

**MINUTES OF THE REGULAR MONTHLY MEETING OF THE COMPREHENSIVE PLANNING AND ZONING BOARD** of the City of St. Augustine Beach, Florida, held Tuesday, February 19, 2013, at 7:00 p.m. in the City Commission Meeting Room, City Hall, 2200 State Road A1A South, St. Augustine Beach, Florida, 32080.

**I. CALL TO ORDER**

Chairman Greg Crum called the meeting to order at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

BOARD MEMBERS PRESENT: Chairman Greg Crum, Vice-Chairman Alfred Guido, Patricia Gill, Michael Hale, Steve Mitherz, Roberta Odom, Daniel Stewart, Senior Alternate David Bradfield, Junior Alternate Elise Sloan.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Gary Larson, Building Official; Doug Burnett, City Attorney; Max Royle, City Manager; Bonnie Miller, Recording Secretary.

**IV. APPROVAL OF MINUTES OF TUESDAY, JANUARY 15, 2013 REGULAR MONTHLY MEETING**

Mr. Stewart **MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MONTHLY MEETING OF TUESDAY, JANUARY 15, 2013.**

The motion was seconded by Mr. Mitherz and passed 7-0 by unanimous voice-vote.

**V. PUBLIC COMMENT AND DISCUSSION**

Mr. Crum asked for public comment on any issue not on the agenda. There was none.

**VI. NEW BUSINESS**

1. **VACATING ALLEY FILE NO. V**, filed by David A. Florence, 2769 Weisenberger Mill Road, Midway, Kentucky, 40347, applicant, and Amber Patteson, 103 10th Street, St. Augustine Beach, Florida, 32080, agent for applicant, for vacation of the 15-foot-wide alley, per Article III, Sections 18-50-18-56 of the St. Augustine Beach Code, and City of St. Augustine Beach Ordinance No. 00-11, lying in Block 13, Chautauqua Beach Subdivision, north of 9th Street, south of 10th Street, east of 2nd Avenue and west of A1A Beach Boulevard, to incorporate said alley right-of-way into the square footage of the owners of Lots 1-16, Block 13, Chautauqua Beach Subdivision, adjacent to and/or

abutting or adjoining said alley, PERTAINING TO A STRIP OF LAND 15 (FIFTEEN) FEET IN WIDTH IN BLOCK 13, CHAUTAUQUA BEACH SUBDIVISION, BEING ALL THAT STRIP OF LAND LYING EAST OF THE WEST LINE OF SAID BLOCK 13, WEST OF THE EAST LINE OF SAID BLOCK 13, NORTH OF THE NORTH LINE OF LOTS 1, 3, 5, 7, 9, 11, 13, AND 15 OF SAID BLOCK 13, AND SOUTH OF THE SOUTH LINE OF LOTS 2, 4, 6, 8, 10, 12, 14, AND 16 OF SAID BLOCK 13, ALL IN SECTION 34, TOWNSHIP 7, RANGE 30, AS RECORDED IN MAP BOOK 2, PAGE 5, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Amber Patteson, 103 10th Street, St. Augustine Beach, Florida, 32080, said she is the agent for the applicant, David Florence, and for all the property owners on 9th Street and 10th Street with lots in the block abutting the alley.

Ms. Gill said she has to claim ex parte communication with someone who lives on the next block. This person's comments pertain to concern about fire trucks and ambulances coming down from A1A Beach Boulevard and not being able to get through, with all the parking on both sides of the street on this block. This person also said some of the City's parking problems could be solved if some of the alleyways that have not been closed could be opened and used for extra parking. She asked if the names of all the owners of the 16 lots adjacent to the alley have been checked out, as there are 16 lots, and only 14 signatures agreeing to the proposed vacation of the alley.

Ms. Patteson said yes, the signatures of all the adjoining lot owners have been submitted.

Ms. Miller said two of the adjacent property owners each own two lots, which is why there are 14 signatures for the 16 lots adjacent to the alley.

Mr. Crum asked for public comment. There was none.

Mr. Stewart asked if the vacated alley is added into each of the individual properties adjacent to it, are the property owners then taxed for it, and will their taxes go up?

