



City of Atlantic Beach  
**Agenda**  
**Community Development Board (CDB) Meeting**  
**Tuesday, April 15, 2025 - 6:00 p.m.**  
**City Hall, Commission Chamber**  
**800 Seminole Road, Atlantic Beach, FL 32233**

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Page(s)

**1. CALL TO ORDER AND ROLL CALL**

**2. APPROVAL OF MINUTES**

2.A. Approve minutes of the March 18, 2025 regular meeting of the Community Development Board. 3 - 9  
[CDB 03.18.2025 Minutes \(draft\)](#)

**3. OLD BUSINESS**

**4. NEW BUSINESS**

4.A. **170 Club Drive WAIV25-0002 (Morse Mitchel Henry)** 11 - 22  
A request for a waiver from Section 19-1 to allow a parking pad in city right-of-way at 170 Club Drive.  
[170 Club Drive WAIV25-0002 Application](#)  
[170 Club Drive WAIV25-0002 Staff Report](#)

**5. REPORTS**

**6. PUBLIC COMMENT**

**7. ADJOURNMENT**

All information related to the item(s) included in this agenda is available for review online at [www.coab.us](http://www.coab.us) and at the City of Atlantic Beach Community Development Department located at 800 Seminole Road, Atlantic Beach, Florida 32233. Interested parties may attend the meeting and make comments regarding agenda items or comments may be mailed to the address above. Any person wishing to speak to the Community Development Board on any matter at this meeting should submit a Comment Card located at the entrance to Commission Chamber prior to the start of the meeting.

This meeting will be live-streamed and videotaped. The video recording will be posted within four business days on the City's website. To access live or recorded videos, visit [www.coab.us/live](http://www.coab.us/live).

If any person decides to appeal any decision made by the Community Development Board with respect to any matter considered at any meeting may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which any appeal is to be based.

In accordance with the American with Disabilities Act and Section 286.26 of the Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact City Clerk Donna Bartle at 247-5809 or at City Hall, 800 Seminole Road, Atlantic Beach, Florida not less than three (3) days prior to the date of this meeting.



**MINUTES**  
**Community Development Board (CDB) Meeting**  
**Tuesday, March 18, 2025 - 6:00 PM**  
**City Hall, Commission Chamber**  
**800 Seminole Road, Atlantic Beach, FL 32233**

**Present:**

Kirk Hansen, Chair  
Ellen Golombek, Vice Chair  
Jennifer Lagner, Member  
Harold Gear, Member  
Jeff Haynie, Member

**Absent:**

Angela Farford, Member  
Richard Arthur, Member  
Gregory (Greg) Beliles, Alternate Member

**Also Present:**

Robert Graham, City Attorney (CA)  
Amanda Askew, Planning & Community Development Dir. (PCDD)  
Abrielle Genest, Principal Planner  
Valerie Jones, Recording Clerk

**1. CALL TO ORDER AND ROLL CALL**

Chair Hansen called the meeting to order.

**2. APPROVAL OF MINUTES**

**A. Approve minutes of the February 18, 2025 regular meeting of the Community Development Board.**

The minutes were approved.

**3. OLD BUSINESS**

There was no old business

**4. NEW BUSINESS**

The Board decided to move Agenda Item #4C and #4D up on the agenda due to a large number of residents being present for these cases.

**A. 2025 Beach Avenue ZVAR25-0008 (Brenna Durden)**

Request for a variance to Section 24-106(e)(2) to exceed the minimum 20-foot rear yard setback, Section 24-82(b)(1) to exceed the maximum four (4) foot rear yard projection for an elevator shaft, and Section 24-85(b)(1) to expand a non-conforming use by increasing the elevator shaft height.

**STAFF REPORT:** Planner Genest presented the information as explained in the staff report. She also provided a PowerPoint presentation. Ms. Golombek asked about the red line on the drawing was. Planner Genest said that it's showing the allowable

projection according to code. Ms. Golombek asked about the bridge connecting the 2 buildings. Planner Genest said the applicant could answer that. Mr. Haynie asked about the language addresses aging in place. Planner Genest said Staff has had discussion with applicants in the past that want to age in place which can include installing an elevator. She said language was added to the Code to clarify that elevator shafts are allowed to project into setbacks.

