

CITY OF WILLISTON
BOARD OF ADJUSTMENT
AGENDA



DATE: August 24, 2020
TIME: 6:00 PM
PLACE: City Council Chambers

BOARD OF ADJUSTMENT/CODE ENFORCEMENT COMMITTEE MEMBERS:

Sharon Brannan, Chair

Vacant

Colette Roth

Marc Pompeo

David Ragland

Paul Missall

Pam Myhree

Staff

Jackie Gorman, Community Dev & Grants Mgr.

Laura Jones, Secretary

Wayne Carson, Code Enforcement Officer

Frederick Koberlein, City Attorney

BOARD OF ADJUSTMENT

1. CALL TO ORDER
2. PLEDGE
 - A. ROLL CALL
 - B. GENERAL WELCOME
 - C. SECRETARY - BOARD MEMBER TERM UPDATE
 - D. APPROVAL OF AGENDA
 - E. APPROVAL OF MINUTES
 1. JULY 27, 2020
 - F. REMARKS OF STAFF OR ATTORNEY
 - G. REMARKS OF CHAIRMAN
 - H. SWEAR IN - BOARD SECRETARY

I. VARIANCE:

- (1) *Variance Application No. VAR 2020-1; Paul Roth - 100 SW 9th Street - an application by the City of Williston requesting a Variance to Article VI, Residential Single-Family District, Section 60-217 Minimum Yard Requirements reducing the required front yard setback from 35' to 22.2' for property described as follows:***

Lot 7, Block B, CAMELLIA PLANTATION, PHASE 2, according to the plat thereof recorded in Plat Book 10, Page 25, Public Records of Levy County, Florida.

J. OLD BUSINESS

K. ADJOURN

Board of Adjustment (BACE) 3 Year Term

Seat	Name	Address	Phone Number	Email	Term Begin	Term End	Resolution
1	Sharon Brannan		352-316-3934	sharon.brannan@willistonfl.org	8/18/2020	5/7/2021	2020-37
2	Marc Pompeo		352-538-5551	marc.pompeo@willistonfl.org	8/18/2020	5/7/2021	
3	Paul Missall		(352)398-2949	paul.missall@willistonfl.org	8/18/2020	5/7/2022	
4	Pam Myhree	dmyhree@yahoo.com	352-283-2267	pam.myhree@willistonfl.org	8/18/2020	5/7/2022	
5	David Ragland			David.Ragland@monterey-blackfin.com	8/18/2020	5/7/2023	
6	Colette Roth		352-529-4443	colette.roth@willistonfl.org	8/18/2020	5/7/2023	
7	Vacant						

Planning and Zoning Commission 3 Year Term

Seat	Name	Address	Phone Number	Email	Term Begin	Term End	Resolution
1	Vacant						
2	Albert Fuller Sr.	15 SE 1st Ave Williston, FL 32696	352-256-0049	albert.fuller@willistonfl.org	7/21/2020	7/21/2023	2020-32
3	Penny Boyer	899 SW 1st Ave			12/6/2019	12/6/2022	2019
4	Michael Cox	712 SW 3rd St			1/21/2020	1/21/2023	2020-2
5	John Becker				12/6/2019	12/6/2022	2020-3
6	Sharon Washington		352-317-8202	lavettehardaway8@gmail.com	5/22/2018	5/22/2021	2018-28
7	Vacant						

Community Redevelopment Agency 4 Year Term

Seat	Name	Address	Phone Number	Email	Term Begin	Term End	Resolution
1	Dr. Ken Schwiebert	112 West Noble Ave	352-316-2742	ken.schwiebert@willistonfl.org	3/17/2017	3/16/2021	2015-06
2	Nick Williams	173 North Main Street	352-529-6982	nick.williams@willistonfl.org	8/18/2020	3/16/2023	2015-06
3	Art Konstantino	45 N. Main Street, PO Box 493	352-529-0555	art.konstantino@willistonfl.org	8/18/2020	3/15/2023	2015-15
4	Jonathan Lewis	32 SE 4th Drive	352-538-1465	Jonathan.Lewis@willistonfl.org	3/20/2018	3/15/2022	2018-06
5	Mike Langston		352-857-3175	Maik.Lagston@willistonfl.org	5/1/2020	5/1/2024	2019-21

