerl, Don Deal, Cathy Feind, Joseph Pozzuoli, Roseanne Stocker, Lea Stokes, City Attorney Andrew Hand, City Planner Chad Lingenfelter, Board Secretary Kate Settle.

1. CALL THE MEETING TO ORDER: Don Deal called the meeting to order at 5:30 p.m.
2. CALL THE ROLL: Kate Settle called the role.
3. PLEDGE OF ALLEGIANCE: Roseanne Stocker led the pledge.
4. APPROVE THE MINUTES OF THE REGULAR MEETING OF JUNE 4, 2013: This item was pulled from the agenda. The agenda moved to Item 6.
5. OLD BUSINESS:

Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Section 2.06.06 of the Land Development Regulations to modify the list of site plan review findings into multi-family and motel structure standards; amending Section 8.00.15 of the Land Development Regulations to modify the list of reasons for site plan denial by the Planning and Architectural Review Board; provide the standards and conditions essential to ensure that site plan applications contain sufficient information for review and approval; providing for codification, conflicts, and an effective date: Mr. Deal read the title of the item into the record. Mr. Lingenfelter referred to a document received by Flagler County Association for Responsible Development (FCARD) regarding the ordinance before the Board. Ms. Settle distributed the document to the board. Mr. Deal needed clarification regarding the membership of FCARD. Mr. Pozzuoli read a statement into the record regarding what he considered to be administrative responsibilities within the proposed ordinance. He hoped the board would consider his suggestions when moving forward with the review of the ordinance. There was discussion and clarification regarding past discussion of the ordinance. The Board reviewed the proposed ordinance page by page. The following changes were made: Page 1 to add the language starting with "any other elements . . ." to the major site plan listing; Page 4 change two to three family; Page 9, add "interior and perimeter" to letters L and M; under conservation easement, ensure there is wording that clarifies if the tree were to die, the easement would no longer exist and on page 16, take out line 602. **Motion** by Lea Stokes, seconded by Roseanne Stocker to move it to the Commission. The **motion** carried unanimously. The agenda moved to Item 7.

6. NEW BUSINESS:

A. Application #SP 13-07-01

Site Plan Review for an Accessory Structure to a Two-Family Dwelling Unit.

Applicant: Edward A. and Linda T. Houstoun  
2083 North Central Avenue

Property Owner: Edward A. and Linda T. Houstoun

Mr. Deal read the title of the item into the record. Mr. Pozzuoli recused himself from the item. Mr. Lingenfelter explained the history of the item. The Board asked questions of the applicant. **Motion** by Roseanne Stocker, seconded by Kathy Feind, that we recommend approval of the site plan for an accessory structure to a two-family dwelling unit for Application #SP 13-07-01. The **motion** carried unanimously, with Mr. Pozzuoli recusing himself.

B. Application #VAR 13-07-01

Variances to allow a townhouse dwelling setback 8.67' from the west property line and to allow 75 percent lot coverage.

Applicant: Roy E. and Susan J. Wildman  
3632 South Central Avenue

Property Owner: Roy E. and Susan J. Wildman

Mr. Deal read the item into the record. Mr. Lingenfelter reminded the Board the applicant had been before the board in the recent past with the same item. At this particular time, the Wildmans have applied for a variance. He reviewed his recommendation to the board and the six criteria necessary to grant a variance. Mr. Lingenfelter felt the criterion was satisfied. Questions were asked by the board regarding: setbacks, a warranty deed, others in the same area wanting a porch in the future; getting the cooperation of all nine owners; whether the ruling made tonight would hold true for the other owners in the area; flooding issues near the property; the implied approval of the others being granted; if the applicant would be required to apply for architectural approval since it was an expansion of a multi-family structure and the land behind the property being owned by the City. **Motion** by Lea Stokes, seconded by Joseph Pozzuoli, based on staff recommendations that we approve the application for Variance 13-07-01. The **motion** carried four to three with Alice Baker, Don Deal and Kathy Feind voting no. The agenda moved to Item 5.

7. PARB MEMBER COMMENTS: No comments were given.

8. ADJOURNMENT: **Motion** by Lea Stokes, seconded by Dan Bayerl to adjourn the meeting at 8:00 p.m. The **motion** carried unanimously.



# City of Flagler Beach

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**To:** Don Deal, Chairperson, Planning and Architectural Review Board  
Planning and Architectural Review Board Members

**FROM:** Chad T. Lingenfelter, AICP, PTP, City Planner

**RE:** #SE 13-08-01 – 1736 South Ocean Shore Boulevard Special Exception

**DATE:** July 31, 2013

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**Applicant:** John Lynch, Stoughton Luxury Homes, 7 Lakecliff Drive, Ormond Beach 32174

**Property Owner:** Harrison Wilder, Jr., 9021 South Wilderwood Lane, Cordova, Tennessee 38016

**Property:** 1736 South Ocean Shore Boulevard – 18-12-32-2750-00030-0100

**Future Land Use:** Commercial

**Zoning District:** Tourist Commercial

## Summary

Pursuant to the *City of Flagler Beach Code of Ordinances, Appendix A, Land Development Regulations, Section 2.06.01., Special Exception Uses*, the applicant is requesting a special exception to allow a professional office. The subject property is zoned as TC, Tourist Commercial, contains approximately 0.15 acre, and is generally located northwest of the intersection of 18<sup>th</sup> Street South and South Ocean Shore Boulevard. The subject property is occupied by a single-family dwelling unit.

## Analysis

Special exception uses, as enumerated in Schedule One, Zoning Schedule of Use Controls, shall be permitted only upon authorization of the City Commission after review by the Planning and Architectural Review Board. In recommending approval or denial of the use, the reviewing boards shall provide findings and recommendations on whether the requirements of Section 2.06.01 (1. through 7.) are met as well as other comments such board feel will assist the City Commission in the determination of whether to grant the use. The applicant's responses to each of the prescribed criteria are as follows with staff comments, if any:

1. That the use is a permitted special use as set forth in Schedule One hereof.

"Yes."

Professional offices are a permitted special use as set forth in Schedule One for the TC, Tourist Commercial zoning district.

2. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

"Yes, the office is within the building and poses no threat to public health, safety,

welfare and convenience.”

3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

“Yes, the office is within the building and will not cause injury to the value of property in the neighbor [sic].”

4. That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.

“Yes, use and appearance of the building is compatible with adjoining development.”

5. That the adequate landscaping and screening is provided as required herein, or otherwise required.

“Yes, there is adequate landscaping and screening on the property.”

The front yard of the property is being used as a parking lot and there is no perimeter screening along the east and north property lines. Therefore, the parking lot is in violation of Section 5.04.02(E).

6. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

“Yes, there is approximately 50x100 area for parking.”

The single-family dwelling unit must have two (2) 10' x 20' parking spaces. These were depicted in the site plan submitted with the building permit for the single-family dwelling unit to be adjacent to the alley along the west property line. General business, commercial and personal service uses are required to have one parking space per 350 square feet of “total [floor] area” or portion thereof. The applicant has not provided the portion of the 2,582 square foot single-family dwelling unit that is being used as a professional office. Assuming that the professional office is only on the 682 square foot first floor, then two (2) 10' x 20' additional parking spaces must be provided. One of these spaces is required to be handicapped accessible. Also, a General Use Permit must be issued by the Florida Department of Transportation for a driveway access from State Road A1A (South Ocean Shore Boulevard).

7. That the use conforms with all applicable regulations governing the district where located.

“Yes, the office does conform with applicable regulations.”

The City of Flagler Beach has a ten (10) plus year practice of allowing single-family dwelling units built in the TC, Tourist Commercial zoning district to satisfy the setbacks of the Single-Family Residential zoning districts. This practice disregards the dimensional requirements of the TC zoning district and applies the dimensional requirements of the single-family residential zoning districts. This practice results in a reduced side yard setback for lots less than 100 feet in width without an approved variance or a rezoning the property to a single-family residential zoning district. This practice was vetted and confirmed at the February 14, 2013, City Commission meeting. Staff is not familiar with the City's practice of allowing a non-residential use in a conforming single-family dwelling structure that would be a nonconforming structure if it was initially intended to

be a non-residential structure.

**Recommendation**

Staff recommends that the Planning and Architectural Review Board recommend that the City Commission approve the special exception to allow a professional office at the subject property.

Before a local business tax receipt can be issued for a professional office on this property, the applicant will have to perform the following tasks:

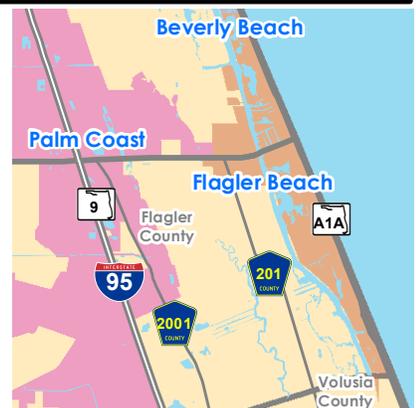
1. Obtain a General Use Permit from the Florida Department of Transportation for a driveway access from State Road A1A (South Ocean Shore Boulevard).
2. Apply for a permit to improve the front yard for parking consistent with Sections 2.06.02.1 and 5.04.02(E), *Land Development Regulations*, and Section 553.5041, *Florida Statutes*.
3. Apply for a permit for the freestanding sign consistent with Sections 7.06.04., 7.06.11., and 7.07.02., *Land Development Regulations*.
4. Pass a fire inspection for the portion of the structure to be used non-residentially.

