

TOWN OF WELAKA

REGULAR ZONING BOARD MEETING

AGENDA

October 19, 2023 at 6:00 PM
Honorable Willie Washington, Jr. Town Council Room
400 4th Ave., Welaka, FL 32193

(This meeting will be broadcasted, for view only, on the Town of Welaka Facebook page)

1. **CALL TO ORDER:** by Chairman David Jeltos
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** by Town Clerk, Meghan Allmon
 - Chairman David Jeltos
 - Lenore Toole
 - Les Thomas
 - Pamela Washington
 - Jennifer Burres
 - Town Attorney Patrick Kennedy
4. **APPROVAL OF CURRENT AGENDA**
5. **APPROVAL OF PREVIOUS MINUTES:** September 21, 2023 Meeting Minutes
6. **REQUEST TO SPEAK**
 - a. **Andrew (AJ) Flateau, Outback Smoke Shack & Brewhouse**
 - Interpretation Request - Beer & wine included in restaurant use in zoning code
 - b. **Chad Hutchinson, S&A Leisure & More, LLC**
 - Property zoning changes discussion
7. **NEW BUSINESS**
8. **OLD BUSINESS**
 - a. Review of the proposed Land Development Code
9. **PUBLIC COMMENT**
10. **ADJOURN**

TOWN OF WELAKA
REGULAR ZONING BOARD MEETING
MINUTES

September 21, 2023 at 6:00 PM
Honorable Willie Washington, Jr. Town Council Room
400 4th Ave., Welaka, FL 32193

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1. CALL TO ORDER: by Chairman David Jeltos

2. PLEDGE OF ALLEGIANCE

3. ROLL CALLED: by Utility Clerk, Emma Sledge

Chairman David Jeltos - present

Lenore Toole - present

Les Thomas - present

Pamela Washington - absent

Jennifer Burres - absent

Town Attorney Patrick Kennedy – present

3 members present, we have a quorum.

4. APPROVAL OF CURRENT AGENDA

Motion made by Thomas to accept the 9/21/23 Meeting Agenda and seconded by Toole. Passed 3/0.

5. APPROVAL OF PREVIOUS MINUTES: August 29, 2023 Meeting Minutes

Corrections: Toole noticed a mistake on wording, located on page 2 under Presentation of FRDAP Grant:

Jefferson Smith Park, Phase 1 for \$200,000, line 5. It should read “if we’ve gotten the Warranty Deed”

Motion Made by Thomas to accept the 8/29/23 Meeting Minutes with corrections, and seconded by Toole.

Passed 3/0.

6. NEW BUSINESS:

a. Review of article 2 of the proposed Land Development Code - Accessory Uses and Structures

Kennedy - Section 2-401 just states the general purpose.

Kennedy - read Section 2-401 aloud.

Kennedy - discussed wordage and topics in Section 2-402. It mentions height and location setbacks as well as the current Code.

Kennedy - A big one is height. We don’t put height restrictions on accessory structures.

Toole - If it’s not going over 35 ft, is there a reason to do that?

Kennedy - Not necessarily, we will go over clearly subordinate standards, you can’t have a 3,000 square foot garage, and an 800 square foot house. Unless they come for an approval for a variance.

Thomas - That wouldn't affect height anyway.

Kennedy - No, but you may want a taller or bigger structure, you may want to try and address that by putting a height restriction.

Kennedy - discusses Section 2-403: Consistency with Zoning Requirements.

Kennedy - read section 2-403 aloud and discussed wordage.

Kennedy - discussed section 2-404: Location of Uses and Structures.

Kennedy - Read section 2-404 aloud and discussed wordage.

Kennedy - People that buy two lots in Sportsman Harbor, and they want to put their garage on one lot and their house on the other. Both held both, they can do it, but I typically recommend that they combine them.

Jeltes - That one is kind of personal to me because at our property, we have an old shed, and I had to go and combine those, just in case it fell in, I wanted to rebuild it.