**APPLICANT REPORT:** Brenna Durden of 245 Riverside Avenue, Suite 510 in Jacksonville. She said she is representing Jim and Ellen Wiss to assist them with this variance request. Ms. Durden said the variance would allow them to age in place in their home by adding a second floor over the garage, increasing the height of the existing elevator and connecting the main structure to the garage. She presented a handout and went through it and addressed the 3 requests in this variance along with why she thought it met 3 of the grounds for approval. Mr. Haynie asked who would live in the added space. Ms. Durden said she would let the homeowner answer that.

Collin Spelts of 1612 5th Street, Jacksonville Beach, introduced himself as the architect. He said that the main hardship is due to the fact that the main home is only 2 1/2 bedrooms. Mr. Spelts said that it made sense to go up to gain space and they won't be exceeding the height limit. He said there wasn't a way to put an elevator in another location.

Jim Wiss of 2025 Beach Avenue introduced himself as the homeowner. He explained that as he and his wife realized they needed to make some changes to their home. Mr. Wiss said the added space above the garage could be used for a care giver. He said that his wife just went through hip replacement and wasn't able to get up the stairs which further confirmed there need to expand the elevator.

**PUBLIC COMMENT:** Chair Hansen opened the floor to public comment. There were no public comments.

**BOARD DISCUSSION:** There was no further discussion

**MOTION:** To APPROVE ZVAR25-0008 based on condition #1 "exceptional topographic conditions of or near the property".

***Motion:*** *Harold Gear*  
***Second:*** *Ellen Golombek*

<i>Kirk Hansen</i>	<i>For</i>
<i>Ellen Golombek (Seconded By)</i>	<i>For</i>
<i>Jennifer Lagner</i>	<i>For</i>
<i>Harold Gear (Moved By)</i>	<i>For</i>
<i>Jeff Haynie</i>	<i>Against</i>

***Motion passed 4 to 1.***

**B. 91 Stanley Road PLAT25-0001 (Karin Vangura)**

Request for a plat approval as required by Chapter 24, Article 4 of the Code of Ordinances within the Commercial General (CG) zoning district at 91 Stanley Road.

**STAFF REPORT:** Planner Genest presented the information as explained in the staff report. She also provided a PowerPoint presentation.

**APPLICANT REPORT:** The applicant was not present.

**PUBLIC COMMENT:** Chair Hansen opened the floor for public comment.

- Cynthia Oneal of 538 Atlantic Beach Court spoke against approval of this request. She is concerned about sewage and infrastructure.
- Gloria Moore of 1805 Mayport Road spoke about concern regarding approval of this request. She said there are flooding issues, parking issues, sewage and infrastructure issues including road maintenance.

**BOARD DISCUSSION:** Director Askew said the City did a study and recognized that there are significant drainage problems in that area. As a result, the Commission voted and purchased the Dora Street property and are planning a stormwater park to accommodate and relieve the known drainage issues in this area. Director Askew said the developer will be responsible for making sure the street is paved, and all the utilities are the proper size to accommodate the additional improvements. Chair Hansen asked if the Board approved this request, then the applicant would have to bring everything up to code before they can do anything. Director Askew said that was correct. Mr. Haynie said that Director Askew addressed his concerns and would recommend approval.

**MOTION:** To **RECOMMEND PLAT25-0001** to the City Commission for approval based upon the utilities being brought up to code.

***Motion:*** *Harold Gear*

***Second:*** *Jeff Haynie*

*Kirk Hansen*

*For*

*Ellen Golombek*

*For*

*Jennifer Lagner*

*Against*

*Harold Gear (Moved By)*

*For*

*Jeff Haynie (Seconded By)*

*For*

***Motion passed 4 to 1.***

**C. 42 East Coast Drive UBEX25-0001 (Andy Pitler)**

Request for a use-by-exception to allow on-premises consumption of alcohol within one hundred (100) feet from a residentially zoned property within the Central Business District (CBD) at 42 East Coast Drive.

**STAFF REPORT:** Director Askew presented the information as explained in the staff report. She also provided a PowerPoint presentation. Director Askew said this request goes along with ZVAR25-0006. She told the Board that if they approve the use-by-exception it would have to be approved subject to the approval of the variance request.