**Enclosures:** Special Exception Application Packet  
Location Map  
Boundary Survey

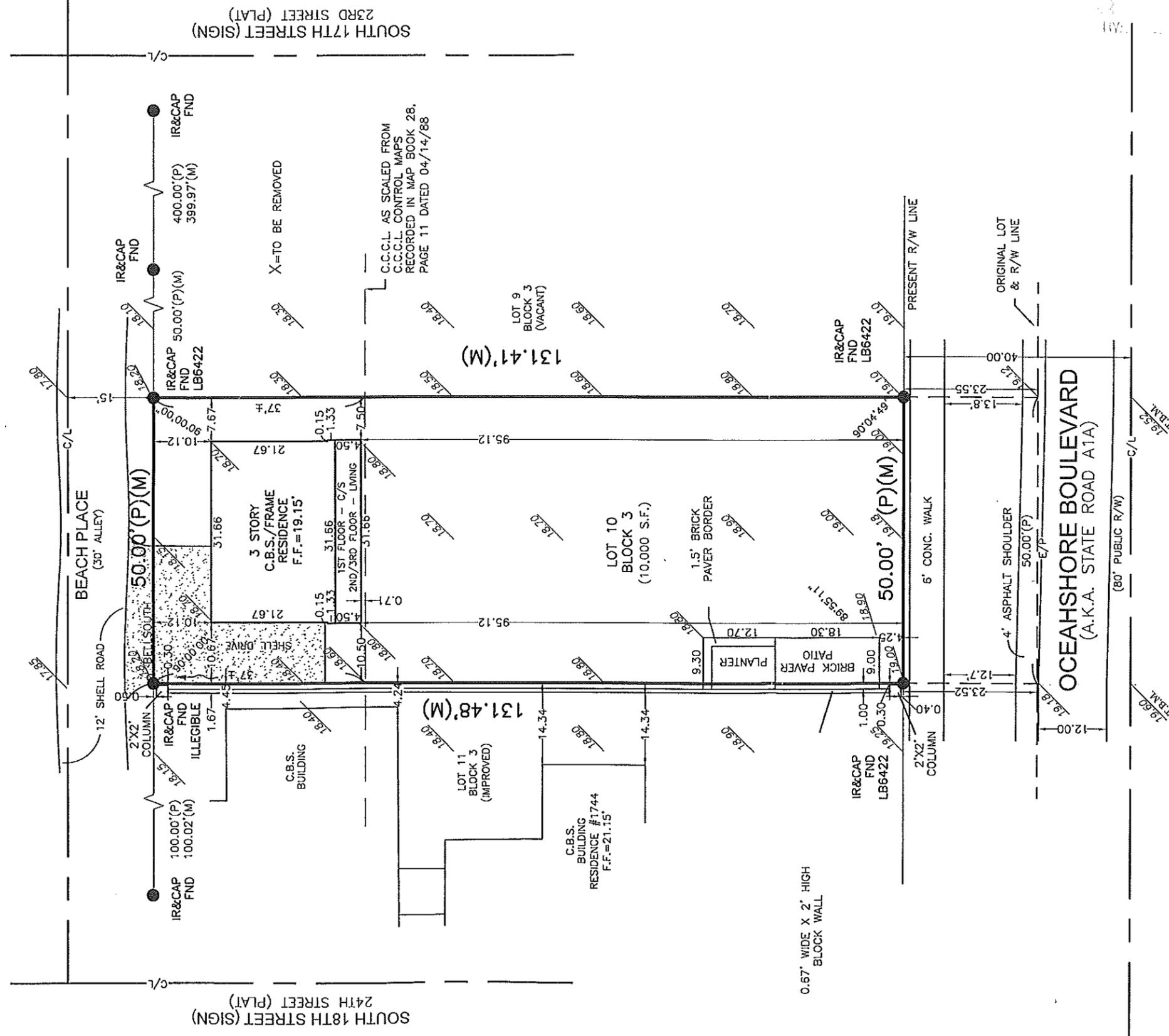


### Legend

-  Subject Property
-  200 Foot Radius of 1736 South Ocean Shore Boulevard
-  Incorporated Areas
-  Parcels



Sources: Flagler County Property Appraiser's Office, Florida Department of Transportation, and Microsoft Corporation  
 The data contained in this map is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, timeliness, completeness, merchantability, and fitness for, or the appropriateness for, the use rests solely with the requester. The City of Flagler Beach makes no warranties, expressed or implied, as to the appropriate use of the data contained in this map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and is in a constant state of maintenance, correction, and update.



OCT 10 2012

REVISED FFE 01/20/12 SMW  
REVISED PLOT PLAN 12/05/11 JAP  
PLOT PLAN 11/30/11 AC

TYPE OF SURVEY: FOUNDATION/FINAL

DESCRIPTION: LOT 10, BLOCK 3, FUQUAY SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 26, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LEGEND:

- IR&C 5/8" Iron Rod & Cop set
IP 1/2" Iron Pipe
N/D Nail and Disk found
PCP Permanent Control Point
CM 4"x4" Concrete Monument found
FND Found
E/P Edge of Pavement
C/L Center Line
R/W Right of Way

- B.M. Bench Mark
T.B.M. Temporary Bench Mark
TOP Top of Bank
O/E Overhead Electric
P/P Power Pole
PEP PEP Tank
Mannhole
Television Riser
Water Meter
Electric Meter
Fire Hydrant

- Conc. Concrete Slab
C/S Air Conditioner Ped
A/C Licensed Business
LS Finish Floor Elevation
F.F. Non-Radial to Curve
N.R. Plot Bearing & Distance
(P) Measured Bearing & Distance
(M)

NOTES
1. The entire map encompassing this survey is recorded in Map Book 1, Page 26.
2. Elevations refer to N.G.V.D. 1929 datum and referenced to local datum.
3. Underground improvements and utilities not located.
4. No bearings shown on plat.
5. Property lies in Flood Zone "X" with reference to Map No. 1203500253D. Effective Date: July 17, 2006. This location is based on maps prepared by the Federal Emergency Management Agency. Final location and flood zone determination rest with said agency and based on N.G.V.D. 1929 datum.
6. Description provided by client.
7. No search for encumbering instruments was made by surveyor.
8. Error of closure meets or exceeds 1:7500 feet.

PREPARED FOR:
STOUGHTON LUXURY HOMES, LLP
4 PONCE DELEON DRIVE
PALM COAST, FL 32164



STEPHENSON, WILCOX & ASSOCIATES, INC.
CIVIL ENGINEERS • LAND SURVEYORS • CONSULTANTS • PLANNERS
204 N. Railroad Street PO Box 186 Bunnell FL 32110
Phone: 386.437.2563 Fax: 386.437.0030
Email: info.swa@gmail.com

Table with columns: TYPE SURVEY, FIELD DATE, OFFICE DATE, JOB NO., BY. Rows include Boundary, Form Board, and Final.

I hereby certify that the survey represented hereon meets or exceeds the minimum standards established pursuant to Section 472.017, Florida Statutes, and adopted in Chapter 5J-17 Florida Administrative Code.

DAN A. WILCOX Jr., PSM No. 5749, PE No. 57633
DAVID T. WILCOX, PSM No. 5871
Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.

1736 Ocean Shore Blvd.



COPY

Application # SPEX 13-08-01  
Rcvd. 6-27-2013  
PARB Meeting Date: 08-6-2013  
CC Meeting Date: 08-08-13

CITY OF FLAGLER BEACH  
JUN 27 2013  
RECEIVED

**City of Flagler Beach**  
**PO Box 70 105 South 2<sup>nd</sup> Street**  
**Flagler Beach, Florida 32136**  
**Phone (386) 517-2000 Fax (386) 517-2016**

**Special Exception – (SPEX)**

CASE No. 1300047

PETITION NO.: \_\_\_\_\_

DATE: June 24, 2013

Pursuant to Appendix A, Land Development Regulations, Section 2.06.01 of the Zoning Ordinance,  
I hereby request a Special Exception as described below:

PURPOSE FOR THE SPECIAL EXCEPTION PETITION: OFFICE  
PETITIONER: Stoughton Luxury Homes  
PROJECT ADDRESS: 1736 S Ocean Shore PHONE NO.: 386-931-3290  
OWNER OF SUBJECT PROPERTY: Harrison Wilder  
ADDRESS: 9021 S WILDERWOOD Lane PHONE NO.: \_\_\_\_\_  
PETITIONER'S RELATION TO SUBJECT PROPERTY: \_\_\_\_\_  
ADDRESS/LEGAL DESCRIPTION: 1736 S Ocean Shore Blvd  
LOT: 10 BLOCK: 3 SUBDIVISION: Fugary ZONING DISTRICT: C7

ATTACH JUSTIFICATION STATEMENTS ADDRESSING ALL SEVEN (7) REQUIREMENTS FOR THIS SPECIAL EXCEPTION REQUEST AS REQUIRED: (See Attachment "A" Special Exception Requirements.)

THIS IS TO CERTIFY THAT I AM THE OWNER AND/OR PETITIONER OF THE SUBJECT PROPERTY DESCRIBED IN THIS SPECIAL EXCEPTION PETITION. I HAVE READ THIS PETITION AND THE STATEMENTS CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF PETITIONER: [Signature]

SIGNATURE OF OWNER: [Signature]

DATE: 6-24-13

AS OWNER, I AUTHORIZE JOHN STOUGHTON TO ACT AS MY AGENT IN THIS MATTER.  
PRINT NAME, ADDRESS AND PHONE NUMBER OF REPRESENTATIVE, IF APPLICABLE.

NAME: JOHN STOUGHTON  
ADDRESS: 1736 S. OCEAN SHORE BLVD FLAGLER BEACH FL  
PHONE: 386-931-3290

STATE OF FLORIDA,  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by

[Signature]  
SIGNATURE OF OWNER  
HARRISON B. WILDER JR  
OWNER'S NAME (Print/Type)  
9021 S. Wilderwood Lane Gordon Tl  
ADDRESS (Street, City) & Phone Number 38016

This 24 day of June, 2013. Who is personally known to me or has produced \_\_\_\_\_ as identification.

Commission Number & Expiration \_\_\_\_\_  
  
MY COMMISSION EXPIRES:  
September 5, 2016

[Signature]  
Notary Public

**TO BE COMPLETED BY THE PLANNING & ZONING DEPARTMENT**

ACCEPTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

PETITION #: \_\_\_\_\_

# Flagler County Property Appraiser's Office

[Appraiser Home](#) | 
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 [Next Parcel](#) | 
 [Show Parcel Map](#) | 
 [Sales in Area](#)

|   |                          |                          |               |
|---|--------------------------|--------------------------|---------------|
| Property Address  |                          | Parcel Number            |               |
| 1736 OCEANSHORE BLVD S  |                          | 18-12-32-2750-00030-0100 |               |
| Owner Name and Address  |                          |                          |               |
| WILDER HARRISON JR<br>9021 S WILDERWOOD LANE<br>CORDOVA, TN 38016 |                          |                          |               |
| Homestead   | Primary Millage District | 2012 Millage Rate        | Property Type |
| NO  | FLAGLER BEACH AREA (21)  | 21.34920                 | SINGLE FAM    |

### Recent Value Information (Historical Values)

### LEGAL DESCRIPTION

|                           | 2011<br>Certified | 2012<br>Certified | 2013<br>Working |   |
|---------------------------|-------------------|-------------------|-----------------|---|
| Building Value            | 0                 | 0                 | 166,140         | FUQUAY SUBD BLK 3 LOT 10 OR 611 PG 779 OR 653 PG 298 OR<br>1191/329 OR 1733/1724-DC OR 1763/987 OR 1813/1428<br>The legal description shown here may be condensed for assessment<br>purposes. Exact description may be obtained from the recorded deed. |
| Extra Feature Value       | 0                 | 0                 | 666             |   |
| Land Value                | 150,000           | 105,000           | 105,000         |   |
| Agricultural Value        | 0                 | 0                 | 0               |   |
| * Just (Market) Value     | 150,000           | 105,000           | 271,806         |   |
| Assessed Value            | 150,000           | 105,000           | 271,806         |   |
| Exempt Value              | 0                 | 0                 | 0               |   |
| Tax Collector Information |                   |                   |                 |   |

\* Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price

### BUILDING INFORMATION

|            |              |             |                  |            |                                      |
|------------|--------------|-------------|------------------|------------|--------------------------------------|
| Type       | Total Area   | Living Area | Exterior Wall    | Roof Cover | Interior Wall                        |
| SINGLE FAM | 2,582        | 1,920       | HARDI-PLNK       | ASP/COM SH | DRYWALL                              |
| Baths      | Heating Type | A/C Type    | Flooring         | Year Built | Sketch Building                      |
| 2.5        | FO AIR DCT   | CENTRAL     | CARPET/CERA/CLAY | 2012       | <a href="#">Show Building Sketch</a> |

