

CITY OF APALACHICOLA
BOARD OF ADJUSTMENT
QUASI-JUDICIAL PUBLIC HEARING & SPECIAL MEETING
WEDNESDAY, FEBRUARY 21ST, 2018
Community Center/City Hall - 1 Bay Avenue

AGENDA

I. Quasi-Judicial Public Hearing & Special Meeting- 5:00 PM

1. The Apalachicola Board of Adjustment will hold a Quasi-Judicial Public Hearing at its Special Meeting called for that purpose on Wednesday, February 21st, 2018 at 5:00 P.M. at the Community Center Meeting Room, 1 Bay Avenue, Apalachicola, Florida to consider and decide upon the Variance Request application of Curtis Glen Moon (Applicant) relating to proposed front setback reduction from 15 feet to 6 feet to allegedly avoid encroachment into the bay marsh and wetlands for new construction of a 3,050 square foot single family residence, on the parcel(s) of property Warranty Deeded to Curtis G Moon & Mary Moon, Franklin County Public Records, located at 108 Bay Avenue with legal descriptions being as follows: Parcel ID# 01-09S-08W-8330-0194-0060, Block 194, Lot(s) 6 through 10 pursuant to the official zoning map of the City of Apalachicola said parcel being in Zoning R-1 Single Family Residential of the City of Apalachicola.

2. The Apalachicola Board of Adjustment will hold a Quasi-Judicial Public Hearing at its Special Meeting called for that purpose on Wednesday, February 21st, 2018 at 5:00 P.M. at the Community Center Meeting Room, 1 Bay Avenue, Apalachicola, Florida to consider and decide upon the Variance Request application of Patricia McLemore (Applicant) relating to proposed expansion of a nonconformity of an already nonconforming historic structure by increasing the size of the building that currently sits within the required setback and beyond the property line into the City alley, on the parcel(s) of property Warranty Deeded to Lee & Patricia M McLemore, Franklin County Public Records, located at 101 Bay Avenue with legal descriptions being as follows: Parcel ID# 01-09S-08W-8330-0036-0010, Block 36, Lot(s) 1 through 5 pursuant to the official zoning map of the City of Apalachicola said parcel being in Zoning R-1 Single Family Residential of the City of Apalachicola.

II. Other Business

1. City of Apalachicola is revising the scheduling of Quasi-judicial Hearings to a Quarterly basis - January, April, July, and October of each year. If no applications for variance arise in said times, no meeting will be held during that month.

In our continuing effort to keep the citizens of Apalachicola informed, this agenda is posted on our website at www.cityofapalachicola.com prior to the scheduled meeting for public review. Additional information such as the City's Land Development Code and zoning related maps, along with other development information is also available on the site for your convenience. Please direct any questions concerning items on this agenda or the Apalachicola Building Department to Cortni Bankston, (850)653-9319, cortnibankston@cityofapalachicola.com

SPECIAL MEETING
NOTICE OF QUASI JUDICIAL PUBLIC HEARING
APALACHICOLA BOARD OF ADJUSTMENT
CITY OF APALACHICOLA, FLORIDA

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Any person who desires his or her testimony to be considered as potential competent, substantial evidence, such personal shall be placed under oath and subject to cross-examination. All testimony presented by the Applicant, an Adversely Affected Person, any witness for a party or the staff (other than legal advice given by the City Attorney) shall be given under oath and subject to cross examination by the City of Apalachicola and Applicant. The Board, following the conclusion of the Quasi-Judicial hearing shall finalize a written statement memorializing the Board's decision and final findings as well as supporting conditions and evidence with their findings and provide a copy to the parties.

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Parcel Summary

Parcel ID 01-095-08W-8330-0194-0060
 Location Address .
 32320
 Brief Tax Description* BL 194 LOTS 6,7,8,9, & 10 OR 227/348 422/5 1186/415
 *The Description above is not to be used on legal documents.
 Property Use Code VACANT (000000)
 Sec/Twp/Rng 1-95-8W
 District Apalachicola (District 3)
 Millage Rate 22.1988
 Acreage 0.000
 Homestead N

[View Map](#)

Owner Information

Primary Owner
 Moon Curtis G & Mary G
 P.O. Box 127
 Lloyd, FL 323370127

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000130	SFR WATER	60.00	FF	0	0
009500	SUBMERGED	240.00	FF	0	0

Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	02/24/2017	\$100	WD	1186	415	Unqualified (U)	Vacant	MOON	MOON
N	08/05/1993	\$26,095	WD	422	5	Qualified (Q)	Vacant	CUNNINGHAM	MOON

Valuation

	2017 Certified	2016 Certified	2015 Certified
Building Value	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0
Land Value	\$120,600	\$120,600	\$120,600
Land Agricultural Value	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0
Just (Market) Value	\$120,600	\$120,600	\$120,600
Assessed Value	\$120,600	\$120,600	\$120,600
Exempt Value	\$0	\$0	\$0
Taxable Value	\$120,600	\$120,600	\$120,600
Maximum Save Our Homes Portability	\$0	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

No data available for the following modules: Residential Buildings, Commercial Buildings, Extra Features, Sketches.

Franklin County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

Last Data Upload Data: 1/19/2018 11:35:31 PM



[NFWWMD Flood Information Report, Effective FIRM Issue Date:2/5/2014](#)[\[Close this report window to get back to the information portal\]](#)

Effective Flood Map, Has been effective since 2/5/2014



Geographical Information

Latitude/Longitude: 29.721043 / -84.984596

[Print this re](#)

Address: BAY AVE APALACHICOLA FL 32320 [\[APPROXIMATE\]](#)

Parcel ID: **01-09S-08W-8330-0194-0060**

Firm Panel: **12037C0526F** (Effective)

Flood Information

Flood Zone Information

Geographic Entity

Location of Interest

Parcel

Effective Flood Zone

VE

VE:63% AE:37%

Base Flood Elevation*

14.0ft

(Effective BFE)

*The computed elevation to which floodwater is anticipated to during the base flood (100 Year Flood). Base Flood Elevations are shown on Flood Insurance Rate Maps (FIRMs) and on the profiles. The BFE is the regulatory requirement for the elevati floodproofing of structures. The relationship between the BFE structure's elevation determines the flood insurance premium. of measurement is **NAVD1988**.

Legend



Location of Interest



Parcel Outline

City of Apalachicola

1 Ave E

Apalachicola, FL 32320

850-653-9319 / 850-653-2205 Fax

QUASI-JUDICIAL
VARIANCE REQUEST

Name: Glen Moon Telephone 850-933-0136

Address: Po box 127 Lloyd Fl. 32337

Agent: _____ Telephone: _____

Address: _____

PROPERTY DESCRIPTION: Legal description of property

Subdivision: _____ Block(s) 194 Lot(s) 6, 7, 8, 9, 10

Parcel ID# 01-095-08W-8330-0194-0060

Address of Property: 108 Bay Ave.

Current Zoning and Land Use: AE(EL13) & VE (EL14)

Corner Lot: Yes / No Waterfront Lot: Yes / No Historic District: Yes / No

NATURE OF PETITION

Provide a detailed explanation of the request including what structures are existing and what is proposed; the amount of the encroachment proposed using number, i.e. reduce front setback from 2' to 18'; when property owner purchased property; when existing principal structure was built (including building permit numbers if possible), why encroachment is necessary; how existing encroachment came to be; etc.

My wife Mary and I bought our 5 lots in 1993 in hopes of building our retirement home.

- (1). The subject property is vacant with no buildings.
- (2). Reduce the front setback from 15 feet to 6 feet.
- (3). The encroachment is necessary to fit our house on the lots to avoid the marsh and wet lands.
- (4). We have already installed the water and sewer taps and have a tree removal permit.

Please note that the Board of Adjustment shall be guided in its determination to approve or deny a variance request by the below listed criteria. Please address these criteria using additional pages if necessary.

1. Are there existing special conditions and circumstances which are peculiar to the location, size and characteristics of the lot, structure or building involved and which are not applicable to other lots, structures or buildings in the same zoning district?

Our lots are bay front. Several of the platted lots are below MHW and extend into the bay and marsh as is characteristic of all the lots on the water side of Bay avenue.

2. Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is subject of the variance request?

No, We purchased the lots in 1993 as vacant lots. The lots have remained vacant to date.

3. How will literal interpretation of the provisions of the Land Development Code work unnecessary and undue hardship on the applicant or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district?

Strick adherence to the zoning code would result in a structure that would not meet the need of our family, eg time with 4 children and soon to be 5 grandchildren.

4. What is the minimum variance that will make possible the reasonable use of the lot, building or structure and which promote standards of health, safety or welfare?

The variance request illustrated in the supporting exhibit represent the minimum variance to provide resonable use of the property, while providing minimization and avoidance of adjacent environmentally sensitive areas.

5. How will granting the variance request not confer on the petitioner any special privilege that is denied by these zoning regulations to other lots, buildings or structures in the same zoning district?

Granting of a variance at this location would be consistent with treatment of other bay front homes on Bay Avenue.