Ms. Gill said yes.

Mr. Crum said all of the adjoining property owners have signed a letter agreeing to this.

Mr. Stewart said in reading these letters, he sees where the application fee to vacate the alley is addressed, but there is nothing in the letters mentioning the taxes.

Mr. Larson said upon notification of the alley vacation being approved by the City Commission, the records go to the Property Appraiser's Office, which adds 7.5 feet from the centerline of the alley to each lot abutting it. The tax increase is very minimal.

Mr. Crum said there's time, if the Board so chooses, to recommend the City Commission approve or deny this application pending notification to all the adjacent property owners of the potential tax increase to their properties once the alley is vacated.

Ms. Gill said she doesn't think this is necessary.

Mr. Mitherz said he would hope all the adjoining property owners understood, beforehand, what they were doing, so they won't be surprised when their property taxes go up. He agreed with Ms. Gill and doesn't think any further notification is necessary.

Mr. Burnett said if the vacation of the alley is approved, all the adjoining property owners will automatically get additional square footage, and marginally, this will increase the value of their properties, if the property appraiser raises the value of the property. If there is an increase in value, it won't be on this year's tax bill, but on next year's tax bill.

Mr. Stewart said it seems to him there should be some kind of notification. They can assume the adjacent property owners have speculated a tax increase, but as their signatures are required to vacate the alley, notification could be part of the application process.

Ms. Patteson said most of the adjoining property owners are personally known and were contacted in person, but several live out-of-town, so they were contacted by phone or email. She thinks everyone understands that their property taxes could increase slightly.

Ms. Gill asked Ms. Patteson if she has any suggestions for the person who complained to her about the parking on the streets blocking traffic trying to get through.

Ms. Patteson said she's lived on this block for 10 years, and there's never been an issue with parking, emergency vehicles, or anyone not being able to get up and down the street. It may be an issue on the block to the east, between A1A Beach Boulevard and the beach, as people park up and down this block to go to the beach, but it's never been a problem on her block, as two cars can pass by even with cars parked on both sides of the street.

Mr. Larson said Ms. Gill needs to advise whoever the person was who spoke to her to notify the Chief of Police regarding any parking or traffic problems.

**Ms. Odom MADE A MOTION TO RECOMMEND THE CITY COMMISSION APPROVE VACATING ALLEY FILE NO. V 2013-01.** The motion was seconded by Mr. Hale and passed 6-1 by roll-call vote.

Mr. Guido	Yes
Mr. Stewart	No
Mr. Crum	Yes
Mr. Mitherz	Yes
Mr. Hale	Yes
Ms. Gill	Yes
Ms. Odom	Yes

### **3. OVERLAY DISTRICT FILE NO. 2013-02, filed by Michael Stauffer, 303 Lions**

Gate Drive, St. Augustine, Florida, 32080, agent for Joel S. Darack, 1 Holly Lane, St. Augustine, Florida, 32080, applicant, for overlay district allowances, per City of St. Augustine Beach Ordinance No. 08-30, for proposed additions to an existing one-story, 1,104-square-foot heated-and-cooled single-family residence consisting of a front yard setback reduction to 18 feet, two inches for a front-entry feature bump-out addition; an east side yard setback reduction to five feet, nine inches for an exterior stairwell extending from a 225-square-foot heated-and-cooled second-story loft addition and a 224-square-foot second-story open terrace addition; and a rear yard setback reduction to 24 feet for said exterior stairwell extending from the second-story additions to the ground floor, on Lot 4, Block 34, Coquina Gables Subdivision, at 3 A Street, PERTAINING TO LOT 4, BLOCK 34, COQUINA GABLES SUBDIVISION, SECTION 3, TOWNSHIP 8, RANGE 30, REAL ESTATE PARCEL NUMBER 170070-0000, AKA 3 A STREET, AS RECORDED IN MAP BOOK 3, PAGE 30, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Michael Stauffer, 303 Lions Gate Drive, St. Augustine, Florida, 32080, said he's the agent and architect for the applicant, Joel Darack, who owns the existing house at 3 A Street, for which this application has been submitted. The proposed second-floor addition is essentially on top of the existing first floor exterior wall on the east side, and then over the existing house to the west. The front setback encroachment is simply an architectural feature in the front, to make a little tower entry, as shown on the front elevation drawing, and it extends two feet from the existing front setback, to 18 feet, two inches from the front property line. On the east side, the only encroachment is a stairwell extending from the second-story terrace addition, which will be over the existing first-floor living room, to five feet, nine inches from the east side property line. The existing exterior wall on the east side will not change at all, this setback reduction is only for the proposed stairwell, which will also encroach about one foot into the rear yard setback.