### EXTRA FEATURES DATA

| Description       | Quantity | Quantity Type | Effective Year Built |
|-------------------|----------|---------------|----------------------|
| STONE/BRICK PATIO | 170      | SQUARE FEET   | 2012                 |

### SALES INFORMATION

| OR Book/Page              | Sale Date  | Sale Price | Instrument           | Qualification | Vacant/Improved | Grantor                        | Grantee |
|---------------------------|------------|------------|----------------------|---------------|-----------------|--------------------------------|---------|
| <a href="#">1813/1428</a> | 04-06-2011 | 124,900    | WARRANTY DEED        | UNQUALIFIED   | VACANT          | WACHOVIA BANK                  |         |
| <a href="#">1763/987</a>  | 04-07-2010 | 0          | CERTIFICATE OF TITLE | UNQUALIFIED   | VACANT          | DANIELS LEE                    |         |
| <a href="#">1191/329</a>  | 01-12-2005 | 430,000    | WARRANTY DEED        | QUALIFIED     | VACANT          | WHITTAKER PAUL & ELIZABETH H&W |         |
| <a href="#">653/298</a>   | 05-01-1999 | 50,000     | N/A                  | QUALIFIED     | VACANT          | HARCAVI RAMI &                 |         |
| <a href="#">611/779</a>   | 04-01-1998 | 45,000     | N/A                  | QUALIFIED     | VACANT          |                                |         |

[Generate Owner List By Radius](#)

### LAND INFORMATION

For land plat information see [Flagler Clerk of Court Website](#)

The Flagler County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, it's use or interpretation. Assessed values are from the last certified taxroll. All data is subject to change before the next certified taxroll.. Website Last Updated: July 10, 2013

LAW OFFICE OF  
**JOSEPH A. LIVESAY, SR.**

239 ADAMS AVENUE  
MEMPHIS, TENNESSEE 38103-1921

TELEPHONE (901) 525-0257  
TELECOPIER (901) 525-0290

E-MAIL ADDRESS: [jalivesay@att.net](mailto:jalivesay@att.net)  
WEB SITE: [www.memphisattorney.com](http://www.memphisattorney.com)

July 8, 2013

City of Flagler Beach  
Attn.: Chad Lingenfelter  
P.O. Box 70  
Flagler Beach, FL 32136

Re: Case No.: 1300047  
Petitioner: Stoughton Luxury Homes  
Owner: Harrison B. Wilder  
Address: 1736 South Ocean Shore Blvd  
Flagler Beach, FL

Dear Mr. Lingenfelter:

Enclosed are the answers to the seven (7) questions required for a Special Exception Use and a check in the amount of \$900.00.

Yours truly,

Joseph A. Livesay, Sr.

JAL/saw

Check Enclosed  
Enclosure

cc: Harrison B. Wilder  
Stoughton Luxury Homes

CITY OF FLAGLER BEACH  
JUL 11 2013  
RECEIVED

**Sec. 2.06.01. Special exception uses.**

Special exception uses, as enumerated in Schedule One hereof, shall be permitted only upon authorization of the city commission after review by the planning and architectural review board. In recommending approval or denial of the use, the reviewing boards shall provide findings and recommendations on whether the requirements of Section 2.06.01 (1. through 7.) (and where applicable Section 2.07.00) of this ordinance are met as well as other comments such board feel will assist the city commission in the determination of whether to grant the use.

1. That the use is a permitted special use as set forth in Schedule One hereof.  
**Response:** Yes
  
2. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.  
**Response:** Yes, the office is within the building and poses no threat to public health, safety, welfare and convenience.
  
3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.  
**Response:** Yes, The office is within the building and will not cause any injury to the value of property in the neighbor
  
4. That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.  
**Response:** Yes, use and appearance of the building is compatible with adjoining development
  
5. That the adequate landscaping and screening is provided as required herein, or otherwise required.  
**Response:** Yes, there is adequate landscaping and screening on the property
  
6. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.  
**Response:** Yes, there is approximately 50x 100 area for parking
  
7. That the use conforms with all applicable regulations governing the district where located  
**Response:** Yes, the office does conform with applicable regulations

Harold S. Wilchynski  
Name

7/8/13  
Date





# City of Flagler Beach

---

**To:** Don Deal, Chairperson, Planning and Architectural Review Board  
Planning and Architectural Review Board Members

**FROM:** Chad T. Lingenfelter, AICP, PTP, City Planner

**RE:** #VAR 13-08-01 – 2805 South Ocean Shore Boulevard Variance

**DATE:** July 31, 2013

---

**Applicant and Property Owner:** Gail W. Holt, The Type "E" Corporation, Inc., 2805 South Ocean Shore Boulevard, Flagler Beach, Florida 32136

**Property:** 2805 South Ocean Shore Boulevard – 19-12-32-0150-00050-0190

**Future Land Use:** Commercial

**Zoning District:** TC, Tourist Commercial

## Summary

Pursuant to the *City of Flagler Beach Code of Ordinances, Appendix A, Land Development Regulations, Section 8.04.16., Variances*, the applicant is requesting a variance from the *City of Flagler Beach Land Development Regulations Section 2.04.02.9. Zoning District Schedule Two: Lot, Density, Yard, Height and Lot Coverage Requirements* to permit a 21 foot front yard variance to allow a non-residential structure setback four (4) feet from the west property line. The subject property is zoned as TC, Tourist Commercial, contains approximately 0.26 acre, and is generally located southeast of the intersection of 28<sup>th</sup> Street South and South Ocean Shore Boulevard. The subject property is occupied with a single-family dwelling and a restaurant, High Tides at Snack Jack.

## Analysis

The Planning and Architectural Review Board shall recommend such variances as will not be contrary to the public interest and where, owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardships. In order to recommend any variance from the terms of this ordinance the Planning and Architectural Review Board must and shall find each of the following criteria is met by the applicant, and the Board's written findings shall be sent to the City Commission. The applicant's representative prepared responses to each of the prescribed criteria and are as follows:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;

"The unique factual circumstances are due to the building being constructed seaward of A1A over 50 years ago. This is one of the only structures of its type in all Flagler Beach and it has a number of non-conforming locational issues due to

the right-of-way.”

2. That the special conditions and circumstances do not result from the action of the applicant;

“The need for the variance is due to the location of the structure which was built before my clients purchased the property. They are not seeking to expand the non-conforming use, but are trying to make the building aesthetically pleasing.”

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;

“The granting of a variance will not confer a special privilege – it will simply allow replacement of an existing wall. Other property owners have the same rights to protect their property.”

4. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant;

“A denial would deprive my clients of rights enjoyed by other businesses and residences along A1A – which is the ability to screen machinery from the view of motorists and other traveling on A1A.”

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

“The variance sought is the minimum needed to replace the existing wall. Anything smaller would not serve the purpose of covering the equipment.”

6. That the grant of the variance will be in harmony with the general intent and purpose of this ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

“Granting the variance is in harmony with the area and serves to meet the intent of the city’s ordinances, particularly the preservation of scenic A1A. The restaurant is part of the southern gateway into the city and the wall will enhance the viewshed along this portion of the road.”

The applicant’s application states, “The intended work is to replace a wooden wall with new wood. The wall is just over 7 feet in length and serves to cover compressors and piping on the side of the business. A variance is required since a portion of the wall is located in the right-of-way of State Road A1A due to the non-conforming nature of this structure.”

Although this statement states that the foundation would be “wall is located in the right-of-way of State Road A1A,” the exhibits in the application packet depict that the wall is outside of the State Road right-of-way.

After reviewing the survey and visiting the site with the new seven (7) foot tall wall, staff determined that the property owner is allowed to be permitted to construct a four (4) foot tall fence in this same area and inside the subject property line to screen the compressor equipment from view of the building front. If the recently added wall was reduced three (3) feet to four (4) feet in height, then the modified wall would be considered a fence and permitable after-the-fact without an issuance of a variance.

Since the goal expressed by the applicant's representative is "to cover compressors and piping on the side of the business" and this may be achieved with a modification to the wall, the property owner is not deprived of rights commonly enjoyed by other properties in the same zoning district and would not work undue hardship; and a variance is not necessary to make possible the reasonable use of the land, building, or structure. Therefore, criteria 4 and 5 are not satisfied.

**Recommendation**

Staff recommends that the Planning and Architectural Review Board recommend that the City Commission not approve the requested variance for the subject property to allow a non-residential structure setback four (4) feet from the west property line. However, if the Planning and Architectural Review Board finds that each of the criteria is met by the applicant, then staff recommends that the requested variance for the subject property be approved with the following conditions:

1. A site plan and architectural approval is required before a building permit is issued; and
2. A non-residential building permit is issued within 12 months of the City Commission's approval of the variance.

**Enclosures:**                   Variance Application Packet  
  Location Map  
  Survey



### Legend

-  Subject Property
-  200 Foot Radius of 2805 South Ocean Shore Boulevard
-  Incorporated Areas
-  Parcels



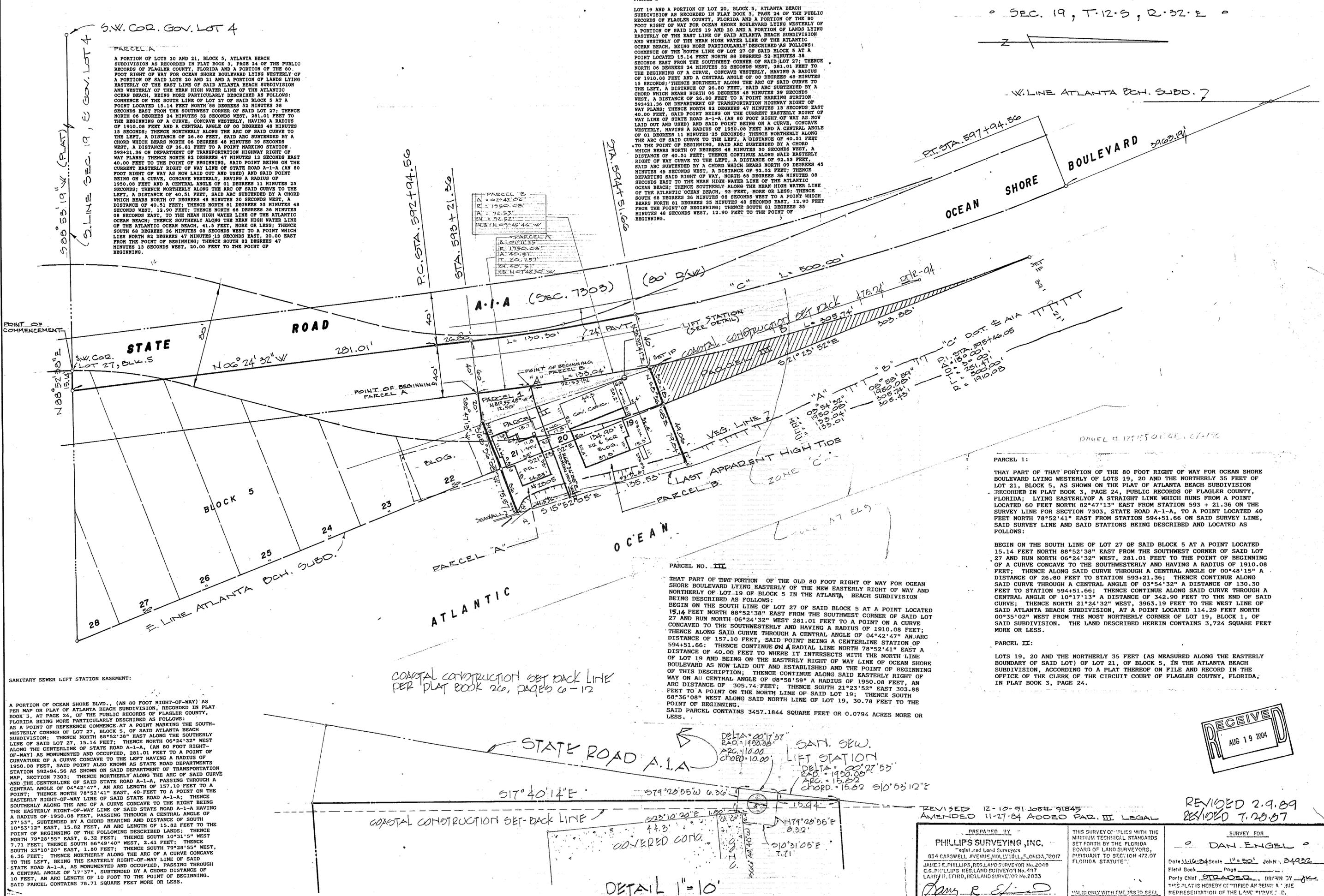
Sources: Flagler County Property Appraiser's Office, Florida Department of Transportation, and Microsoft Corporation  
 The data contained in this map is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, timeliness, completeness, merchantability, and fitness for, or the appropriateness for, the use rests solely with the requester. The City of Flagler Beach makes no warranties, expressed or implied, as to the appropriate use of the data contained in this map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and is in a constant state of maintenance, correction, and update.

