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# Town of Ponce Inlet Planning Board Regular Meeting Minutes July 28, 2020

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**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** pursuant to proper notice, Chairman Cannon called the meeting to order at 5:30 PM in the Council Chambers, located at 4300 S. Atlantic Avenue, Ponce Inlet, FL, and led attendees in the Pledge of Allegiance. Chairman Cannon requested that everyone speak into the microphones for clarity.

**2. ROLL CALL AND DETERMINATION OF QUORUM:**

Board members present:

Mr. Mauldin, Seat 1  
Mr. Bergeron, Seat 2  
Mr. Barrow, Seat 3 (virtually via ZOOM)  
Mr. Cannon, Seat 4  
Mr. Thompson, Seat 5 (virtually via ZOOM)  
Mr. Kaszuba, Alternate 1  
Mr. White, Alternate 2

A quorum was established with all board members present; there were no absences.

Staff present:

Ms. Dean, Acting Recording Secretary  
Mr. Disher, Assistant Director, Planning & Development Department  
Ms. Frazier, Senior Planner  
Ms. Hugler, Office Manager  
Mr. Shepard, Town Attorney (virtually via ZOOM)

**3. ADOPTION OF AGENDA:** Chairman Cannon asked if there were any changes to the agenda; there were none.

Chairman Cannon moved to adopt the agenda as presented; seconded by Mr. Bergeron. The motion PASSED 5-0, consensus.

**4. APPROVAL OF MINUTES:**

A. June 23, 2020 Regular meeting - Chairman Cannon asked if there were any changes requested to the minutes; there were none.

Chairman Cannon moved to adopt the June 23, 2020 minutes as presented; seconded by Mr. Bergeron. The motion PASSED 5-0, consensus.

**5. REPORT OF STAFF:** Mr. Disher reported that no Administrative Variance applications had been received; and that Mr. Joulani and Ms. Hunt have returned to work.

47 **6. CORRESPONDENCE & DISCLOSURE OF EX-PARTE COMMUNICATION:**

48 Chairman Cannon reported that he had spoken with several residents regarding the variance case;  
49 Mr. Thompson stated that he lives on Rains Court but has had no conversations with neighbors  
50 regarding the variance requests; Mr. Barrow stated he had a conversation with Mr. Disher for  
51 clarification of the requests.

52  
53 **7. HEARING OF CASES:**

- 54 A. VAR14-2020; property address: 39 Caribbean Way  
55 Owner(s): James G. Beckmann, represented by Colleen Miles, President of Land  
56 Development Resource Group, LLC  
57 Request: Variances (two) to reduce the required street frontage for a driveway and  
58 to reduce the required driveway setback from an adjacent property line to allow a  
59 second driveway access to the property from Rains Court.  
60

61 Mr. Disher presented the requests for variances and reviewed his report dated July 21, 2020  
62 (Attachment 1). He noted that the property sits between two cul-de-sacs and there is a 15-foot  
63 pedestrian access easement and a tree preservation easement affecting this property. He stated the  
64 property was developed in 2014 with a single-car garage, a courtyard, and a courtyard pool on the  
65 front and a two-car garage on the rear. He noted that there is no vehicular access allowed to the  
66 property from the rear (Rains Court). He stated the requests include a variance from the minimum  
67 frontage requirement for a driveway on a curve and to reduce the minimum driveway setback from  
68 an adjacent property line. Mr. Disher stated that to grant a variance, all seven criteria must be met.  
69 He then reviewed the criteria and staff's findings: **A. Special conditions and circumstances exist  
70 which are peculiar to the land, structure, or building involved and not typical of other lands,  
71 structures or buildings in the same zoning classification - this criterion has been met; B. The  
72 special conditions and circumstances do not result from the actions of the applicant - this  
73 criterion has been met; C. Literal interpretation of this code would deprive the applicant of  
74 rights commonly enjoyed by other properties in the same zoning classifications and create  
75 an unnecessary and undue hardship on the applicant - this criterion has not been met; D. Strict  
76 adherence to the provision does not promote the purpose for which it was intended - this  
77 criterion has not been met; E. The variance does not conflict with a town policy such as  
78 preservation of dunes, water conservation, or preservation of natural vegetation - this  
79 criterion has not been met; F. The variance is the minimum variance that will make possible  
80 the reasonable use of the land, building, or structure - this criterion has been met; G. The  
81 variance is in harmony with the general intent and purpose of the LUDC and does not injure  
82 the area involved - this criterion has not been met.** He concluded that based on staff's analysis,  
83 only three of the seven required criteria have been met and therefore staff's recommendation is  
84 denial of the requests. Mr. Disher noted that public comments and a petition have been received  
85 in opposition to the request (Attachment 2). Mr. Barrow asked if the applicant is informed of staff's  
86 decision prior to the meeting. Mr. Disher stated yes, the applicants are provided a copy of the  
87 report at the time it is sent to the Board. Chairman Cannon asked Mr. Disher to explain the "special  
88 condition" for clarification. Mr. Disher stated that although the property has a "special condition"  
89 (i.e. frontage on two cul-de-sacs), it does not create or cause a hardship. Mr. Mauldin concurred  
90 that a double-frontage lot is a special condition. Chairman Cannon referenced criteria F and stated  
91 that it has been determined the owner has reasonable use of the property, and the owner knew this  
92 when he constructed the home. Mr. Thompson asked if the lot was wide enough on the Caribbean  
93 Way side to allow for a two-car garage; Mr. Disher stated yes. Mr. Thompson stated there have

