# BOAA Annual Report for 2006
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**Date:** February 9, 2006

**Case No:** BOAA-06-001

**Applicant:** Thomas E. Gedris

**Parcel Identification #:** 21-03-65- B-045-0

**Request:** The applicant is proposing to construct an accessory structure located in the front yard that would extend approximately 2-1/2 feet into the 7-1/2 feet setback requirement.

**Case Comments:** Section 10-1102 of the Leon County Land Development Code, which pertains to the location and development standards of accessory structures, states that accessory structures shall not be located in the front yard and must maintain a 7-1/2 feet setback from any property line. The subject parcel is located in the Lake Jackson Heights recorded subdivision and is located in the Lake Protection zoning district. The parcel has environmental constraints and necessitates siting of the proposed accessory structure in the required front yard extending two and on half (2-1/2) feet into the accessory structure setback.

**Decision:** The County mailed twenty-one (21) notices to property owners and four (4) notices to surrounding homeowner associations and received no responses in opposition. A motion was made to grant the variance. The motion passed 5-0.

**Date:** April 13, 2006

**Case No.:** BOAA 06-002

**Applicant:** Paul Johnson

**Parcel Identification #(s):** 44-15-32-000-006-0

**Request:** Request for a variance to construct an addition to a single-family home extending approximately fifteen (15) feet into the side-yard setback.

**Case Comments:** The parcel is located in the LT/UF (Lake Talquin Recreation /Urban Fringe) zoning district and has a Future Land Use Category of Lake Talquin Recreation /Urban Fringe. Chapter 10, Section 10-1211 states that the principal structure shall maintain a twenty (20) feet side-corner setback. The subject parcels are located in the Blounts Camp Unit 3 Unrecorded Subdivision. The parcel has environmental constraints and necessitates siting the proposed addition where the side yard will have a remaining setback of five (5) feet.

**Decision:** The County mailed fourteen (14) notices and received no responses in opposition. A motion was made to grant the variance. The motion passed 5-0.

**Date:** May 11, 2006

**Case No.:** BOAA 06-003

**Applicant:** Wal-Mart Stores East

**Parcel Identification #(s):** 21-15-15-000-000-1, 21-15-15-A-000-0, 21-15-15-B-000-0; 21-15-51-440-107-5, 21-15-51-500-107-5, 21-15-51-500-152-0, 154-0, and 155-0.

**Request:** Request for a Previously Existing Land Use Conformity (PELUC Certificate) to establish the pre-existing condition of the land use and its eligibility for wavier under Section 10-873 of the Leon County Land Development Code. If approved, the request would allow the petitioner to redevelop the site of the former Sam's Club into a Wal-Mart Super Center through the site and development plan review process.

**Case Comments:** The building is located in the current LP (Lake Protection) zoning district. The subject parcels are located in the former Gwynndale Planned Unit Development, which has expired, leaving the parcels in the LP zoning category, and causing the buildings to be non-conforming.

**Decision:** Because of opposition to the request, and to allow those in opposition to respond by public comment, the case was continued to June 22, 2006, continued again to July 13, 2006, continued again until August 10, 2006, where it was withdrawn, and finally brought back as a new request on August 29, 2006.

**Date:** May 11, 2006

**Case No.:** BOAA 06-004

**Applicant:** Pamela A. Holland

**Parcel Identification:** 14-09-25-I-008-0

**Request:** Requesting a variance from Official Records Plat Book 12 Page 6, which pertains to the Killearn Commons Phase II Subdivision Plat.? The plat requires a twenty-five (25) feet rear building setback. The applicant is requesting to construct an addition to the rear of a single family home which would extend approximately four (4) feet into the rear setback of the home.

**Case Comments:** The subject parcel is located in the Killlearn Commons subdivision. The buildings on the rear perimeter of the subdivision were constructed with a small, un-covered patio located in the rear setback. If the owners ever desire to cover, screen or add on to their unit, it becomes impossible without relief from maintaining the building setbacks required by the plat.