SEC. 19, T. 12-S, R. 32-E

S.W. COR. GOV. LOT 4

PARCEL A  
A PORTION OF LOTS 20 AND 21, BLOCK 5, ATLANTA BEACH SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 24 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND A PORTION OF THE 80 FOOT RIGHT OF WAY FOR OCEAN SHORE BOULEVARD LYING WESTERLY OF A PORTION OF SAID LOTS 19 AND 20 AND A PORTION OF LANDS LYING EASTERLY OF THE EAST LINE OF SAID ATLANTA BEACH SUBDIVISION AND WESTERLY OF THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN BEACH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: CORNER OF THE SOUTH LINE OF LOT 27 OF SAID BLOCK 5 AT A POINT LOCATED 15.14 FEET NORTH 88 DEGREES 52 MINUTES 38 SECONDS EAST FROM THE SOUTHWEST CORNER OF SAID LOT 27; THENCE NORTH 06 DEGREES 24 MINUTES 32 SECONDS WEST, 281.01 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1910.08 FEET AND A CENTRAL ANGLE OF 00 DEGREES 48 MINUTES 15 SECONDS; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 26.80 FEET, SAID ARC SUSTAINED BY A CHORD WHICH BEARS NORTH 06 DEGREES 48 MINUTES 39 SECONDS WEST, A DISTANCE OF 26.81 FEET TO A POINT MARKING STATION 593+21.36 ON DEPARTMENT OF TRANSPORTATION HIGHWAY RIGHT OF WAY PLANS; THENCE NORTH 82 DEGREES 47 MINUTES 13 SECONDS EAST 40.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE CURRENT EASTERLY RIGHT OF WAY LINE OF STATE ROAD A-1-A (AN 80 FOOT RIGHT OF WAY AS NOW LAID OUT AND USED) AND SAID POINT BEING ON A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1950.08 FEET AND A CENTRAL ANGLE OF 01 DEGREES 11 MINUTES 25 SECONDS; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 40.51 FEET; THENCE NORTH 07 DEGREES 07 DEGREES 48 MINUTES 30 SECONDS WEST, A DISTANCE OF 40.51 FEET; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY CURVE TO THE LEFT, A DISTANCE OF 92.53 FEET, SAID ARC SUSTAINED BY A CHORD WHICH BEARS NORTH 07 DEGREES 45 MINUTES 46 SECONDS WEST, A DISTANCE OF 92.52 FEET; THENCE DEPARTING SAID RIGHT OF WAY, NORTH 68 DEGREES 36 MINUTES 08 SECONDS EAST TO THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN BEACH; THENCE SOUTHERLY ALONG THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN BEACH, 93 FEET, MORE OR LESS; THENCE SOUTH 68 DEGREES 36 MINUTES 08 SECONDS WEST TO A POINT WHICH BEARS NORTH 81 DEGREES 45 MINUTES 48 SECONDS EAST, 12.90 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH 81 DEGREES 35 MINUTES 48 SECONDS WEST, 12.90 FEET TO THE POINT OF BEGINNING.

PARCEL B  
LOT 19 AND A PORTION OF LOT 20, BLOCK 5, ATLANTA BEACH SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 24 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND A PORTION OF THE 80 FOOT RIGHT OF WAY FOR OCEAN SHORE BOULEVARD LYING WESTERLY OF A PORTION OF SAID LOTS 19 AND 20 AND A PORTION OF LANDS LYING EASTERLY OF THE EAST LINE OF SAID ATLANTA BEACH SUBDIVISION AND WESTERLY OF THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN BEACH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE ON THE SOUTH LINE OF LOT 27 OF SAID BLOCK 5 AT A POINT LOCATED 15.14 FEET NORTH 88 DEGREES 52 MINUTES 38 SECONDS EAST FROM THE SOUTHWEST CORNER OF SAID LOT 27; THENCE NORTH 06 DEGREES 24 MINUTES 32 SECONDS WEST, 281.01 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1910.08 FEET AND A CENTRAL ANGLE OF 00 DEGREES 48 MINUTES 15 SECONDS; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 26.80 FEET, SAID ARC SUSTAINED BY A CHORD WHICH BEARS NORTH 06 DEGREES 48 MINUTES 39 SECONDS WEST, A DISTANCE OF 26.80 FEET TO A POINT MARKING STATION 593+21.36 ON DEPARTMENT OF TRANSPORTATION HIGHWAY RIGHT OF WAY PLANS; THENCE NORTH 82 DEGREES 47 MINUTES 13 SECONDS EAST 40.00 FEET, SAID POINT BEING ON THE CURRENT EASTERLY RIGHT OF WAY LINE OF STATE ROAD A-1-A (AN 80 FOOT RIGHT OF WAY AS NOW LAID OUT AND USED) AND SAID POINT BEING ON A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1950.08 FEET AND A CENTRAL ANGLE OF 01 DEGREES 11 MINUTES 25 SECONDS; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 40.51 FEET TO THE POINT OF BEGINNING, SAID ARC SUSTAINED BY A CHORD WHICH BEARS NORTH 07 DEGREES 48 MINUTES 30 SECONDS WEST, A DISTANCE OF 40.51 FEET; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY CURVE TO THE LEFT, A DISTANCE OF 92.53 FEET, SAID ARC SUSTAINED BY A CHORD WHICH BEARS NORTH 07 DEGREES 45 MINUTES 46 SECONDS WEST, A DISTANCE OF 92.52 FEET; THENCE DEPARTING SAID RIGHT OF WAY, NORTH 68 DEGREES 36 MINUTES 08 SECONDS EAST TO THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN BEACH; THENCE SOUTHERLY ALONG THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN BEACH, 93 FEET, MORE OR LESS; THENCE SOUTH 68 DEGREES 36 MINUTES 08 SECONDS WEST TO A POINT WHICH BEARS NORTH 81 DEGREES 45 MINUTES 48 SECONDS EAST, 12.90 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH 81 DEGREES 35 MINUTES 48 SECONDS WEST, 12.90 FEET TO THE POINT OF BEGINNING.



SANITARY SEWER LIFT STATION EASEMENT:  
A PORTION OF OCEAN SHORE BLVD., (AN 80 FOOT RIGHT-OF-WAY) AS PER MAP OR PLAT OF ATLANTA BEACH SUBDIVISION, RECORDED IN PLAT BOOK 3, AT PAGE 24, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE COMMENCE AT A POINT MARKING THE SOUTHWEST CORNER OF LOT 27, BLOCK 5, OF SAID ATLANTA BEACH SUBDIVISION; THENCE NORTH 88°52'38" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 27, 15.14 FEET; THENCE NORTH 06°24'32" WEST ALONG THE CENTERLINE OF STATE ROAD A-1-A, (AN 80 FOOT RIGHT-OF-WAY) AS MONUMENTED AND OCCUPIED, 281.01 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 1950.08 FEET, SAID POINT ALSO KNOWN AS STATE ROAD DEPARTMENTS STATION 592+94.56 AS SHOWN ON SAID DEPARTMENT OF TRANSPORTATION MAP, SECTION 7303; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND THE CENTERLINE OF SAID STATE ROAD A-1-A, PASSING THROUGH A CENTRAL ANGLE OF 04°42'47", AN ARC LENGTH OF 157.10 FEET TO THE POINT; THENCE NORTH 78°52'41" EAST, 40 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD A-1-A; THENCE SOUTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT BEING THE EASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD A-1-A HAVING A RADIUS OF 1950.08 FEET, PASSING THROUGH A CENTRAL ANGLE OF 10°53'12" EAST, 15.82 FEET, AN ARC LENGTH OF 15.82 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED LANDS; THENCE NORTH 79°28'55" EAST, 8.32 FEET; THENCE SOUTH 10°31'34" WEST 7.71 FEET; THENCE SOUTH 65°49'40" WEST, 2.41 FEET; THENCE SOUTH 23°10'20" EAST, 1.80 FEET; THENCE SOUTH 79°28'55" WEST, 6.36 FEET; THENCE NORTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE LEFT, BEING THE EASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD A-1-A, AS MONUMENTED AND OCCUPIED, PASSING THROUGH A CENTRAL ANGLE OF 17°37", SUBTENDED BY A CHORD DISTANCE OF 10 FEET, AN ARC LENGTH OF 10 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 78.71 SQUARE FEET MORE OR LESS.

