

CITY OF APALACHICOLA
BOARD OF ADJUSTMENT
SPECIAL MEETING
Thursday, JANUARY 23RD, 2020
The Holy Family Center- 203 7th St.

AGENDA

I. Public Hearing & Special Meeting- 6:00 P.M.

1. The Apalachicola Board of Adjustment for the City of Apalachicola will hold a Special Meeting on Thursday, January 23rd, 2020 a 6:00 P.M. at The Holy Family Center, 203 7th St. (Dr. Frederick Humphries St.), Apalachicola, Florida. The purpose of this meeting is for making a clear statement of findings of “hardship” at the request of the City Commission regarding the Patricia McLemore Variance Hearing, for 101 Bay Avenue Apalachicola, FL 32320.

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 related zoning 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) 653-1522, CityofApalachicola@gmail.com.

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 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.

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.

**BOARD OF ADJUSTMENT
SPECIAL MEETING
THURSDAY, JANUARY 23rd, 2020**

The Board of Adjustment for the City of Apalachicola will hold a Special Meeting on Thursday, January 23rd, 2020 at 6:00 P.M. at The Holy Family Center, 203 7th St. (Dr. Frederick Humphries St.), Apalachicola, Florida. The purpose of the meeting is for making a clear statement of findings of "hardship" at the request of the City Commission 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 Administration Office, 192 Coach Wagoner Blvd. Apalachicola, Florida at (850) 653-1522.

NF-11076282

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City of Apalachicola

1 Ave E

Apalachicola, FL 32320

850 653 9319 / 850 653 2205 Fax

QUASI-JUDICIAL

VARIANCE REQUEST

Name: Patricia Mc Lemore 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, Rethoria McLawrie, 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 Rethoria McLawrie to act as our/my representative in any matters regarding this Petition.

[Signature]
Signature of Property Owner

[Signature]
Signature of Property Owner

Rethoria McLawrie
Typed or Printed Name of Owner

[Signature]
Typed or Printed Name of Owner

STATE OF FLORIDA
COUNTY OF Franklin

The foregoing instrument was acknowledged before me this 9th day of February 2018, by Rethoria McLawrie who is personally known to me or has produced [Signature] 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 (e.g. number, or reduce front setback from 2' to 16'); when property owner purchased property, when existing subject structure was built (including building permit numbers if available), why encroachment is necessary; how existing encroachment can be rectified.

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. 81r469. 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 7 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 would be seen from Bay Ave. The added length would follow the footprint and it too would be in the Alley by about 7 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 paper, if necessary.

1. Are there zoning 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 extension of the original footprint by only 3.0 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.

1. How will liberal 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 even the existing building detracts from the coherence of their property. They desire to improve the design both for form and for the historic nature of the composition.

Other properties in the neighborhood would be allowed the opportunity to submit in the future. The only point in question is that the consent had originally built the restroom building slightly into the alley.

4. Are there significant environmental or other public health or safety issues on 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.

Will granting the variance required 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).

Will granting the variance be in harmony with the intent and purpose of the Land Development Code and its application 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 09S 05W 6330 0036 0010
 Location Address 101 BAY AV.
 32320
 Brief Tax Description* BE 361018 1 7 3 4 N 5 OR 2055420 250710 278/289 443 760
 *The Description above is not to be used on legal documents.
 Property Use Code SINGLE FAM (090100)
 Sec/Twp/Rng 1-2S-0W
 District Apalachicola (District 10)
 Millage Rate 22.1985
 Acreage 0.0000
 Homestead Y

[View Map](#)

Owner Information

Primary Owner
 McInerney Lee & Patricia M
 P.O. Box 185
 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	UF	0	0

Residential Buildings

Building 1
 Type SINGLE FAM
 Total Area 2000
 Heated Area 6.778
 Exterior Walls COMMON BRK
 Roof Cover COMPSHNG
 Interior Walls DRYWALL
 Frame Type MASONRY
 Floor Cover PINE WOOD
 Heat AIR DUCTED
 Air Conditioning CENTRAL
 Bathrooms 0
 Bedrooms 3
 Stories 2
 Effective Year Built 1930

Building 2
 Type SINGLE FAM
 Total Area 2425
 Heated Area 1000
 Exterior Walls COMMON BRK AVERAGE
 Roof Cover ASD SHNGL
 Interior Walls DRYWALL
 Frame Type S/A
 Floor Cover CLAY TILE CARPET
 Heat AIR DUCTED
 Air Conditioning CENTRAL
 Bathrooms 0
 Bedrooms 0
 Stories 0
 Effective Year Built 1920

NWFWMD Flood Information Report, Effective FIRM Issue Date: 2/5/2014; Close this report window to get back to the information panel.