94 been no changes to the Code since this property was purchased and developed, correct? Mr. Disher  
95 stated correct, the same Code requirements for frontage width and driveway setbacks apply today  
96 as in 2014. There was a brief discussion of the proposed driveway location, the right-of-way, the  
97 sidewalk and easements; and the Rains Court cul-de-sac being referred to as “temporary” on the  
98 subdivision plat. Chairman Cannon requested the applicant to provide her testimony. Collen Miles,  
99 representing the property owner, stated that since making the application, the owner is willing to  
100 reduce the width of the driveway to eight feet, which would eliminate the need for the driveway  
101 setback variance. She stated that the Beckman’s lot is not the same as the Singh lot next door (at  
102 36 Caribbean Way), as it has a drop-off and would not accommodate a two-car garage on the  
103 Caribbean Way side. She stated that the only variance they are now seeking is for the frontage  
104 width, since the other variance request has been removed. She stated that on Caribbean Way, every  
105 home has a minimum two-car garages. She stated that the design of the cul-de-sac is poor when  
106 considering emergency access. Mr. Mauldin asked Ms. Miles why she felt that the design of the  
107 cul-de-sac was a poor design for emergency vehicles. He stated that the radius of the cul-de-sac is  
108 the same as the others, but is the center island the issue? Ms. Miles stated she had no idea, but if  
109 UPS and a garbage truck meet at the same time, it creates an issue. Mr. Mauldin expressed concern  
110 that there could be potential problems with emergency access and requested staff look into the size  
111 and design. Mr. Thompson asked Ms. Miles if there was no feasible design to incorporate a two-  
112 car garage from Caribbean Way. Ms. Miles stated that she does not know what was feasible. There  
113 was a brief discussion of building area based on zoning requirements and the design of the  
114 structure. Mr. Barrow stated it appears that there is a capability to park one car in the garage and  
115 one in the driveway on Caribbean Way. He asked about the mulch bed on the rear of the property  
116 and concerns from neighbors that the Beckman’s were driving across the lawn to access the two-  
117 car garage. Mr. Disher stated there is nothing that prohibits mulch, but there are regulations  
118 regarding driving over the right-of-way. There was reference made to the drawing Ms. Miles  
119 provided at the start of the meeting. Mr. Disher noted that there is information missing from the  
120 revised driveway (amended drawing). Chairman Cannon opened public comment - Robert Clark,  
121 82 Rains Court, stated he submitted the petition on behalf of his neighbors. He stated the curb cut  
122 comes dangerously close to the pedestrian walkway and believes that is a potential for serious  
123 injury. He added that there are about six homes on Caribbean Way but there are 16 homes on Rains  
124 Court - even though both cul-de-sacs are the same size. He stated that 36 Caribbean Way also has  
125 a garage on the rear, and that if the variance is approved, the owners could also apply for the same  
126 variance, creating a shopping-mall appearance. Pam Schafer, 53 Rains Court stated the cul-de-sacs  
127 are the same size and everyone must be careful. She stated that all the neighbors oppose the  
128 variances and that Rains Court has many children living on it. She stated it was a design choice by  
129 the current owner who also developed the lot and asked that the residents not be burdened with  
130 increased traffic due to someone else’s decisions. She noted that no one from Caribbean Way has  
131 raised concerns with safety due to the cul-de-sac on that street. Diane Durante, 63 Rains Court  
132 stated that approval would create a safety hazard for those walking through the neighborhood and  
133 the neighbor immediately adjacent to this property. Carol McDonough, 54 Rains Court expressed  
134 concerns with pedestrian safety if the variances are approved. She stated that many vehicles cruise  
135 into the neighborhood not realizing that it is a dead end and the neighborhood does not need  
136 increased vehicular traffic. Chairman Cannon closed public comment. Chairman Cannon clarified  
137 what can be evaluated in determining the request. Mr. Disher stated the amended drawing is not  
138 complete. There was a brief discussion regarding the regulations when the subdivision was  
139 developed (1993). Attorney Shepard recommended the quasi-judicial worksheets be completed  
140 after the motion by voting members only. He noted that the vote on the worksheet must match how

141 the member votes on the motion.

