



**TALLAHASSEE-LEON COUNTY
BOARD OF ADJUSTMENT AND APPEALS
(BOAA) 2009 ANNUAL REPORT**

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Tallahassee-Leon County Board of Adjustment
and Appeals (BOAA) Annual Report for 2009
March 23, 2010

Date: January 8, 2009
Case No: BOAA-09-001
Applicant: DEC Engineering, Inc.
Property Owner: Miccosukee Methodist Church Trustees
Parcel Identification #(s): 16-09-20-216-000-0

Request: DEC Engineering, Inc., agent on behalf of Miccosukee Methodist Church, property owner, 8841 Veterans Memorial Drive, Tallahassee, Florida 32309 requested a variance to Section 10-6.615 to relax the rear setback from twenty five (25) feet to seventeen (17) feet, due to a proposed three hundred eighty-five (385) square foot church annex building addition.

Case Comments: The irregularly shaped subject property is located at 8883 Veteran's Memorial Drive, Tallahassee, Florida 32309 and is zoned Rural Community (RC). The existing church is listed on the U. S. National Register of Historic Places. A timely application to the BOAA was made.

Decision: Proper notice was given to the general public and to owners of property within two hundred (200) feet of the subject property. The county mailed eleven (11) notices to property owners within the notification boundary. Staff did not receive any e-mails, phone calls or letters in support or in opposition to the variance requests. The motion to grant the rear building setback variance passed five (5) to zero (0), with one (1) BOAA member abstaining from voting.

Date: February 11, 2010 (application was submitted on 6/8/2009)
Case No: BOAA-09-002
Applicant/Agent: Smith, Thompson, Shaw and Manausa PA
Property Owners: Pine Landings, LLC
Parcel Identification #(s): 14-08-26- D-017-0

Request: Smith, Thompson, Shaw and Manausa PA, the applicant on behalf of Pine Landing, LLC, property owners, requested a variance to Section 10-6.617 (d) of the Leon County Land Development Code (LDC) to relax the front building setback from twenty (20) feet to nineteen (19) and to relax the side corner building setback from ten (10) feet to six (6) feet. There is an existing single-family detached residence located on the subject property.

Case Comments: The subject property is located in Sable Chase (a recorded residential subdivision), 8407 Ivy Mill Way, Tallahassee, Florida 32312 and is zoned Residential Preservation (RP). A timely application to the BOAA was made on June 8, 2009.

A survey and title search, conducted circa April 2009 by the property owner, indicated a building encroachment inside of a recorded utility easement *and* an encroachment inside of the front and side corner building setbacks. This matter required a two part resolution: relief by the Board of County Commissioners (BCC) for the encroachment inside of the utility easement; and, relief by the Board of Adjustment and Appeals (BOAA) for relaxation of the front and side corner building setbacks. The BCC granted the utility encroachment on December 8, 2009. The matter then proceeded to the regularly scheduled BOAA meeting on February 11, 2010, to address the front and side corner building setback.

Decision: Proper notice was given to the general public and to owners of property within two hundred (200) feet of the subject property. The county mailed fifty-five (55) notices to property owners within the notification boundary. Staff did not receive any e-mails, phone calls or letters in support or opposition to the variance requests. A motion to grant the variances passed four (4) to zero (0).

Date: July 9, 2009
Case No: BOAA-09-003
Applicant: Jeffrey Lamkin (Agent)
Property Owner: Culley's Meadowwood Memorial Park
Parcel Identification #(s): 11-07-20-001-000-0

Request: Jeffrey Lamkin, the applicant on behalf of Culley's Meadowwood Memorial Park, property owner, 700 Timberlane Road, Tallahassee, Florida requested a Previously Established Land Use Compliance (PELUC) Certificate, pursuant to Article VI, Division 4 of the Leon County Land Development Code (LDC) to allow construction of an additional mausoleum on the subject property.

Case Comments: The subject property is located at 700 Timberlane Road, Tallahassee, Florida and is zoned Lake Protection (LP). A timely application to the BOAA was made. A motion was made and seconded to continue this case from the July 9, 2009 BOAA meeting until the August 13, 2009 BOAA meeting.

Decision: Proper notice was given to the general public and to owners of property within five hundred (500) feet of the subject property. The county mailed eighty-three (83) notices to property owners within the notification boundary. Staff did receive an inquiry regarding required landscape buffering, *if* the PELUC was granted. On July 14, 2009, the Board of County Commissioners affirmatively accepted the staff agenda item titled "Acceptance of Staff Report on Determination that Cemeteries are a Permitted Use in the Lake Protection Zoning District". As a result, the applicant was no longer required to apply for a PELUC certificate and subsequently withdrew their application prior to the August 13, 2009 BOAA meeting.

Date: August 10, 2009
Case No: BOAA-09-004
Applicant: Woody Drake, Inc. (Jack Wainwright)
Property Owner: Woody Drake, Inc.
Parcel Identification #(s): 13-17-20-456-000-0

Request: Woody Drake, Inc., property owner requested a variance to Sections 10-9.302 (a), 10-9.302 (d) and 10-9.305 of the Leon County Land Development Code (LDC) to relax the required off-site sign allowable location, minimum residential zoning setback, size and structural requirements for the re-construction of an off-site sign, respectively.

Case Comments: The subject property is located off of Capitol Road, Tallahassee, Florida 32308 and is zoned Rural (R). A timely application to the BOAA was made. Pursuant to Section 10-9.302(a) of the LDC, off-site signs are not allowed in the Rural zoning district. However, a legally non-conforming off-site sign, located on the subject property, was damaged during a storm event circa June 2009. The property owner petitioned to be allowed to re-construct the off-site sign.

Decision: Proper notice was given to the general public and to owners of property within two hundred (200) feet of the subject property. The county mailed ten (10) notices to property owners within the notification boundary. Staff did not receive any e-mails, phone calls or letters in support or opposition to the variance requests. The motion to grant the variance passed six (6) to zero (0).

Date: October 8, 2009
Case No: BOAA-09-005
Applicant: Richard Roesler and Kathy Owens
Property Owner: Richard Roesler and Kathy Owens
Parcel Identification #(s): 14-03-50- AN-029-0

Request: Richard Roesler and Kathy Owens, property owner's requested a variance to Section 10-6.616 (e) of the Leon County land Development Code (LDC) to relax the rear setback from twenty five (25) feet to nineteen (19) feet, due to a proposed three hundred eighty-four (384) square foot building addition. There is an existing single-family detached residence located on the subject property.

Case Comments: The subject property is located at 8623 Oak Forest Trail, Tallahassee, Florida 32312, is located in Killlearn Lakes Plantation (a recorded residential subdivision) and is zoned Lake Protection (LP). A timely application was made to the BOAA.

Decision: Proper notice was given to the general public and to owners of property within two hundred (200) feet of the subject property. The county mailed thirty-one (31) notices to property owners within the notification boundary. Staff did receive a letter from the Killlearn Lakes Plantation Homeowner's Association in support of the variance request. No additional e-mails, phone calls or letters in support or opposition to the variance request was received. The motion to grant the variance passed seven (7) to zero (0).