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

Geographical Information

Latitude/Longitude: 29.721792 / -84.984886

Address: ALLEY APALACHICOLA FL 32320

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 elevat 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

FLORIDA MASTER SITE FILE

Site Inventory Form FDABRM

Site Name: St. Mary, Seat of the Sea Site No. 811, 901
 Address of Site: Convent, St. Mary, 8th Street Survey Date 7906
 Instruction for locating: NW corner at intersection of Bay Ave. & 8th St.
 Location: Original City 36 THIRD
 County: Franklin Franklin 1887
 Owner of Site: Name: Gracida, Rene H., Bishop of Diocese of
 Address: Pensacola, Tallahassee
 Type of Ownership: Private Recording Date 2267
 Recorder: Dan G. Gerber, Historic Sites Specialist
 Name & Title: FDABRM

802 =
1009 =
820 =
905 =
813 =
068 =
505 =
902 =
832 =

Condition of Site: Integrity of Site Original Use: Convent
 Present Use: 850 =
 Dates: Beginning 1901/1950 844 =
 Culture/Phase: 840 =
 Period: 845 =

NR Classification Category: building 916 =


Threats to Site:
 (Check One or More)
 () Zoning () 1978
 () Development () 1978
 () Interference () 1978
 () Pollution () 1978
 () Other (See Remarks Below) () 1978

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, north segmented pediment.

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

ARCHITECT 872 = =
 BUILDER 874 = =
 STYLE AND/OR PERIOD Georgian Revival 964 = =
 PLAN TYPE 1-shape 968 = =
 EXTERIOR FABRIC(S) brick, cement, modern Flemish bond 854 = =
 STRUCTURAL SYSTEM(S) 856 = =
 PORCHES front/ 2nd story gallery, screen enclosed 942 = =
 FOUNDATION: brick 942 = =
 ROOF TYPE: hip; gable; flat 942 = =
 SECONDARY ROOF STRUCTURE(S) 942 = =
 CHIMNEY LOCATION: 942 = =
 WINDOW TYPE: 942 = =
 CHIMNEY: brick 882 = =
 ROOF SURFACING: composite iron shingles 882 = =
 ORNAMENT EXTERIOR: cement, wood 882 = =
 NO. OF CHIMNEYS 1 952 = 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 = =

LOCATION SKETCH OR MAP	Township	Range	Section
			812 = = 890 = =
Photographic Records Numbers 9503-5310 (7) 860 = =			

Contact Print

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 Quasi Judicial Application Review
John M. Bartley, Sr. Project: Patricia McLemore renovation
James L. Elliott Reviewer: C. Clark
Anita Grove Site address: 101 Bay Avenue, Apalachicola

City Administrator

Lee Mathes

City Clerk

Deborah Guilloffe

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)