PARCEL I:  
THAT PART OF THAT PORTION OF THE 80 FOOT RIGHT OF WAY FOR OCEAN SHORE BOULEVARD LYING WESTERLY OF LOTS 19, 20 AND THE NORTHERLY 35 FEET OF LOT 21, BLOCK 5, AS SHOWN ON THE PLAT OF ATLANTA BEACH SUBDIVISION RECORDED IN PLAT BOOK 3, PAGE 24, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; LYING EASTERLY OF A STRAIGHT LINE WHICH RUNS FROM A POINT LOCATED 60 FEET NORTH 82°47'13" EAST FROM STATION 593+21.36 ON THE SURVEY LINE FOR SECTION 7303, STATE ROAD A-1-A, TO A POINT LOCATED 40 FEET NORTH 78°52'41" EAST FROM STATION 594+51.66 ON SAID SURVEY LINE, SAID SURVEY LINE AND SAID STATIONS BEING DESCRIBED AND LOCATED AS FOLLOWS:  
BEGIN ON THE SOUTH LINE OF LOT 27 OF SAID BLOCK 5 AT A POINT LOCATED 15.14 FEET NORTH 88°52'38" EAST FROM THE SOUTHWEST CORNER OF SAID LOT 27 AND RUN NORTH 06°24'32" WEST, 281.01 FEET TO THE POINT OF BEGINNING OF A CURVE CONCAVE TO THE SOUTHWESTERLY AND HAVING A RADIUS OF 1910.08 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°48'15" A DISTANCE OF 26.80 FEET TO STATION 593+21.36; THENCE CONTINUE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°54'32" A DISTANCE OF 130.30 FEET TO STATION 594+51.66; THENCE CONTINUE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°17'13" A DISTANCE OF 342.90 FEET TO THE END OF SAID CURVE; THENCE NORTH 21°24'32" WEST, 3963.19 FEET TO THE WEST LINE OF SAID ATLANTA BEACH SUBDIVISION, AT A POINT LOCATED 114.29 FEET NORTH 00°35'02" WEST FROM THE MOST NORTHERLY CORNER OF LOT 19, BLOCK 1, OF SAID SUBDIVISION. THE LAND DESCRIBED HEREIN CONTAINS 3,724 SQUARE FEET MORE OR LESS.  
PARCEL II:  
LOTS 19, 20 AND THE NORTHERLY 35 FEET (AS MEASURED ALONG THE EASTERLY BOUNDARY OF SAID LOT) OF LOT 21, OF BLOCK 5, IN THE ATLANTA BEACH SUBDIVISION, ACCORDING TO A PLAT THEREOF ON FILE AND RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF FLAGLER COUNTY, FLORIDA, IN PLAT BOOK 3, PAGE 24.

PARCEL NO. III  
THAT PART OF THAT PORTION OF THE OLD 80 FOOT RIGHT OF WAY FOR OCEAN SHORE BOULEVARD LYING EASTERLY OF THE NEW EASTERLY RIGHT OF WAY AND NORTHERLY OF LOT 19, 20 AND THE NORTHERLY 35 FEET OF LOT 21, BLOCK 5, IN THE ATLANTA BEACH SUBDIVISION BEING DESCRIBED AS FOLLOWS:  
BEGIN ON THE SOUTH LINE OF LOT 27 OF SAID BLOCK 5 AT A POINT LOCATED 15.14 FEET NORTH 88°52'38" EAST FROM THE SOUTHWEST CORNER OF SAID LOT 27 AND RUN NORTH 06°24'32" WEST 281.01 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWESTERLY AND HAVING A RADIUS OF 1910.08 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°42'47" AN ARC DISTANCE OF 157.10 FEET, SAID POINT BEING A CENTERLINE STATION OF 594+51.66; THENCE CONTINUE ON A RADIAL LINE NORTH 78°52'41" EAST A DISTANCE OF 40.00 FEET TO WHERE IT INTERSECTS WITH THE NORTH LINE OF LOT 19 AND BEING ON THE EASTERLY RIGHT OF WAY LINE OF OCEAN SHORE BOULEVARD AS NOW LAID OUT AND ESTABLISHED AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY ON A CENTRAL ANGLE OF 06°58'59" A RADIUS OF 1950.08 FEET, AN ARC DISTANCE OF 305.74 FEET; THENCE SOUTH 21°23'52" EAST 303.88 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 19; THENCE SOUTH 68°36'08" WEST ALONG SAID NORTH LINE OF LOT 19, 30.78 FEET TO THE SAID PARCEL CONTAINS 3457.1844 SQUARE FEET OR 0.0794 ACRES MORE OR LESS.



REVISED 2.9.89  
REVISED 7.28.87

PHILLIPS SURVEYING, INC.  
834 CARSWELL AVENUE, HOLLY HILL, FLORIDA 32017  
JAMES E. PHILLIPS, REG. LAND SURVEYOR No. 2040  
C.G. PHILLIPS, REG. LAND SURVEYOR No. 497  
LARRY H. PHILLIPS, REG. LAND SURVEYOR No. 2833

THIS SURVEY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.07 FLORIDA STATUTE.

SURVEY FOR  
DAN ENGEL

Date: 11-16-04 Scale: 1"=30' Job No.: 04932  
Field Book: Page: 1  
Party Chief: STRADER DRAWN BY: JK  
THIS PLAT IS HEREBY CERTIFIED AS BEING A TRUE REPRESENTATION OF THE LAND SURVEYED.

DETAIL 1"=10'



City of Flagler Beach  
 P.O. Box 70 105 S. 2<sup>nd</sup> Street  
 Flagler Beach, Florida 32136

Phone (386) 517-2000 Fax (386) 517-2016

**Zoning Variance – (ZV)**

DATE: July 1 2013

Application # VAR 13-08-01  
 Rcvd. 7-03-2013  
 PARB Meeting Date: 08-6-2013  
 CC Meeting Date: 08-08-13

Pursuant to Section 8.05.13 of the Land Development Regulations, I hereby request a variance of the Zoning Code as described below:

PETITIONER: Cecil Holt / High Tides at Snack Jack

ADDRESS: 2805 S. Ocean Shore Blvd PHONE NO.: 386-439-6361

OWNER OF SUBJECT PROPERTY:

Cecil Holt

ADDRESS: 2805 S. Ocean Shore Blvd PHONE NO.: 386-439-6361  
Flagler Beach, FL

PETITIONER'S RELATION TO SUBJECT PROPERTY:

owner

ADDRESS/LEGAL DESCRIPTION:

legal description attached

LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ SUBDIVISION: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_

SECTION(S) OF THE CODE TO BE APPLIED FOR VARIANCE REQUEST:

ATTACH A JUSTIFICATION STATEMENT ADDRESSING ALL SIX CRITERIA FOR THIS VARIANCE REQUEST AS FOLLOWS: (See Attachment "A" Variance Standards.)

- |                                     |                              |
|-------------------------------------|------------------------------|
| 1. Special conditions/circumstances | 4. Hardship                  |
| 2. Actions of Applicant             | 5. Minimum variance          |
| 3. Special privilege                | 6. General intention purpose |



THIS IS TO CERTIFY THAT I AM THE OWNER OF THE SUBJECT PROPERTY DESCRIBED IN THIS VARIANCE PETITION. I HAVE READ THIS PETITION AND THE STATEMENTS CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF PETITIONER: Cecil Holt DATE: 6-17-2013

**Owner Authorization**

Property Address: 2805 S. Oceanshore Blvd.

Parcel Id: \_\_\_\_\_

AS OWNER, I AUTHORIZE Dennis K Bayer TO ACT AS MY AGENT IN THIS MATTER.  
PRINT NAME, ADDRESS AND PHONE NUMBER OF REPRESENTATIVE, IF APPLICABLE.

NAME: Dennis Bayer ADDRESS: 109. S. 6<sup>th</sup> St, Flagler Beach  
PHONE: 386 439-2332  
STATE OF FLORIDA,  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by

SIGNATURE OF OWNER

Mail Heet

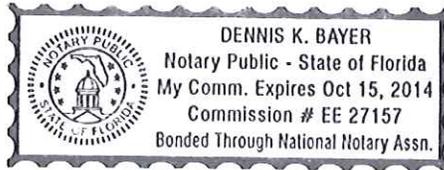
OWNER'S NAME (Print/Type)

ADDRESS (Street, City) & Phone Number

This 1<sup>st</sup> day of July, 2013 Who is personally known to me or has produced  
\_\_\_\_\_ as identification.

10-15-14  
Commission Number & Expiration

Dennis K Bayer  
Notary Public



# *Nowell, Bayer & Maguire*

## *Flagler Law Attorneys*

Website: [www.flaglerlaw.com](http://www.flaglerlaw.com)

Sidney M. Nowell, P.A.  
Dennis K. Bayer, Esq.  
Matthew C. Maguire, Esq.

Reply to:  
Flagler Beach  
109 South 6<sup>th</sup> Street, Suite 200  
Flagler Beach, FL 32136  
Tel: 386-439-2332  
Fax: 386-439-6522

---

July 2, 2013

Chad Lingenfelter  
Planning Department  
City of Flagler Beach  
P.O. Box 70  
Flagler Beach, FL 32136

RE: Hightide at Snackjack's Variance Request

Dear Mr. Lingenfelter:

This firm represents the owners of Hightide at Snack Jacks Restaurant for purposes of applying for a variance. The intended work is to replace a wooden wall with new wood. The wall is just over 7 feet in length and serves to cover compressors and piping on the side of the business. A variance is required since a portion of the wall is located in the right of way of State Road AIA due to the non-conforming nature of this structure. See the attached photographs for an idea of the scope of work to be performed.

The 6 criteria for obtaining a variance are adequately met as more fully discussed below:

1. The unique factual circumstances are due to the building being constructed seaward of AIA over 50 years ago. This is one of the only structures of its type in all Flagler Beach and it has a number of non-conforming locational issues due to the right of way.

2. The need for a variance is due to the location of the structure which was built before my clients purchased the property. They are not seeking to expand the non-conforming use, but are trying to make the building aesthetically pleasing.

3. The granting of a variance will not confer a special privilege- it will simply allow replacement of an existing wall. Other property owners have the same rights to protect their property.

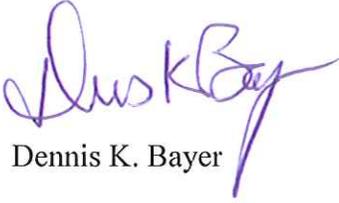
4. A denial would deprive my clients of rights enjoyed by other businesses and residences along AIA- which is the ability to screen machinery from the view of motorists and others traveling on AIA.

5. The variance sought is the minimum needed to replace the existing wall. Anything smaller would not serve the purpose of covering the equipment.

6. Granting the variance is in harmony with the area and serves to meet the intent of the city's ordinances, particularly the preservation of a scenic AIA. The restaurant is part of the southern gateway into the city and the wall will enhance the viewshed along this portion of the road.

Please contact me to discuss any questions that you might have regarding this application.

Sincerely



Dennis K. Bayer

DKB/shw  
Enclosure  
cc: Client



STA. 59

|                    |
|--------------------|
| PARCEL A           |
| N 0° 12' 23" E     |
| R 1750.08'         |
| A 40.51'           |
| T 20.251'          |
| CH 40.51'          |
| CE N 07° 48' 30" W |

A.1.A (SEC. 1303)

(80' D/W)

"C" L = 500.00'

L = 130.30'

24' PART.

LIFE STATION  
(SEE DETAILS)

CONSTRUCTION

DECK L = 305.74'

SET 11

CONTRACT

PARCEL A

02 10 23 52"E

130.30'

POINT OF BEGINNING  
L = 130.04'

Request 92.53(6) setback

CON. CONC.