6. How will granting the variance be in harmony with the intent and purpose of the Land Development Code a non-injurious to the neighborhood or otherwise detrimental to the public welfare?

Granting of this variance will be consistent with the other purposes of the code to encourage minimization, avoidance, and protection of natural resources.

7. How will granting the variance be consistent with the Land Development Code?

See answer to question 6.

8. Please provide any other information which may be necessary for the Board of Adjustment to make an informed decision on this matter.

The City of Apalachicola has approved a tree removal permit, and has installed a water and sewer tap in preparation for the construction of our dream house. Thanks.

Curtis G. Moon
Signature of Property Owner

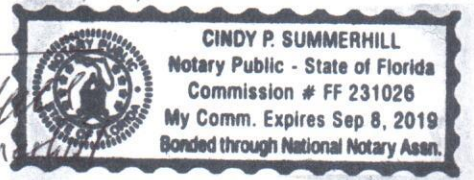
CURTIS G. MOON
Printed Name of Property Owner

Mary G. Moon
Signature of Property Owner

Mary G. Moon
Printed Name of Property Owner

10/25/2017
Date

Cindy P. Summerhill
CINDY P. SUMMERHILL



Mary Gibson Moon - M500-587-54-768-0

Curtis Glunden Moon - M500-107-54-229-0

Signed Before Me this 25th day of October 2017
By Curtis and Mary Moon.



CITY OF APALACHICOLA

1 Bay Avenue • Apalachicola Florida 32320 • 850-653-9319 • Fax 850-653-2205

www.cityofapalachicola.com

Mayor

Van W. Johnson, Sr October 28, 2017

Commissioners

Brenda Ash
John M. Bartley, Sr.
James L. Elliott
Anita Grove

Quasi Judicial Application Review
Project: Glen Moon Residential
Reviewer: C. Clark

City Administrator

Lee Mathes

Site address: 108 Bay Avenue, Block 194, Lots 6-10

City Clerk

Deborah Guillotte

Summary: The applicant is seeking a front setback reduction from 15' to 6' to avoid encroachment into the bay marsh and wetlands. The proposed house is 3,050 sq. feet.

City Attorney

J. Patrick Floyd

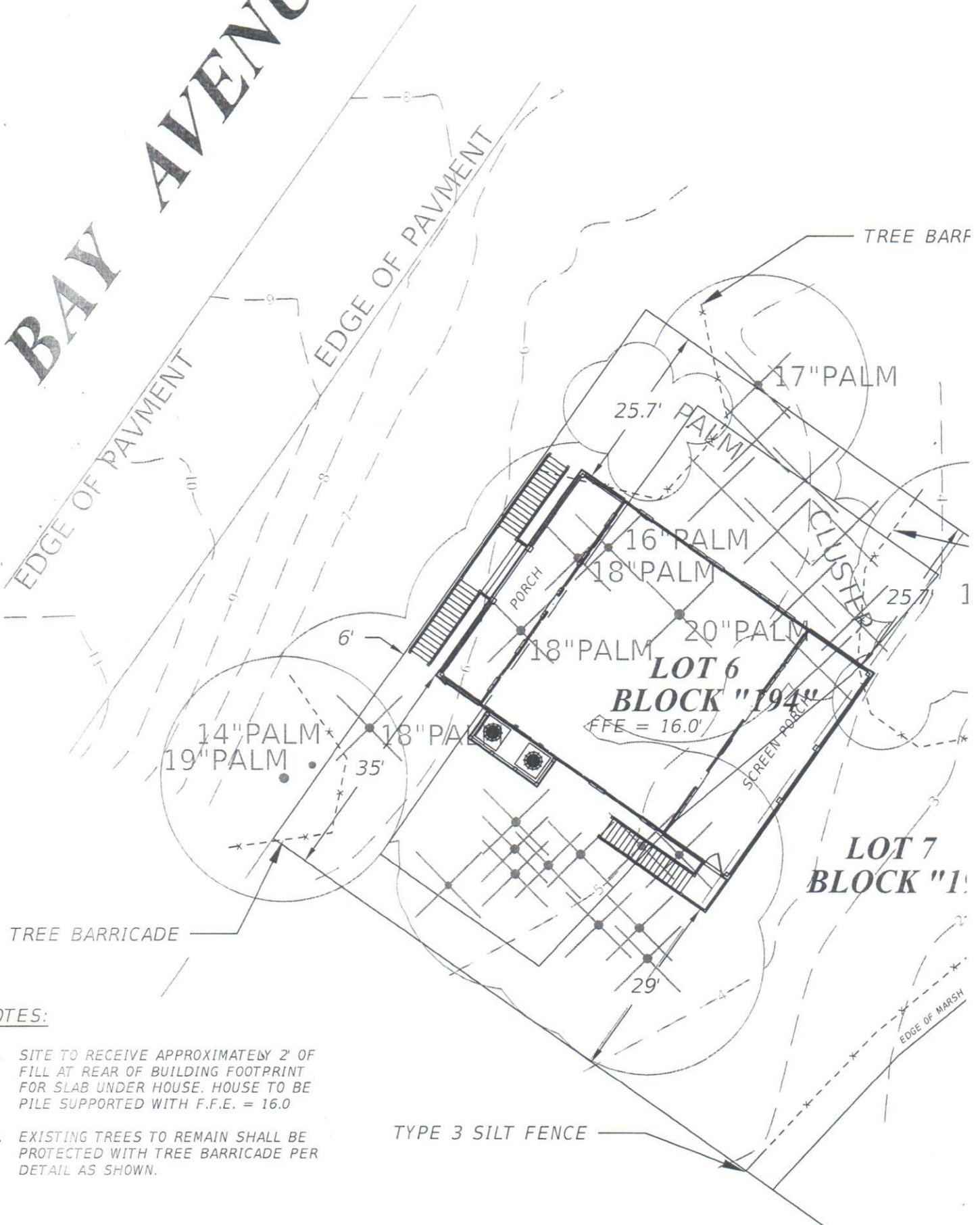
The applicant states that the demonstrated hardship is that strict adherence to the zoning code would result in a structure that would not meet the needs of a large family.

Finding: Staff has reviewed the site plan and notes that the proposed footprint of the house appears to be nearly 30 feet from the marsh line as identified on the plans. Not sure what encroachment would be made upon the marsh/wetland?

The applicant states that he has owned the property for 25 years. The City's land development regulations were adopted in 1991 and were in effect at the time the applicant purchased the property.

The code requires that a variance be considered if there is sufficient grounds to determine that reasonable use of property would be denied without such variance. In staff's opinion, it does not appear that adhering to the code would deprive the applicant the reasonable use of his property.

BAY AVENUE



NOTES:

1. SITE TO RECEIVE APPROXIMATELY 2' OF FILL AT REAR OF BUILDING FOOTPRINT FOR SLAB UNDER HOUSE. HOUSE TO BE PILE SUPPORTED WITH F.F.E. = 16.0
2. EXISTING TREES TO REMAIN SHALL BE PROTECTED WITH TREE BARRICADE PER DETAIL AS SHOWN.

TYPE 3 SILT FENCE

City of Apalachicola Tree Removal Application

Name: CURTIS G. "GLEN" MOON
 Address: P.O. BOX 127 LLOYD FL. 32337
 Phone #: 850-933-0136
 Contractor: SELF
 Contractor's Phone #: SAME
 Number of Trees: 25
 Type of Trees: 24 PALMS (15" TO 20") DBH 1 CEDAR (8")



REQUESTED REASONS FOR REMOVAL; (MARK ONE OR MORE)

<input type="checkbox"/>	Trimming Limbs or Maintenance issues.
<input checked="" type="checkbox"/>	New Construction House or Building.
<input type="checkbox"/>	The tree has extensive decay throughout crown & main system.
<input type="checkbox"/>	Safety Issue, Leaning over house, In power lines, Foundation of house.
<input type="checkbox"/>	Insurance company will not cover unless tree is removed, Letter included.
<input type="checkbox"/>	Interfering with, Underground utilities, Sidewalks, Driveways, Etc.
<input type="checkbox"/>	Don't like tree or location on property, Will pay Mitigation of \$____.00

Applicant will provide all photos of trees and documentation that pertain to this application.

Applicant Signature: Curtis Moon Date: 2-20-17 Application Fee \$50.00

I understand a copy of the Ordinance is available on the City's website.

