

CITY OF APALACHICOLA
BOARD OF ADJUSTMENT
PUBLIC HEARING & SPECIAL MEETING
WEDNESDAY SEPTEMBER 18th, 2019
Community Center/City Hall - 1 Bay Avenue

AGENDA

I. Public Hearing & Special Meeting- 6:00 PM

1. The Apalachicola Board of Adjustment will hold a Public Hearing at its Special Meeting called for that purpose on Wednesday, September 18th, 2019 at 6:00 P.M. at the Community Center Meeting Room, 1 Bay Avenue, Apalachicola, Florida for the Consideration of Order on the previous Quasi-Judicial hearing decision of May 21, 2018 of the Variance Request application of Patricia McLemore (Applicant) relating 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.

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.

Further information on these items may be obtained from or sent to Kelly Simpson at the City of Apalachicola Community & Development Administration Office, 1 Avenue E. Apalachicola, Florida at (850) 653-1522 or emailed to CityofApalachicola@gmail.com All interested persons are invited to attend and present information for the consideration of the Board of Adjustment in accordance with the Policy for Quasi-Judicial Hearings..

The City of Apalachicola adheres to the Americans with Disabilities Act and will make reasonable modifications for access to this meeting upon request. Please call the City Hall of the City of Apalachicola (653-9319) to make a request of this nature. Requests must be received at least seven (7) days in advance of the meeting in order to allow time to provide the requested service.

Any person wishing to appeal any final decision made by the City of Apalachicola Board of Adjustment on this issue will need a record of the proceedings resulting from this public hearing and for that purpose, such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

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 Kelly Simpson, (850)653-9319, cortnibankston@cityofapalachicola.com

BOARD OF ADJUSTMENT
CONSIDERATION OF ORDER

The Board of Adjustment for the City of Apalachicola will hold a Special Meeting on Wednesday, September 18, 2019 at 6:00 P.M. at the Community Center Meeting Room, 1 Bay Avenue, Apalachicola, Florida. The purpose of the meeting is for the Consideration of Order of the Patricia McLemore Variance Hearing, 101 Bay Avenue, Apalachicola, FL 32920.

The City of Apalachicola adheres to the Americans with Disabilities Act and will make reasonable modifications for access to this meeting upon request. Please call the City Hall of the City of Apalachicola (850-9319) to make a request of this nature. Requests must be received at least three (3) business days in advance of the meeting in order to allow time to provide the requested service.

Further information about this meeting may be obtained from Kelly Simpson at the City of Apalachicola Community & Development Administrative Office, 192 Coach Wagoner Blvd. Apalachicola, Florida at (850) 658-9319.

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 Groce

Quasi Judicial Application Review

Project: Patricia McLamore renovation

Reviewer: C. Clark

Site address: 101 Bay Avenue, Apalachicola

City Administrator

Leo Marbes

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.

City Clerk

Deborah Guillotte

City Attorney

J. Patrick Floyd

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. ($7 \times 8.5 = 59.5$ - 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 facade 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

Incorporated 1821 - One of Florida's Oldest Historic Seaports

AFFIDAVIT OF
PROOF OF PUBLICATION
(S.50.051, FS)

THE TIMES

Published Weekly
Apalachicola, Franklin County, Florida
STATE OF FLORIDA
COUNTY OF FRANKLIN

Before the undersigned authority personally appeared

Robin Hoxie

who on oath says that he/she is Advertising Sales Rep of the The Times, a weekly newspaper published at 129 Commerce Street Franklin County, Florida; that the attached copy of advertisement, being in the matter of

SEE ATTACHED

was published in said newspaper in the

Issue(s) of September 5th 2019

Affiant further says *The Times* is a newspaper published at 129 Commerce Street, in said Franklin County Florida, and that said newspaper has heretofore been continuously published in said Franklin County, Florida, and each Thursday and has been entered as second class mail matter at the post office in Apalachicola, Franklin County, for a period of 1 year next preceding the First publication of the attached copy of advertisement; And Affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

5th day of September, 2019

By Robin Hoxie, who is

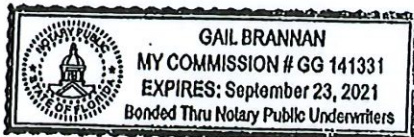
personally known to me or who has produced

_____ (type of identification),

as Identification.

Gail Brannan

Signature of Notary



Print, Type, or Stamp Commissioned
Name of Notary Public

BOARD OF ADJUSTMENT CONSIDERATION OF ORDER

The Board of Adjustment for the City of Apalachicola will hold a Special Meeting on Wednesday, September 18, 2019 at 6:00 P.M. at the Community Center Meeting Room, 1 Bay Avenue, Apalachicola, Florida. The purpose of the meeting is for the Consideration of Order of the Patricia McLemore Variance Hearing, 101 Bay Avenue, Apalachicola, FL 32320.

The City of Apalachicola adheres to the Americans with Disabilities Act and will make reasonable modifications for access to this meeting upon request. Please call the City Hall of the City of Apalachicola (653-9319) to make a request of this nature. Requests must be received at least three (3) business days in advance of the meeting in order to allow time to provide the requested service.

Further information about this meeting may be obtained from Kelly Simpson at the City of Apalachicola Community & Development Administrative Office, 192 Coach Wagoner Blvd. Apalachicola, Florida at (850) 653-9319.

QUASI JUDICIAL VARIANCE DECISION
BOARD OF ADJUSTMENT – MCLEMORE
MAY 21, 2018

This Variance came on before the Board of Adjustment of the City of Apalachicola on May 21, 2018 at 5:00 P.M. as properly noticed and advertised. After the introduction of the subject matter, Anna Maria Cannatella agreed to perform the chairperson duties in light of the absence of chairperson Carrie Kienzle. Other members present were Atul Patel, Dennis Winterringer and Fonda Davis.

There was no objection to the Board Members hearing this matter after discussion of all extra judicial communication or inspection. The staff report with notices and communication on this subject was accepted into evidence and marked as Exhibit 1. The applicant/property owner presented the Variance request. There were no persons present during the evidentiary portion of the hearing who gave testimony or evidence in opposition to the Variance request.

The building is accepted as an Historic structure through documentation received from the Florida Master Site Plan. It is also uncontested that the building is nonconforming- extending into and beyond the required 15 feet side set back and into the City of Apalachicola, alley easement by approximately 2 feet for a total square foot of existing nonconformity of approximately 360 square feet. It is proposed through the Variance requested that the addition would extend the present nonconformity by an additional approximately 60 square feet to the nonconforming structure within the side set back and City alleyway.

The applicant advised that the applicant will, if the Variance requested is granted by the Board of Adjustment of the City of Apalachicola, (although not involved in the Variance process), return a smaller brick side building to original historic height (a one-story brick restroom facility) by removing a more recently added wood framed upper floor. Furthermore, the more recently added arched windows would be replaced with simple neo-Georgian rectangular windows, more in keeping with the original style of the original historic structure and represented on the adjacent house. The applicant would extend the length of the building by adding 8.5 feet as a screened porch addition to the rear of the building which building will be used as a small dressing area/studio for a proposed back yard swimming pool.

The staff planner notes and provides by testimonial evidence that Section 111.A.3.b. of Ordinance 1991-7 (as amended 2017-05) 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.” 111.A.3.b.

Furthermore, staff report notes that Ordinance 2017-05 amends Ordinance 91-7 and provides for limited relief for the restoration and renovation of historic and non-historic non-conforming structures. However, it is further stated in the staff re port that the intent of this Ordinance 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

111.A.3.b”. “Existing nonconformities of a structure shall not be used as grounds for adding other structures prohibited elsewhere in the same district”. (February 2, 2018 Staff Report Analysis). Staff recommendation was that the Variance should be denied due to failure to meet the hardship requirements for the expansion.