Ms. Golombek asked if there would be food preparation on site or would they be serving food prepared elsewhere. Director Askew said the applicant had mentioned bringing catered food in but that would be a question for the applicant. She said there isn't a kitchen on site. Ms. Golombek asked if the applicant would have to come back before the Board if they wanted to serve food. Director Askew said they wouldn't have to come back before the Board because the use is allowed. She said they would have to come back if they increased the seating from the current 60 seats. Chair Hansen asked if being within 100 feet of residential was unique. Director Askew said there are several restaurants in the area that fall within close proximity to residential areas. Chair Hansen disclosed that the applicant approached him for advice and Chair Hansen referred him to Director Askew.

**APPLICANT REPORT:** Andy Pitler of 290 Beach Avenue introduced himself. He said, along with his partners, that the idea was to create a nice place to have a relaxing lounge to enjoy a cocktail, beer or glass of wine and be able to engage in conversation along with limited noise. Mr. Haynie asked if there were any plans for entertainment or music. Mr. Pitler said they don't have plans for live music but will have background music and possibly a disc jockey on a Friday or Saturday night. There hours of operation are 5:00 p.m. to 1:00 a.m. Mr. Haynie asked if they would have signage. Mr. Pitler said they would have signage approved by the landlord and the City. He said the signage would be subtle and probably cover the doors for a cleaner look. Ms. Lagner asked which days they would be open. Mr. Pitler said currently the plan is to be open 7 days a week. Ms. Golombek asked if the other businesses in the business were okay with having the bar and the hours of operation. Mr. Pitler said he hadn't spoken to all the occupants but the ones he spoke to were excited to have a place within the building to have a drink after work. Ms. Golombek asked how Mr. Pitler would keep the lounge from becoming rowdy. Mr. Pitler explained that the building had concrete walls with only one front door which should minimize noise. He said they would abide by any City requirements or complaints. Ms. Golombek asked if the idea of a restaurant was mentioned originally but wasn't possible due to various restrictions. Director Askew said the use for a restaurant is supported but parking was the issue.

**PUBLIC COMMENT:** Chair Hansen opened the floor to public comment asking comments to be limited to 3 minutes.

- Clark Robertson of 311 Ahern Street spoke against the approval of this request.
- Bryan Moll of 186 East Coast Drive spoke in favor of the approval of this request.
- Mitch Reeves of 1663 Sea Oats Drive spoke in favor of the approval of this request.

- Frederick Kerber of 375 1st Street spoke against the approval of this request.
- Bill Scrogins of 133 Beach Avenue spoke in favor of the approval of this request.
- Gibson Trub of 1946 Beach Avenue spoke in favor of the approval of this request.
- Alan Winter of 308 Ocean Boulevard spoke in favor of the approval of this request.
- Wendy Craven of 250 Beach Avenue spoke in favor of the approval of this request.
- Rocky Russell of 460 Ocean Boulevard spoke against the approval of this request.
- Jason Albertelli of 337 Ahern Street spoke in favor of the approval of this request.
- Joan McLoud of 176 Magnolia Street spoke in favor of the approval of this request.

**BOARD DISCUSSION:** Chair Hansen reminded the Board to think about this request separate from the variance for parking. Mr. Haynie said he was concerned about noise, but the applicant will have to abide by the same codes as other businesses in the area. Ms. Golombek was concerned that once the Board grants the request that the applicant can change it without coming back to the Board. She said she didn't see how the applicant could control the type of clientele unless they have a bouncer. Ms. Golombek said she worries about the noise affecting the neighborhood. Ms. Lagner said she is in support of this request. Chair Hansen said that there are many places in the City where commercial is next to residential. He spoke in favor of this request. Mr. Haynie asked if a use-by-exception could be revoked. Director Askew said it can, and the use-by-exception only goes to the applicant and not another establishment. Mr. Gear asked how revoking would happen. Director Askew said it would be up to Staff to go in and cite a valid code related reason

**MOTION:** To APPROVE UBEX25-0001 without conditions.

*Motion: Jeff Haynie*

*Second: Jennifer Lagner*

<i>Kirk Hansen</i>	<i>For</i>
<i>Ellen Golombek</i>	<i>For</i>
<i>Jennifer Lagner (Seconded By)</i>	<i>Against</i>
<i>Harold Gear</i>	<i>For</i>
<i>Jeff Haynie (Moved By)</i>	<i>For</i>

*Motion passed 4 to 1.*

**D. 42 East Coast Drive ZVAR25-0006 (Andy Pitler)**

Request for a variance to Section 24-161(f)(2) to exceed the maximum four hundred (400) foot distance for required off-street parking.