142

143 Chairman Cannon moved to approve variance #1, to reduce the minimum frontage requirement  
144 for a driveway on a curve, per LUDC section 4.6.2.F, from 35 feet to not less than 21 feet; seconded  
145 by Mr. Bergeron. The motion FAILED 5-0, with the following vote: Mr. Mauldin - no; Mr.  
146 Bergeron - no; Mr. Barrow - no; Mr. Cannon - no; Mr. Thompson - no.

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148 Chairman Cannon moved to approve variance #2, to reduce the minimum driveway setback from  
149 an adjacent property line, per LUDC section 4.7.5.B and Table 4-9 from 5 feet to no less than one  
150 foot; seconded by Mr. Bergeron. The motion FAILED 5-0, with the following vote: Mr. Mauldin -  
151 no; Mr. Bergeron - no; Mr. Barrow - no; Mr. Cannon - no; Mr. Thompson - no.

152

153 Mr. Disher stated that the property owner has 30 days to appeal the Board's decision to the Town  
154 Council, which must be received by August 27, 2020. Attorney Shepard reviewed the process for  
155 preparing the quasi-judicial worksheets and reminded everyone to not discuss this matter amongst  
156 themselves.

157

## 158 **8. BUSINESS ITEMS/PUBLIC HEARINGS:**

159 A. *Discussion of regulations for "Micromobility devices" and "E-bikes"* - Mr. Disher  
160 provided a summary of the new state laws and noted that the recent changes now classify "E-  
161 bikes" into three categories. He noted that both E-bikes and micromobility devices can be operated  
162 in the same locations as bicycles and must follow the same rules. He noted that the law allows the  
163 Town to prohibit their use on certain sidewalks and set a speed limit on sidewalks for the devices;  
164 in addition, the Town has the ability to control how these devices are rented (i.e. permitting, etc.).  
165 Mr. Disher clarified that the town can prohibit them from sidewalks, but not roadways. Mr. Disher  
166 noted that this item was presented to Council at its July meeting for discussion and direction. He  
167 noted that he has had inquiries from local businesses asking if these devices are legal in Ponce  
168 Inlet. Mr. Thompson stated this is the future; he supports limiting sidewalk usage and imposing  
169 speed limits at less than 15 m.p.h. He added that regarding rentals, it should not matter if they are  
170 fully motorized or human assisted - rentals need regulations to include tethering the rental  
171 operations to an established town business. He asked what the risk is if the town does nothing. Mr.  
172 Disher stated that the "dockless option" operates in the right-of-way, without the need for a  
173 physical docking station - the user leaves the bike at their destination and the rental company picks  
174 it up the next day. Chairman Cannon expressed concerns with dockless rentals, and the devices  
175 being left all over town; Mr. Thompson concurred. Mr. White asked if the Town can regulate these  
176 devices on S. Atlantic Avenue, which is a County road. Mr. Disher stated that is one of the issues  
177 staff is researching. Mr. White noted that along S. Peninsula Drive, there are many hidden  
178 driveways, public parks, and crowded sidewalks - all adding to his concerns regarding safety. Mr.  
179 Kaszuba expressed concerns for dockless operations as the devices are dropped on sidewalks,  
180 bikepaths, and in driveways, causing hazards. He noted that using these on the beach can be  
181 hazardous. Mr. Barrow suggested looking into the Lighthouse Drive area and that 15 m.p.h. on a  
182 sidewalk is too fast. Mr. Disher noted that the 15 m.p.h. referenced in the statute is the maximum  
183 speed allowable by state law if a local government chooses to impose its own speed limit, and the  
184 town can impose a lower speed limit. Mr. Disher stated that the devices are currently allowed in  
185 town pursuant to the new state law and are regulated under state statute until the town imposes its  
186 own regulations. He added that the beach is under the County's jurisdiction and the devices could  
187 not be regulated under any town ordinance. Mr. White suggested that the definitions section spell

188 out what each of these types of devices is. Mr. Thompson suggested that these devices should all  
189 be regulated the same. He asked if a business comes to town and begins renting these devices, with  
190 no town regulations in place, does the town have to “grandfather” them in? Attorney Shepard  
191 stated essentially yes. He explained that the scooters are usually the problem as they are often  
192 dropped anywhere; regulations came about after cities experienced public outcry regarding safety  
193 concerns. The town cannot prohibit them from coming here, but it can regulate how and where  
194 (within statute) they do business. He added that it is advisable to have prudent legislation in place  
195 that protects the health, safety, and welfare of your residents and the community.

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197 Mr. Disher stated that staff will continue researching this matter and bring forward a draft  
198 ordinance for the Board’s consideration at a future meeting.

199  
200 **9. PUBLIC PARTICIPATION:** Chairman Cannon opened public participation; hearing  
201 none, he closed public participation.

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203 **10. BOARD DISCUSSION:** None.

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205 **11. ADJOURNMENT:** the meeting was adjourned at 7:46 PM.

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207 Prepared and submitted by,  
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210 Peg Hunt, Board Secretary