The question of whether the Variance should be granted under Ordinance 91-7 (as amended 2017-05) is determined by whether “there is sufficient grounds to determine that reasonable use of property would be denied without such Variance”. Section 111.A.3.b. “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”.

However, after consideration of the evidence, the Board finds and concludes by majority vote that the preservation of the historic building and return to historic features as much as possible during the course of the development outweighs the extension of the nonconformity for the present screened porch addition. It has been unconditionally stated by applicant at the hearing that the renovation of the building to return to its historic height and window appearance will not be possible and will not be done without the Variance allowing the additional screen porch extension of the nonconformity. The resulting expansion will continue the building footprint encroachment over the five foot set back and 2 feet into the alleyway for the additional 8.5 feet being added onto the length of the building and will not be seen from Bay Avenue. The across the alley closest neighbor was supportive and in favor of the variance being granted.

Board member, Dennis Winterringer voted no to the Variance stating that the evidence did not meet the requirements for establishment of a Variance citing in particular the failure to establish a hardship by the evidence submitted; that the denying of the Variance application would not deny reasonable use of the property; and, that the development proposal by the Variance would extend and enlarge the present nonconformity in the set back and alleyway.

Wherefore, the Variance is hereby granted by the Board of Adjustment. It should be noted that the additional encroachment into the City right of way (alleyway) must be approved by the City Commission as this is outside of the jurisdiction of the Board of Adjustment.

Acting Chair Person

Order approved by the Board of Adjustment of the City of Apalachicola, this ____ day of _____, 2019.

QUASI JUDICIAL VARIANCE DECISION
BOARD OF ADJUSTMENT-MCLEMORE

May 22, 2018

This Variance came on before the Board of Adjustment of the City of Apalachicola on May 22, 2018 at 5:00 P.M. as properly noticed and advertised. After introduction of the subject matter, Anna Maria Cannatella agreed to perform the chairperson duties in light of the absence of chairperson Carrie Kienzle. Other members present were Atul Patel, Dennis Winterringer and Fonda Davis.

There was no objection to the Board Members hearing this matter after discussion of all extra judicial communication or inspection. The staff report with notices and communications on this subject was accepted into evidence and marked as Exhibit 1. The applicant/property owner presented the Variance request. There were no persons present during the evidentiary portion of the hearing who gave testimony or evidence in opposition to the Variance request.

The building is accepted as an Historic structure through documentation received from the Florida Master Site Plan. It is also uncontested that the building is nonconforming---extending into and beyond the required set back and into the City of Apalachicola, alley easement by approximately 2 feet for a total square foot of existing nonconformity of approximately 100 square feet. It is proposed through the Variance requested that the addition would extend the present nonconformity by an additional approximately 60 square feet to the nonconforming structure within the City alleyway (additional 2 feet into the City alleyway).

The applicant advised that the applicant will, if the Variance requested is granted by the Board of Adjustment of the City of Apalachicola, (although not involved in the Variance process) return a smaller brick side building to original historic height (a one-story brick restroom facility) by removing a more recently added wood framed upper floor. Furthermore, the more recently added arched windows would be replaced with simple neo-Georgian rectangular windows, more in keeping with the original style of the original historic structure and represented on the adjacent house. The applicant would extend the length of the building by adding 8.5 feet as a screened porch addition to the rear of the building which building will be used as a small dressing area/studio for a proposed back yard swimming pool.

The staff planner notes and provides by testimonial evidence that Section 111.A.3.b of ordinance 1991-7 (as amended 2017-05) 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". 111.A.3.b.

Furthermore, staff report notes that Ordinance 2017-05 amends Ordinance 91-7 and provides for limited relief for the restoration and renovation of historic and non-historic non-conforming structures. However, it is further stated in the staff report that the intent of this

Ordinance 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 111.A.3.b". "Existing nonconformities of a structure shall not be used as grounds for adding other structures prohibited elsewhere in the same district". (February 2, 2018 Staff Report Analysis). Staff recommendation was that the Variance should be denied due to failure to meet the hardship requirements for the expansion.

The question of whether the Variance should be granted under Ordinance 91-7 (as amended 2017-05) is determined by whether "there is sufficient grounds to determine that reasonable use of property would be denied without such Variance". Section 111.A.3.b. "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".

However, after consideration of the evidence, the Board finds and concludes by majority vote that the preservation of the historic building and return to historic features as much as possible during the course of the development outweighs the extension of the nonconformity for the present screened porch addition. It has been unconditionally stated by applicant at the hearing that the renovation of the building to return to its historic height and window appearance will not be possible and will not be done without the Variance allowing the additional screen porch extension of the nonconformity. The resulting expansion will continue the building footprint encroachment over the five foot set back and 2 feet into the alleyway for the additional 8.5 feet being added onto the length of the building and will not be seen from Bay Avenue. The across the alley closest neighbor was supportive and in favor of the variance being granted.

Board member, Dennis Winterringer voted no to the Variance stating that the evidence did not meet the requirements for establishment of a Variance citing in particular the failure to establish a hardship by the evidence submitted; that the denying of the Variance application would not deny reasonable use of the property; and, that the development proposal by the Variance would extend and enlarge the present nonconformity in the set back and alleyway.

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.....
Acting Chair Person

Order approved by the Board of Adjustment of the City of Apalachicola, this ____ day
of _____, 2018.

.....

Cortni Bankston

From: Caroline Kienzle <caroline.kienzle@gmail.com>
Sent: Sunday, May 20, 2018 5:08 PM
To: Anna-Maria Cannatella; Cortni Bankston
Subject: McEmore Request BOA

Dear BOA:

We are neighbors of the McEmore's. We have discussed their plans to enhance the historic structure on their property with a screened in porch. We support their plans. We encourage you to consider the positive effects this will have on this historic property.

Sincerely,
Charley and Carrie Kienzle
15 8th Street
Apalachicola, Fl

May 16, 2018

Ms. Cortni Bankston
Building Department
City of Apalachicola
192 Coach Wagoner Street
Apalachicola, Fl. 32320

RE: Variance application of Lee & Patricia McLemore, 101 Bay Avenue

Dear Cortni,

I represent the Historic Apalachicola Foundation Inc., a local not-for-profit founded by Marie Marshall and others in 1988 whose mission is to protect and preserve the unique and precious features of Apalachicola.


The application for a variance to expand a non-conforming structure which already encroaches into the alley should be DENIED for several reasons. The alleys are fundamental to the 1831 plat of this City and pre-date the "historic structure" the McLemores seek to expand. The alleys belong to the citizens of Apalachicola which the City holds in trust for the public (Roney Inv. Co. v. City of Miami Beach, 174 So.26,29 (Fla, 1937) copy attached) thus requests to build or expand anything into them should be DENIED as a matter of City policy and practice. In fact, these applicants should be made to remove the existing encroachments, not expand them. Further, the City's Land Development Code definition #204 states "expansion of a use otherwise prohibited shall not be allowed by a variance, nor shall a variance be granted because of the presence of non-conformities..." and Section III Enforcement and Administration states "no non-conforming... structures... shall be considered as grounds for issuance of a variance..."

The Board of Adjustment may grant applications when the applicants sufficiently document a hardship. This is not the situation of these applicants. They own all five lots on the east side of their block and could easily redesign and relocate what they wish to build entirely within the boundaries of the property they own.

For these reasons, I am asking the City and its Board of Adjustment to DENY this application. Please provide copies of this letter to each member of the Board.

For the good of the City,

Sincerely,


Diane K. Brewer
159 Avenue B

Court exclude the admission into evidence of any and all documentary and testimonial evidence related to ECF No. 39-39, ECF No.39-40, ECF No. 39-41, ECF No. 38-8, ECF No.42-2 and ECF No. 39-17.

Section 26 of the City's alleged agreement with Denton Cove (ECF No.39-40, ECF No. 39-41, ECF No. 38-8, and ECF No.42-2) is void based upon public policy.