DECK

NET LINE

HIGH TIDE

RECEIVED  
JUL 12 2013

BY

17 51

OCEAN

"A"

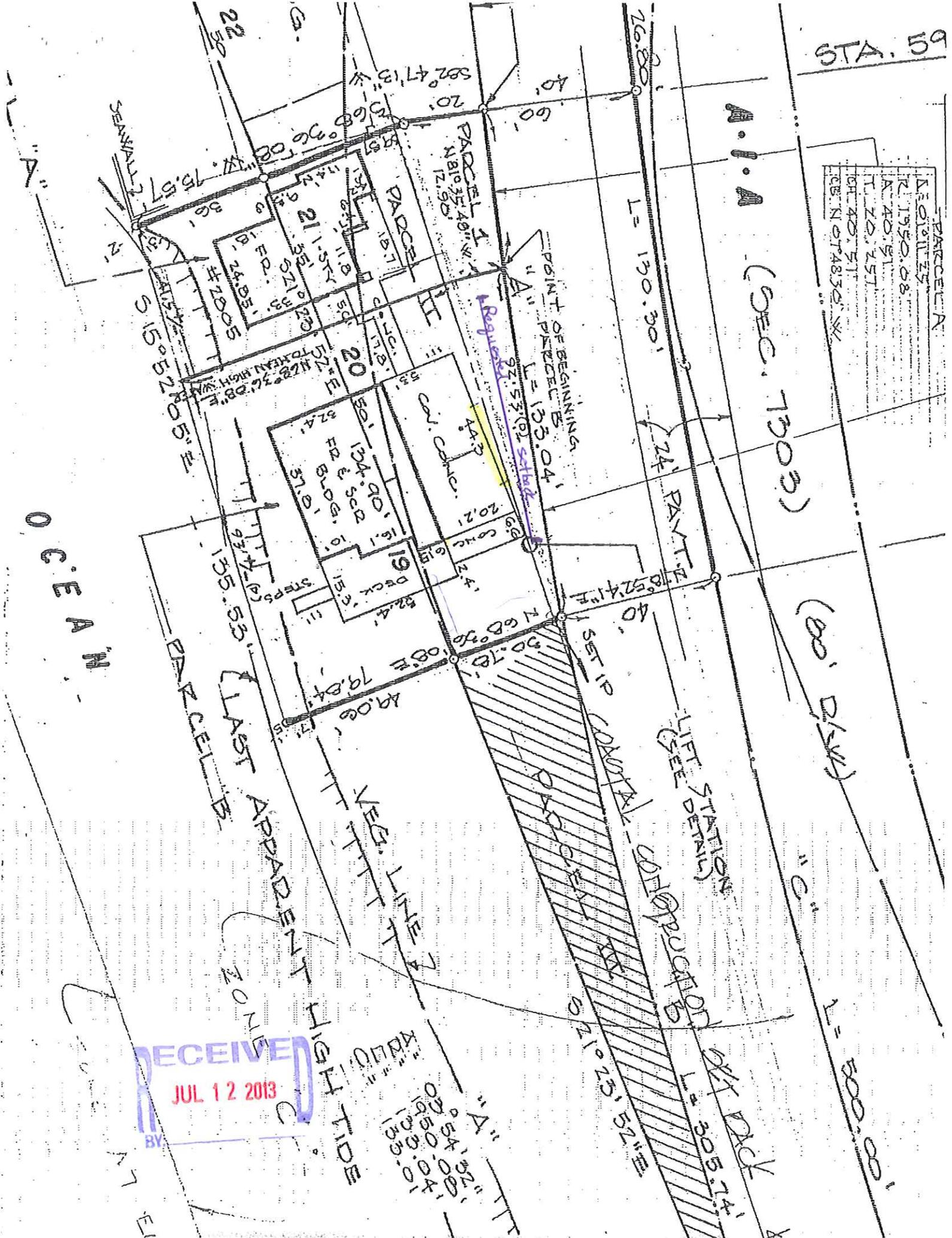
SEANALL 2

PARCEL B  
515.53' 20.55'

PARCEL B

LAST APPARENT

ZONE



LAWRENCE W. BORNES  
412 N. Halifax Avenue  
Daytona Beach, Florida 32118

© Seminole Paper & Printing Co. Inc. 1987

Date: 4-16-93

Florida documentary stamp tax required by law in the amount of \$ 1855.00 has been paid or will be paid directly to the Department of Revenue. Certificate of Registration #59-6018992-01. (201.133(6), F.S.)

OFF REC 0486 PAGE 0106

Instrument Prepared by:

LAWRENCE W. BORNES, ESQ.  
412 N. Halifax Avenue  
Daytona Beach, FL 32118

Address:

Property Appraisers Parcel Identification (Folio) Number(s):

Grantee(s) S.S. #(s):

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed Made the 2nd day of April A.D. 19 93 by CHARLES WILLIAMS, JR., a married person

hereinafter called the grantor, to KAROL S. MOWERY, a single person and GAIL W. HOLT, a single person as tenants in common whose post office address is 2895 South Ocean Shore Blvd., Flagler Beach, FL

hereinafter called the grantee:

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

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in FLAGLER County, State of Florida, viz:

Legal description attached hereto and made a part hereof

This is not the homestead property of the grantor who resides at 130 Riverside Drive, Ormond Beach, Florida

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 93.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Signature [Signature of Lawrence W. Bornes]

Lawrence W. Bornes

Printed Signature [Signature of Rita L. Clarke]

Signature [Signature of Rita L. Clarke]

Rita L. Clarke

Printed Signature

Signature

Signature [Signature of Charles Williams, Jr.]

Charles Williams, Jr.

Printed Signature

Post Office Address

Signature

Printed Signature

128 E. Granada Blvd  
Ormond Beach, FL 32076

855.00

MS

MS

Parcel I: That part of that portion of the 80 foot right of way for Ocean Shore Boulevard lying Westerly of Lots 19, 20 and the Northerly 35 feet of Lot 21, Block 5, as shown on the plat of Atlanta Beach Subdivision recorded in Plat Book 3, Page 24, Public Records of Flagler County, 60 feet North 82 degrees 47' 13" east from Station 593+ 21.36 on the survey line for Section 7303, State Road A-1-A, to a point located 40 feet North 78 degrees 52' 42" East from Station 594+51.66 on said survey line, said survey line and said Stations being described and located as follows:

Begin on the South line of Lot 27 of said Block 5 at a point located 15.14 feet North 88 degrees 52' 38" East from the Southwest corner of said Lot 27 and run North 06 degrees 24' 32" West, 281.01 feet to the point of beginning of a curve concave to the Southwesterly and having a radius of 1910.08 feet; thence along said curve through a central angle of 00 degrees 48' 15" a distance of 26.80 feet to Station 593 + 21.36; thence continue along said curve through a central angle of 03 degrees 54' 32" a distance of 130.30 feet to Station 594 + 51.66; thence continue along said curve through a central angle of 10 degrees 17' 13" a distance of 342.90 feet to the end of said curve; thence North 21 degrees 24' 32" West, 3963.19 feet to the West line of said Atlanta Beach Subdivision, at a point located 114.29 feet North 00 degrees 35' 02" West from the most Northerly corner of Lot 19, Block 1, of said Subdivision. The land described herein contains 3,724 square feet, more or less.

Parcel II: Lots 19, 20 and the Northerly 35 feet (as measured along the Easterly boundary of said lot) of Lot 21, of Block 5, in the ATLANTA BEACH SUBDIVISION, according to a plat thereof on file and record in the office of the Clerk of the Circuit Court of Flagler County, Florida, in Plat Book 3, Page 24.

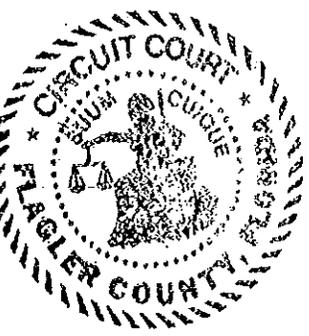
PARCEL I also described as follows:

Parcel 1: That part of that portion of the 80 foot right of way for Ocean Shore Boulevard lying Westerly of Lots 19, 20 and the Northerly 35 feet of Lot 21, Block 5, as shown on the plat of Atlanta Beach Subdivision recorded in Plat Book 3, page 24, Public Records of Flagler County, Florida; lying Easterly of a straight line which runs from a point located 60 feet North 82 degrees 47'13" East from Station 593+21.36 on the survey line for Section 7303, State Road A-1-A, to a point located 40 feet North 78 degrees 52'41" East from Station 594+51.66 on said survey line, said survey line and said Stations being described and located as follows:

Begin on the South line of Lot 27 of said Block 5 at a point located 15.14 feet North 88 degrees 52'38" East from the Southwest corner of said Lot 27 and run North 06 degrees 24'32" West, 281.01 feet to the point of beginning of a curve concave to the Southwesterly and having a radius of 1910.08 feet; thence along said curve through a central angle of 00 degrees 48'15" a distance of 26.80 feet to Station 593+21.36; thence continue along said curve through a central angle of 03 degrees 54'32" a distance of 130.30 feet to Station 594+51.66; thence continue along said curve through a central angle of 10 degrees 17'13" a distance of 342.90 feet to the end of said curve; thence North 21 degrees 24'32" West, 3963.19 feet to the West line of said Atlanta Beach Subdivision, at a point located 114.29 feet North 00 degrees 35'02" West from the most Northerly corner of Lot 19, Block 1, of said Subdivision. The land described herein contains 3,724 square feet, more or less.

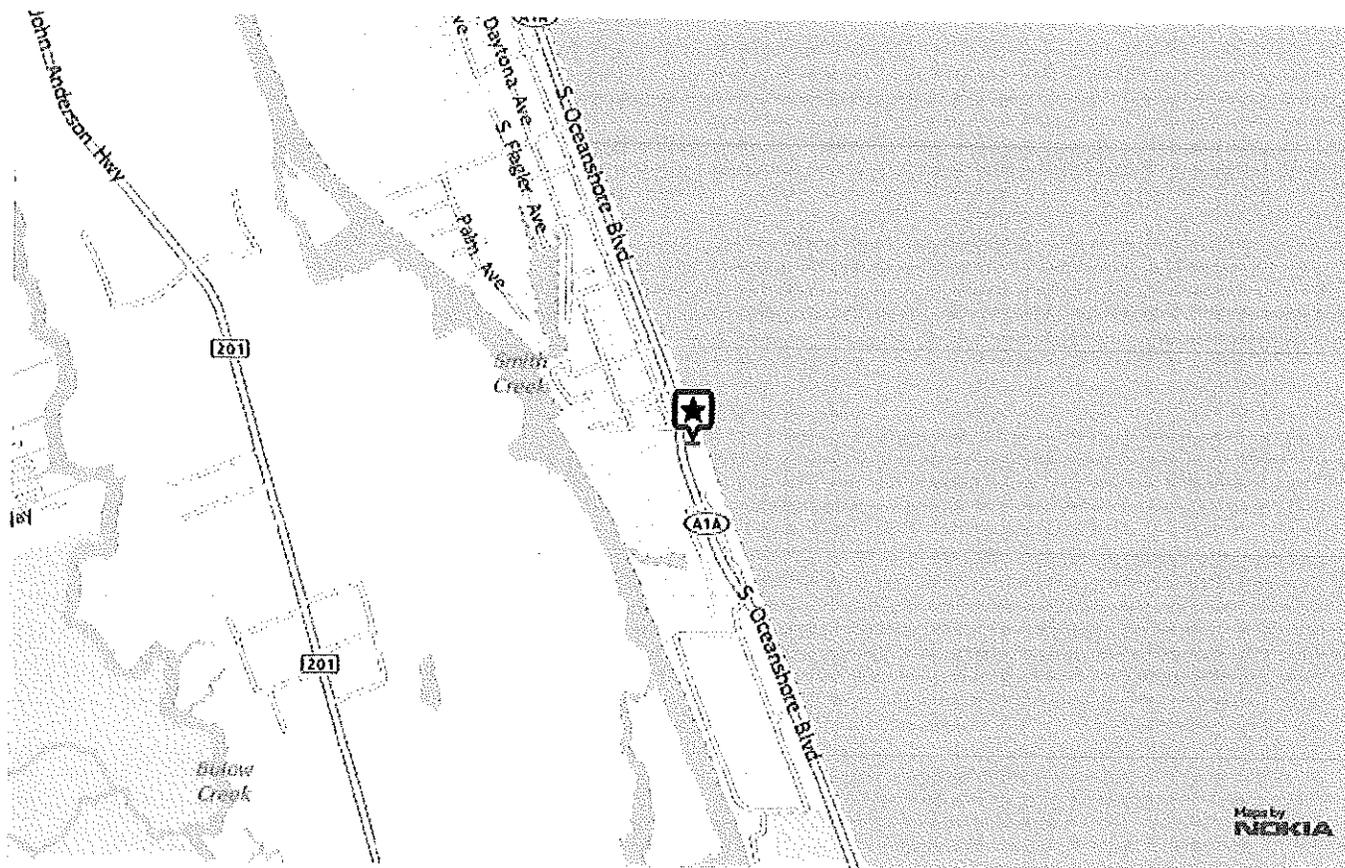
NO. 93/004943  
FILED & RECORDED  
O.R. BOOK 484 PAGE 106  
108

