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**Planning & Historic Preservation Board**

Tuesday • March 30, 2021 • 7:00pm

**Minutes Regularly Scheduled Meeting**

1. Call to Order: 7:00 p.m.

2. Invocation & Pledge of Allegiance to Flag:

3. Roll Call:

Board Members

Ann Baird -- Present

Marian Baron, Vice Chair -- Present

Stephen Elder -- Present

Dakota Johnson -- Absent (*with notice)*

Fro Warren, Chair -- Present

Scott Walker, Town Attorney -- Present

Patty Polk, Deputy Town Clerk -- Present

4. Consent Agenda Approval:

1. Agenda Approval
2. Minutes of Regular Meeting January 26, 2021

Steve Elder questioned the agenda *Item 8) Unfinished Business* and if we need to discuss this item during this meeting. Patty Polk stated that the Alachua County Sheriff’s Department will be doing a speed spy study soon. Chair Warren has listed this as a discussion item under *Item 8) Unfinished Business*.

***Motion made and seconded (Elder/Baron) to approve the consent agenda as submitted; Passed 4-0***

1. Citizens Forum:

* Stoney Slaton, *(104 NE Seminary Ave)*, discussed the need to upgrade the trash receptacles downtown to larger cans. Chair Warren will check on this, as well as the suggestion to move the sun dial to the southernmost island.
* Bud DesForges, *(554 NW Seminary Ave)*, reminded everyone that our Micanopy Clean-Up is April 24, 2021 8 – 11:30 am.
* Aaron Weber, *(16614 S US Hwy. 441, unincorporated Micanopy)* The County is considering a Scenic Highway designation for Tuscawilla Rd which would give the County the ability to lower the speed limit from 30mph to 20mph. Weber stated that he supports lower speed limits on Tuscawilla Road; 20mph would be great. Mr. Weber said that he bikes, runs, and drives his kids to school down Tuscawilla Rd., and he has noticed that in the morning when people are late driving their children to school, they fly past him at 50mph; a lower speed limit would be appropriate. Weber also commented that he was never notified about the Dollar General Stakeholders’ meeting, and he commented that the Dollar General will need exceptions to get building approval; and that we must save the trees. Weber would like the Dollar General developers to adhere to the regulation of having the entrance facing Hwy. 441 toward Reddick Brothers and the commercial district.

1. Public Hearings

* Action: Variance to build on a non-conforming lot (less than ½ acre)

Parcel: 16720-028-016

Location: 102 SW 6th St, Micanopy, FL 32667

Owners: Elliot Larkin – Sale Pending

Quasi-Judicial Hearing

1. The Board shall determine whether it has jurisdiction over the matter. *Yes*
2. Members of the Board shall, if necessary, state whether they have a conflict of interest or must otherwise disqualify themselves from hearing the case. *None*
3. Members of the Board shall disclose and place on the record any ex parte contacts relating to the matter before the Board. *None*

*Attorney Walker swore in the following witnesses: Elliot Larkin, Bud DesForges, and Stoney Slaton*

1. Introduction of the petition by the Town. *Chair Warren read the application as submitted.* *Proposed action is to build a one story, 900 to 1300 sq. ft. single-family house on this parcel. A past owner had received a variance to build on this parcel. Larkin has verified with the Alachua County Health Department that a ¼ acre parcel would be allowed a septic tank and drain field.*
2. Presentation of the Applicant’s case.  *Elliot Larkin discussed that there are other improved ¼ acre lots in this area; whereas, he would like to have a ½ acre parcel to build, this is what is available for sale. He doesn’t know what happens to a parcel if a lot is not buildable.*
3. Presentation of Affected party’s case. *None.*
4. Presentation of Staff’s case. *Patty Polk reported that in June 2019, this parcel had been approved a variance to build on a non-conforming lot. Is this variance still approved? Chair Warren stated that it is his understanding that a variance stays with the parcel. Attorney Walker agreed that the variance goes with the land; however, if a structure is built and it burns down or is destroyed, then that will end the non-conforming variance. A new variance would be required to rebuild another house. Marian Baron questioned the size of the parcel; .247 (nearly a ¼ acre).*

*Bud DesForges questioned if Larkin has tried to purchase the lot next to this one, and he replied that he has not. Baron drove past this parcel today, and she noticed that there are many vacant lots in this area. She is concerned that everyone is going to want to build on these lots. DesForges stated that the last applicant to request a variance to build on a non-conforming lot didn’t meet the 85’ road frontage; this is a different situation as it is an area that would really be enhanced to have a nice home on it. DesForges stated that the Town Commission and this Board have to decide what rules we are going to let slide and what rules are we not going to let slide. Further, if you make an exception here, the next person with a ¼ acre lot will site this case as a precedent to be allowed to build on a non-conforming parcel. DesForges stated that if the variance that was previously granted to this parcel was to build a house, then we should allow Larkin to build.*

*Baron questioned the attorney, “Does this Board have the legal means to rescind a variance?” Attorney Walker responded that you cannot rescind a variance. This is different than a building permit which expires after a period of time. Ann Baird questioned why there are so many ¼ acre parcels? Chair Warren responded that years ago the Town was platted in ¼ acre parcels and when our Land Development Code (LDC) was changed in 2002 the requirements changed to ½ acre parcel as a buildable parcel. Elder commented that when the LDC was changed to ½ acre lots due to the high density of septic tanks, and their effect on the drinking water.*