Even if the City's alleged contracts were not void based upon a violation of Florida Sunshine Law and the doctrine of sovereign immunity, Section 26 of these contracts, relating to the obligation to abandon streets and alleys, is void based upon public policy

"That the Legislature exercises plenary control over public highways, whether they be public state or county roads or streets in municipalities, is established beyond question in this state." Roney Inv. Co. v. City of Miami Beach, 174 So. 26, 29 (Fla. 1937). "Also, it has been recognized that a city has not power to sell or barter the streets and alleys which it holds in trust for the benefit of the public and cannot vacate a street for the benefit of a purely private interest." Id. at 29. See also, AGO 078-125 [recognizing that "[i]t would be beyond the power of a city to grant or

Cortni Bankston

From: Julie Shiver <jbrockshiver@yahoo.com>
Sent: Sunday, May 20, 2018 3:13 PM
To: cortnibankston@cityofapalachicola.com; bridgessouth@gtecom.net;
caroline.klenzle@gmail.com
Subject: Mclemore Variance

City of Apalachicola;

We received a letter from the City of Apalachicola regarding a request from Patricia Mclemore asking to build a screened porch inside their existing fence line. We understand that they are going to remove a second floor from the existing building to add the screened porch that will require the variance from the city. In the past, as homeowners in the City of Apalachicola, we have requested variances in order to complete projects that in the end have made our property more functional and we do not have a problem with the Mclemore variance being approved.

Thank you in advance for your attention to this matter.

Sincerely,
Skip and Julie Shiver
113 Avenue B
Apalachicola, Florida

Sent from my iPhone

Cortni Bankston

From: eloise nichols <sisyyvirg@yahoo.com>
Sent: Sunday, May 20, 2018 2:57 PM
To: cortnibankston@cityofapalachicola.com; caroline.kienzle@gmail.com; bridgessouth7@gmail.com
Subject: Quasi Judicial Public Hearing - McLemore Variance Request

I own the property on 12 7th Street (corner of 7th Street and Bay Avenue). I am not opposed to the McLemore's getting a variance to build their porch as an addition to their home. I understand that they will be inside their existing fence line and I have no problem with them doing so. I believe this will also enhance the beauty of the home and property.

I appreciate your consideration of my opinion. Thank you.

Sincerely,
Eloise V. Nichols

Cortni Bankston

From: Emilliken@mediacombb.net
Sent: Sunday, May 20, 2018 2:06 PM
To: cortnibankston@cityofapalachicola.com; Caroline Kienzle
Cc: Bridgessouth7@gmail.com; Mark and Elizabeth Milliken
Subject: McLeMore request--Please pass to BOA

Dear BOA,

I am writing to express my support for the variance that the McLeMore family has requested. As the closest neighbor across the alley, I have a direct view of this building from my kitchen window. I understand that the historic brick building is nonconforming in the alley. In order for the McLeMores to make this a better utilized and functioning building for their family needs their plan in to take off the unsightly second floor addition which will make the historic building much more in keeping with its original look. Their plan is to keep all construction within their fence line. As a nearby neighbor I have no objections to the variance request.

Mark and Elizabeth Milliken
11 9th Street
Apalachicola



Cortni Bankston <cityofapalachicola@gmail.com>

Fwd: Please deny McLemores application

1 message

Caroline Kienzle <caroline.kienzle@gmail.com>
To: Cortni Bankston <cityofapalachicola@gmail.com>

Sat, May 19, 2018 at 10:19 PM

----- Forwarded message -----

From: jilly michaels <jillpmichaels@yahoo.com>
Date: Fri, May 18, 2018 at 1:59 PM
Subject: Please deny McLemores application
To: Caroline Kienzle <caroline.kienzle@gmail.com>

Hi Carrie

McLemores application to encroach on the alley should be denied for all the reasons that Diane Brewer so well enumerated.

Thank you
jilly michaels

Sent from Yahoo Mail on Android

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

QUEST-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

Wet. Patricia McLeone being first duly sworn, depose and say that we/I own/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 Conn to act as our/our representative in any matters regarding this Petition.

[Signature]
Signature of Property Owner

Signature of Property Owner

Patricia McLeone
Typed or Printed Name of Owner

Typed or Printed Name of Owner

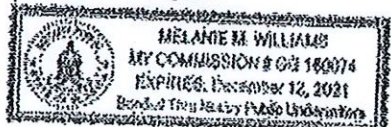
STATE OF FLORIDA
COUNTY OF Franklin

The foregoing instrument was acknowledged before me this 9th day of January 2018, by Patricia McLeone who is personally known to me or has produced [Identification] 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 38"; 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. Bfr469. 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 facade 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 facade, 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 Alley. 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?

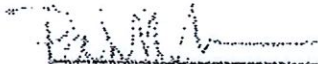
The owner will remove a non-historic second floor from a historic building, (which most likely was added without any review process) This action would definitely be in harmony with the intent and purpose of the Land Development Code. If granting this variance was denied the owner will do nothing which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

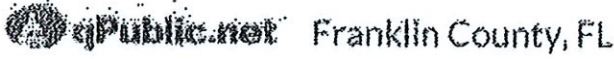
Printed Name of Property Owner

Signature of Property Owner

Printed Name of Property Owner

December 22, 2017

Date



Parcel Summary

Parcel ID: 01-003-00W-0230-0050-0010
 Location Address: 101 HAY AVE
 32920
 Brief Tax Description: BL 20 LOTS 1, 2, 3 A, & 3 C & 2057440 232110 7707889 424-001
 *The Description above is not to be used as legal documents
 Property Use Code: SINGLE FAM (000100)
 Sec Typ/Plng: 1-92-BN
 District: Apalachicola District 21
 Millage Rate: 72.1786
 Ac/Segs: 0.0000
 Homestead: *

View Map

Owner Information

Primary Owner:
 ANTHONY LOG & MATERIALS
 P.O. Box 367
 Apalachicola, FL 32920

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
050000	VAC RES	240.00	FF	0	0
050000	VAC RES	20.00	UT	0	0

Residential Buildings

Building 1
 Type: SINGLE FAM
 Total Area: 4500
 Heated Area: 4773
 Exterior Walls: COMMON BRK
 Roof Cover: COMP SHINGL
 Interior Walls: DNWALL
 Frame Type: MASONRY
 Floor Cover: FINE WOOD
 Heat: AIR-DRCTED
 Air Conditioning: CENTRAL
 Bathrooms: 0
 Bedrooms: 0
 Stories: 2
 Effective Year Built: 1930

Building 2
 Type: SINGLE FAM
 Total Area: 2425
 Heated Area: 1000
 Exterior Walls: COMMON BRK AVERAGE
 Roof Cover: ASB SHINGL
 Interior Walls: DRWALL
 Frame Type: N/A
 Floor Cover: CLAY TILE CARPET
 Heat: AIR-DRCTED
 Air Conditioning: CENTRAL
 Bathrooms: 0
 Bedrooms: 0
 Stories: 0
 Effective Year Built: 1930

Advanced Flood Information Report, Effective Flood Zone Determination for parcel based on the information provided