Citizens Advisory Task Force

Seat	Name	Address	Phone Number	Email	Term Begin	Term End	Resolution
1	Betty Fender		352-528-4311		4/3/2018		2018-13
2	Robert Schmidt	622 NE 10th Blvd.	352-317-3884	robert.schmidt@willistonfl.org	4/3/2018		2018-13
3	Albert Fuller Sr	15 SE 1st Ave Williston, FL 32696	352-256-0049	albert.fuller@willistonfl.org	4/3/2018		2018-13
4	Vacant						
5	Richard Roberts	32 SE 4th Drive	352-316-6320		4/3/2018		2018-13

**CITY OF WILLISTON
BOARD OF ADJUSTMENT/ CODE ENFORCEMENT MINUTES
JULY 27, 2020**

BOARD OF ADJUSTMENT/ CODE ENFORCEMENT COMMITTEE MEMBERS:

Sharon Brannan, Chair
Marc Pompeo, Vice Chair
Colette Roth
Paul Missall
Pam Myhree
David Ragland
Vacant

Staff

Jackie Gorman, Community Development Grants Mgr.
Laura Jones, Secretary of the Board
Wayne Carson, Code Enforcement Officer
Frederick Koberlein, City Attorney

BOARD OF ADJUSTMENT

CALL TO ORDER
6:00 PM

PLEDGE

ROLL CALL
All Present

GENERAL WELCOME NOTICE BY CHAIRWOMAN

SECRETARY – BOARD MEMBER TERM UPDATE

Ms. Jones requested all members to vocalize their intention to remain on the Board. Three-Year terms need to be renewed by City Council. No business can be voted on today.

NEW BUSINESS

Ms. Brannan discussed Chapter 48 and Block 12 improvements. Ms. Gorman said it was well done and asked that the board look at it again and she will take it to Planning & Zoning to finalize. Ms. Brannan believes there needs to be minimum standards for the businesses in town. Ms. Gorman did send a letter to the owners of Block 12 and she has heard back from one owner and they were not interested. Ms. Brannan does not think volunteers should get on the second story. Ms. Gorman agreed.

Ms. Gorman asked for a continuance of the Variance for Mr. Roth. She requested a meeting in two weeks, Monday August 10, 2020 to vote on the Variance.

Ms. Gorman discussed foreclosure process. Mr. Missall said this board levies fines and Council decides if they will foreclose. Mr. Koberlein cleared up the process by saying it is up to Council to budget the foreclosure execution after this Board files the lien. This board is adjudicatory and decides on the fine. The law says this Board will determine foreclosure, but in reality, the Council has the budget to determine foreclosure. Court and attorney fees apply to foreclosures so Council has to have the final say on foreclosures. Mr. Koberlein discussed

the age of these liens and when the foreclosure process can begin. In recent years, there has been a budget for three foreclosures. Ms. Brannan said the City doesn't want to own all these properties and they need to be discussed case-by-case basis for foreclosures. The City recently went through three test cases and they were resolved. Mr. Koberlein explained if you allow the fines to accrue too much you open the door to additional legal issues including the 8th amendment. Mr. Missall asks is they have to vote on a lien. Mr. Koberlein explained that it is automatic once the fines are filed. Ms. Jones (audience) does not think that Council understood that the liens were filed and it appears they have fallen through the cracks and that is why some of the fines are so high. Mr. Koberlein said there is not one lien less than 3 years old and it may be an issue of staggered terms as the foreclosures come up and then the discussion gets lost. Ms. Gorman told the Board about the new software that will help with tracking code enforcement in the future.

Ms. Brannan feels like this board has been understaffed and she is glad there is now a staff devoted to them.

Mr. Carson brought up email addresses. Ms. Jones will assist everyone in getting to their City emails.

Ms. Brannan asked the board if they have their Rules and Procedures book and Land and Development Regs. Ms. Gorman suggested everyone refers to the Municode website instead of updating the hard copy.