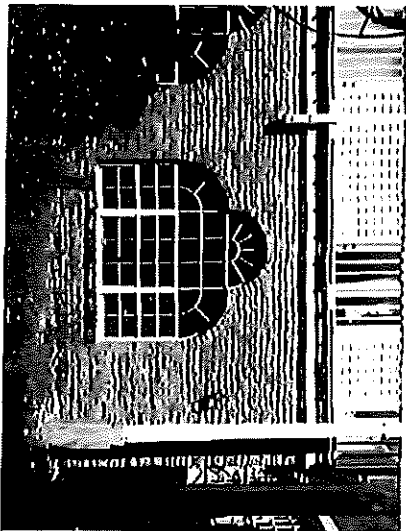
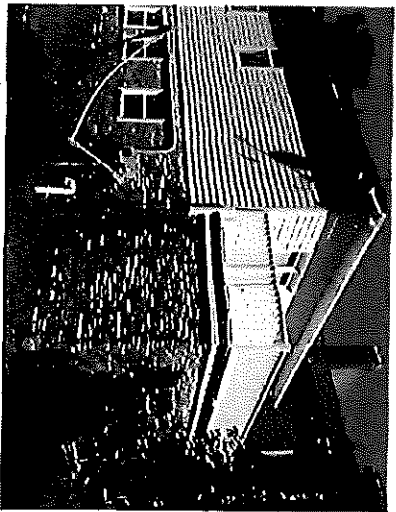
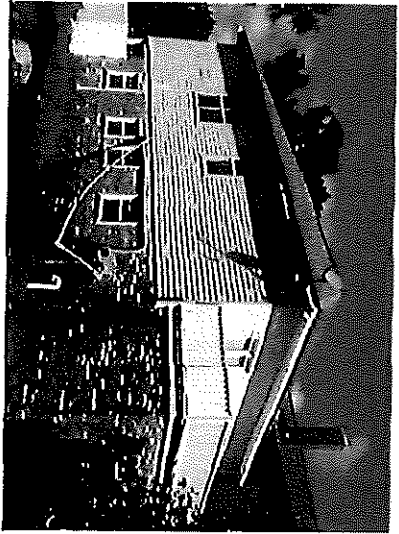
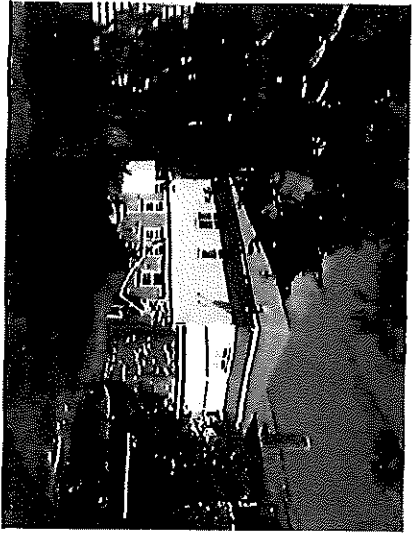
Nature of Proposed Nonconforming Expansion: The proposed addition would add an additional estimated 60 square feet to the nonconforming structure within the City alley and the required five foot setback. (7 x 8.5 = 59.5 - est. 2' city alley encroachment plus 5 foot setback encroachment x 8.5 additional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