(www.cityofapalachicola.com)

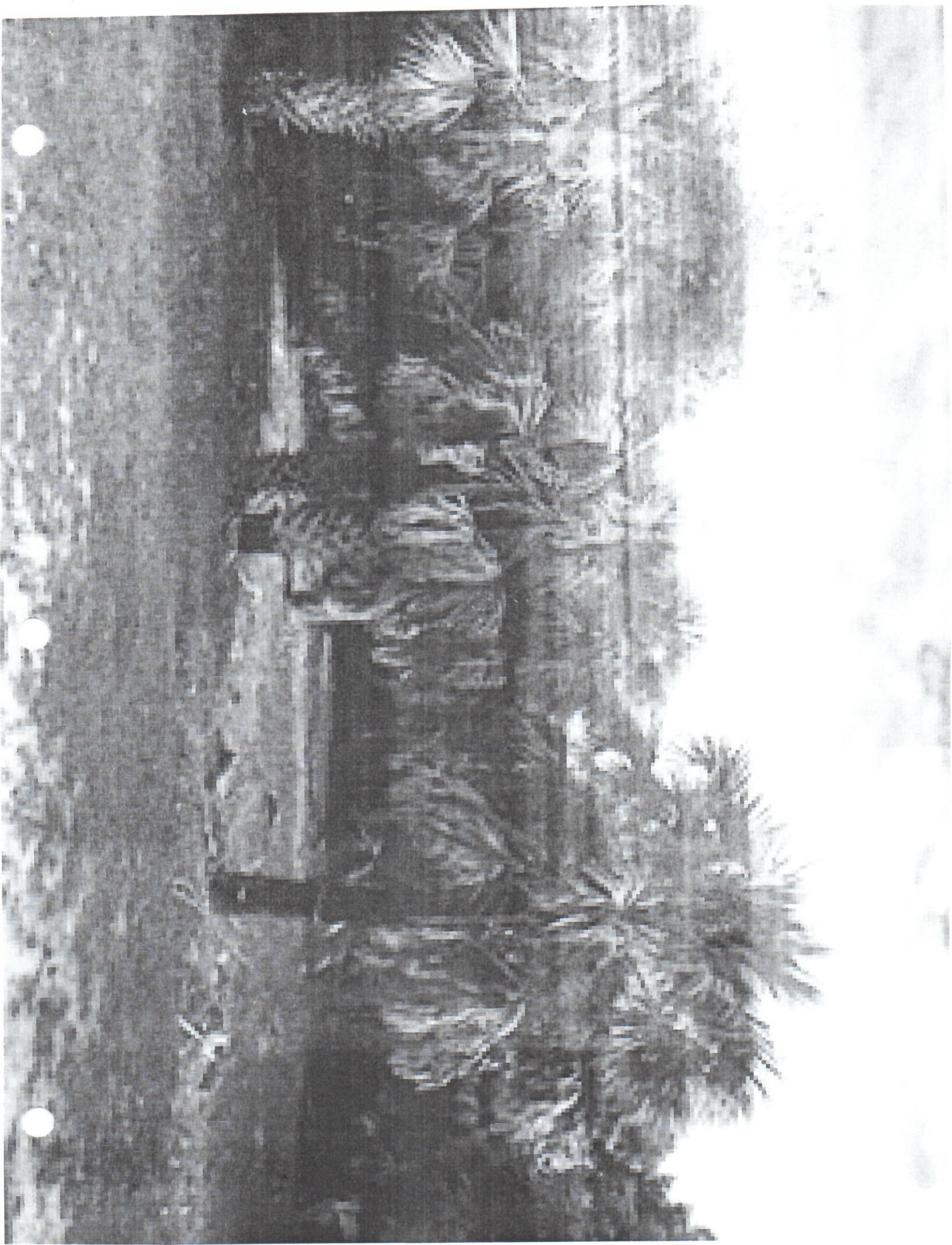
And at City Hall's Office for review com initial.

NOTE: IF YOU ARE ADDRESSING A PROTECTED TREE (LIVE OAK, RED OAK, WHITE OAK, MAGNOLIA, SABLE/CABBAGE PALM, AND SLASH PINE) AN APPLICATION PROCESS AND P & Z APPROVAL ARE REQUIRED. SITE PLAN MUST BE SUBMITTED TO SHOW THE FOLLOWING INFORMATION AT A SCALE SUFFICIENT TO ENABLE THE DETERMINATION OF MATTERS REQUIRED UNDER ORDINANCE:

- 1.) The shape and dimensions of the lot or parcel, together with the existing and/or proposed locations of structures and improvements, if any. SEE PLAN
- 2.) Location and dimensions of all existing trees which are subject to the protected tree provisions. Trees proposed to remain, to be re-located, or to be removed shall be so identified. SEE PLAN
- 3.) A statement showing how trees not proposed for removal are to be protected during land clearing and construction; i.e. a statement as to proposed protective barriers. SEE PLAN
- 4.) A statement as to grade changes proposed for the lot or parcel and how such changes will affect the matters regulated by Ordinance. SEE PLAN

Date: <u>2/20/17</u>	Approved: Yes <input checked="" type="checkbox"/> or No <input type="checkbox"/>
Reason not approved: _____	

<p>Planning and Zoning's Recommendation is:</p> <p>Approved: _____ Denied: _____</p> <p>Date: _____</p> <p>Signature: _____</p>	<p style="text-align: center;">Approved By: City of Apalachicola</p> <p>Code Enforcement Officer: <u>NZ [Signature]</u></p> <p>City Administrator: <u>Lee [Signature]</u></p> <p>Administrator's/Designee: _____</p> <hr/> <p>City Commission; Approved: _____ or Denied: _____</p> <p>Mayor, Van Johnson: _____</p> <p>Date: _____</p>
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City of Apalachicola
Planning and Zoning
222 Water St
Apalachicola, Florida 32320

To whom it may concern,

After 25 years of ownership my wife and I are ready to build on our lot at 108 Bay Ave. We have almost completed our house plans and are in the engineering phase at this time. Permitting will follow soon. Knowing the footprint of our future home, we are ready for lot preparation. We have identified 24 palms and maybe 1 cedar to be permitted.

With the assistance of Tom Eddinger, with TOM'S PALMS, we plan on relocating every palm tree. I plan on relocating some on our lots. Of the remainder, we have been contacted by Mr. C.K. Brewer 159 Avenue B about moving some to his lot to replace the ones that died during a project that was performed at his address by a subcontractor. Any remaining trees will be sold or given to Mr. Eddinger to relocate to his nursery until sold.

Sincerely,



Curtis G. Moon

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Parcel ID 01-095-08W-8330-0036-0010
 Location Address 101 BAY AVE
 32320
 Brief Tax Description* BL 36 LOTS 1,2,3,4, & 5 OR 205/440 232/10 278/289 448/262
 *The Description above is not to be used on legal documents.
 Property Use Code SINGLE FAM (000100)
 Sec/Twp/Rng 1-9S-8W
 District Apalachicola (District 3)
 Millage Rate 22.1988
 Acreage 0.000
 Homestead Y

[View Map](#)

Owner Information

Primary Owner
 Mclemore Lee & Patricia M
 P.O. Box 183
 Apalachicola, FL 32320

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000000	VAC RES	240.00	FF	0	0
000000	VAC RES	60.00	UT	0	0

Residential Buildings

Building 1
 Type SINGLE FAM
 Total Area 9,000
 Heated Area 6,778
 Exterior Walls COMMON BRK
 Roof Cover COMP SHNGL
 Interior Walls DRYWALL
 Frame Type MASONRY
 Floor Cover PINE WOOD
 Heat AIR DUCTED
 Air Conditioning CENTRAL
 Bathrooms 0
 Bedrooms 0
 Stories 2
 Effective Year Built 1930

Building 2
 Type SINGLE FAM
 Total Area 2,425
 Heated Area 1,000
 Exterior Walls COMMON BRK; AVERAGE
 Roof Cover ASB SHINGL
 Interior Walls DRYWALL
 Frame Type N/A
 Floor Cover CLAY TILE; CARPET
 Heat AIR DUCTED
 Air Conditioning CENTRAL
 Bathrooms 0
 Bedrooms 0
 Stories 0
 Effective Year Built 1930

NWFWMD Flood Information Report, Effective FIRM Issue Date:2/5/2014[Close this report window to get back to the information portal]

Effective Flood Map, Has been effective since 2/5/2014

Geographical Information

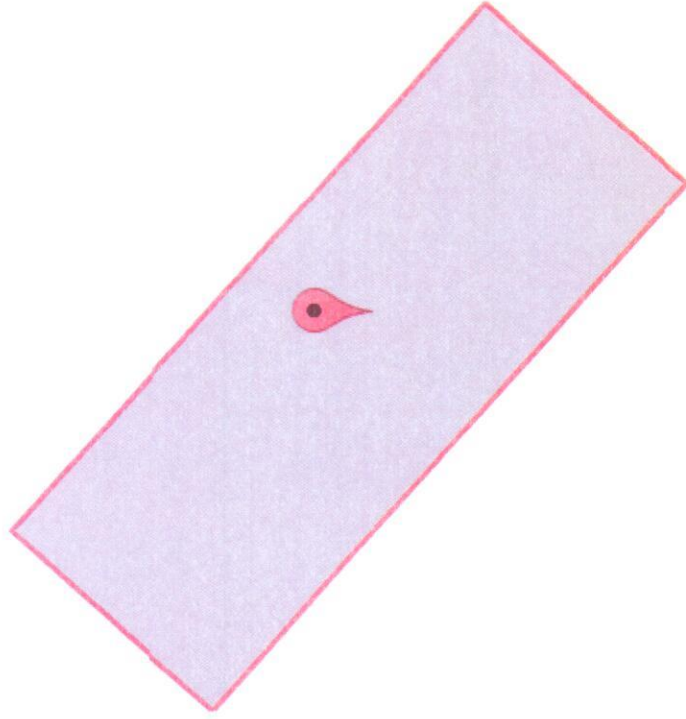
Latitude/Longitude: 29.721792 / -84.984886

[Print this report](#)

Address: ALLEY APALACHICOLA FL 32320 [APPROXIMATE]

Parcel ID: 01-09S-08W-8330-0036-0010

Firm Panel: 12037C0526F (Effective)



Flood information

Flood Zone Information

Geographic Entity

Location of Interest

Parcel

Effective Flood Zone

X

X:90% AE:10%

Base Flood Elevation*

13.0ft

(Effective BFE)

*The computed elevation to which floodwater is anticipated to during the base flood (100 Year Flood). Base Flood Elevations are shown on Flood Insurance Rate Maps (FIRMs) and on the profiles. The BFE is the regulatory requirement for the elevati floodproofing of structures. The relationship between the BFE structure's elevation determines the flood insurance premium. of measurement is NAVD1988.