Effective Flood Map, has been effective since 2/15/2014

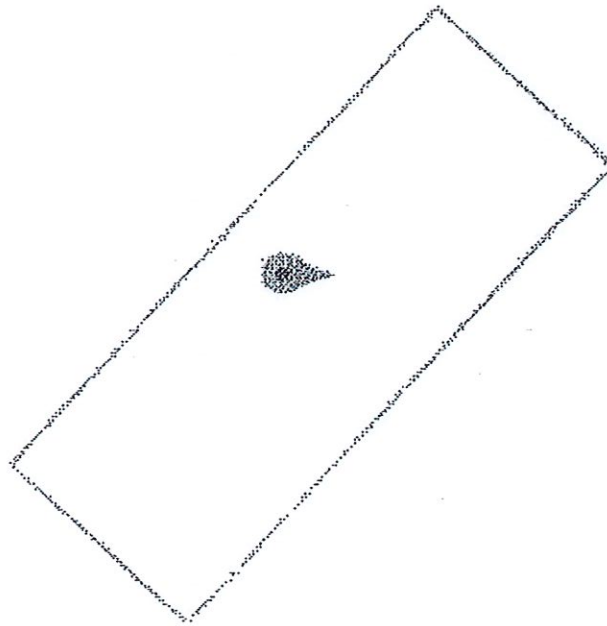
Geographical Information

Latitude/Longitude: 29.721752 / -84.994886

Address: ALLEY APALACHICOLA FL 32320

Parcel ID: 01-095-0841-0330-0036-0010

Form Parcel: 1203703525F (Effective)



Flood Information

Flood Zone Information

Geographic Entity

Location of Interest

Parcel

Base Flood Elevation*

12.0FT
(Effective BFE)

Effective Flood Zone

X

X:99% AE:10%

*The computed elevation to which floodwater is anticipated to reach 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 elevated flooding of structures. The relationship between the BFE structure's elevation determines the flood insurance premium. If measurement is MAND1988.

Legend



Location of Interest



Parcel Outline

FLORIDA MASTER SITE FILE
Site Inventory Form

FD441RM 802

Site No. 5369
 Survey Date 7306
 Site Name Convent of Mercy
 Address of Site Eighth Street
 Instruction for locating at corner of intersection of Bay Ave. & 8th St.
 Location: Original City St. Mary, Star of the Sea
 County Franklin
 Owner of Site: Name Gracida, Rosa H. Bishop of Diocese of
Pensacola, Tallahassee
 Address P.O. Box 13320, Pensacola, FL 32522
 Type of Ownership Individual Recording Date 8-20-72
 Recorder Name & Title Dan G. Deibler, Historic Sites Specialist
 Address FD441RM

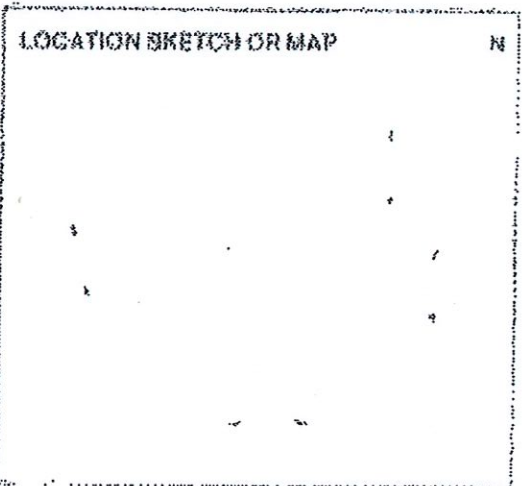
Condition of Site: Integrity of Site: Original Use convent
 Present Use 800
 Date: Beginning 1901/1930
 Cultural Phase 800
 Period 800

NR Classification Category: building
 Threats to Site:
 Areas of Significance: architecture

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, northw segmented pediment.

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

ARCHITECT 872 # #
 BUILDER 874 # #
 STYLE AND/OR PERIOD Georgian Revival 888 # #
 PLAN TYPE L-shape 888 # #
 EXTERIOR FABRIC(S) brick, cement, modern Flemish hood 854 # #
 STRUCTURAL SYSTEM(S) 858 # #
 PORCHES West/ 2nd story gallery, screen enclosed
 842 # #
 FOUNDATION: brick 842 # #
 ROOF TYPE: hip; gable; flat 842 # #
 SECONDARY ROOF STRUCTURE(S): 842 # #
 CHIMNEY LOCATION: 842 # #
 WINDOW TYPE: DHS 12/12 (1st); DHS 2/2 (2nd) 842 # #
 CHIMNEY: brick 842 # #
 ROOF SURFACING: composition shingles 842 # #
 ORNAMENT EXTERIOR: cement; wood 852 # #
 NO. OF CHIMNEYS 3 852 # # NO. OF STORIES 2 852 # #
 NO. OF CORNERS 0 854 # #
 Map Reference (incl. scale & date)
 800 # #
 Latitude and Longitude:
 800 # #
 Site Size (Approx. Acreage of Property):
 833 # #



Township	Range	Section

UTM Coordinates: 812 # #

..... 800 # #

Photograph Records Number 73N00381PS (7) 800 # #

Contact Print

Couple is happy to find home in heart of Apalachicola

By Beverly Sellers
Business and Arts

APALACHICOLA — The historic St. Mary Star of the Sea Church, which sits on the city's main thoroughfare, has been bought by a couple planning to restore it to its former glory.

For Ann Powell, 47, a successful restaurateur in the town who was born in St. Mary's, and her husband, Michael, 41, a successful executive in Apalachicola, the 6,000-sq-ft church is a "great piece of property."

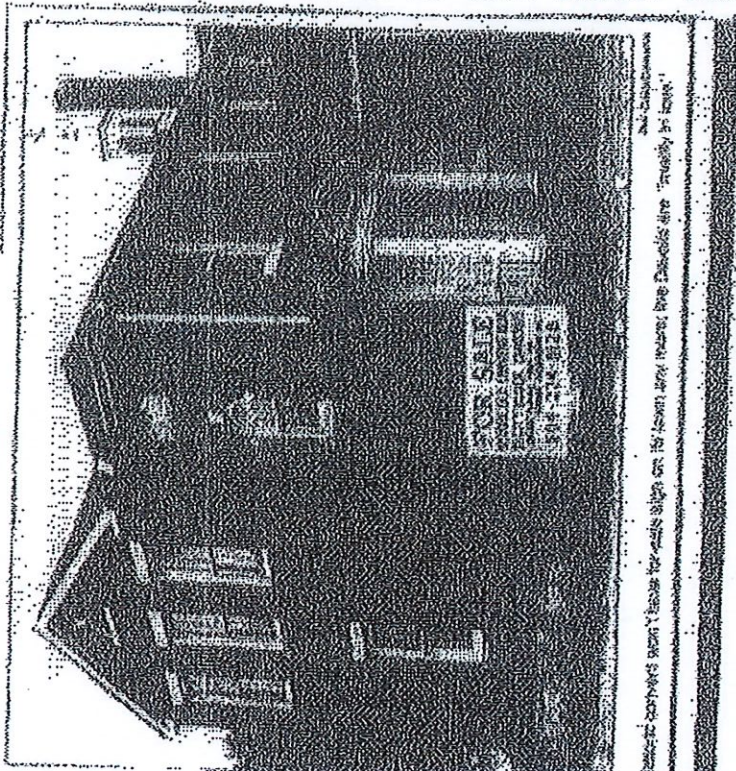
The couple paid \$1.2 million for the 1850s-era church building, which was owned by the Florida Trust for Historic Preservation.

The new owners plan to renovate the church into a bed and breakfast, which would include the building's surrounding grounds.

"We are very excited the church was bought by the Powell family," said Michael Powell, president of the church. "They have a real passion for the building and they're doing people with a real interest in Apalachicola."

The church was the first of its kind in the town. It was built in 1850 and is one of the oldest churches in the state.

For more see PAGE 2C



Home to couple's new business is the historic St. Mary Star of the Sea Church in Apalachicola.

Home

Using the historic St. Mary Star of the Sea Church in Apalachicola as a centerpiece in their new business plan, the couple has bought the historic church building in Apalachicola, Fla.

The couple, Ann Powell, 47, a successful restaurateur in the town who was born in St. Mary's, and her husband, Michael, 41, a successful executive in Apalachicola, the 6,000-sq-ft church is a "great piece of property."