Jeltes - So, this is allowing it to be non-combined?

Kennedy - That's the way it's worded, that is not out of the current code. This is attempting to turn the current code into a more modernized thing. I left it in there so we could have a discussion, I think the better planning decision is to make it all into one parcel or lot.

Toole - That means you could redefine your lot and put it as a separate lot if you wanted to

Jeltes - It must go through the process.

Kennedy - That's what the current requirement is people can build an accessory building on the next lot.

Toole - So, David could go back in and make it a separate lot, at a later date?

Kennedy - If we keep the current language, I suppose he could.

Kennedy - That's the question, do we want to keep that phrase "contiguous lot or parcel in the same ownership?"

Thomas - It's going to be an accessory building, just on a different lot, somebody could buy the lot and build a house.

Kennedy - They do have to have matching zoning districts.

Toole - David, you own multiple lots, if you're building your house on one lot and a garage on another lot, that is your homestead. So, you have two lots that are homesteaded. If you put in for two more lots to be homesteaded, if you wanted to separate those two lots, which are 100x200 for someone else to put something on, don't put yourself in a position to not do it a later date, because you will have homesteaded four city lots.

Kennedy - The other way to look at that, though, is you have an accessory building on your other lot, and you sell it, they have a limited time to build a house, because they are not supposed to have accessory building only.

Kennedy - Do we want to go ahead and keep it as worded?

Thomas - I don't have a problem with keeping it as worded.

Kennedy - They can put it across the street if it's approved through the Board. You can put your shed across the street, if perhaps their lot is too small to do a decent sized garage, they could put it across the street.

Thomas - I think that's fine.

Toole - I agree too, if they live across the street and have a waterfront access lot and wanted to put in a dock, then that would be appropriate.

Kennedy - That would be a good basis for a variance.

Kennedy - read Section 2-405: Required Yards or Setbacks aloud.

Kennedy - read line A in Section 2-405.

Kennedy - It doesn't really state that very clearly in the current code but that's how I've been doing it. Some places go from road line, some go from wall of a structure.

Jeltes - If someone has a closed garage, and then had a carport in the front or on the side, is it going from the face of the garage?

Kennedy - If it's a carport you would measure it from the posts, you just wouldn't measure it by the roof on it.

Kennedy - Paragraph B confirms Florida law. The primary purpose for that would be wetlands, because if the DEP comes down harder on setbacks, it becomes a building problem.

Toole - Doesn't it state we supersede?

Kennedy - It does, they don't really have a waterfront setback under state regulations, but it might have requirements related to docks. We can be stricter on the setbacks, we're not, but we could be. Ours generally coincides with the State.

Kennedy - discussed paragraph C under Required Yards or Setbacks on putting accessory structures in the front yard.

Kennedy - We need to make sure we define "front yard," the point is, its where the front yard is set. If you have these large waterfront properties, that are going to have a garage on the front of the house because their house is down by the water, but it still requires that garage to meet front yard setbacks which is 25 feet.

Toole - The harbor is full of homes that face the water, when we bought our house down on the river, we were told by the County that our front yard was the waterfront.

Kennedy - Waterfront setbacks are a whole different type of setbacks, but it happened to be the same as front yard setbacks in this case because you're still dealing with 25 feet on the water side.

Kennedy - read paragraph D under Required Yards or Setbacks, aloud.

Kennedy - Any questions? It's basically saying you have to meet the waterfront setbacks on an accessory structure unless it's something that isn't typical, which could be a gazebo or detached screen room you want to be down by the water.

Kennedy - The way the Code reads now, it's a standard setback for all accessory structures. We can keep it that way, which is why I left it blank so we could discuss the idea of that. Right now, the setback for accessory structures is 4 feet, that's regardless of size, so if you have a 1,200 square foot and a 20-foot-high storage building, you can put it 4 feet from your property line as of now.