Legend



Location of Interest



Parcel Outline

Geographic

City of Apalachicola
1 Ave E
Apalachicola, FL 32320
850-653-9319 / 850-653-2205 Fax

QUASI-JUDICIAL
VARIANCE REQUEST

Name: Patricia McLemore Telephone: (850) 653-7110

Address: 101 Bay Ave. Apalachicola, FL 32320

Agent: George Coon, Inc. Telephone: (850) 227-6898

Address: 252 6th Street, Apalachicola, FL. 32320

PROPERTY DESCRIPTION: Legal description of property

Subdivision: none Block(s) 36 Lot(s) 1,2,3,4&5

Parcel ID# 01-095-08W-8330-0036-0010

Address of Property: 101 Bay Ave. Apalachicola, FL 32320

Current Zoning and Land Use: R1, Residential

Corner Lot: Yes No Waterfront Lot: Yes No Historic District: Yes No

AFFIDAVIT

We/I, Patricia McLeomore, being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my/our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or City printed shall not be altered. Public hearings will not be advertised until this application is deemed complete, and all required information has been submitted.

As property owner(s) We/I further authorize George Coon to act as our/my representative in any matters regarding this Petition.

[Signature]
Signature of Property Owner

Signature of Property Owner

Patricia M. McLeomore
Typed or Printed Name of Owner

Typed or Printed Name of Owner

STATE OF FLORIDA

COUNTY OF Franklin

The foregoing instrument was acknowledged before me this 9th day of January 2018, by Patricia McLeomore who is personally known to me or has produced N/A as identification.

(NOTARIAL SEAL)

[Signature]
NOTARY PUBLIC

Printed Name:
Commission Number:
Commission Expires:



NATURE OF PETITION

Provide a detailed explanation of the request including what structures are existing and what is proposed; the amount of the encroachment proposed using number, i.e. reduce front setback from 2' to 18'; when property owner purchased property; when existing principal structure was built (including building permit numbers if possible), why encroachment is necessary; how existing encroachment came to be; etc.

We wish to return a smaller brick side building (originally a rest-room facility for the original St. Mary Star of the Sea Convent of Mercy) to the building's original height by removing a recently added wood framed upper floor. The buildings, including the small subject building, are "Historic" as recorded by the State of Florida Department of State Division of Archives, History and Records Management; Site No. 8fr469. We plan to return the smaller side building to 1 story from an existing 2 story height. Also, there would be some revisions to the front façade by replacing recently added "pseudo-Palladian" arched windows, replacing with simple neo-Georgian rectangular windows, more in keeping with the original intent and style of the original Convent and represented on the house immediately next to this structure.

This historic side building was originally built into the Alley along its length by an average of 2 feet (see survey). We wish to add to the length of this building by adding 8.5 feet as screened porch addition to the rear of the building which won't be seen from Bay Ave. The added length would follow the footprint and it too would be in the Alley by about 2 feet. This building is to be used as a small dressing area/studio for a proposed back yard swimming pool.

Granting this variance will both return the scale of a structure to its original size and changing the front arched windows will assist in bringing this important Apalachicola building in line with the intent of the Land Development code, and the suggestions of the of the Historic Apalachicola Design Guidelines including The U.S. Secretary of the Interior's Standards for Rehabilitation.

Please note that the Board of Adjustment shall be guided in its determination to approve or deny a variance request by the below listed criteria. Please address these criteria using additional pages if necessary.

1. Are there existing special conditions and circumstances which are peculiar to the location, size and characteristics of the lot, structure or building Involved and which are not applicable to other lots, structures or buildings In the same zoning district?

The existing main house is unique in its historic neo-Georgian appeal and large scale. The side building planned for renovation is set back from the façade, but is presently visible from Bay Ave. because of the 2 stories. It would be a great improvement to the entire historic composition, if the upper floor were removed and the side building was returned to its original historic scale.

The addition will be a small extrusion of the original footprint by only 8.5 feet, important to the owner to make the screened porch feasible. Importantly what is proposed will add to the beauty of the view from Bay Avenue and will not be visible from other streets.

2. Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is subject of the variance request?

The existing conditions have a side building originally built slightly into the Ally. Because the owner wishes to remove the non-historic upper floor of that building, the owner is planning to remove a large amount of poorly designed construction. The small addition proposed to the rear will not be seen from Bay Avenue or affect the alley use negatively.

3. How will literal interpretation of the provisions of the Land Development Code work unnecessary and undue hardship on the applicant or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district?

If not approved, the added 8.5 foot screen porch will not be built by the owner, nor will the poorly designed upper floor be removed. The owner feels that as-is, this existing building detracts from the coherence of their property. They desire to improve the design both for them and for the Historic nature of the composition.

Other properties in the neighborhood would be allowed the opportunity to assist in this regard. The only point in question is that the convent had originally built the restroom building slightly into the alley.

4. What is the minimum variance that will make possible the reasonable use of the lot, building or structure and which promote standards of health, safety or welfare?

Adding the short screened porch component only adds 8.5' which makes the porch usable.

5. How will granting the variance request not confer on the petitioner any special privilege that is denied by these zoning regulations to other lots, buildings or structures in the same zoning district?

Given the circumstances of this Historic property, granting this variance would be expected to be approved on other lots, buildings or structures in this zoning district due to the special situation of the buildings built many years ago (the Convent was built in 1901).

6. How will granting the variance be in harmony with the intent and purpose of the Land Development Code a non-Injurious to the neighborhood or otherwise detrimental to the public welfare?

The owner will remove a non-Historic second floor from a Historic building, (which most likely was added without any review process). This action would definitely be in harmony with the intent and purpose of the Land Development Code. If granting this variance was denied, the owner will do nothing which will extend the detrimental effect of this poorly designed non-Historic 2nd floor addition and the psuedo-palladian windows.

7. How will granting the variance be consistent with the Land Development Code?

Granting this variance will return the scale of a structure to its original size and changing the front arched windows will assist in bringing this important Apalachicola building in line with the intent of the Land Development code, and with the suggestions of the of the Historic Apalachicola Design Guidelines, The U.S. Secretary of the Interior's Standards for Rehabilitation.

8. Please provide any other information which may be necessary for the Board of Adjustment to make an informed decision on this matter.

The owner, Tricia McLemore, and designer, George Coon, will work to accommodate suggestions made by the Variance Board.



Signature of Property Owner

Patricia McLemore

Printed Name of Property Owner

Signature of Property Owner

Printed Name of Property Owner

December 22, 2017

Date



CITY OF APALACHICOLA

1 Bay Avenue • Apalachicola Florida 32320 • 850-653-9319 • Fax 850-653-2205
www.cityofapalachicola.com

Mayor

Van W. Johnson, Sr February 2, 2018

Commissioners

Brenda Ash
John M. Bartley, Sr.
James L. Elliott
Anita Grove

Quasi Judicial Application Review
Project: Patricia McLemore renovation
Reviewer: C. Clark
Site address: 101 Bay Avenue, Apalachicola

City Administrator

Lee Mathes

City Clerk

Deborah Guillotte

City Attorney

J. Patrick Floyd

Summary: The applicant is seeking to expand the nonconformity of an already nonconforming historic structure by requesting permission to increase the size of a building that currently sits within the required setback and beyond the property line into the City alley. Historic eligibility of original nonconforming structure has been confirmed through documentation received from Florida Master Site File.

Nature of Existing Nonconformity: The structure is already nonconforming in that the footprint is currently encroaching into the required setback and even into the City alley easement by approximately 2 feet for a total square foot of existing nonconformity of approximately 100 square feet. (est. 2' encroachment x 52.1 length of existing building)

Nature of Proposed Nonconforming Expansion: The proposed addition would add an additional estimated 60 square feet to the nonconforming structure within the City alley and the required five foot setback. (7 x 8.5 = 59.5 - est. 2' city alley encroachment plus 5 foot setback encroachment x 8.5 additional building length)

Application of Ordinance 91-7 (as amended 2017-05) Section III.A.3.b. of ordinance 1991-7 provides for a variance if there is sufficient grounds to determine that reasonable use of property would be denied without such variance. "Variance from the terms of this code shall be granted only if the variance is not contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship."