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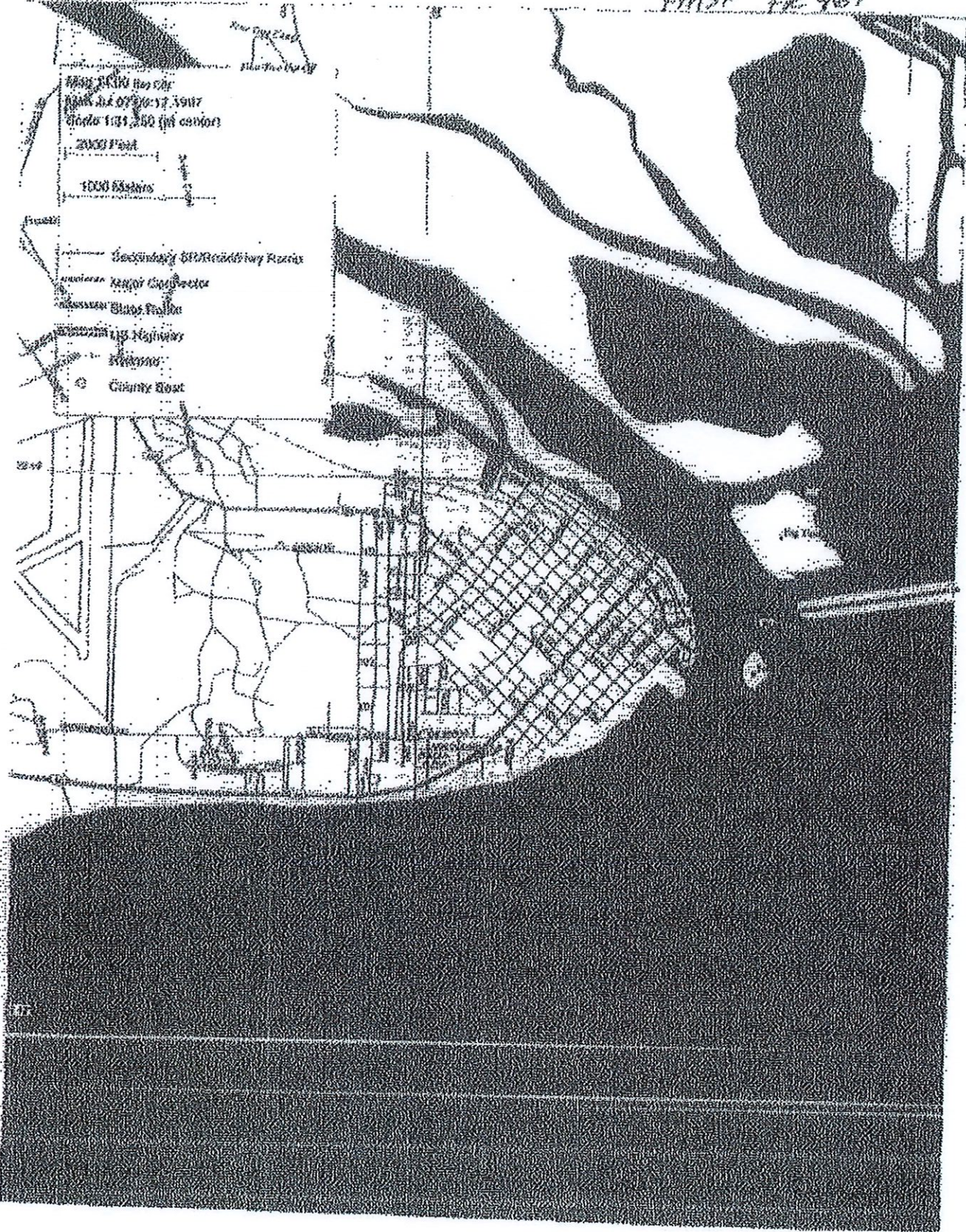
The church was the first of its kind in the town. It was built in 1850 and is one of the oldest churches in the state.

For more see PAGE 2C

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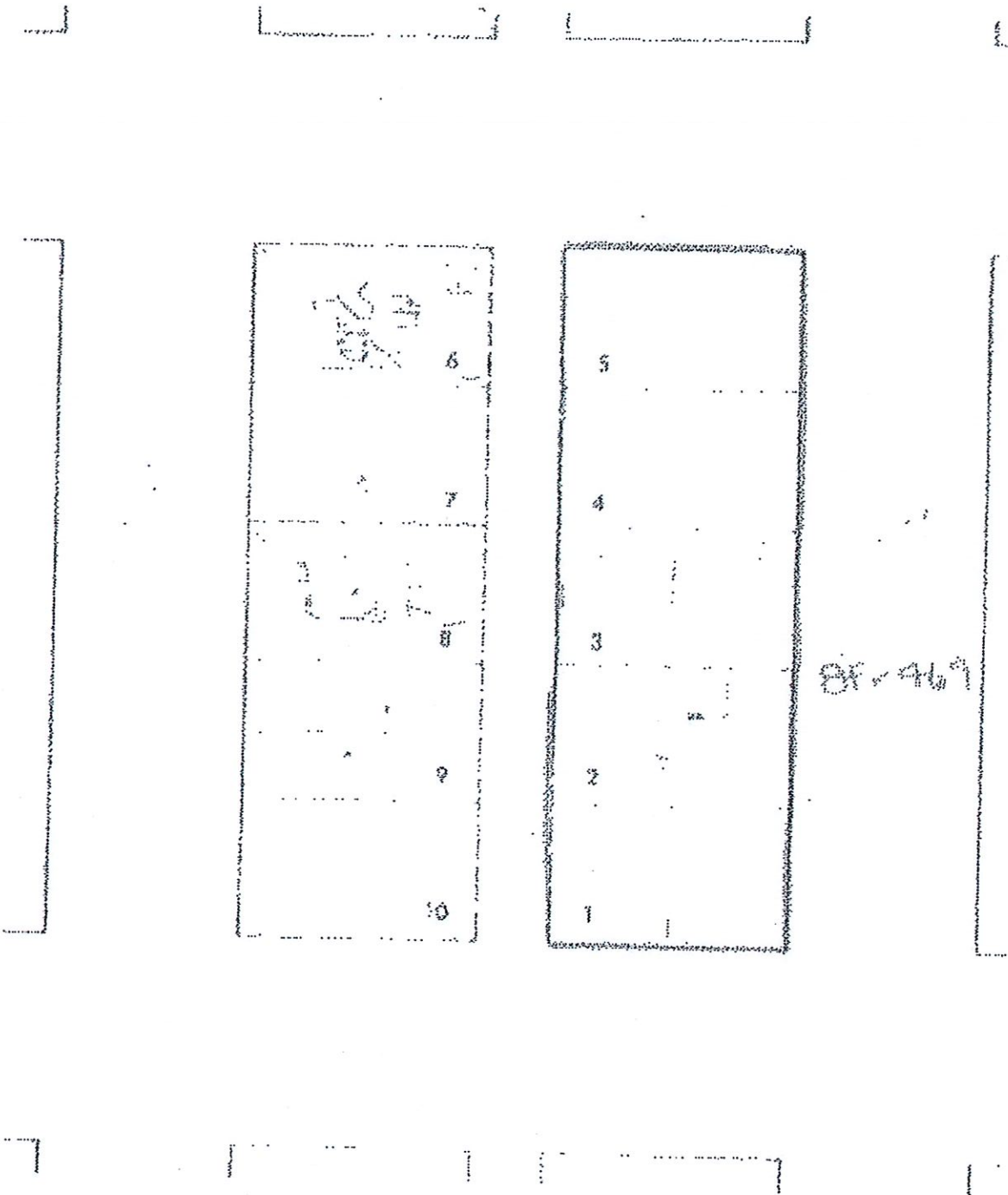
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1000 Meters