Thomas - That's standard practice, but if it's habitable, you can't. So as long as it's a garage or it's a workshop or something like that.

Kennedy - If you want to keep it 4 feet across the board, regardless of size, we can do that, but habitable structures must have standard setbacks.

Jeltes - The current 4 foot is regardless of side yard or river yard?

Kennedy - Correct, because it's accessory structures, garage can be detached, and to be detached, it has to be 6 feet from any other structure.

Kennedy - I think most of us would require 10 feet.

Thomas - St. Augustine is 10 feet.

Kennedy - Which is pretty forgiving compared to other districts, but I think we should keep something along those lines. Setbacks serve several purposes, it helps aesthetic, it helps control density and tensity of a neighborhood, but there also needs to be sufficient access.

Kennedy - We can just keep 4 feet across the board, and not have a difference based on size.

Kennedy - This would eliminate paragraph D and take out the square footage limitation. We're going to keep paragraph B, paragraph E would become paragraph D.

Toole - If you have a house, and you put in an accessory carport 6 feet away from your house, and it's 4 feet away from the fence line, that's correct at this point, right?

Kennedy - Assuming the fence line is on your property, yes.

Toole - Does that include any pathways or steps leading to the house?

Thomas - If it was covered it would be going from the covering.

Toole - I'm saying this personally because we had a ramp put up between the two.

Thomas - If it's not roofed then you don't measure it.

Kennedy - As far as being actual setbacks from the side, if that wheelchair ramp gets inside the standard setback, we might have an issue.

Toole - Thinking of ours and trying to equate it, thinking of the harbor because they are so small, if you're putting a house there, and then you put in a carport or garage out front which a lot of them are doing.

Kennedy - Paragraph D as it is now, basically reads more explanatory language.

Kennedy - These are exceptions that are not in the current code, borrowed it from Putnam County and Crescent City, if we're consistent, it is less confusing, you don't have to put carport 6 ft from your house and you don't have to connect it, but the front of the carport has to meet front yard setbacks. If you want to put a carport right next to your garage, you don't have to butt it up right next to it, and you don't have to pull it 6 feet off.

Kennedy - Single gazebo can be in waterfront set back, I'm a waterfront property owner. A vision I had is to sit a little closet to the lake in a screen room and keep the bugs off, you don't want to put a giant gazebo. The County puts 164 square foot limit on it, which seems a little small to me. We could leave it open and see how it works.

Toole - If we leave it open, are we leaving it open to someone who's to say someone might want to put 500 square foot one?

Kennedy - If you say 250 square feet that might be a reasonable starting point.

Thomas - You could have a big lot though, where it wouldn't really matter. I don't see the point of putting square footage on it.

Toole - I do, because if you're looking at a 50-foot-wide lot and you wanted to put a screen room to sit out at overlooking the waterfront.

Thomas - It would just be your porch.

Toole - Not if it's detached.

Thomas - These are only gazebos.

Kennedy - It's gazebos, pergolas, or detached screen room.

Thomas - Put square footage on it, if they wanted something bigger, they'd end up here.

Toole - 20x20? (400 sq ft)

Jeltes - 20x15? (300ft)

Kennedy - I think of it as an extension of your house, without putting your house all the way down by the waterfront. A typical porch is 8 foot deep, and 15-20 feet long.

Toole - I don't think 8 ft deep is big enough.

Jeltes - 15x20 is substantial.

Thomas - That's not a very big structure, that's small, it would fit on a 50-foot lot.

Kennedy - Its based identical to standard residential, but the residential has some exceptions so I kept it separate. Only in commercial districts we would allow accessory buildings to be 4 feet from the property. If there is more than one for habitation permitted, this requires they be separated by 10 feet rather than 6 feet.

Thomas - 10 feet is standard building code distance.

Kennedy - read section 2-406: "Use of Structures" aloud.

Kennedy - If a garage is attached to your house, it must meet regular setbacks. It seems straightforward.