Mr. Crum asked if the stairs will be constructed of wood, and be completely open.

Mr. Stauffer said yes, they will be wood stairs, with nothing over them. The stairs will extend from an open second-story terrace, which will have no roof over it.

Mr. Mitherz asked if the staircase on the east wall will be from the second-story outside deck, or if it will have access from the totally new, enclosed second-story loft addition.

Mr. Stauffer said the staircase accesses, and starts from, the second-story outside terrace.

Mr. Guido asked if the application meets all the criteria of the overlay ordinance, with the exception of the encroachment of the stairs on the east side property line.

Mr. Stauffer said to his knowledge, yes.

Mr. Larson said he agrees, with the exception of the stairwell, which is a safety issue.

Mr. Crum asked for public comment.

Lyudmila Hodges, 7 A Street, St. Augustine Beach, Florida, 32080, asked what is proposed in front of the house, as moving forward with a second-floor addition over the first floor will affect her ocean view, tremendously.

Mr. Stauffer said the only thing proposed in the front is the front entry feature, which extends two feet from the existing front wall, with a height lower than the existing roof ridge. The second-floor addition is about 10 feet back from the existing front wall and has a height of 25 feet, measured from one foot above the crown of the road to the roof ridge.

David Bradfield, 3 4th Street, St. Augustine Beach, Florida, 32080, senior alternate for the Planning and Zoning Board, asked if the proposed addition will be new construction built over the existing structure, and if the existing foundation will be reinforced. He also asked if this property is seaward of the Coastal Construction Control Line (CCCL).

Mr. Stauffer said yes, the property is seaward of the CCCL, and as the proposed second-story addition will be built over the existing foundation and existing walls, some amount of structural work will be done to shore them up where needed.

Mr. Mitherz said his understanding and interpretation of the overlay ordinance is that bumping out the footprint of the house in the front is going beyond what the overlay allows. Also, he doesn't see why the staircase that accesses the second-story deck couldn't come off the back of the house, and not protrude into the east side yard setback.

Mr. Stewart said he concurs with Mr. Mitherz, as he can't quite understand why the stairs are on the east side, instead of on the back, or the west side, of the house.

Mr. Crum said regarding the front bump-out, the way the overlay ordinance is currently written, a 15-foot front setback is allowed, as long as what is proposed doesn't exceed 16 feet in height. The Board can't go by the overlay revisions that have been proposed, as they haven't been approved yet, so they have to adhere to the current overlay ordinance.

Mr. Guido said he doesn't think the proposed staircase, which as shown encroaches into the east side setback, conforms to the overlay ordinance. Once the Board opens this door and allows something that doesn't conform, what they are basically doing is granting a variance, and if they use the criteria considered for a variance, they've got a problem. Until they can get the overlay ordinance revised to the way they, and the City Commission, think it ought to be, he thinks they should adhere strictly to the verbiage in the current ordinance, which this application does not conform to.

Mr. Stauffer said if somebody would tell him the specific criteria to which the application does not conform, he'd be happy to rebut this. In regard to front and rear yard setbacks, the language in the ordinance is very plain, so he's assuming what's being addressed, regarding nonconformance, is simply and solely the stairs. Section 3.08.A.3.d on page two of the current overlay ordinance specifically says a 15-foot front and rear yard setback is allowed as long as the structure does not exceed 16 feet in height, which would allow the stairs in the front and rear to the 15-foot setback line. He thought stairs were

allowed to cantilever three feet into side yard setbacks, if he's not mistaken from previous applications he's done, including one that was approved by this Board last month, which had a very similar staircase extending from balconies right down to the ground.