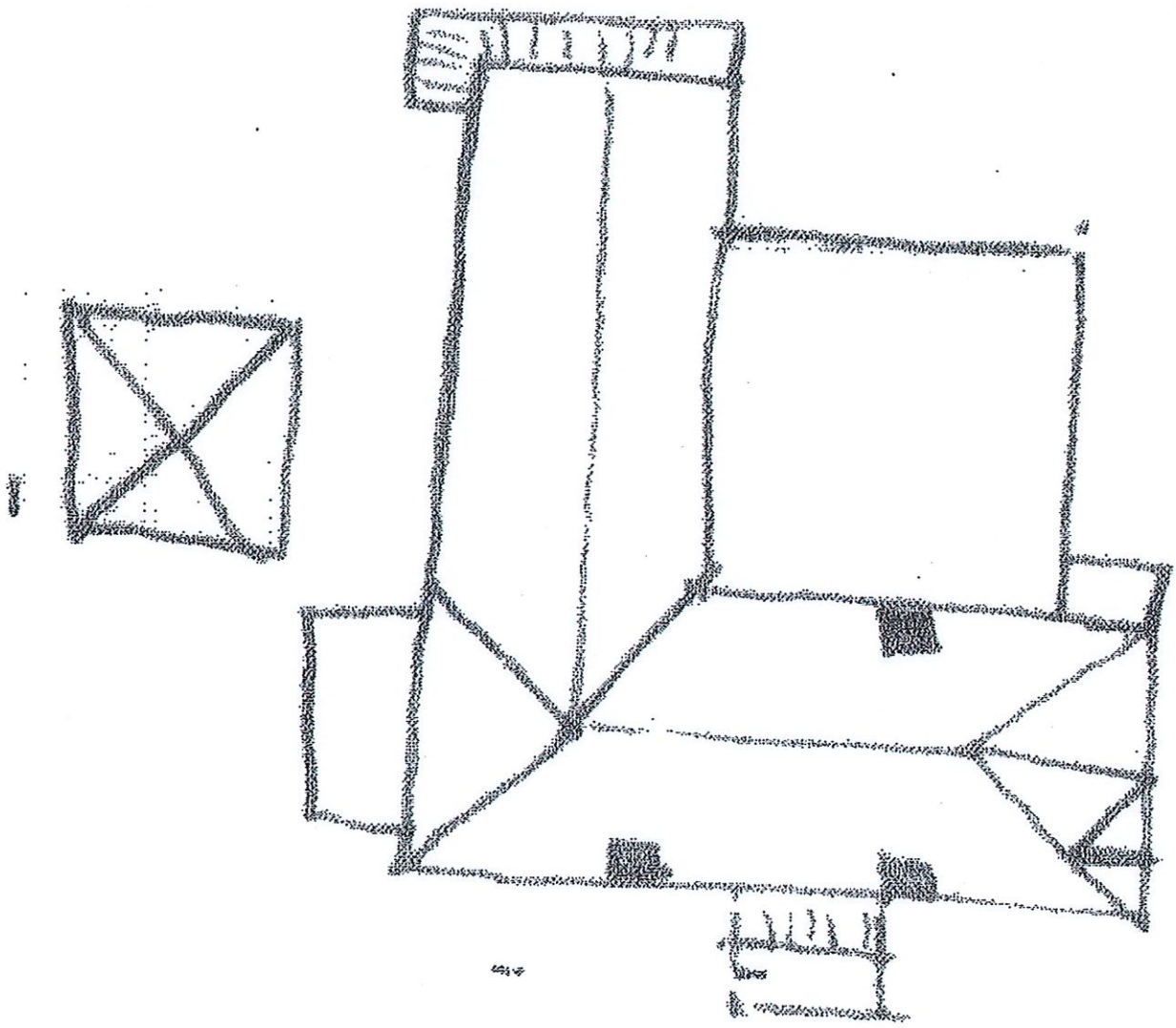
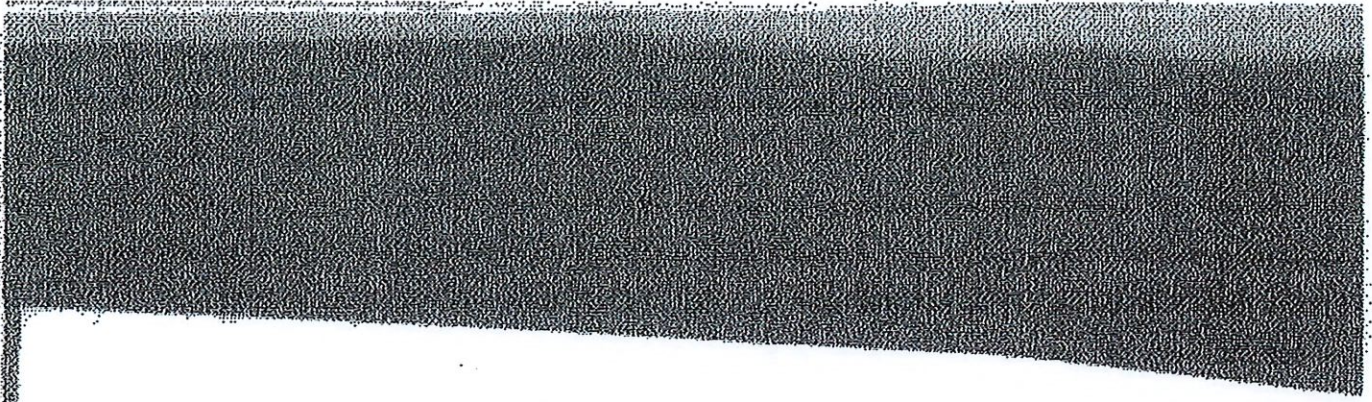
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Major Collector
Minor Collector
Utility