Application of Ordinance 2017-05. This ordinance amends 91-7 and provides for limited relief for the restoration and renovation of historic and non-historic nonconforming structures.

"Expansion of Historic and Nonhistoric, Nonconforming Structures (Chapter IV.C.2.) The intent of this section is not to permit either historic or nonhistoric, nonconforming structures to be enlarged upon, expanded, or extended, except as allowed through the variance process at section III.A.3.b. Existing nonconformities of a structure shall not be used as grounds for adding other structures prohibited elsewhere in the same district."

Finding: The applicant states that granting the variance will both return the scale of a structure to its original size/look and be more in keeping with the City's Historic Guidelines and U.S. Secretary of the Interior's Standards for Rehabilitation. While Staff agrees that proposed renovation involving removal of 2nd story and façade treatment would be an improvement, the applicant does not speak directly to the hardship issue as required in Section III.A.3.b. for the expansion work. It is not evident that the applicant has successfully documented the required evidence of hardship associated with not being able to expand the nonconforming footprint to accommodate the aesthetics of an accessory structure.

FLORIDA MASTER SITE FILE
Site Inventory Form

FDAHRM 802 ==
1009 ==

St. Mary, Star of the Sea Site No. 8F 469
 Site Name Convent of Mercy 830 == Survey Date 7906 820 ==
 Address of Site: Eighth Street 905 ==
 Instruction for locating NW corner at intersection of Bay Ave. & 8th St. 813 ==
 Location: Original City 36 1 THRU 5 868 ==
 County: Franklin INC. 808 ==
 Owner of Site: Name: Gracida, Rene H, Bishop of Diocese of ;
 Address: Pensacola-Tallahassee
P O Drawer 17329, Pensacola, FL 32522 902 ==
 Type of Ownership: institutional 848 == Recording Date 8207 832 ==
 Recorder:
 Name & Title: Dan G. Deibler, Historic Sites Specialist ;
 Address: FDAHRM 818 ==

Condition of Site: Integrity of Site: Original Use convent 838 ==
 Check One Check One or More Present Use 850 ==
 Excellent 863 == Altered 858 == Dates: Beginning 1901/1930 844 ==
 Good 863 == Unaltered 858 == Culture/Phase 840 ==
 Fair 863 == Original Site 858 == Period 845 ==
 Deteriorated 863 == Restored () (Date: X) 858 ==
 Moved () (Date: X) 858 ==

NR Classification Category: building 916 ==

Threats to Site:

Check One or More
 Zoning (X) 878 == Transportation (X) 878 ==
 Development (X) 878 == Fill (X) 878 ==
 Deterioration (X) 878 == Dredge (X) 878 ==
 Borrowing (X) 878 ==
 Other (See Remarks Below): 878 ==

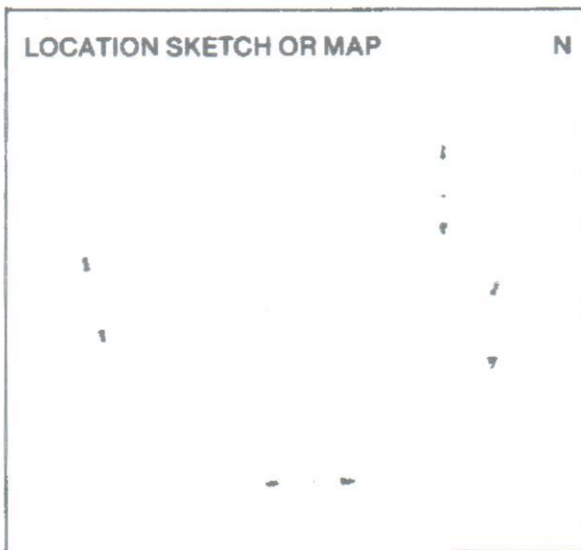
Areas of Significance: architecture 910 ==

Significance: Building appears to be an earlier structure, possibly from circa 1900 which was altered and added to circa 1930 - brick work may date from 1930 renovation - no seams; building may actually be frame. Louvered cupola with cross; entrance, northm segmented pediment.

911 ==

SEE SITE FILE STAFF FOR ORIGINAL PHOTO(S) OR MAP(S)

ARCHITECT _____ 872 ==
 BUILDER _____ 874 ==
 STYLE AND/OR PERIOD Georgian Revival 964 ==
 PLAN TYPE L-shape 966 ==
 EXTERIOR FABRIC(S) brick, cement, modern flemish bond 854 ==
 STRUCTURAL SYSTEM(S) _____ 856 ==
 PORCHES West/ 2nd story gallery, screen enclosed
 _____ 942 ==
 FOUNDATION: brick 942 ==
 ROOF TYPE: hip; gable; flat 942 ==
 SECONDARY ROOF STRUCTURE(S): _____ 942 ==
 CHIMNEY LOCATION: interior, N & S wall 942 ==
 WINDOW TYPE: DHS 12/12 (1st); DHS 2/2 (2nd) 942 ==
 CHIMNEY: brick 882 ==
 ROOF SURFACING: composition shingles 882 ==
 ORNAMENT EXTERIOR: cement; wood 882 ==
 NO. OF CHIMNEYS 3 952 == NO. OF STORIES 2 950 ==
 NO. OF DORMERS 0 954 ==
 Map Reference (incl. scale & date) _____ 809 ==
 Latitude and Longitude: _____ 800 ==
 Site Size (Approx. Acreage of Property): _____ 833 ==



Township	Range	Section

812 ==

UTM Coordinates:

Zone Easting Northing

890 ==

Photographic Records Numbers 79N0838HPS (7) 860 ==

Contact Print

Couple is happy to find home in heart of Apalachicola

By Dorothy Clifford
Democrat staff writer

APALACHICOLA — The historic St. Mary Star-of-the-Sea Convent, which sits on five city lots in a neighborhood boasting some of Apalachicola's finest houses, has been bought by a couple planning to retire in Franklin County.

For Ann Davoli, it's a sentimental return to the town she was born in 39 years ago. For her husband, Michael, an insurance executive in Jacksonville, it's a welcome return to a small town with "warm and friendly people."

The Davolis paid \$130,000 for the 7,500-square-foot building, which was owned by the Florida Trust for Historic Preservation.

The new owners signed an agreement with the Florida Trust to ensure that renovations would maintain the building's architectural integrity.

"We are very pleased the Davolis have bought it," said Charles D. Olson, revolving-fund director for the Florida Trust. "They have a real respect for the building, and they're local people with a real interest in Apalachicola."

The Davolis say they have no specific plans for

Please see HOME, 2C

Home

From 1C

using the imposing Colonial Revival building but have hired a company to study the possibilities.

They also have hired St. George Island architect George Surratt to remodel the outbuilding as their residence, Michael Davoli said.

The Florida Trust has given the Davolis permission, he said, to add a second floor to the annex, which originally served as storage and restrooms.

It was in 1901 that the Sisters of Mercy of Mobile first constructed a convent school in Apalachicola. The original burned in 1928, and the existing convent was built a year later for \$30,000. Five nuns lived and taught there until 1950, when dwindling attendance forced the convent to close. The Catholic Diocese of Pensacola-Tallahassee owned the building until 1986, when the Florida Trust bought it.

"We absolutely fell madly in love with the place," Ann Davoli said. "We intend to do whatever the zoning will allow."

About five months ago, she joined Alice Leavins as co-partner of the Pied Piper, a dress boutique in an annex of the Gibson Inn. Considered by many the catalyst for Apalachicola's revitalization, the Victorian inn was restored three years ago.

"When I first came across the bridge (last March) and saw the Gibson standing there, all blue and white, I knew I wanted to come home again," Ann Davoli said. "Ten years ago when I visited, Apalachicola was dying. I spent the night in the Gibson and it was the worst night of my life. Now, the Gibson is bringing the town back to life."

About the convent, her husband said, "It is a tremendous buy and has tremendous prospects. We're going to work closely with the city fathers to do the best thing for the property."

Michael Davoli is commuting from Jacksonville on weekends but expects to live in Apalachicola full time once he begins early retirement in about two years.