Mr. Crum said Section 3.08.A.5.c states, "Second- and third-level bump-outs for cantilevered decks and porches and architectural design features are allowed to extend three feet into allowable setbacks on sides of structures in the overlay district." He asked what the current allowable side yard setbacks are.

Mr. Larson said current allowable side setbacks are 10 feet. This lot is skewed, however, so the side setback for the house on the east side is about nine feet, five inches. As he's pointed out, the stairs are a safety issue, so he asked the Board to keep this in mind.

Mr. Crum asked if the stairs would comply with the rear yard setbacks allowed per the overlay ordinance, if they could be put in the back.

Mr. Larson said yes, if Mr. Stauffer could redesign them as such.

Mr. Guido said the section in the ordinance stated by Mr. Crum refers to bump-outs for decks and porches. The staircase is neither a deck nor a porch.

Mr. Stauffer said at last month's meeting, he represented an overlay district application for a property owner on B Street, which was approved by the Board with a stairway that went from a third-floor balcony to a second-floor balcony to the ground and encroached three feet into the side yard setback, so the side setback effectively became seven feet.

Mr. Crum said yes, he does recall that these stairs were allowed for egress purposes.

Mr. Stauffer said the house is currently designed with existing living space at the back, with doors that open from the house to the backyard, which is landscaped with a patio and a lot of outdoor living space. Putting the stairs across the back of the house would keep the occupants from going out the back door to the patio and the backyard, which is why the stairs were designed to egress on the east side of the property instead of the back.

Joel Darack, 1 Holly Lane, St. Augustine, Florida, 32080, said he owns the house at 3 A Street, which is currently a vacation rental, but he hopes to sell the home he lives in now on Salt Run and move here, and make it very efficient and a good use of space. He understands the Board's concerns about the stairway encroaching into the side yard setback, as it's a shaky issue, but they're trying to be logical in their design, so if they moved the exterior stairway to any other spot, it would encroach into the livability and overall quality of the improvements they're trying to make. The front entry bump-out feature will add architectural interest and the improvements will add to the neighborhood.

Mr. Guido said he thinks Mr. Darack and Mr. Stauffer have done a very good job in their design, and what they are proposing is exactly what the Board was looking for when they first started putting together the criteria for the concept of the overlay district. The

houses in this area were principally rentals, and the overlay was created to help the owners of these properties upgrade them. However, you have to keep in mind, and understand, that the purpose of setback requirements is to protect adjacent neighbors, so if the stairway is a significant safety issue, Mr. Darack may have to give up a little bit of either the proposed second-story terrace addition or the existing backyard patio, in order to put the stairs coming off the back of the house to keep the proposed additions in conformity with the overlay district ordinance, rather than putting the stairs on the side.

Mr. Darack said he understands the logic and issues the Board is dealing with, as it's a problem trying to do something cohesive, but there's also a problem living here today with the current regulations, in homes built prior to the adoption of these regulations, on lot sizes not up to today's codes, so it's the Board's responsibility to balance this with the quality of life of the residents. He thinks everyone would agree the ultimate mission is not to have houses five feet away from each other, but they do have to live reasonably and logically with what they've got, so he asked the Board to think of this in considering a setback issue for a stairway, and look at the whole project here, and think about what the highest and best use of the property is, and what the most reasonable use is, in terms of design, function, and livability. Conceivably, they could knock the existing house down, and rebuild it on pilings and max it out, and there's nothing anybody could do about it, but this isn't what would be best for this lot or the neighborhood.

Ms. Gill said she's the one who fights most of the time about five-foot setbacks between properties, which she definitely disapproves of, and usually votes against. However, in this case they're looking at a stairwell, not living space, five feet, nine inches off the property line, which abuts the parking lot of the adjacent structure. She made a motion for the Board to approve this overlay application.

Mr. Hale seconded the motion.

Mr. Crum called for discussion on the motion.

Mr. Guido said they have to remember the Board is the final approval on this, so just making a motion to approve the application is not acceptable, as the conditions under which it is approved have to be stated.

Ms. Gill said she'll amend her motion to approve subject to the conditions that the project is built exactly to the plans that were submitted with the application and reviewed by the Board, and that no changes be made to them as the project moves forward.