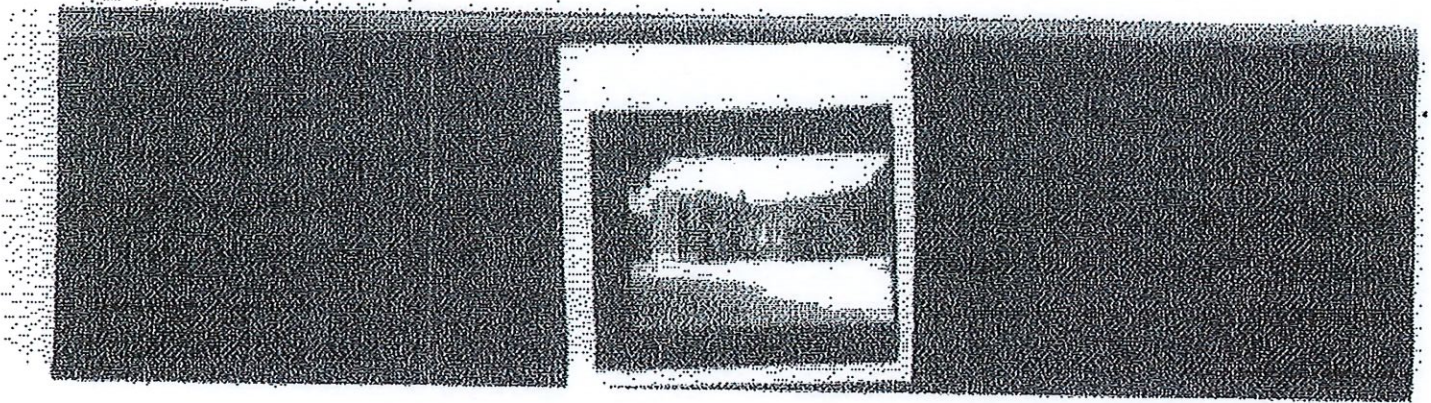
AFALACHICOLA ARCHITECTURAL SURVEY

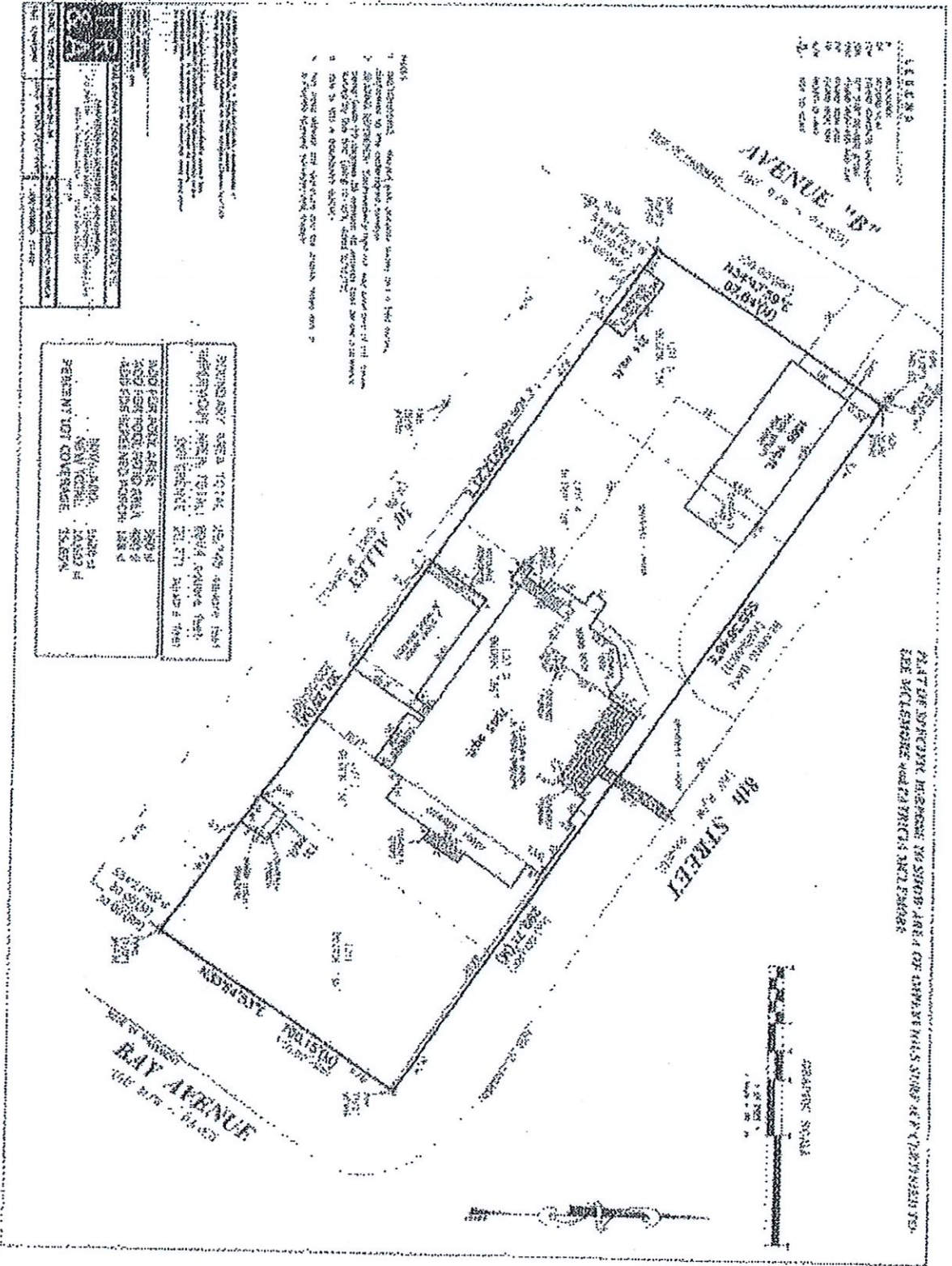
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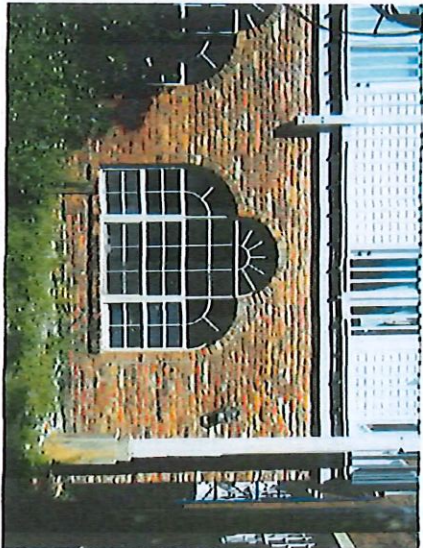
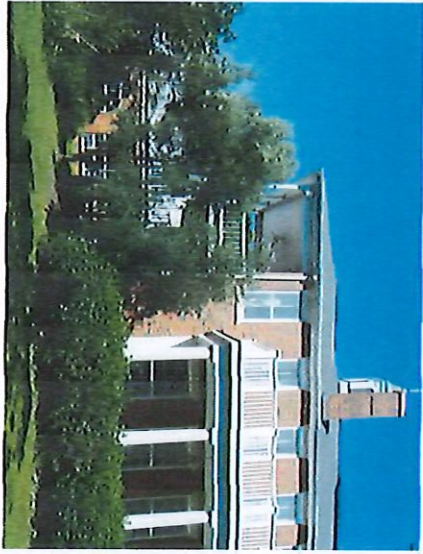
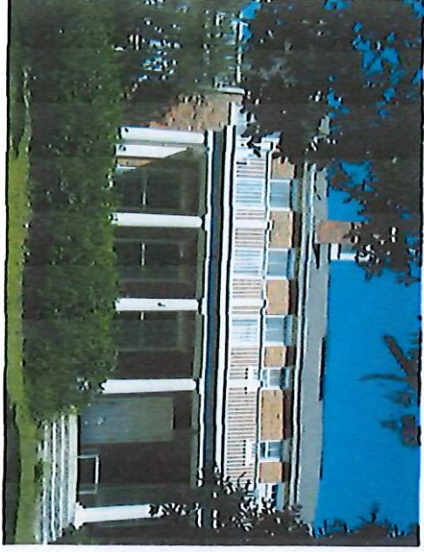
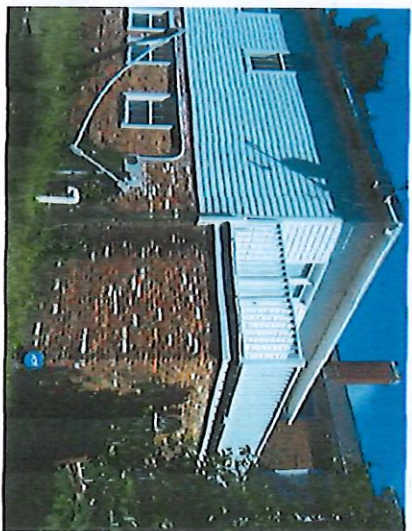
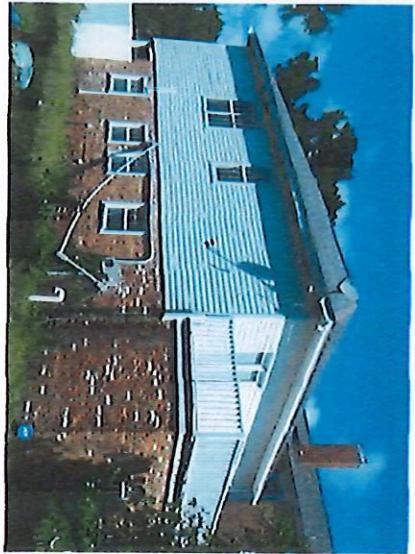
SCALE: 1" = 60'