93 APR 16 AM 10:41  
*[Signature]*  
SYD CROSBY  
CLERK OF CIRCUIT COURT  
FLAGLER COUNTY, FLORIDA

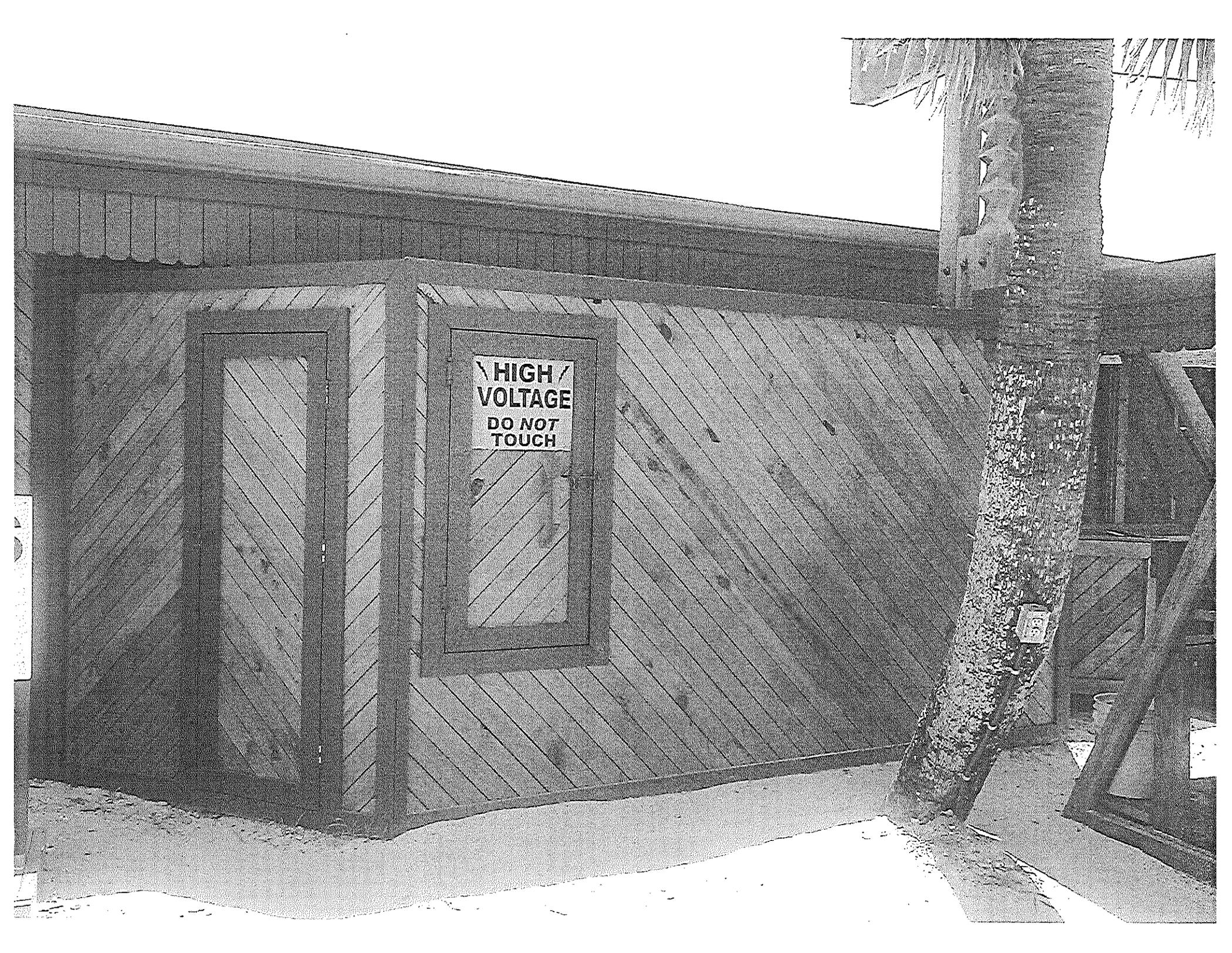


# YAHOO! MAPS

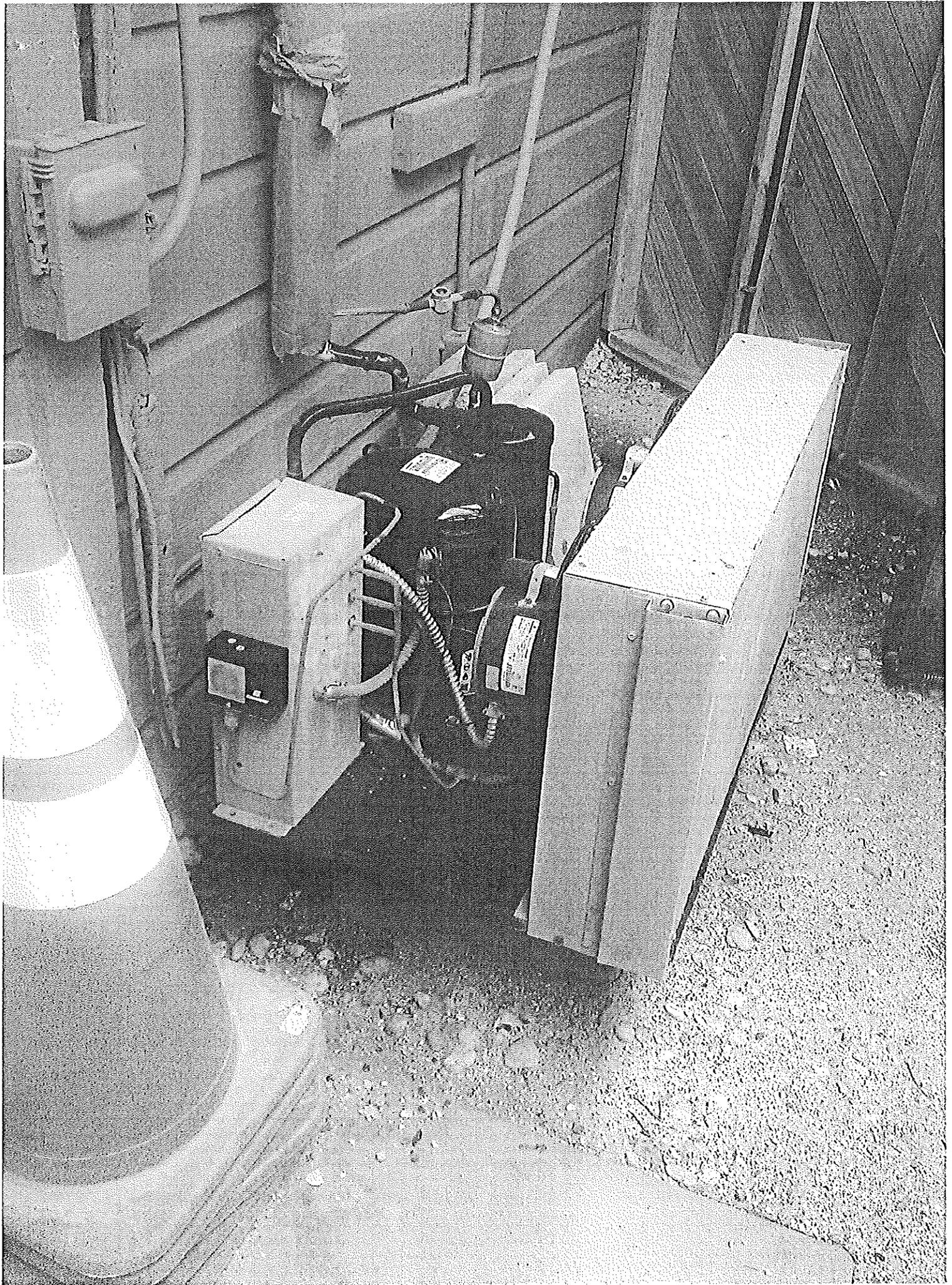
2905 S Oceanshore Blvd, Flagler Beach, FL 32136-4111