Mr. Burnett said Ms. Gill may also want to include, as part of her motion, the fact that the area where the stairs are located appears to be the rear yard of the adjacent property, and not necessarily the typical side yard, as the adjacent structure faces the ocean. This would put a distinguishing fact into the record should the Board decide to make a distinction between this overlay approval and future applications that may come before the Board.

Ms. Gill said okay, she'll again amend her motion to state that approval is given with the

caveat that the stairwell which will encroach on the east side setback to five feet, nine-inches from the east side property line is on the back side of the adjacent property.

Mr. Hale seconded the amended motion.

Mr. Crum asked for any further discussion.

Mr. Guido said his only concern is whether or not this stairwell will be covered.

Ms. Gill said if the stairwell is built the way it has been depicted on the plans, it can't be.

Ms. Odom said on east elevation drawing submitted with the application, it appears the stairwell is covered, so she asked for clarification on this.

Mr. Stauffer said the plans are designed with an open second-floor terrace and an open, uncovered stairwell. What Ms. Odom sees as a roof over the stairwell on the east elevation drawing is just the stairwell, which is L-shaped, extending from the open second-story terrace and wrapping around the house as it extends down on the east side.

**Ms. Gill MADE A MOTION TO APPROVE OVERLAY DISTRICT FILE NO.2013-02 SUBJECT TO THE CONDITIONS THAT THE PROPOSED IMPROVEMENTS CONFORM TO ALL MATERIALS SUBMITTED WITH THE APPLICATION, INCLUDING ALL RENDERINGS, DRAWINGS AND TESTIMONY SPECIFICALLY SUBMITTED AS PART OF THE RECORD OF THE APPLICATION; AND WITH THE CAVEAT THAT THE EXTERIOR STAIRWAY WHICH ENCROACHES TO FIVE FEET, NINE INCHES FROM THE EAST SIDE PROPERTY LINE ABUTS THE REAR YARD OF THE ADJACENT OCEANFRONT STRUCTURE TO THE EAST, AS THIS STRUCTURE FACES THE OCEAN.** The motion was seconded by Mr. Hale and passed 5-2 by roll-call vote.

Mr. Hale	Yes
Mr. Mitherz	No
Ms. Odom	Yes
Ms. Gill	Yes
Mr. Guido	Yes
Mr. Stewart	No
Mr. Crum	Yes

**3. OVERLAY DISTRICT FILE NO. 2013-03**, filed by David A. Mancino, 2450 Old Moultrie Road, Suite 301, St. Augustine, Florida, 32086, agent for Virginia A. O'Donoghue and Christopher C. Minich, 7504 New Market Drive, Bethesda, Maryland,



20817, applicants, for overlay district allowances, per City of St. Augustine Beach Ordinance No. 08-30, for front and rear yard setback reductions from 25 feet to 15 feet for proposed new construction of a three-story, 2,383-square-foot heated-and-cooled single-family residence on the east 45 feet of Lot 7, Block 9, Chautauqua Beach Subdivision, at 8 2nd Street, PERTAINING TO THE EAST 45 (FORTY-FIVE) FEET OF LOT 7, BLOCK 9, CHAUTAUQUA BEACH SUBDIVISION, SECTION 34, TOWNSHIP 7, RANGE 30, REAL ESTATE PARCEL NUMBER 168825-0070, AKA 8 2ND STREET, AS RECORDED IN MAP BOOK 2, PAGE 5, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

David Mancino, 2450 Old Moultrie Road, Suite 301, St. Augustine, Florida, 32086, said he is the agent and architect for the applicants, Virginia O'Donoghue and Christopher Minich. They withdrew their previous application to revise it to do everything the Board asked to bring it into compliance with the overlay ordinance. The biggest change is that the top level has been reduced so it is no more than 70 percent of the level below it, and the footprint of the second floor has been extended to the 15-foot front and rear setback lines. The outside building walls of the top floor have 25-foot front and rear yard setbacks, and the structure has no encroachments into the 10-foot side yard setbacks. As the Board may recall, this particular site has a disadvantage in that the flood elevation is nine feet above street level, so the ground floor area is fairly limited in regard to habitable space. Because of this, they're applying for overlay district setback reductions to make reasonable use of the property for a modest house. He passed out to the Board members copies of a letter written to the Board from the owners of the property.