Toole - Is this where you're trying to counteract with people putting mobile homes on property while home is being built, and then take it off as soon as it's built?

Kennedy - No, that's not an accessory structure. We need to address that; I have no problem if you want to allow that in Welaka.

Toole - We did but there is a limit to it. 6 months was the extension.

Kennedy - That's not stated anywhere in your code.

Jeltes - The intent of the way I'm reading it, if someone has an empty lot, you cannot place an accessory structure.

Kennedy - Unless they're putting a primary building within a certain amount of time.

Jeltes - What if they bought it with the structure already there.

Kennedy - It would fall under non-conforming structure.

Kennedy - The current code reads no accessory without a primary structure, so you can do it, if a house follows it in 12 months. We can extend it to 24 months. Which is something we can talk about.

Kennedy - I think there's a rationale for allowing a accessory building of a certain size, to keep equipment to maintain property.

Toole - I prefer that, but I've seen it take 5 years, for people building houses, where they pull a permit once every 6 months.

Kennedy - What does happen is people bring RVs to properties and coming and going.

Toole - and a 50-gal tank that they dig.

Kennedy - Exactly.

Toole - I'd personally prefer a time frame.

Kennedy - They must pull a permit regardless. So that way the Code and Building official can track it.

Thomas - You can get a 6-month extension.

Kennedy - It wouldn't apply to this; it would only apply to a building permit.

Jeltes - We're talking about the subject of Code Enforcement action for violation of this prevision. We don't do a very good job of enforcing. Why would we allow for something that's not going to be enforced.

Kennedy - What's the alternative?

Jeltes - Strike it all together. You can't do it.

Kennedy - They need a permit to do anything, so we just wouldn't give a permit unless they are building a house.

Thomas - Is this a common practice?

Toole - It has been here, for years and years.

Thomas - To buy a piece of property and build a shed?

Kennedy - The County does allow a 150-foot shed to maintain the property. Right now, the Town is saying you can't have an accessory structure at all until you have a primary structure. You can do them together and pull permits for everything.

Toole - There's been a big change in Code Enforcement, if you have a complaint, you could complain anonymously, you can no longer do that. You must sign a complaint. Now it comes down to a lot of people who would like to complain about something but don't because they fear for their safety. Code enforcement is not good now as it was 4 years ago.

Kennedy - You can be proactive in code enforcement, not only when a complaint is filed. In Ag zoning, you can principally structure if it's a bona fide farm. Basically, primary use being agriculture you can have a primary use without having a structure. So, in that case, you can have a barn, and cattle out there.

Toole - In the Town there are not very many farming areas, but there are people who might have 2 or 3 acres and have a couple horses on it, and they need to have a structure to put things in. However, it wouldn't be considered a house, it's just an Ag building.

Kennedy - Then we'll say bona fide use under agricultural zoning. Raising horses is an allowed primary use of Ag zoning.

Thomas - You don't have to say what it is if it's agricultural zoning.

Toole - You're allowed to do it if it's Ag zoning, and you're allowed to have animals if it's Ag zoning, it shouldn't be lumped into the 5 acres.

Kennedy - Read Section 2-407: "Size and Number of Structures" aloud.

Kennedy - You must know what your total lot coverage requirements are. If your storage building is bigger than your house, it won't be allowed unless you guys approve it. I wasn't sure if we'd want to do it commercially, because commercial and industrial are all about accessory buildings.

Toole - The County allows you to put 10x10 shed without permit?

Kennedy - If you want to do that, you can, you don't in your code presently. If you don't want to require a permit for a shed that 150 feet, you don't have to. The building code allows for that exception.

Thomas - That's for a shed that you might buy.

Kennedy - Do you want to have that exception?

Thomas - I think so.

Toole - I think so too.