**Decision:** Staff mailed twenty-two (22) notices to property owners and three notices to surrounding homeowner associations. None of those individuals or associations responded either in favor of or in opposition to notices mailed. The Board approved the variance by a vote of 6-0.

**Date:** May 11, 2006

**Case No.:** **BOAA 06-005**

**Applicant:** Travis Pittman

**Parcel Identification #(s):** 44-11-05-000-035-7

**Request:** Requesting to construct a single-family home that would extend approximately thirty (30) feet into the fifty (50) feet rear yard building setback.

**Case Comments:** The property is located in the Ben Stoutamire Road Unrecorded Subdivision. The property is currently zoned and has a Future Land Use category of Lake Talquin-Recreation/Urban Fringe (LT/UF). Section 10-1211 requires principal structures to maintain thirty (30) feet from the front property line, twenty (20) feet from the side property line, and fifty (50) feet from the rear property line. The parcel has an unusual shape and necessitates siting of the proposed singly family residential dwelling to the northern portion of the property, which will result in a rear yard building setback of twenty (20) feet.

**Decision:** The County mailed eighteen (18) notices and received one response in opposition. A motion was made to grant the variance as requested. The motion passed 6-0.

**Date:** June 22, 2006

**Case No.:** BOAA 06-006

**Applicant:** Michael Fine

**Parcel Identification:** 14-09-25-B001-0

**Request:** Requesting a variance from Official Records Plat Book 12 Page 6, this pertains to the Killearn Commons Phase II Subdivision Plat. The plat requires a twenty-five (25) feet rear building setback. The applicant is requesting to construct an addition to the rear of a single family home which would extend approximately three (3) feet into the rear setback of the home.

**Case Comments:** The subject parcel is located in the Killlearn Commons subdivision. The buildings on the rear perimeter of the subdivision were constructed with a small, un-covered patio located in the rear setback. If the owners ever desire to cover, screen or add on to their unit, it becomes impossible without relief from maintaining the building setbacks required by the plat.

**Decision:** Staff mailed twenty-two (22) notices to property owners and three notices to surrounding homeowner associations. None of those individuals or associations responded either in favor of or in opposition to notices mailed. The Board approved the variance by a vote of 6-0.

**Date:** June 22, 2006

**Case No.:** BOAA 06-007

**Applicant:** Jacob Whitfield

**Parcel Identification #(s):** 14-03-50-CO-016-0

**Request:** Requesting to construct an addition to the rear of the single-family home that would extend approximately fourteen (14) feet into the sixty-five (65) feet rear building setback required by the plat of Killearn Lakes Unit 5 Phase I.

**Case Comments:** The property is located in the Killearn lakes Unit 5 Recorded Subdivision. The property is currently zoned and is in the Future Land Use category of Residential Preservation (RP). The Killearn Lakes Unit 5 recorded plat requires principal structures to maintain sixty-five (65) feet from the rear property line. The single family dwelling was constructed near the rear setback line due to the front setback requirement, and the resulting building area limits the proposed addition to a rear building setback of fifty-one (51) feet.

**Decision:** The County mailed seventeen (17) notices and received no responses. A motion was made to grant the variance as requested. The motion passed 5-0.

**Case No.:** BOAA 06-008

**Date:** August 10, 2006

**Applicant:** Patricia and Wayne Powell

**Parcel Identification:** 44-14-20-212-000-0

**Request:** The request is to construct a single family dwelling that would extend thirty-five (35) feet into the rear setback, five (5) feet into the side interior setback, and five (50 feet into the front setback.

**Case Comments:** Chapter 10, Section 1211 of the Leon County Land Development Code, which pertains to the Lake Talquin recreation/Urban Fringe zoning and Future Land Use category, requires the principal structure shall maintain a 50 feet rear setback, a 20 feet side interior setback and a 30 feet front setback. The hardship for this development was trying to fit the house within the large, rural-type setbacks on a ¼ acre lot, along with severe limitations due to the location of the septic system.