Mr. Crum read aloud the letter dated February 5, 2013, signed by Chris Minich and Virginia O'Donoghue, which states they were under the impression their original design submittal was in compliance with the rules and regulations, and their hope that the revised design meets all the zoning requirements. Mr. Crum asked if the height of the house, from ground level to the roof, is less than 35 feet.

Mr. Mancino said yes. From flood elevation level, the height of the structure is less than 26 feet, to the peak of the roof.

Ms. Gill said looking at page 14 of the application information, which has the landscaping plan on it, the pool in the backyard looks quite large, but on the revised plans, the pool is much smaller.

Mr. Mancino said he apologizes for this, as he didn't revise the footprint on the landscaping plan from their last submittal. The pool deck will still go along the entire back of the house, but it had to shrink, because the pier pilings for the level above it will extend further into the backyard, so the pool will just be a plunge pool, and very compact.

Ms. Gill said it's her understanding there are to be no bathroom or water facilities on the ground floor, which is required to have break-away walls. She asked if this is correct.

Mr. Larson said no, that only applies to properties in the velocity zone. This lot is located

seaward of the CCCL, but it is in an AE-9 flood zone, not a velocity zone, thus the bathroom and laundry facilities are allowed on the ground floor.

Mr. Mitherz said the site plan sheet showing the north, south and east elevations has an arrow pointing to the east side of the site plan next to a caption that says, "Maximum 80 cubic yards compatible fill seaward of control line." He asked what this means.

Mr. Mancino said they have to get a permit from the Department of Environmental Protection (DEP) for construction seaward of the CCCL, and per the DEP's requirements, they have to state what the maximum quantity of fill anticipated from this construction is, seaward of the CCCL, so 80 cubic yards of fill is what they anticipate.

Mr. Mitherz said on that same sheet, the total impervious area is listed as 42 percent. He asked Mr. Larson what the rule is for total impervious surface coverage.

Mr. Larson said the lot is in medium density zoning, which allows a maximum of 50 percent impervious surface coverage.

Mr. Crum asked for public comment. There was none. The Board received copies of letters from a couple of neighboring property owners, one from the owner of 10 2nd Street, immediately to the west, who asked that this overlay application not be approved, as changing the front setback on the street side of the property from the standard 25 feet to 15 feet would adversely affect the view looking towards the beach and negatively affect the beauty of the street by adding too large of a structure too close to the street. The other letter was written by the owners of the vacant lot at 7 3rd Street, immediately to the north, who say they plan one day to construct a home on their lot and don't oppose the requested front yard setback reduction, but do object to the requested rear yard setback reduction, as the rear yard of the applicant's lot abuts their lot, and they say a three-story house built 15 feet from their rear property line will block sunlight to their back yard at certain times of the year, interfere with prevailing breezes across their yard, infringe on their privacy, and reduce their property values. There is a 15-foot-wide alley to the rear, and between, their lot at 7 3rd Street and the applicant's lot at 8 2nd Street, which they may or not be aware of, so there is an additional buffer between the two properties. He briefly went over Section 3.08.A.5.b of Ordinance No. 08-30, which applies to new construction for structures located seaward of the CCCL or within a designated velocity zone, and asked Mr. Larson if the application meets all of the conditions of the ordinance.

Mr. Larson said as far as he can see, from his review of the plans, yes, it does.

Mr. Stewart made a motion to approve the application, subject to conformance to all plans as submitted.

Ms. Odom seconded Mr. Stewart's motion.

Mr. Crum called for any further discussion. While he sympathizes with the neighbors who oppose the application, it does conform to the code and all parameters of the overlay

district ordinance, so he doesn't think it would be fair to deny it at this point.

**Mr. Stewart MADE A MOTION TO APPROVE  
OVERLAY DISTRICT FILE NO. 2013-03, SUB-  
JECT TO CONFORMANCE TO ALL PLANS  
AS SUBMITTED WITH THE APPLICATION.**

The motion was seconded by Ms. Odom and passed  
unanimously 7-0 by roll-call vote.