Kennedy - Read section 2-409: "Supplemental Regulations for Accessory Uses and Structures" aloud.
Kennedy - This section deals with basic definitions, helps clarify certain uses and the parameters we should put because of what they are. May be required for side or rear setback no more than 4 ft. Cannot put AC unit in front of house. Talks about propane, stored at large, volume propane tanks, will require additional permits.
Toole - If you have a whole house Generac and your house is 2,500 square feet, how much propane would that need?
Thomas - Probably about a 50 LB tank.
Jeltes - Accessory equipment is considered an accessory structure?
Kennedy - For a 4-foot setback, yes.
Jeltes - Hypothetically, I've got two lots I own, not combined with my homestead. Could I put a solar farm there? If it's an accessory structure.
Kennedy - Would be a use question.
Thomas - You can have solar panels on your roof.
Kennedy - I added the over water shade structures to this boathouse and dock section, it doesn't really deal with the fact that some people build a dock with a roof over it so they can sit in the shade, just want to make sure that it's clear we allow that as a part of your dock development.
Kennedy - You cannot close in your boathouse; it must be open on all sides. You must comply with the Florida building code, and boathouses cannot be revenue generating.
Thomas - Does DEP have a certain size for boat houses? 600 square feet is not 20x30.

Kennedy - You can have one structure. You cannot do both unless approved by the Council or DEP.
Last thing is fences. Supporting posts should be facing property in which they are constructed. Fencing of easements, right now your code prohibits it. Which is an issue in the new subdivision, River Hill. Several houses have 40-foot utility easements. If it's inside utility easement, it needs to be easily removable.
You can't put a fence in the visibility triangle.
Toole - Isn't it 4 feet? It's just the triangle corner.
Kennedy - Fence height for commercial properties can install a fence up to 8 feet in height, to address concerns as determined by the Board. You might recognize the need for it, but if they feel like they are going to be robbed is not extraordinary. If it's a business that uses chemicals, then they would be up for approval. We do have residents that use hog wire fences, so I don't know if you'd want to do this or not. We can think about it and see if you want to loosen it.
Kennedy - Read A.U.S if you approve it, you can require them to demonstrate safety concerns. Barbed wire height must be calculated. That it the end of Accessory Uses and Structures. If you think of anything and come up with more scenarios or issues, we'll talk about it next time.

7. OLD BUSINESS: None.

8. PUBLIC COMMENT None.

9. ADJOURNED: 7:13 PM

9/26/2023

Town of Welaka

Attn: Zoning Board

Dear Town of Welaka Zoning Board,

This letter is intended to formally request a zoning interpretation for the property located at 413 Elm Street in Welaka Florida.

The property is currently Zoned C-1 and it is my understanding that beer and wine sales are not permitted unless a conditional use permit is issued.

Home Plate Concessions LLC DBA Outback Smoke Shack & Brewhouse, a Barbecue Restaurant, here by formally requests a Zoning interpretation and that the above stated business to be granted a conditional use permit for beer and wine sales at the property listed above. The Business will maintain its status as a full-service restaurant with more than 50% of sales coming from the sale of food items and less than 50% of sales coming from the sale of beer and wine.

An application for 2COP (beer and wine sales for on premises consumption) license has been applied for through the Department of business and professional Regulation. A zoning approval is needed to complete this application process and satisfy the requests of the DBPR.

If there are any questions, please feel free to contact me. HAVE A BLESSED DAY!



AJ Fiteau- Owner/Operator
Outback Smoke Shack & Brewhouse
(386) 268-1381

From: Chad Hutchinson <saleisureandmore@yahoo.com>

Sent: Friday, September 22, 2023 10:37 AM

To: Town Clerk <townclerk@welaka-fl.gov>; Leslie Smith Welaka Storage <lamorganrn@yahoo.com>

Subject: Zoning Board Agenda

Good morning Meagan,

Please place us on the Zoning board agenda for Oct. 20th. The property owner will be with us and we would like to discuss with the board moving forward with zoning change and what the appropriate zoning should be.

Thanks,

Have a great weekend.

Chad & Traci Hutchinson
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