**STAFF REPORT:** Director Askew presented the information as explained in the staff report. She also provided a PowerPoint presentation. Mr. Haynie asked if there were any variances or conditions granted for the building permit. Director Askew said there weren't any conditions, but they did go through the waiver process to exceed the maximum height for an elevator shaft, but it was not approved. Ms. Lagner asked what the total square footage of the building was. Director Askew said she did not know.

**APPLICANT REPORT:** Andy Pitler of 290 Beach Avenue introduced himself. He understood the concern for parking in the town center and he has worked for months with the City trying to figure out how to navigate requirements. Mr. Pitler said that they found the off-site parking spaces at the dentist's office that is 730 feet away. He said that there were several other businesses that received variances for off-site parking further than 400 feet away. Ms. Lagner asked about the on-site parking. Mr. Pitler explained that there are on-site valet spaces of a minimum of 15 of those spaces after 5:30 p.m. He said they will have valet parking with a valet drop-off on Ahern or a place on the west side of the building.

**PUBLIC COMMENT:** Chair Hansen opened the floor to public comment.

- Elias Hionides of 47th 11th Street spoke in favor of the approval of this request. He said that there are 47 parking spaces after 5:30 p.m. for valet parking.

**BOARD DISCUSSION:** Ms. Golombek asked what would keep other people from parking in those 47 parking spaces. Director Askew said that technically it's private property.

**MOTION:** To APPROVE ZVAR25-0006 based on condition #2 "surrounding conditions or circumstances impacting the property disparately from nearby properties".

*Motion: Harold Gear  
Second: Jeff Haynie*

<i>Kirk Hansen</i>	<i>For</i>
<i>Ellen Golombek</i>	<i>For</i>
<i>Jennifer Lagner</i>	<i>For</i>
<i>Harold Gear (Moved By)</i>	<i>For</i>
<i>Jeff Haynie (Seconded By)</i>	<i>For</i>

*Motion passed 5 to 0.*

## 5. REPORTS

There were no reports.

## 6. PUBLIC COMMENT

Chair Hansen opened the floor to public comment.

- Brinkley Harrell reiterated his issues with Chapter 24 that he mentioned in the February meeting. He mentioned the platting of the lots in the chart for RS-2 zoning district, the trigger that didn't get removed and give the pools 100% credit.

## 7. ADJOURNMENT

There being no further discussion, Chair Hansen declared the meeting adjourned at 8:12 p.m.

Attest:

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Amanda Askew

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Kirk Hansen, Chair





## LAND DEVELOPMENT REGULATIONS WAIVER

### City of Atlantic Beach

Community Development Department  
800 Seminole Road Atlantic Beach, FL 32233  
(P) 904-247-5800

FOR INTERNAL OFFICE USE ONLY

PERMIT# WAIV25-0002

\$300.00 Application Fee

\*\*Please submit form in person  
or to [building-dept@coab.us](mailto:building-dept@coab.us)

### APPLICANT INFORMATION

NAME Morse Mitchel Henry EMAIL \_\_\_\_\_  
ADDRESS 170 Club Drive PHONE # 386-385-3159  
CITY Atlantic Beach STATE FL ZIP CODE 32233 CELL # 904-669-0138

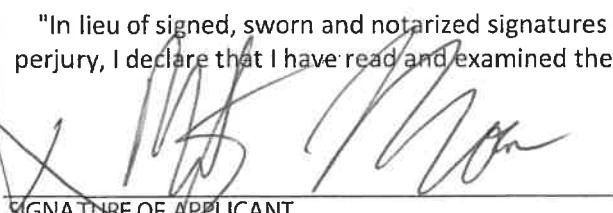
### SITE INFORMATION

ADDRESS 170 Club Drive, Atlantic Beach, FL 32233  
SUBDIVISION Club Manor BLOCK \_\_\_\_\_ LOT 2  
RE# 170317-0000 LOT/PARCEL SIZE 7700 SQ FT ZONING CODE ARS-2  
COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION RES LD  
REQUESTED PROVISIONS FROM WHICH WAIVER IS SOUGHT \_\_\_\_\_