**VII. OLD BUSINESS**

**1. CONSIDERATION OF CRITERIA FOR DETERMINATION OF HISTORIC BUILDINGS/SITES IN THE CITY**, continued from the Board's regular monthly meeting held on Tuesday, January 15, 2013, for the Board's discussion and consideration of criteria to define and preserve historic buildings and sites within the City limits.

Ms. Gill said she has been busy working on a draft of criteria for historic structures and has taken some photos, but it isn't easy getting all of this information together, so she asked the Board to not give up on her, as she is getting there, albeit slowly.

**VIII. BOARD COMMENT AND DISCUSSION**

Mr. Guido said at last month's meeting, the Board asked Mr. Larson to work with the City Attorney on the regulations pertaining to building heights, to some find some way to get rid of the verbiage that allows building height to be measured from the wavecrest, so the Board could make a recommendation to the City Commission to revise this.

Mr. Larson said yes, he and Ms. Vo discussed how the actual coastal elevation clause could be taken out, but when this was brought to the Commission, it got nixed, for the time being, pending further discussion. He passed out copies of the latest proposed revisions to the overlay district ordinance to the Board. Regarding building heights, the revised ordinance states the City requires a minimum finished floor elevation of 10 feet, per another City ordinance, so due to the variables found on properties east of the Boulevard, the ordinance revisions provide the following height requirements for proposed construction: For property landward, or west of the CCCL and within an X, shaded X or AE-9 flood zone, building height starts at the existing grade, if higher than the crown of the road, or if the lot requires fill, the height shall still start at one foot above the crown of the road and a fill elevation at a minimum of nine feet. For property seaward, or east, of the CCCL and within a shaded X or AE-9 flood zone, building height starts at the existing grade if higher than the crown of the road, or if the lot requires fill, the height shall still start at one foot above the crown of the road and a fill elevation at a minimum of nine feet. For property seaward, or east, of the CCCL located in the velocity zone (VE), the structural members for the first level of living area shall be one foot above the designated VE zone elevation or the DEP established wavecrest height, whichever is higher. The structure height will be determined from what will be the finished site grade. The building height shall not exceed 35 feet above these requirements, and height is meas-

ured to the roof ridge or roof features such as porch railings.

Mr. Guido asked if it would be appropriate for the Board to recommend that the City Commission consider Mr. Larson's draft of proposed overlay ordinance revisions.

Mr. Larson said the draft first has to be put into ordinance form by Mr. Burnett, who also has to add the severability clause and other verbiage referring to the amendment of the current overlay ordinance. The draft is just a basic text revision, but with the Board's approval, he will forward it to Mr. Burnett's office so he can put it into ordinance form.

Ms. Gill said she's concerned about building height for construction that is not done as an application that comes before the Board under the overlay. They've got to straighten out not only the building height regulations in the overlay ordinance, but the section in the Land Development Regulations that pertains to building height for construction that meets the current building codes and does not have to come before the Board.

Mr. Larson said it's going to take some time to get all of this standardized.

Mr. Mitherz said earlier today, he talked to Ms. Miller about something he saw at 2 9th Street, pertaining to an overlay district application that came before the Board in 2011 for the remodel of an oceanfront property. His memory was that the fence and pump house on the south side were supposed to be taken down, and when he drove by, the fence was gone, but the pump house had been painted and was still there. He asked Ms. Miller to check and see if his memory was correct, and it was, as the copy she gave him of the overlay order approved by the Board does say that the pump house shall be removed.

Mr. Burnett said Mr. Larson can put the property owners on notice, maybe kindly, to start, but beyond that, it's a code enforcement matter if it becomes a problem.


Mr. Larson said he went by this property today also, and the pump house is actually open, but the last time he went by the property, which was probably about October of last year, no work had been completed on it, and no second-story has been built on top of it.

Ms. Gill said it's disconcerting that the owners painted the pump house, if it was supposed to be taken down. She asked if the City has someone doing code enforcement.

Mr. Larson said yes, his office handles code enforcement.

## **IX. ADJOURNMENT**

The meeting was adjourned at 8:20 p.m.

  
Chairman

  
Recording Secretary