ADJOURNMENT
6:52PM

Sharon Brannan, Chair

Laura Jones, Secretary

NEXT MEETING –AUGUST 10, 2020

NOTICE:

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, THEY WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

RESOLUTION 2020-36

A RESOLUTION OF THE CITY OF WILLISTON, LEVY COUNTY, FLORIDA, BOARD OF ADJUSTMENT/CODE ENFORCEMENT BOARD OF THE CITY OF WILLISTON, FLORIDA; GRANTING WITH APPROPRIATE CONDITIONS AND SAFEGUARDS, A GENERAL VARIANCE TO ARTICLE VI, RESIDENTIAL SINGLE-FAMILY DISTRICT, SECTION 60-217 MINIMUM YARD REQUIREMENTS REDUCING THE REQUIRED FRONT YARD SETBACK FROM 35' TO 22.2' FOR PROPERTY DESCRIBED HEREIN.

WHEREAS, the City Council of the City of Williston, Florida, did on May 7, 2002 validly approve the Land Development Regulations; and

WHEREAS, Chapter 46 of the City of Williston Land Development Regulations, as amended, empowers the Board of Adjustments/Code Enforcement Board of the City of Williston, Florida, to grant with appropriate conditions and safeguards or to deny general Variances; and

WHEREAS, a petition, Variance 2020-01, for a general variance, has been filed; and

WHEREAS, the Board of Adjustment is empowered to grant a general variance to the provisions of Chapter 60, Section 217 (Minimum Yard Requirements); and

WHEREAS, pursuant to the Land Development Regulations, the Board of Adjustment held the required public hearing, with public notice having been provided on said petition for a general variance, as described below, and considered all comments received during said public hearing; and

WHEREAS, the Board of Adjustment has determined and found that with appropriate conditions and safeguards a petition for a general variance, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare; and

WHEREAS, the Board of Adjustment has determined and found that the general variance is generally compatible with adjacent properties, other property in the district and natural resources; and

WHEREAS, the Board of Adjustments, has determined and found that:

- (a) 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.

- (b) The special conditions and circumstances do not result from the actions of the applicant.
- (c) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district.
- (d) Literal interpretation of the provisions of these land development regulations would deprive the applicant the rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship on the land.
- (e) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (f) The grant of the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship on the land.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT/CODE ENFORCEMENT BOARD OF THE CITY OF WILLISTON, FLORIDA, THAT:

Section 1. Pursuant to a petition, Variance 2020-01, by the City of Williston, Florida for Paul Roth requesting a variance to Article VI, Residential Single-Family District, Section 60-217 Minimum Yard Requirements is approved, therefore reducing the required front yard setback from 35' to 22.2' for property described as follows:

Lot 7, Block B, CAMELLIA PLANTATION, PHASE 2, according to the plat thereof recorded in Plat Book 10, Page 25, Public Records of Levy County, Florida.

Section 2. Severability. If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

Section 3. Effective Date. This Resolution shall become effective immediately upon approval by the Board of Adjustment/Code Enforcement.

PASSED AND DULY ADOPTED, with a quorum present and voting by the Board of Adjustment of the City of Williston, Florida, this 24th day of August 2020.

ATTEST:

**BOARD OF ADJUSTMENT/CODE
ENFORCEMENT OF THE CITY OF
WILLISTON**

Laura Jones
Secretary

Sharon Brannan
Chairman

Fred Koberlein, City Attorney

STAFF REPORT – *Variance Application 2020-01*; an application by the City of Williston requesting a Variance to Article VI, Residential Single-Family District, Section 60-217 Minimum Yard Requirements reducing the required front yard setback from 35' to 22.2' for property described as follows:

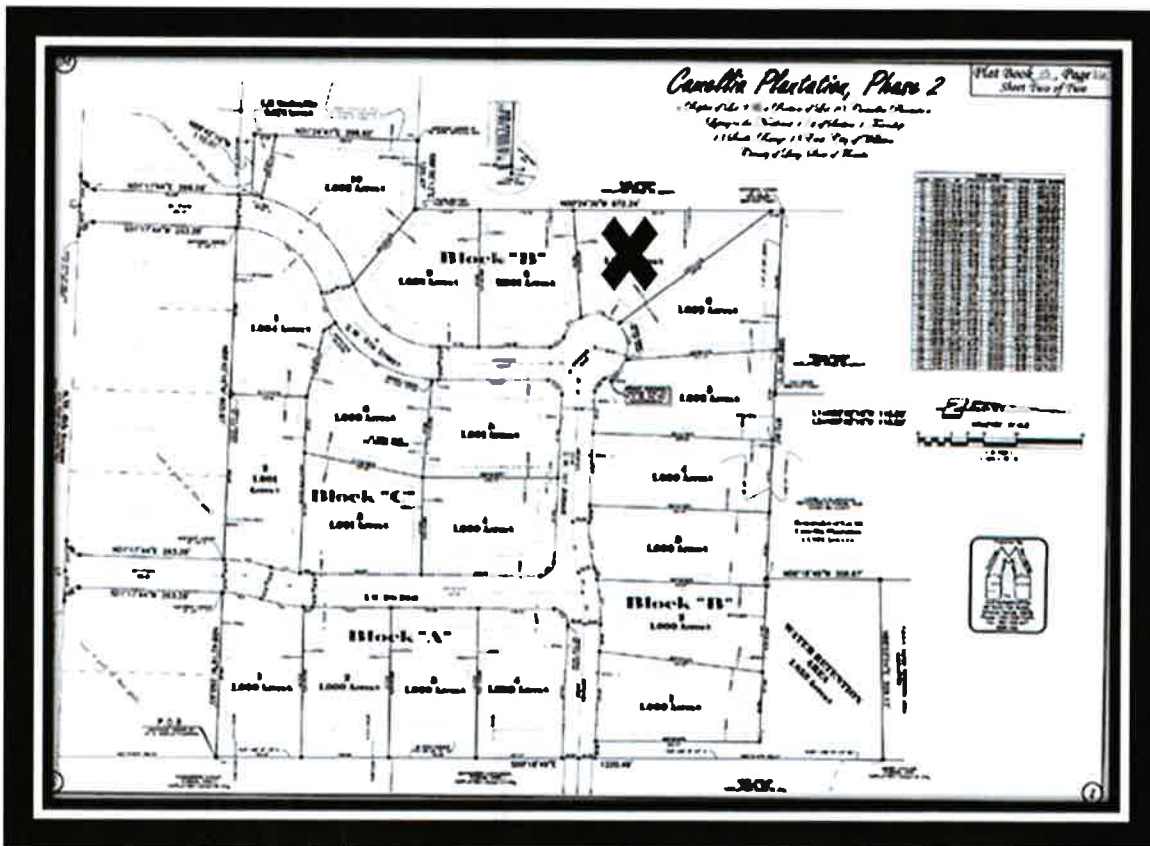
Lot 7, Block B, CAMELLIA PLANTATION, PHASE 2, according to the plat thereof recorded in Plat Book 10, Page 25, Public Records of Levy County, Florida.