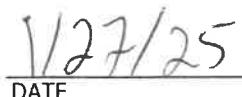
### PROVIDE ALL OF THE FOLLOWING INFORMATION:

1. Proof of ownership (deed or certificate by lawyer or abstract company or title company that verifies record of owner as above).
2. Survey and legal description of property.
3. If the applicant is not the owner, provide a letter of authorization from the owner(s) for applicant to represent the owner for all purposes related to this application.
4. Please submit a written request for the waiver stating the reasons for the waiver and the facts which support the waiver.

"In lieu of signed, sworn and notarized signatures of the property owner, agent and/or contractor, and under penalties of perjury, I declare that I have read and examined the foregoing application and that the facts stated in it are true and correct."

  
SIGNATURE OF APPLICANT

  
PRINT OR TYPE NAME OF APPLICANT

  
DATE

Section 24-66 permits the City Commission to authorize limited Waivers, on a case-by-case basis, from a specific provision(s) of these Land Development Regulations when it is demonstrated that compliance with such provision(s) would be unreasonable, in conflict with the public interest, or a practical impossibility. A Waiver from these Land Development Regulations may be approved only upon showing of good cause, and upon evidence that an alternative to a specific provision(s) of this Chapter shall be provided, which conforms to the general intent and spirit of these Land Development Regulations. In considering any request for a Waiver from these Land Development Regulations, the City Commission may require conditions as appropriate to ensure that the intent of these Land Development Regulations is enforced. A Waiver shall not modify any requirement or term customarily considered as a Variance or any requirement or term prohibited as a Variance, and shall be considered only in cases where alternative administrative procedures are not set forth within the City Code of Ordinances.

Statement of facts and any special reason(s) for the requested Waiver, which demonstrates compliance with Section 24-66 of the Zoning and Subdivision and Land Development Regulations and ***specifically describing how the request complies with the Conditions necessary for the City Commission to approve this request.*** Please attach additional pages if needed.

LDC Section 19-7 was interpreted to allow previous and semi- previous (pavers) material to be located in the right-of-way with an Encroachment Agreement filed with the permit application. It is understood that if the city needs to access any utility lines the pavers will be removed and/or damaged at my cost. I believe the pavers add more beauty to the neighborhood and do not cause any harm to my neighbors.





Doc # 2024097921, OR BK 21045 Page 1707, Number Pages: 2,  
Recorded 05/07/2024 10:48 AM, JODY PHILLIPS CLERK CIRCUIT COURT DUVAL COUNTY  
RECORDING \$18.50 DEED DOC ST \$26600.00

Prepared By & Return To:  
Eric B. Blocker, Esq.  
River City Title, LLC  
11512 Lake Mead Avenue #606  
Jacksonville, FL 32256

File Number: RC-24-3189  
Parcel ID: 170317-0000

24031776  
\$3800000

### General Warranty Deed

Made this 19th day of April, 2024 A.D. by Jonathan Michael Davis, a married man, of 825 Alhambra Drive North, Jacksonville, FL 32207, hereinafter called the Grantor, to Caitlin Wilson Morse and Mitchell Henry Morse, wife and husband, whose address is: 15701 Canterbury Street, Overland Park, KS 66224, hereinafter called the Grantee:

(Whenever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth, that the Grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in DUVAL County, Florida, viz:

**Lot 2, Club Manor, a subdivision according to the plat thereof recorded in Plat Book 25, Page 62, of the Public Records of Duval County, Florida.**

Also commonly known as: 170 Club Drive, Atlantic Beach, FL 32233

Said property is not the homestead of the Grantor under the laws and Constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold, the same in fee simple forever.**

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes for 2024 and subsequent years, not yet due and payable.

Grantor's title recorded on September 28, 2022 in the Official Records of Duval County, Florida at Book 20449, Page 241.