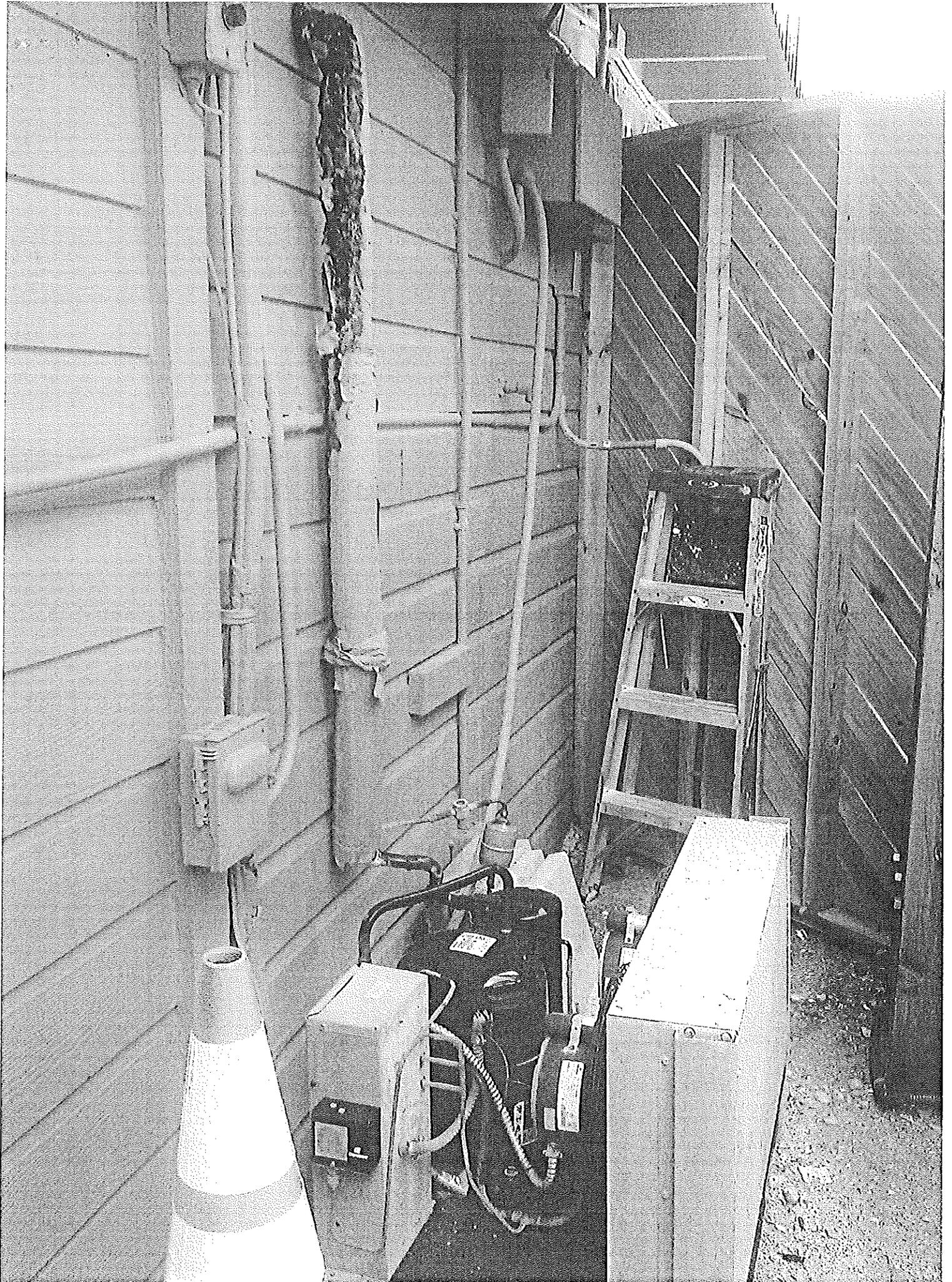


When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning

A black and white photograph of a wooden utility shed. The shed has a door with a sign that reads "HIGH VOLTAGE DO NOT TOUCH". The shed is made of vertical wooden planks. To the right of the shed is a utility pole with a transformer. The ground is dirt or gravel.

**HIGH  
VOLTAGE  
DO NOT  
TOUCH**





DE JACK  
EATS & DRINKS





37 Zoning District Schedule of Lot, Density, Yard, Height & Lot Coverage Requirements

| Zoning District                             | Min. Lot Size (Sq. Ft.)            | Min. Lot Width at Building Setback Line (Feet) | Min. Lot Depth (Feet) | Density Sq. Ft. Per Dwelling Unit  | Min. Front Yard (Feet)            | Min. Side Yard (Feet) (See Note 1)         | Min. Rear Yard (Feet) (See Note 2) | Max. Building Height (Feet) | Max. Lot Coverage (% of Total Area of Lot) |
|---|------------------------------------|--|-----------------------|--|-----------------------------------|--|------------------------------------|-----------------------------|--|
| Preservation (See Note 3)                   |                                    |  |                       |  |                                   |  |                                    |                             |  |
| Conservation (See Note 4)                   |                                    |  |                       |  |                                   |  |                                    |                             |  |
| SFR Single-family Residential (See Note 5)  | 7500                               | 75 (except for lots of record)                 | 100                   | 7500   | 25                                | 10% of lot width (See also Note 6)         | 10                                 | 35                          | 40 (See Note 7)                            |
| LDR Low Density Residential (See Note 5)    | 7500                               | 75 (except for lots of record)                 | 100                   | 7500 for single-family 3750 for two family   | 25                                | 10% of lot width                           | 10                                 | 35                          | 40   |
| MDR Medium Density Residential (See Note 5) | Single-family Lot 7500             | 75 (except for lots of record)                 | 100                   | 7500   | 25                                | 10% of lot width                           | 10                                 | 35                          | 40   |
| MDR   | Two Family Lot 7500                | 75   | 100                   | 3750   | 25                                | 10% of lot width with 5' minimum           | 10                                 | 35                          | 40   |
| MDR   | Townhouse Project Lot Size 10,000  | 100  | 90                    | 3000   | 25                                | 10% of lot width with 10' minimum          | 25                                 | 35                          | 40   |
| MDR   | Multi-Family Project Lot Size 9000 | 100  | 75                    | 3000   | 25                                | 10% of lot width with 10' minimum          | 25                                 | 35                          | 30   |
| MDR   | Other Uses 7500                    | 75   | 100                   | 3000   | 25                                | 10% of lot width with 10' minimum          | 25                                 | 35                          | 30   |
| <u>TC Tourist Commercial</u>                | <u>Single-Family 7500</u>          | <u>75 (except for lots of record)</u>          | <u>100</u>            | <u>7500</u>  | <u>25</u>                         | <u>10% of lot width (See also Note 6)</u>  | <u>10</u>                          | <u>35</u>                   | <u>40 (See Note 7)</u>                     |
| <del>TC Tourist Commercial</del>            | <u>Other Uses 4000</u>             | 50   | 80                    | 650  | 25                                | Minimum of 10 Ft.                          | 10                                 | 35                          | 90   |
| GC General Commercial                       | 4000                               | 50   | 80                    | N/A, except when use is residential, then MDR Schedule 2 area/dwelling unit (sq. ft.) shall apply. | 25 if parking provided: 10 if not | None, except along A1A is 10% of lot width | 10                                 | 35                          | 90   |
| HC Highway Commercial                       | 21,780                             | 150  | N/A                   | N/A  | 20                                | 10 (See Note 8)                            | 15 (See Note 9)                    | 35                          | 65   |
| LI Light Industrial                         | 10,000                             | 100  | 100                   | N/A  | 30                                | 35/15                                      | 30                                 | 35                          | 40   |

57 Note 1. For corner lots minimum setback, see Section 2.05.03.1.

58 Note 2. Twenty-five (25) feet if abutting street.

59 Note 3. All development shall be consistent with the Comprehensive Plan's Preservation  
60 Overlay.

61 Note 4. All development shall be consistent with the Comprehensive Plan's Limited  
62 Development Overlay and Section 2.07.00 of this Code.

63 Note 5. In computing the setback requirements in all residential zoning districts,  
64 landowners may combine one (1) or more lots of record to construct a single residential  
65 unit on the lot. All setbacks shall be computed from the perimeter of the property.

66 Note 6. On those single-family residential lots which are irregular in shape, said setback  
67 shall be determined by using the mid-point of the lot to determine width and then such  
68 side setback shall be determined as ten (10) percent of the lot width.

69 Note 7. In the Mirror Lake Watershed Overlay District no more than fifty (50) percent of  
70 a property shall be deemed impervious including all but not limited to structures,

71 driveways, pools, sidewalks, accessory uses, landscape enhancements or appurtenances.  
72 The building official may and can require additional testing or engineering, at the  
73 expense of the applicant.

74 Note 8. Except where side yard is a corner lot wherein the minimum side yard shall be  
75 twenty (20) feet.

76 Note 9. Except where rear yard adjoins a residential zoned district wherein a minimum  
77 setback of thirty (30) feet shall be required.

78 Note 10. Also refer to the requirements of Section 2.04.02.12, Combined Use Building  
79 Regulations and the Downtown A1A Retail Corridor Design Guidelines.

80 Note 11. Also refer to the requirements of Section 2.04.02.12, Combined Use Building  
81 Regulations and the Downtown Mixed-Use Overlay District Guidelines.

82 \*\*\*

83 **SECTION THREE. Codification.** It is the intent of the City Commission of the City of  
84 Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is  
85 granted broad and liberal authority in codifying the provisions of this Ordinance.

86  
87 **SECTION FOUR. Conflicts.** Conflicts. In any case where a provision of this Ordinance  
88 is found to be in conflict with a provision of any other ordinance of this City, the  
89 provision which establishes the higher standards for the promotion and protection of the  
90 health and safety of the people shall prevail.

91  
92 **SECTION FIVE. Effective date.** This Ordinance shall take effect immediately upon  
93 adoption as provided by the Charter of the City of Flagler Beach.

94  
95 PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

96  
97 PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

98  
99  
100 CITY OF FLAGLER BEACH, FLORIDA  
101 CITY COMMISSION

102  
103 \_\_\_\_\_  
104 Linda Provencher, Mayor

105 ATTEST:

106 \_\_\_\_\_  
107  
108 Penny Overstreet, City Clerk  
109  
110



43 from the ~~building official~~ city manager or designee the correct number ~~or~~ for their  
44 respective building or tenant space, the letter or number for the condominium unit  
45 or tenant space, and to cause such numbers and/or letters to be conspicuously  
46 displayed on the building or on the lot on which the building is located, and  
47 within fifty (50) feet of the building, so that same are visible from the street along  
48 which it abuts is addressed, ~~or from the alley it abuts, if not accessible from a~~  
49 ~~street.~~ If a number is visible from a street that the building is not addressed along,  
50 then the owner shall also post the correct streetname with the number.

51 \*\*\*

52 **SECTION THREE.** Article V, “Development Design and Improvement Standards,” of  
53 the *City of Flagler Beach Land Development Regulations* is hereby amended as set forth  
54 below:

55 **ARTICLE V. DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS**

56 \*\*\*

57 **Sec. 5.00.01. Codes Adopted.**

58 \*\*\*

59 (b) Codes adopted by reference. The following codes are hereby adopted by reference  
60 as though copied herein fully except as the various codes relate to provisions for a  
61 board of adjustments and appeals:

62 General Codes

63 Florida Building Code, the current edition adopted by the State as the  
64 Building Code, as it may be amended from time to time by the State.

65 National Electric Code®, 2008 the current edition adopted by the State, as  
66 it may be amended from time to time by the ~~State~~ National Fire Protection  
67 Association.

68 ~~Standard Housing Code, Southern Building Code Congress International,~~  
69 ~~1994 edition.~~

70 Standard Housing Code, 1997 edition.

71 ~~Standard Amusement Device Code, 1997 edition.~~

72 ~~Standard Unsafe Building Abatement Code, 1998 edition.~~

73 ~~Standard for Insulation of Roof Covering, current edition.~~

74 ~~Standard for Hurricane Resistance Residential Construction, SSTD-99.~~

75 Florida Fire Protection Codes, the current edition adopted by the State, as  
76 may be amended from time to time by the State.

77 (c) Wind speed. A wind speed demarcation line designation is hereby adopted to  
78 include the entire city limits and established as one hundred ~~twenty~~ thirty-five  
79 ~~(120/135)~~ miles per hour.

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\*\*\*

**SECTION FOUR. Codification.** It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

**SECTION FIVE. Conflicts.** Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

**SECTION SIX. Effective date.** This Ordinance shall take effect immediately upon adoption as provided by the Charter of the City of Flagler Beach.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Linda Provencher, Mayor

ATTEST:

\_\_\_\_\_  
Penny Overstreet, City Clerk