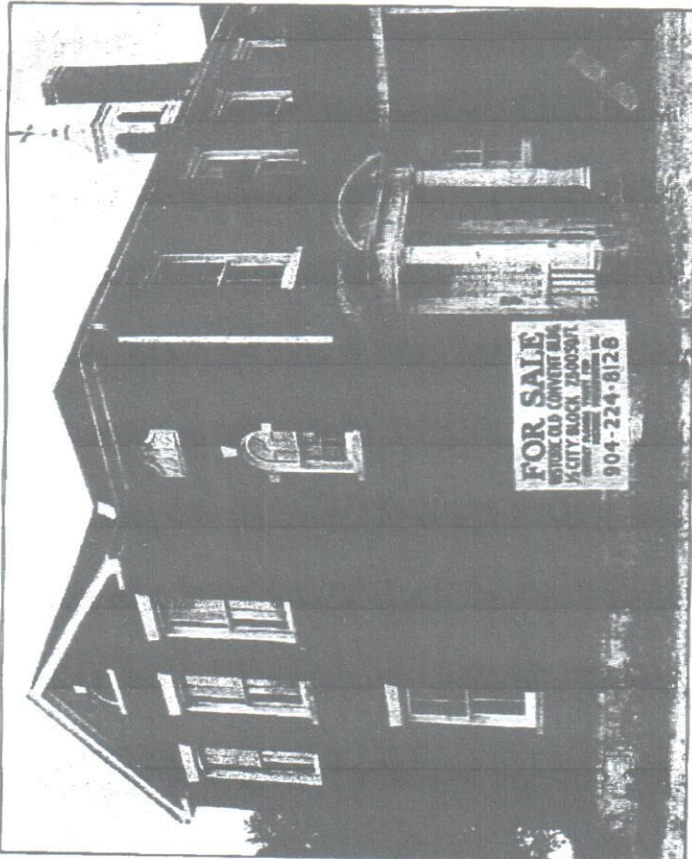
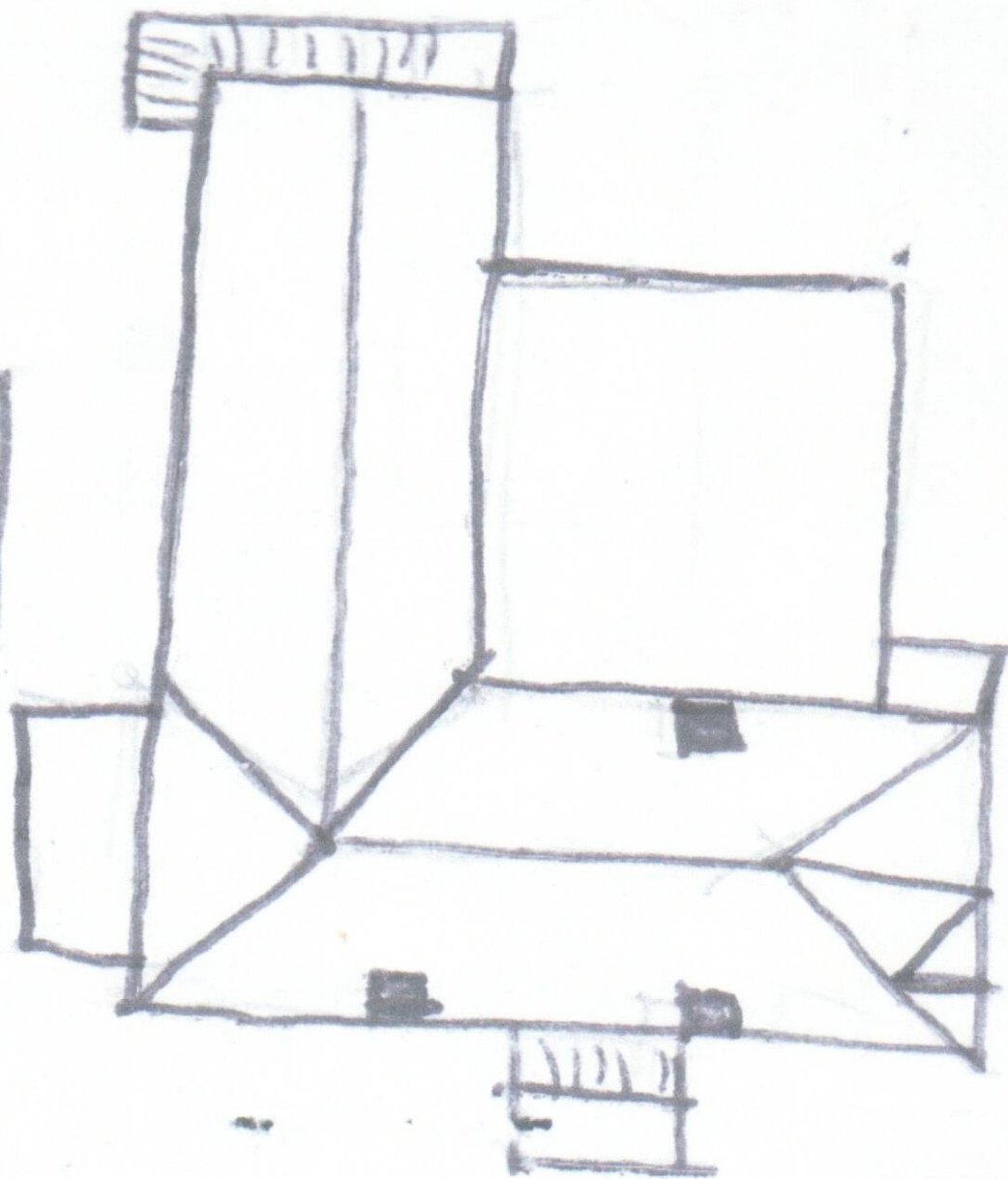
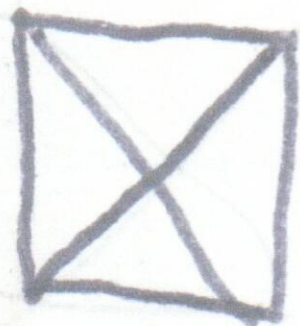


PHOTO COURTESY OF THE FLORIDA TRUST FOR HISTORIC PRESERVATION

Historic convent won't have for-sale sign on its lawn any more; the Davolis are "madly in love"

2C/Tallahassee Democrat/Mon., Aug. 1, 1988

FR469

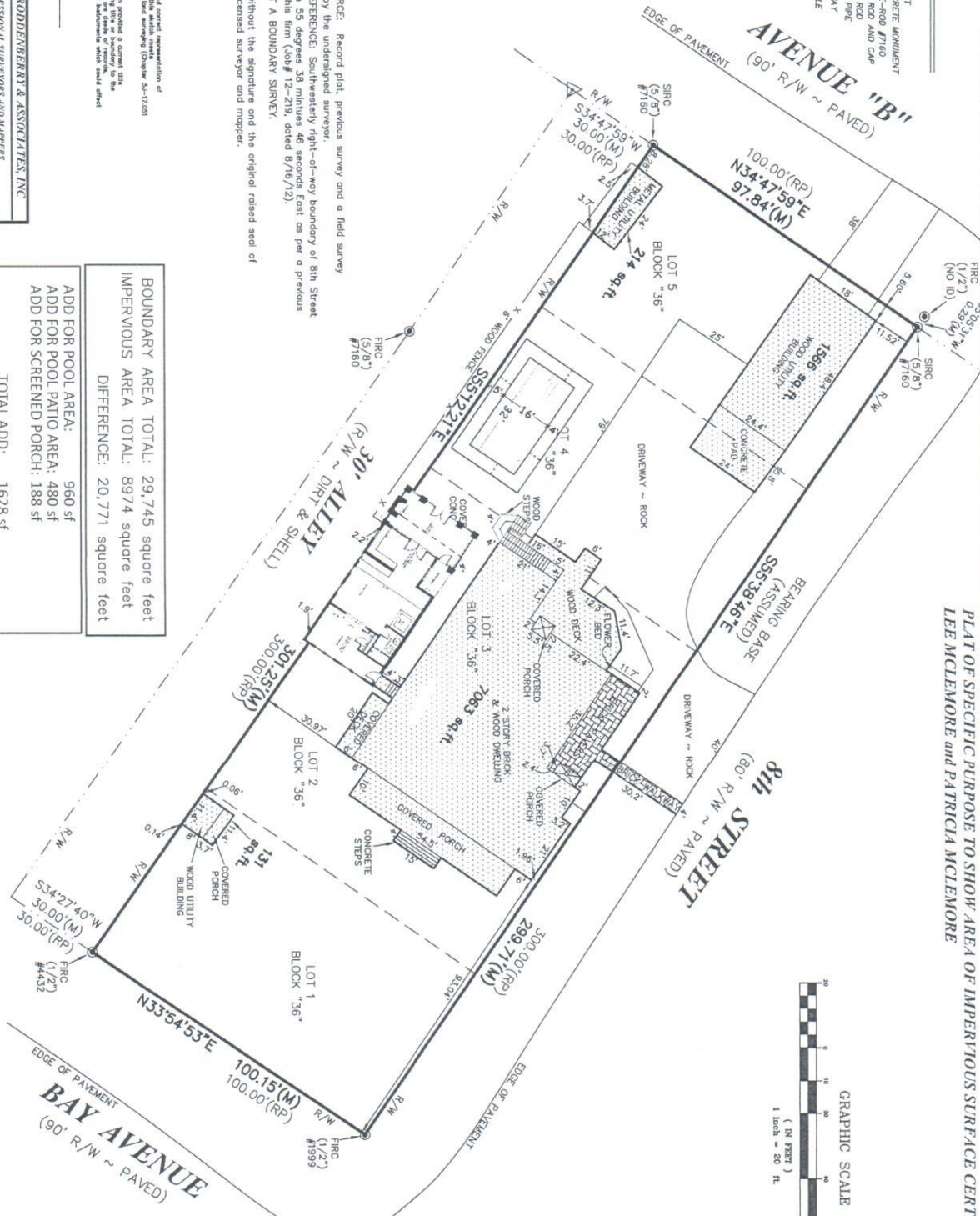
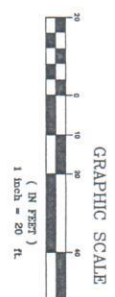