**WARRANTY DEED**

Prepared By & Return To:  
 Eric B. Blocker, Esq.  
 River City Title, LLC  
 11512 Lake Mead Avenue #606  
 Jacksonville, FL 32256

File Number: RC-24-3189  
 Parcel ID: 170317-0000

E-RECORDED  
 ID 2024091921  
 County DUVAL  
 Date 5.1.24 Time 10:48AM

24031776  
 \$3800.00<sup>a</sup>

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**WARRANTY DEED**

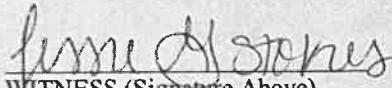
**In Witness Whereof**, the said **Grantor** has signed and sealed these presents effective the day and year first written above.

*Signed, sealed, and delivered in our presence:*



WITNESS (Signature Above)

1<sup>st</sup> Witness Name Printed: *ERIC B. BLOCKER*  
Address: 11512 Lake Mead Ave, Suite 606  
Jacksonville, Florida 32256



WITNESS (Signature Above)

2<sup>nd</sup> Witness Name Printed: *JESSIE G. STOKES*  
Address: 11512 Lake Mead Ave, Suite 606  
Jacksonville, Florida 32256



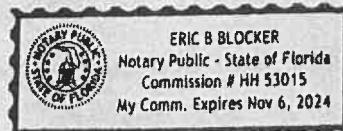
Jonathan Michael Davis

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of (  ) physical presence or (  ) online notarization this 18<sup>th</sup> day of Apr., 2024, by Jonathan Michael Davis.

  
Signature of Notary Public  
Print, Type/Stamp Name of Notary

Personally Known:  OR Produced Identification: \_\_\_\_\_  
Type of Identification \_\_\_\_\_  
Produced: \_\_\_\_\_



**WARRANTY DEED**





**CITY OF ATLANTIC BEACH**  
**COMMUNITY DEVELOPMENT BOARD**  
**STAFF REPORT**

**AGENDA ITEM** **4.A**

**CASE NO.** **WAIV25-0002**

*Request for a waiver from Section 19-1 to allow a parking pad in city right-of-way at 170 Club Drive*

**LOCATION** **170 Club Drive (RE# 170317-0000)**

**APPLICANT** **Morse Mitchel Henry**

**DATE** **April 10, 2025**

**STAFF** **Amanda Askew, Neighborhoods Director**

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**STAFF COMMENTS**

The applicant, Mitch Morse, has owned 170 Club Drive since 2024 and is requesting a waiver from Section 19-1 of the City Code to allow the continued use of a parking pad within the city right-of-way. The parking pad was constructed in 2024 without a permit and currently consists of gravel.

Prior to the 2024 Chapter 24 update, similar requests only went before the City Commission as part of the waiver process. Since many of these request's deal with deviations from other land development regulations not specified in Chapter 24, the code updated the process to bring waivers to the Community Development Board to make a recommendation to commission to approve, approve with conditions, or deny the request.

Section 19-1 of the City Code prohibits numerous types of construction in the right-of-way, including parking pads:

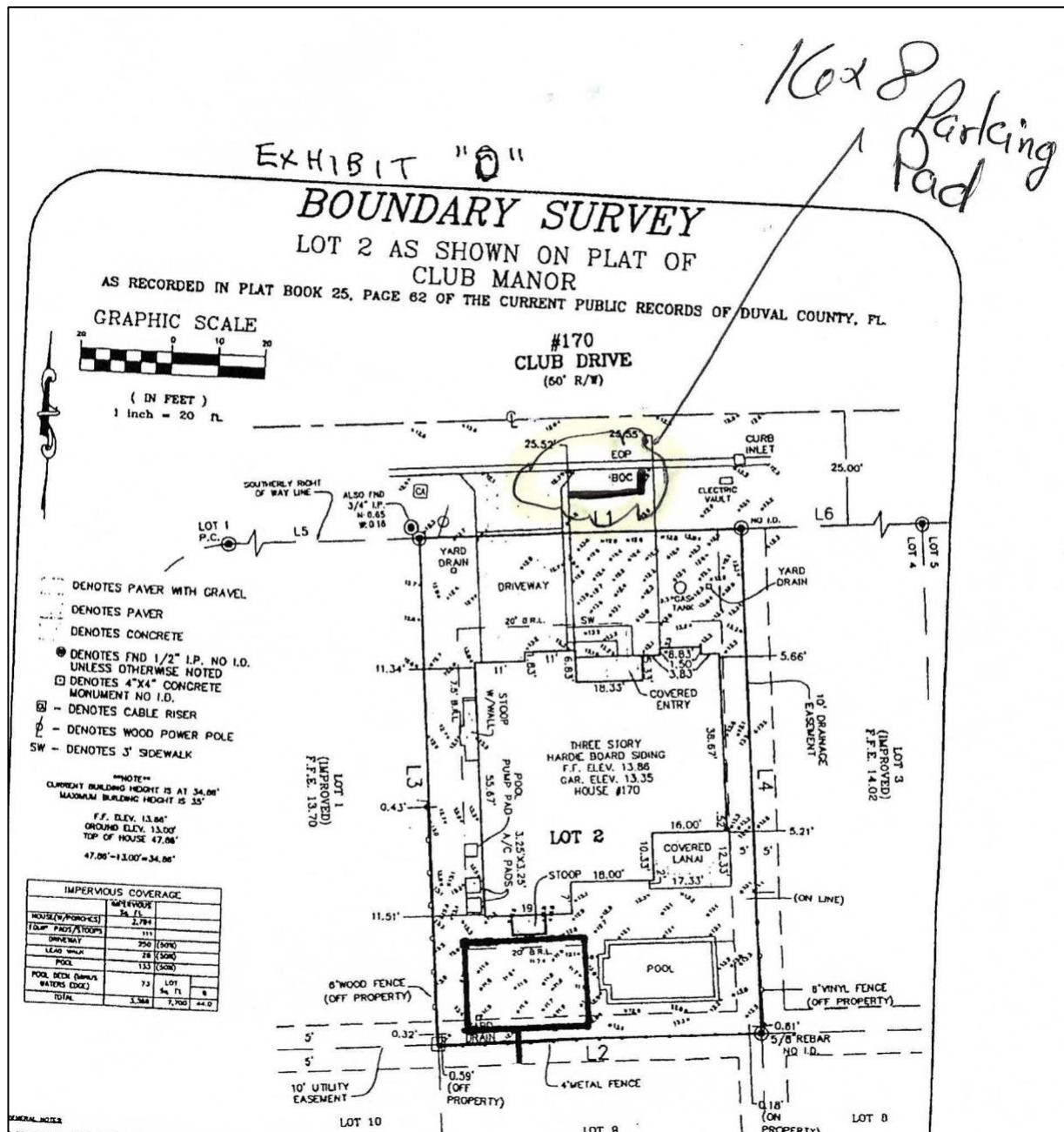


- "(1) Installation of mailboxes other than units prescribed by U.S. Postal Service Standards and Florida Department of Transportation Parking and Traffic Design Standards.*
- (2) Decorative walls.*
- (3) Retaining walls.*
- (4) Buildings or structures of any kind.*
- (5) Barriers or obstructions of any kind.*
- (6) Permanent recreational structures of any kind, except no recreational structures whether permanent or temporary on streets listed in section 21-17 of the Code of Ordinances.*
- (7) Fences.*
- (8) Swimming pools.*
- (9) Parking spaces or lots.***
- (10) Landscaping of any kind, except sod, which is permitted provided the adjoining landowner maintains the sod.*
- (11) Any other improvement, object or item requiring a permanent foundation or which cannot be removed readily.*
- (12) Any improvement, object or item designed and intended for personal or private use and not for public use.*
- (13) Security lights and street lights.*

15 Apr 2025

(14) Any work, construction activity or item which creates an obstruction, whether permanent or temporary, to the free and complete use of the right-of-way.

