



# City of Flagler Beach

## Planning and Building Department Staff Report

### OVERVIEW

**Case Number:** ..... Application No. FLUMA #24-0001  
**Applicant:** ..... Joseph Kovach, Jr. and Jeanne A Mommaerts H&W Life Estate  
**Property Owner:** ..... Joseph Kovach, Jr. and Jeanne A Mommaerts H&W Life Estate  
**Property Description:** ..... Improved, generally flat  
**Site Location:** ..... 6<sup>th</sup> Street North between Central Avenue & Ocean Shore Boulevard  
**Property ID #:** ..... 12-12-31-4500-00020-0081  
**Current FLUM designation:**... Commercial  
**Current Zoning designations:** General Commercial  
**Current Use:** ..... Vacant  
**Total Acreage:** ..... ±0.11 acres (4,964 sq. ft.)

### A. REQUESTED ACTION

**Application Type:** Future Land Use Map amendment request: **(See Attachment #1)**

**Requested Action:** Planning and Land Development Regulation Board recommend to City Commission; Approve application request per **Land Development Regulations; Article VIII. Administration and Enforcement** the Property ID# of which is 12-12-31-4500-00020-0081 **(See Attachment #2, Survey & Attachment #3 Location Map).**

### B. SUMMARY IN BRIEF:

A Future Land Use Map amendment request with a companion rezoning application to allow the property owner to develop the property with an accessory dwelling unit (ADU) in conjunction with the existing house at 112 North 6<sup>th</sup> Street. Under the current zoning, a single family residence could be built on the subject property, however, the owners wish to construct an ADU smaller than the required minimum size for a house. An accessory use can only be built in conjunction with an allowed primary use.

The owners plan to join the two properties, which requires a rezoning and Future Land Use amendment to avoid a split zoning.

The project would be consistent with the proposed Future Land Use Map designation.

### C. PUBLIC NOTIFICATION:

#### Land Development Regulations: Section 8.04.12.

1. Legal Advertisement: Circulation in a newspaper of daily has been accomplished in keeping with the required public notification timeframe **(See Attachment #4 Legal Advertisement)**. To date, the City has not received any formal notices or comments from members of the public regarding the application request.

2. Public Notification: Property owners within a radius of five hundred (500) feet of the rezoning request have been notified by certified mail of the intent to rezone (**See Attachment #5 Public Notification**).

#### **D. BACKGROUND**

A rezoning request with a companion Future Land Use Map amendment to allow the property owner to develop the property with an accessory dwelling unit (ADU) in conjunction with the existing house at 112 North 6th Street. Under the current zoning, a single family residence could be built on the subject property, however, the owners wish to construct an ADU smaller than the required minimum size (900 square feet) for a house.

The Zoning Code allows "Customary accessory uses and structures clearly incidental to one (1) or more permitted uses and structures" in the SFR District, this has traditionally been interpreted to include additional bedroom and bathroom structures without a full kitchen. These units are commonly known as "mother-in-law suites." An accessory use can only be built in conjunction with an allowed primary use.

The lot is unusual in that it was split in half to allow a utility easement on the eastern half, which makes building a viable commercial building difficult.

The owners plan to join the two properties, which requires a rezoning and Future Land Use amendment to avoid a split zoning.

The project would be consistent with the proposed Future Land Use Map designation.

The legal description of Parcel ID #12-12-31-4500-00020-0081 which is described as follows:

THE WESTERLY 30 FEET OF LOT 8, BLOCK 2, MOODY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 24 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

#### **E. ANALYSIS**

##### **FUTURE LAND USE AND ZONING INFORMATION**

The following table summarizes the existing and proposed land use and zoning information:

**USE SUMMARY TABLE:**

CATEGORY	EXISTING	PROPOSED
Future Land Use Map (FLUM)	Commercial ( <b>See Attachment #6 FLUM</b> )	Medium Density Residential
Zoning District	General Commercial ( <b>See Attachment #7 Zoning Map</b> )	Single Family Residential
Overlay District	Mixed Use Overlay District	N/A
Use	Vacant	Accessory Dwelling Unit
Acreage	±0.11 acres	±0.11 acres
Access	N. 6 <sup>th</sup> Street	N. 6 <sup>th</sup> St.

##### **F. SURROUNDING LAND USES AND COMPATIBILITY:**

North: FLUM: Commercial  
Zoning: General Commercial

South: FLUM: Commercial  
Zoning: General Commercial

East: FLUM: Commercial  
Zoning: General Commercial

West: FLUM: Medium Density Residential  
Zoning: Single Family Residential

#### **G. Analysis: Planner Criteria Parameters:**

**A. The proposed amendment does not conflict with or is contrary to the public interest;**

**Finding:** The requested change will allow the applicant to develop the property to submit their continued residence on the neighboring property. Due to unique circumstances, the property is difficult to develop under its current zoning.

**B. The proposed rezoning is consistent with the Goals, Objectives and Policies of the Comprehensive Plan**

**Finding:** The requested use of the property is consistent with, and furthers the Goals, Objectives and Policies of the Comprehensive Plan, as follows.

**Objective A.1.13 9J-5.006(3)(b)3**

Coordinate all new development and rezoning with the land use categories, densities and intensities as outlined in the City's adopted Comprehensive Plan.

**Policy A.1.13.2 9J-5.006(3)(c)2**

The City of Flagler Beach shall discourage the issuance of variances, special use permits, building permits or zoning changes in any case where the proposed land use is not consistent with the City of Flagler Beach duly adopted Comprehensive Plan.

**C. The proposed rezoning must not impose a significant financial liability or hardship for the City;**

**Finding:** Any improvements that result from development after the rezoning that may require public improvements will be ensured via a Performance/Maintenance Bond (Site Plan Application level)

**D. The proposed rezoning must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants;**

**Finding:** The requested amendment does not pose an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. The change in Future Land Use Map designation for the property under consideration is in harmony with the comprehensive plan and consistent with the requested zoning designation as it relates to adjoining properties.

#### **RECOMMENDATION:**

Approve Future Land Use Map amendment Application RZ#24-XX-XX to change Parcel I.D. No. 12-12-31-4500-00020-0081 from Commercial to Medium Family Residential based upon findings of fact which demonstrate the amendment request is following all applicable Objectives and Policies of the City of Flagler Beach Comprehensive Plan.

ATTACHMENTS:

Attachment 1 – Rezoning Application  
Attachment 2 – Survey  
Attachment 3 - Location Map  
Attachment 4 - Legal Advertisement  
Attachment 5 –Public Notification  
Attachment 6- Future Land Use Map  
Attachment 7 - Zoning Map