LEGEND

M	MEASURED
RP	RECORDED PLAT
FCM	FOUND CONCRETE MONUMENT
SIRC	SET 5/8" RE-ROD #7160
FIRC	FOUND IRON ROD AND CAP
FR	FOUND IRON ROD
FIP	FOUND IRON PIPE
R/W	RIGHT-OF-WAY
---	NOT TO SCALE

PLAT OF SPECIFIC PURPOSE TO SHOW AREA OF IMPERVIOUS SURFACE CERTIFIED TO:
LEE MCLEMORE and PATRICIA MCLEMORE



- NOTES:**
1. SKETCHSOURCE: Record plat, previous survey and a field survey performed by the undersigned surveyor.
 2. BEARING REFERENCE: Southwesterly right-of-way boundary of 8th Street being South 55 degrees 38 minutes 46 seconds East as per a previous survey by this firm (Job# 12-219, dated 8/16/12).
 3. This is NOT A BOUNDARY SURVEY.
 4. Not valid without the signatures and the original related seal of a Florida licensed surveyor and mapper.

I hereby certify that this is a true and correct representation of the property shown hereon and that the same meets the requirements of the Florida Statutes for the same surveying (Chapter 34-17.001, Florida Statutes).
The undersigned surveyor has not been provided a current title opinion or abstract of title affecting this or boundary to the property shown hereon and the same is not to be relied upon for the same. The undersigned surveyor is not responsible for the accuracy of the information shown hereon, nor for the accuracy of the information shown hereon, nor for the accuracy of the information shown hereon.

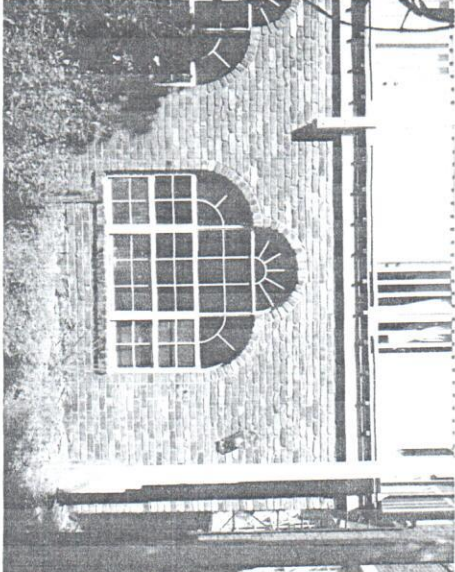
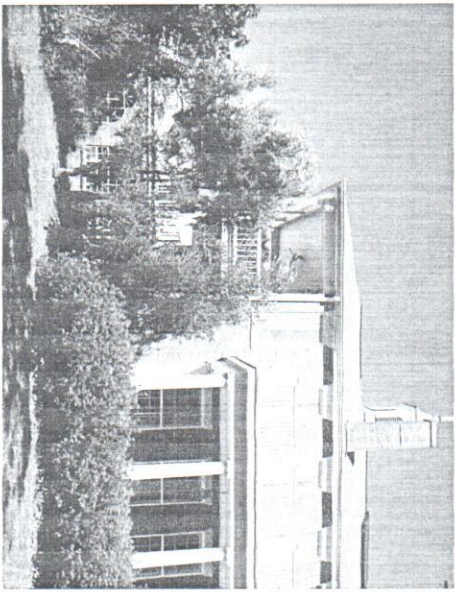
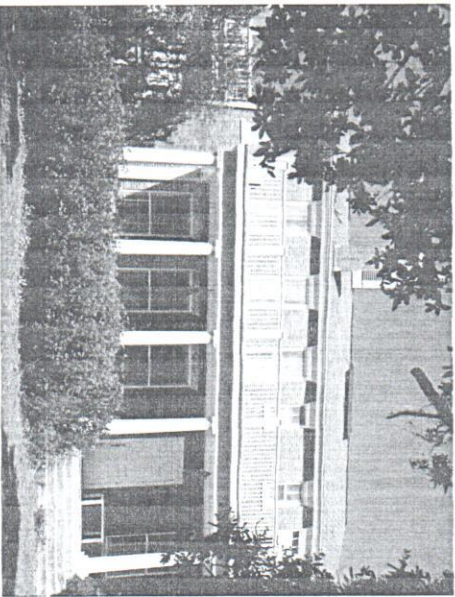
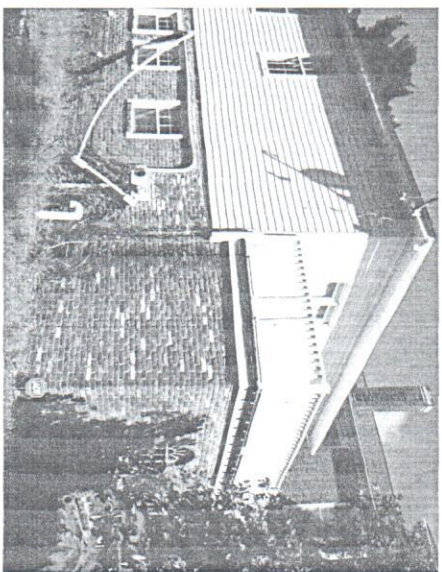
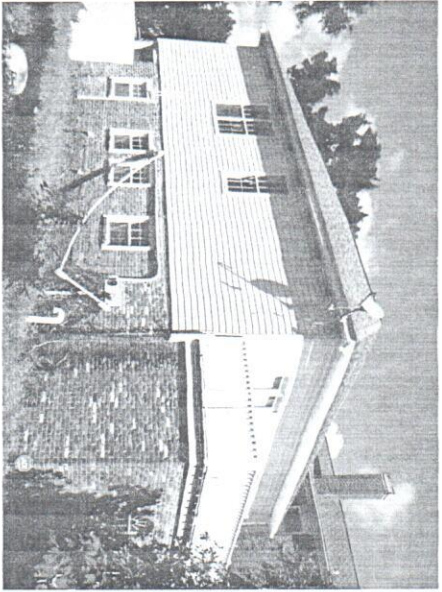
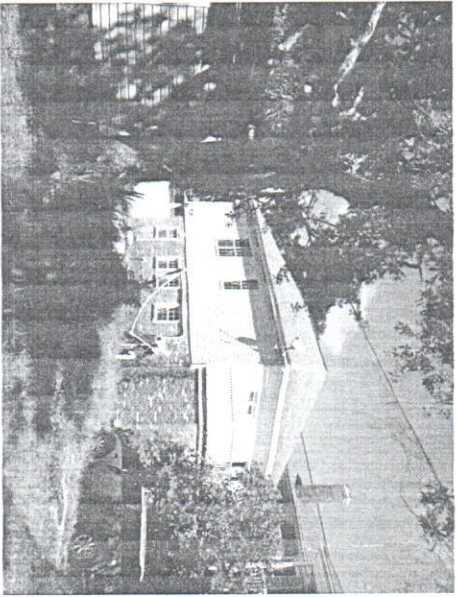
JAMES I. RODDENBERRY
Surveyor and Mapper
Florida License No. 4281

TR & A
THURMAN RODDENBERRY & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS AND MAPPERS
P.O. BOX 100 • 1213 HILTON STREET • SPRINGFIELD, FLORIDA 32118
PHONE: 386.438.2328 FAX: 386.438.2328
1213 HILTON STREET
SPRINGFIELD, FLORIDA 32118

DATE: 11/29/17
DRAWN BY: JIB
DATE OF LAST FIELD WORK: N/A
JOB NUMBER: 17-448

BOUNDARY AREA TOTAL: 29,745 square feet
IMPERVIOUS AREA TOTAL: 8974 square feet
DIFFERENCE: 20,771 square feet

ADD FOR POOL AREA: 960 sf
ADD FOR POOL PATIO AREA: 480 sf
ADD FOR SCREENED PORCH: 188 sf
TOTAL ADD: 1628 sf
NEW TOTAL: 10,602 sf
PERCENT LOT COVERAGE: 35.65%