McLEMORE / REVISIONS

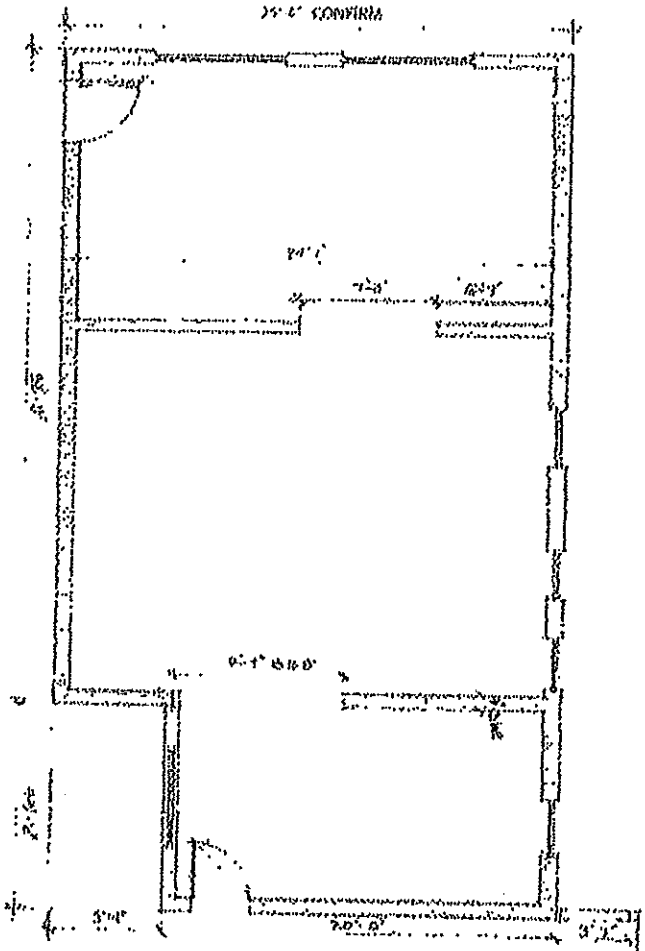
DATE: 30 NOVEMBER 2017

George coon inc

residential • planning • design

252 Silver Street - Apalachicola - FL 32320 - (850)227 6898 - georgecoon@gmail.com

A0



MEASURED EXISTING BUILDING
SCALE 3/16"

McLEMORE / REVISIONS

DATE: 20 NOVEMBER 2007

SCOTTS COOR INC

Architectural Drawing Shop

PRINTED BY: SCOTTS COOR INC. 11/20/07 11:17 AM

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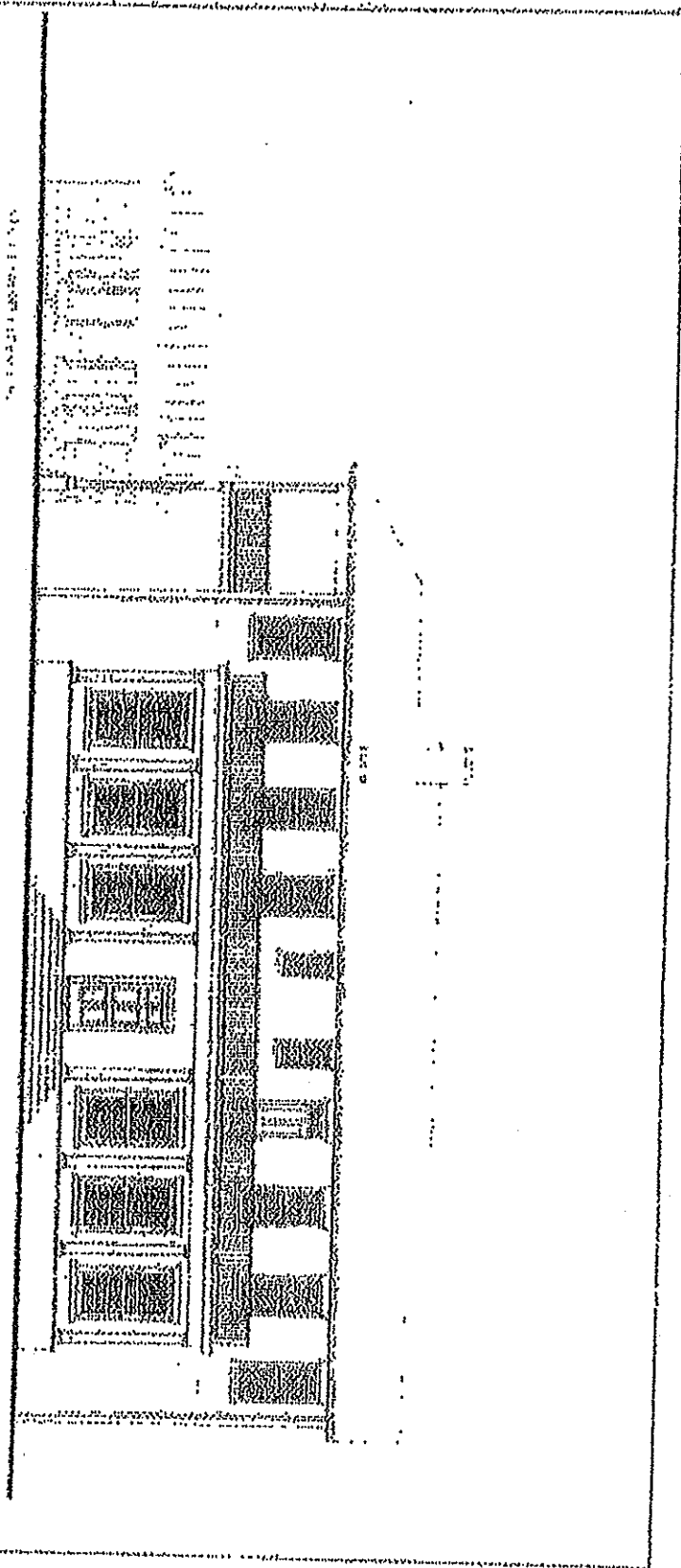
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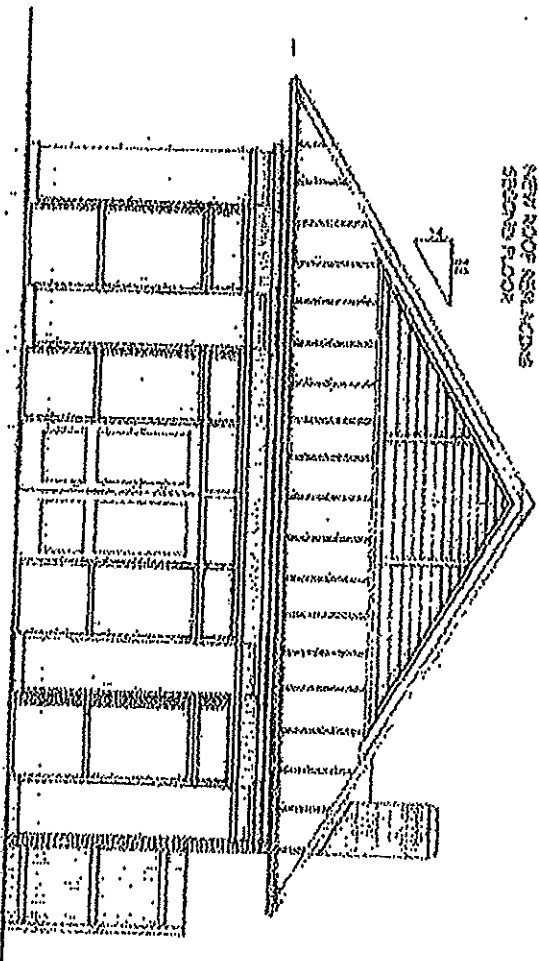
DATE 30 NOVEMBER 2017