Applicant: CITY OF WILLISTON

Project: New Single-Family Residence

Public Hearings: Board of Adjustment – Monday July 27, 2020 6:00 PM

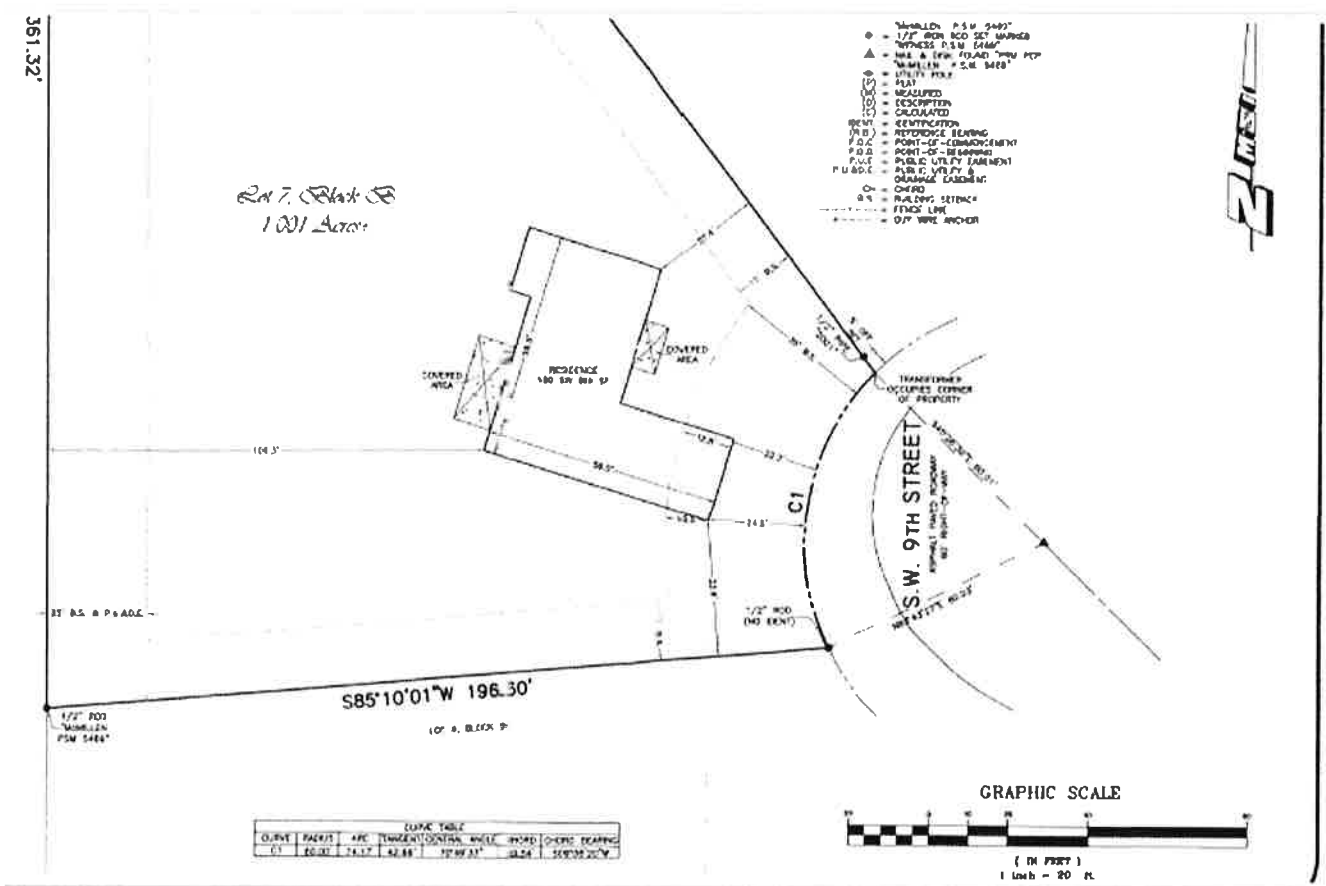
LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

The existing Camellia Plantation, Phase 2 was annexed in 2005 and consists of 26.170 acres. Since the property was annexed, the City failed to assign a Zoning designation that has led to several issues with setbacks. Currently we have a situation concerning a new home that does not meet the required 35' setback. During the site plan review, information in the Camellia Plantation file lead staff to believe the property was zoned R1-A which has 30' setback requirements. It wasn't until later it was discovered that the plat required 35' which is the setback requirement for R-1 Zoning. After further research we found that an Ordinance was never adopted giving this development a zoning designation and the new home was non-compliant since it did not meet the required setback of 35'. Camellia Plantation Phase 2 Rezoning to R-1 was approved on June 16, 2020.

The existing land use is residential. Camellia Plantation Phase 2 currently meets the minimum requirements for R-1 zoning.



Staff Recommendation:

Approval to reduce the required setbacks for R-1 Zoning from 35' to 22.2' for Lot 7, Block B, CAMELLIA PLANTATION, PHASE 2, according to the plat thereof recorded in Plat Book 10, Page 25, Public Records of Levy County, Florida.