Mc LEMORE / REVISIONS

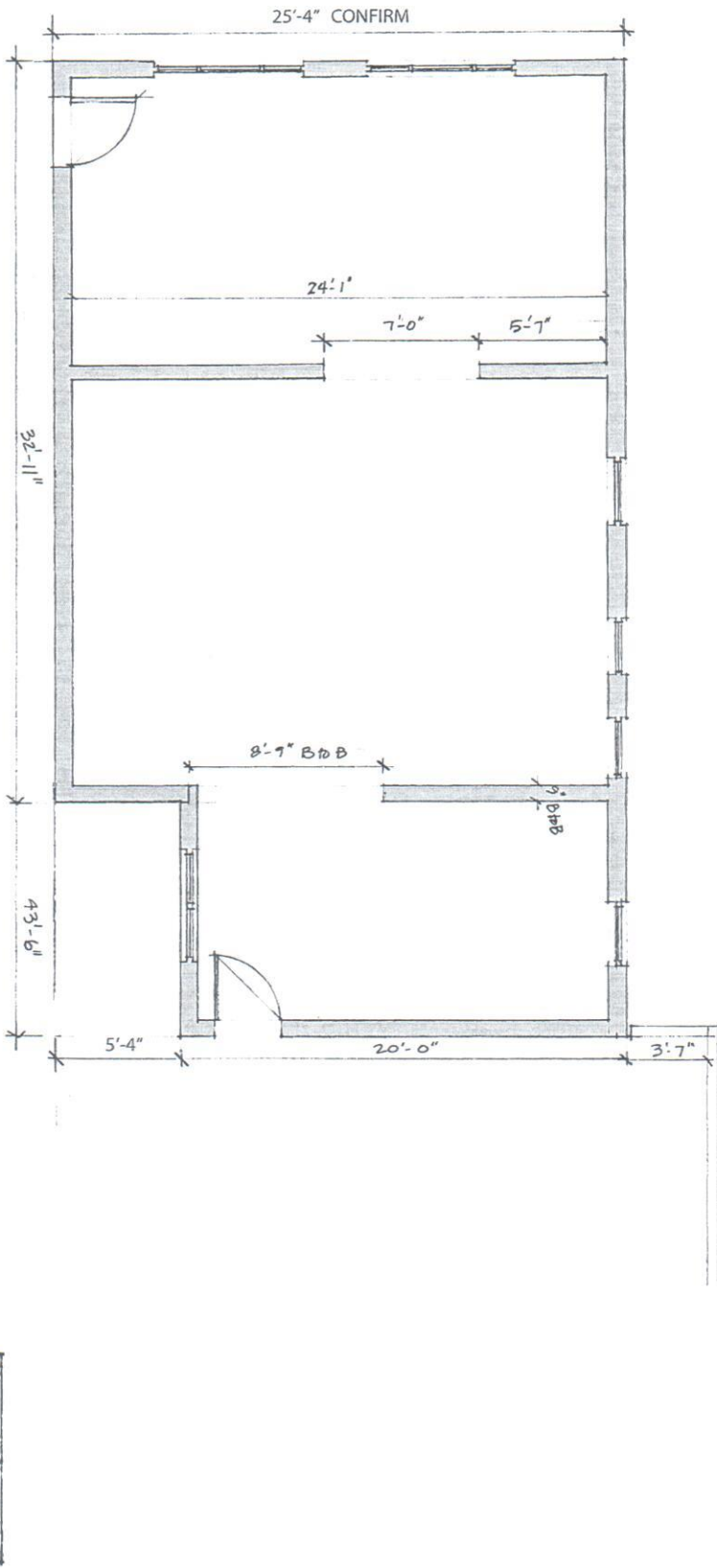
DATE: 30 NOVEMBER 2017

george coon inc

residential · planning · design

252 Sixth Street · Apalachicola · FL 32320 · (850)227 6898 · georgecoon@gmail.com

A0



MEASURED EXISTING BUILDING
SCALE: 3/16"



Mc LEMORE / REVISIONS

DATE: 30 NOVEMBER 2017

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A1



EXISTING 2 STORY BUILDING

EXISTING RESIDENCE

McLEMORE / REVISIONS

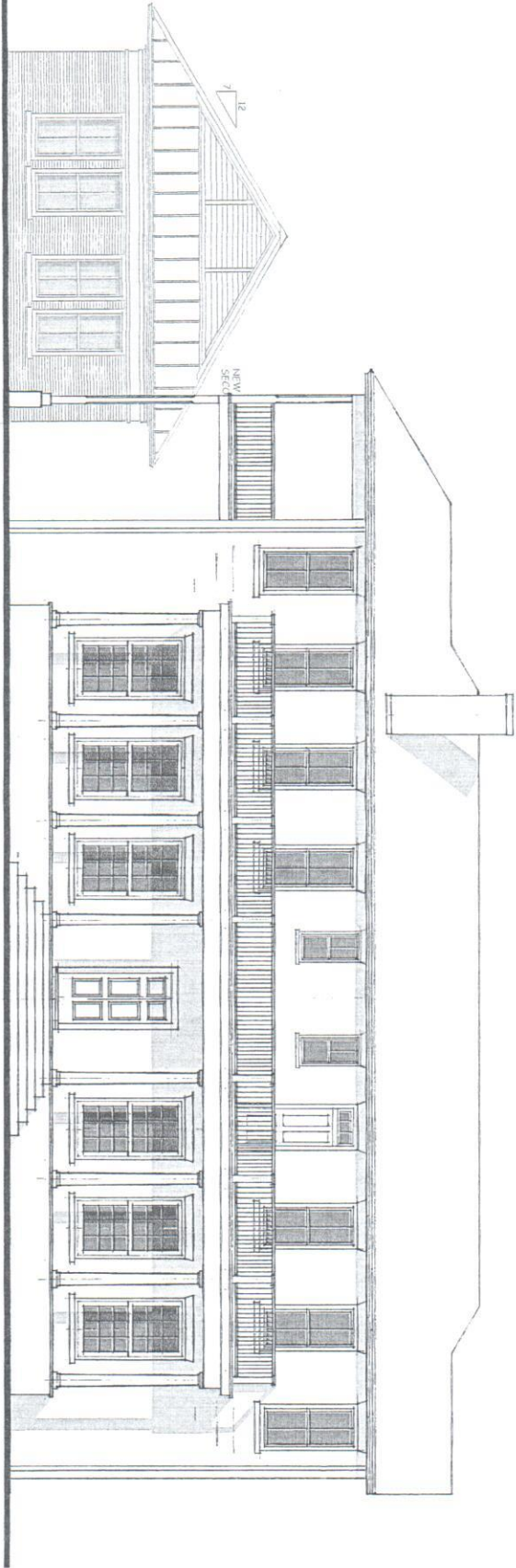
DATE: 30 NOVEMBER 2017

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A3



STREET FRONT ELEVATION

Mc LEMORE / REVISIONS

DATE: 30 NOVEMBER 2017

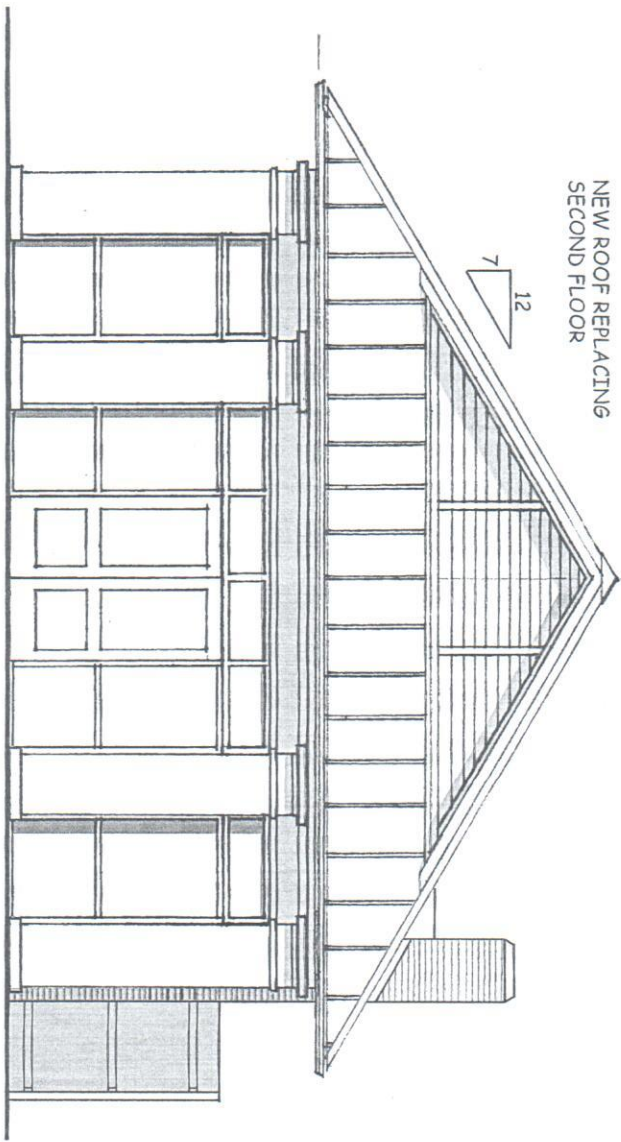
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A4

NEW ROOF REPLACING
SECOND FLOOR



POOL SIDE PROPOSED "A"
SCALE: 1/4"

Mc LEMORE / REVISIONS

DATE: 30 NOVEMBER 2017

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A7