George Con Inc

George Con Inc

A4





NEW ROOF AND LOGS
SECOND FLOOR

POOL SIDE PROPOSED "A"
SCALE 1/4" = 1'-0"

MCLEMORE / REVISIONS

DATE: 20 NOVEMBER 2012

George Coon Inc

P.O. Box 111 Planning Dept

2000 Hwy 111, Suite 1200, Danville, VA 22026

A7

Couple is happy to find home in heart of Appalachicola

By Denise Clifton
Special Staff Writer

APALACHICOLA — The quiet 3 1/2-story house owned by the late Mrs. J. B. Clifton has been bought by a couple planning to retire to Phelan County.

For Mrs. Clifton, a settlement home in the heart of the town is 20 years old. For her husband, Mitchell, an income of approximately \$10,000 a year is a small town with "warm" and friendly people.

The Cliftons paid \$120,000 for the 1,200-square-foot house, which was owned by the Florida Trust Co. during the war.

The couple signed an agreement with the Florida Trust Co. to purchase the house and the land on which it stands. The house is located on the corner of 11th Street and the Cliftons have bought it.

John Clifton, a local contractor, is the director of the house. They have a real interest in the house and they will probably live a few years in the house.

The Cliftons are now in the process of making plans for the house.

PHOTO BY DENISE CLIFTON



PHOTO BY DENISE CLIFTON. HOUSE IS HEART OF PHELAN. OWNERS ARE CLIFTONS.

Home

PHOTO BY DENISE CLIFTON

and the property is now the residence of the late Mrs. J. B. Clifton. The house was built by the late Mrs. J. B. Clifton and the late Mr. J. B. Clifton. The house is located on the corner of 11th Street and the Cliftons have bought it.

The Cliftons paid \$120,000 for the 1,200-square-foot house, which was owned by the Florida Trust Co. during the war.

The couple signed an agreement with the Florida Trust Co. to purchase the house and the land on which it stands.

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PHOTO BY DENISE CLIFTON

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