(15) Driveways, new, modified or replaced (see section 19-7). "

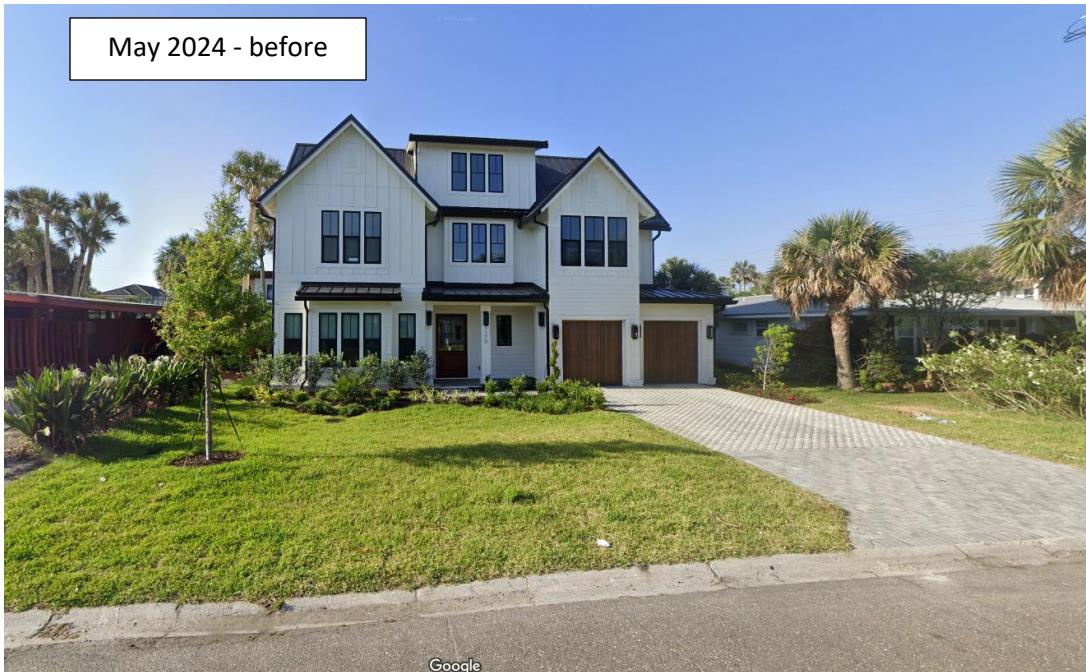


Section 19-2 authorizes the city manager or designee to issue a permit or revocable license to undertake construction within the city right-of-way and states that “all requests for use of or construction within a right-of-way shall be evaluated based on the benefit of said use or construction to the general public and the degree to which the benefit to and convenience gained by a private property owner conflicts with or outweighs the benefit to the general public for the use of the affected right-of-way.”

The waiver application was submitted on January 29, 2025, in response to a code enforcement action regarding the unpermitted installation of a gravel parking pad in the city right-of-way. During an inspection conducted on September 13, 2024, City code enforcement staff found the gravel had been placed without a permit and was washing into the adjacent concrete gutter, prompting a Notice of Violation (Case #24-157) on September 19, 2024.

The notice advised that no landscape materials may be installed in the right-of-way without a permit and required the owner to either remove the gravel or apply for a permit within 10 days. It further stated that any approved design would need to incorporate a 2-foot-wide buffer between the gravel and the road's edge.

The applicant has since clarified that the waiver request is to allow the existing gravel parking pad to remain. Since the violation notice, the applicant has added a 2-foot-wide buffer between the gravel and edge of pavement. This too is included in the waiver request.



## ANALYSIS

Per Section 24-66(d)(1) of the Land Development Code, the Community Development Board shall review the request and make a recommendation to the city commission to approve, approve with conditions, or deny the request. The city commission shall then review the recommendation made by the community development board and hold one public hearing. According to Section 24-17, Definitions, “[a] waiver shall mean limited deviation from a specific provision(s) of this chapter or other land development regulations contained within city Code which may be approved by the city commission pursuant to section 24-66. A waiver shall not modify any requirement or term customarily considered as a variance.”

Section 24-66(e) states city commission shall not approve a waiver unless:

- (1) *Compliance with such provision(s) would be unreasonable; or*
- (2) *Compliance with such provision(s) are in conflict with the public interest; or*
- (3) *Compliance with such provision(s) are a practical impossibility.*

## REQUIRED ACTION

The Community Development Board shall make a recommendation for approval, approval with conditions, or denial of this application.

The City Commission will then review the recommendation and hold a public hearing to consider the request on May 27, 2025.