*Polk questioned, “Can the other ¼ acre parcels in Town can be granted variances to build on a non-conforming lot?” Attorney Walker responded that there are a couple different standards. 1) A buyer should not put themselves in a position of a self-imposed hardship. 2) If you are looking at these little parcels that are way less than a ½ acre, they should be combined if possible. 3) The other thing that you can look at is changing the code. As Chair Warren said, we had a platted Town at one time where these lots were platted in this direction, then we changed our code which made these non-conforming lots. Now the planning discipline has gone back to tiny homes that fit on these small lots. It begs the question that maybe we want to relook at the zoning categories in the code, we want people to take advantage of building small homes on these small lots, and see if this makes sense for the Town. Chair Warren stated that we may want to discuss this topic with the Town Commission.*

*Slaton questioned if there was a house on this parcel previously, and he was answered that yes, there was years ago. Larkin is merely replacing something that was there previously. Slaton questioned that if the 85’ road frontage is based on a ½ acre lot, then maybe a discussion could be created to adjust this standard to the smaller lot.*

*Per LDC Article 1.03.01 “NONCONFORMING LOTS, USES OR STRUCTURES. 1.03.01. Intent. Within the districts established by this Land Development Code there exist lots, structures, and uses which were lawful before June 11, 2002, but which will be prohibited or restricted under the terms of this LDC. It is the intent of this Section to permit these non-conformities to continue until they are eliminated, but not to encourage their survival. Except as otherwise provided, nonconformities shall not be enlarged, expanded, intensified or extended nor be used as a basis for adding other structures or uses prohibited within the district. Certain improvements to nonconforming uses which: (1) do not involve increases in the size of structures or changes in the character of existing uses; (2) are reasonably related to the continuation of those uses; and (3) will not have an adverse impact on the surrounding neighborhood and general public, may be permitted. To avoid undue hardship, nothing in herein shall be deemed to require a change in the plans, construction or designated use of any building on which a building permit has been issued prior to June 11, 2002.”*

*Chair Warren and Member Baron discussed the above section of the code which clearly stated that nonconforming lots shall be permitted to continue until they are eliminated. Baron stated that the discussion isn’t how do we go back to a ¼ acre, but how do we resolve the issue of these ¼ acre parcels. Chair Warren agrees. Larkin commented that when a buyer has to purchase two parcels and join them together to build one house, that is a big expense that will not be recouped by the buyer. Baron questioned Mr. Larkin regarding the timeframe for the parcel where he is planning to build a minor subdivision; and it is approximately 1 ½ years. His plan is to build the minor subdivision and this house at the same time, as they are in close proximity. Baron questioned if Larkin plans to buy more ¼ acre parcels, and he responded that he will buy ¼ acre lots in the future if he can build on them.*

1. Rebuttal by Applicant. *None*
2. Rebuttal by Staff. *None*
3. Rebuttal Affected Parties. *None*
4. Public Input – *Above*
5. Deliberation and Vote of Board. *Chair Warren stated that because the variance was previously granted and it stays with the parcel there is nothing to do here. Mr. Larkin can build on this parcel following our Land Development Code (LDC).*

13. Preparation of Final Order. N/A

14. Approval of Final Order. N/A

1. New Business:

* Joint meeting Town Commission and Planning & Historic Preservation Board – April 6, 2021 – 6:30 pm

Discussion – Dollar General Store

Meeting Location – Micanopy Christian Fellowship Hall, 4909 SE 165th Ave, Micanopy, FL 32667

Agenda is posted on the Town Hall bulletin board and website.

8. Unfinished Business

* Speeding on Tuscawilla Rd and Seminary Ave – 4-way *STOP* at NW Seminary Ave/Division St

1. Alachua County Sheriff’s Department will bring their speed spy to Micanopy. Discussion ensued regarding placement of the speed spy, and we suggest placement on Tuscawilla Rd and on Seminary Ave. Aaron Weber recommends a 20mph speed limit.
2. Chair Warren has drafted a letter to Sheriff Clovis Watson, Jr. requesting assistance in slowing speeding traffic. We will hold off on this letter until after the speed spy study has been completed.

9. Board Member Comments:

* Marian Baron (Seat 1) – Happy Easter
* Ann B. Baird (Seat 2) – None
* Stephen (Dakota) Johnson (Seat 3) – Absent with notice
* Stephen Elder (Seat 5) – None

10. Chair Fro Warren (Seat 4) Report: We’ve had 2 parcels in the historical district in need of HVAC replacements which are considered maintenance and do not require a Certificate of Appropriateness.

Attorney Walker announced that Attorney Andrea Parker is pregnant with her second child and is finished with her first trimester.

11. Adjournment 7:51 pm.

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MINUTES APPROVED:

As submitted\_\_\_\_As amended\_\_\_\_ at Planning & Historic Preservation Board Meeting\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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JP Warren, Chair Patty S Polk, Recorder