**Decision:** The County mailed thirteen (13) notices and received no responses. A motion was made to grant the variance as requested. The motion passed 7-0.

**Date:** August 29, 2006

**Case No.:** BOAA 06-009

**Applicant:** Wal-Mart Stores East

**Parcel Identification #(s):** 21-15-15-000-000-1, 21-15-15-A-000-0, 21-15-15-B-000-0; 21-15-51-440-107-5, 21-15-51-500-107-5, 21-15-51-500-152-0, 154-0, and 155-0.

**Request:** The request is for an appeal of Article X, Division 3, of the Leon County Land Development Code, Continuation of pre-Existing Lots, Uses, Buildings and Structures, which defines abandonment as a ceasing of the use for a two (2) year period (not including periods of discontinuance). The applicant's request, if approved, would allow a two (2) year extension of time to the abandonment provisions concerning their proposed site redevelopment.

**Case Comments:** The petitioner requested the appeal to the abandonment provisions of the land Development Code in order to ensure the project would be constructed after all the delays which have taken place since the beginning of their process to obtain a PELUC Certificate. Wal-Mart agents have kept the utilities turned on ever since the Sam's Club building was emptied in order to show they had no intent to cause abandonment of the site under the two year time period allowed in the Land Development Code.

**Decision:** The item was fully discussed by the Board, resulting in a vote of 3-2 to deny the appeal request.

**Date:** August 29, 2006

**Case No.:** BOAA 06-010

**Applicant:** Wal-Mart Stores East

**Parcel Identification #(s):** 21-15-15-000-000-1, 21-15-15-A-000-0, 21-15-15-B-000-0; 21-15-51-440-107-5, 21-15-51-500-107-5, 21-15-51-500-152-0, 154-0, and 155-0.

**Request:** Request for a Previously Existing Land Use Conformity (PELUC Certificate) to establish the pre-existing condition of the land use and its eligibility for wavier under Section 10-873 of the Leon County Land Development Code. If approved, the request would allow the petitioner to redevelop the site of the former Sam's Club into a Wal-Mart Super Center through the site and development plan review process.

**Case Comments:** The building is located in the current LP (Lake Protection) zoning district. The subject parcels are located in the former Gwynndale Planned Unit Development, which has expired, leaving the parcels in the LP zoning category, and causing the buildings to be non-conforming. The community commercial use of the property, including retail sales, has been in existence at this location prior to July 16, 1990, the PELUC application eligibility date set forth in section 10-8733 of the Land Development Code. The current size of the former Sam's Club building is 101,760 square feet, and the LP Future Land Use category allows a maximum of 20,000 square feet building size.

**Decision:** The PELUC was granted to allow Wal-Mart to construct the 101,760 square feet, subject to twenty-three (23) specific conditions which will be incorporated and enforced through the Planned Unit Development process. The County sent one-hundred-thirty-six (136) notices to property owners and nine (9) notices to surrounding homeowner associations. None of the noticed homeowner associations responded either in opposition to, or in favor of the request. There were 336 individual responses in opposition to the request, while there were 20 responses in favor of the request.

**Case No.:** BOAA 06-011

**Date:** September 14, 2006

**Applicant:** Wanda Stinson Becknell

**Parcel Identification:** 12-07-04-000-001-0

**Request:** The request is to allow a constructed accessory building to remain in its location, encroaching into the rear setback by 1-1/2 feet.

**Case Comments:** Chapter 10, Section 1102 of the Leon County Land Development Code requires accessory structures to maintain a minimum of seven and one-half (71/2) feet from any property line. The applicant has constructed an accessory building with a setback of six (6) feet from the rear property line.

**Decision:** The County mailed sixteen (16) notices and received no responses. A motion was made to grant the variance as requested. The motion passed 7-0.