McLEMORE / REVISIONS

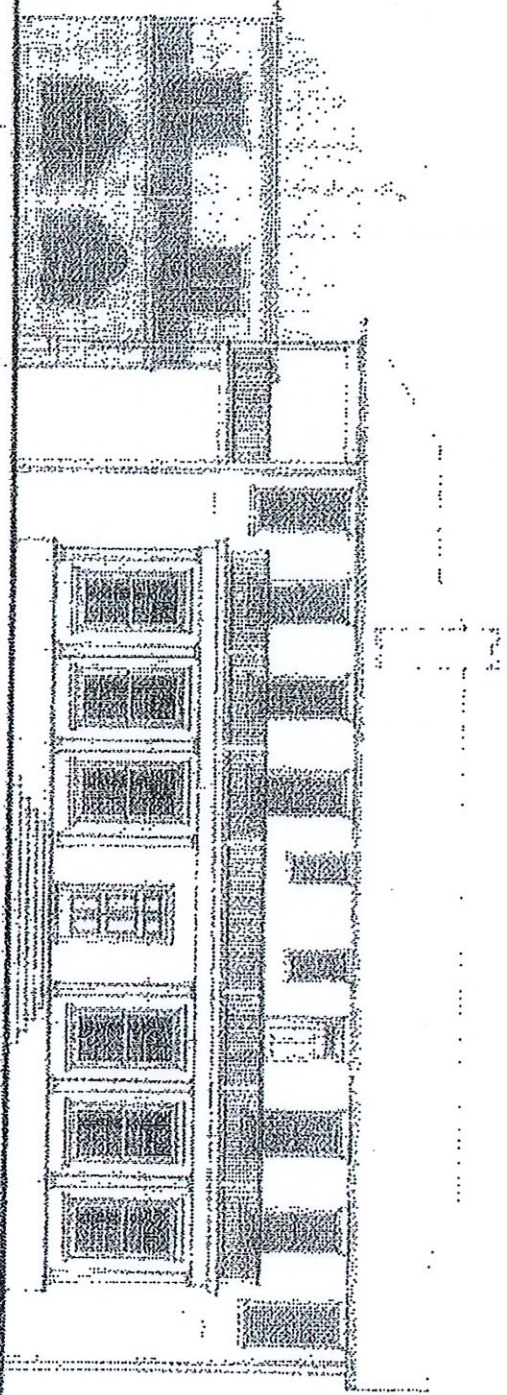
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george coon inc

residential • planning • design

352 Sixth Street • Apalachicola - FL 32320 • (850)227 6898 • georgecoon@gmail.com

A0



EXISTING 2 STORY BUILDING

EXISTING RESIDENCE

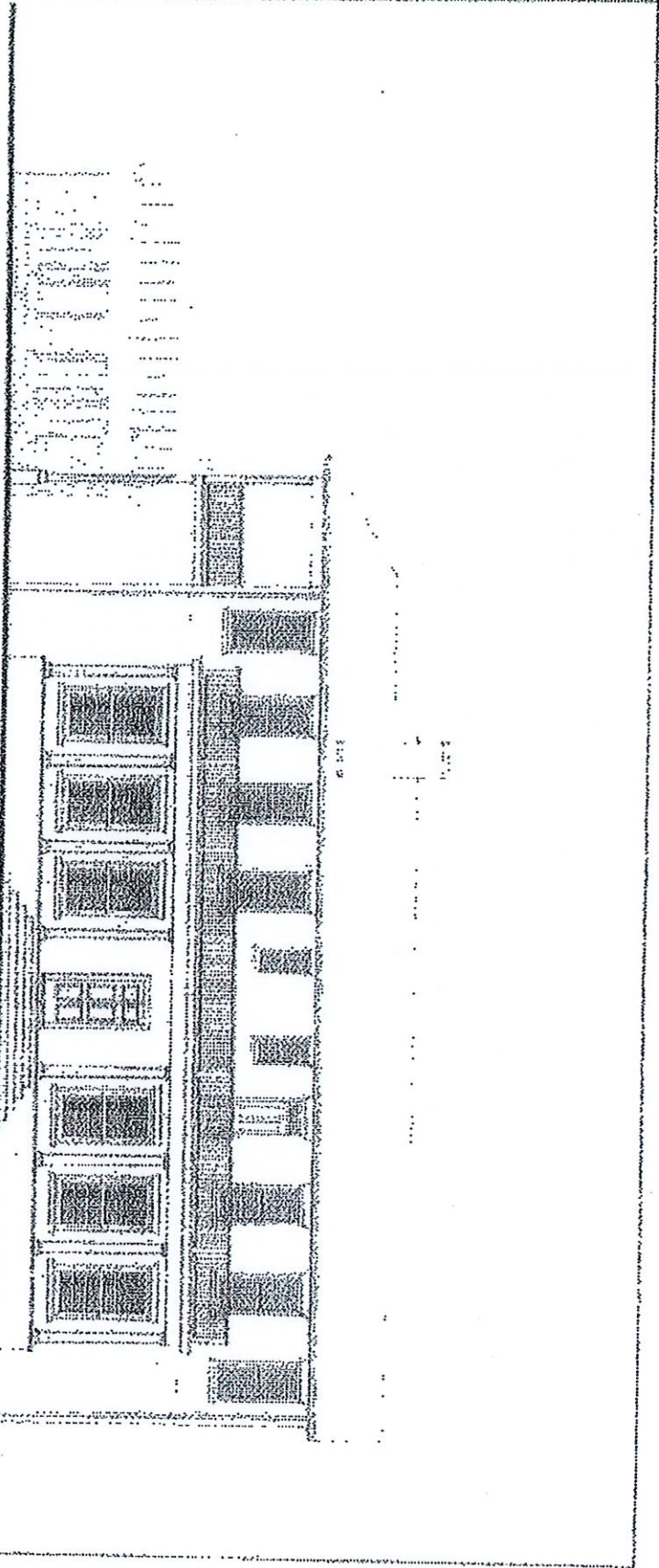
MELMORE / REVISIONS

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GEORGE COON, INC

PHYSICAL DESIGN

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DATE: 30 NOVEMBER 2017

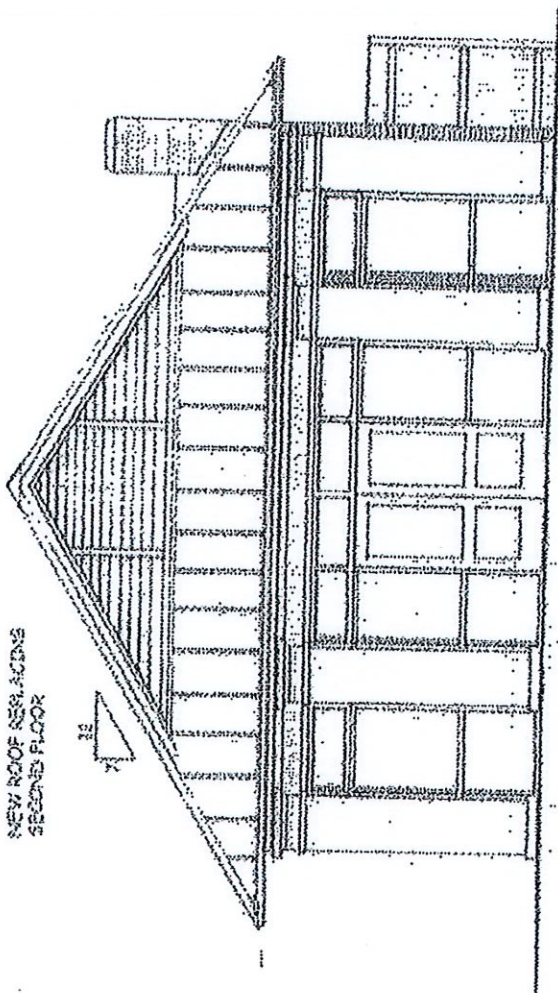
MCLEMORE / REVISIONS

DATE: 30 NOVEMBER 2017

George Coon Inc

George Coon Inc

A4



McLEMORE / REVISIONS

DATE: 30 NOVEMBER 2017

George Coon Inc

Planning Dept

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