

**Planning Commission Agenda  
January 9, 2020 - 5:30 p.m.**

Robert Froehling- Chair  
Daniel Grannan - Vice Chair  
Randy Martin  
Charles Kish  
Scott Ebert



Doug Smith  
Vacant  
Alternate 1 - Tonia Herring  
Alternate 2 - Terry Thompson

- 1) Call to Order
- 2) Roll Call
- 3) Moment of Silence
- 4) Pledge of Allegiance
- 5) Adoption of Agenda
- 6) Approval of Minutes – **November 7, 2019; November 14, 2019; November 21, 2019; December 5, 2019**
- 7) Citizen Input – 3 minutes
- 8) Public Hearings – Quasi-Judicial
  - a) **Withdrawn - Request for Variance - Request No. V19-0020 for Variance – Hunter Spring, Inc. - 1610 SE Paradise Circle, Crystal River, Florida.**

A Variance to Chapter 5, Sec. 5.01.07. - Docks, boat davits, boat lifts, boat covers, and boathouses, Subsection I, which permits “duplex and multi-family lots may have one (1) boat slip per fifty (50) feet of shoreline, or part thereof” asking the Planning Commission to allow ten (10) boat slips on two hundred fifty (250) feet of shoreline.
  - b) **Request for Variance – Request Number V19-0020 – Ned and Lisa Davis – 1820 400 NW Magnolia Circle. Crystal River, Florida.**

A Variance to the City of Crystal River Land Development Code, Chapter 6, Sec. 6.04.02. – Access and driveway design requirements: (1) Subsection D to allow a driveway within one hundred (100) feet of the intersection of the 400 NW Magnolia Circle and NW Fern Drive centerlines; and (2) Subsection F(1) to expand the maximum twenty (20) foot driveway width by an additional twelve (12) feet, increasing the driveway to a thirty-two (32) foot wide driveway.
- 9) Unfinished Business – None
- 10) New Business – **Annual Review of Planning Commission By-Laws**
- 11) Citizen Input – 5 minutes
- 12) Staff Comments
- 13) Commissioner’s Comments
- 14) Chairman’s Comments
- 15) Adjournment

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*Any person requiring reasonable accommodation at this meeting because of a disability or physical impairment should contact the City of Crystal River, City Manager's Office, 123 N. W. Highway 19, Crystal River, FL 34428 (352) 795-4216, at least two (2) days prior to the meeting.*

## Planning Commission Agenda November 7, 2019 - 5:30 p.m.

Robert Froehling- Chair  
Daniel Grannan - Vice Chair  
Randy Martin  
Charles Kish  
Scott Ebert



Doug Smith  
Charles Botts  
Alternate 1 - Tonia Herring  
Alternate 2 - Terry Thompson

- 1) Call to Order – Meeting was called to order at 5:33 pm by Chair Froehling.
- 2) Swear-In New Member – Tonia Herring, Alternate 1 Sworn in by Jeanette Rehberg.
- 3) Roll Call –  
Present: Robert Froehling, Daniel Grannon, Randy Martin, Scott Ebert, Doug Smith, Charles Botts, and Terry Thompson, City Attorney Cliff Taylor, Planning Director Brian Herrmann and Jeanette Rehberg.  
Absent: Charles Kish
- 4) Invocation- A moment of silence was observed by all in attendance.
- 5) Pledge of Allegiance – the recital of the pledge of allegiance was led by Chair Froehling.
- 6) Adoption of Agenda – Motion to adopt the agenda was made by Vice Chair Grannan; seconded by Commissioner Martin. Motion carried 7-0.
- 7) Approval of Minutes – None.
- 8) Citizen Input – 3 minutes – None.
- 9) Public Hearings – Quasi-Judicial
  - a) **Request for Variance – V19-0013 – The Hampton Family Florida Trust, LLC – 300 S U.S. Highway 19 and 400 NW U.S. Highway 19, Crystal River, Florida. Continued from October 24, 2019.**  
A VARIANCE TO THE CITY OF CRYSTAL RIVER LAND DEVELOPMENT CODE, CHAPTER 4, SEC. 4.05.02. - SPECIFICATIONS FOR LANDSCAPING AND VEGETATION TO ALLOW A VARIANCE TO THE LANDSCAPE BUFFER REDUCTION FROM 10’ TO 7’; CHAPTER 4, SEC. 4.02.02 STANDARDS FOR BUILDINGS AND BUILDING PLACEMENT (SETBACKS) AND CHAPTER 5, SEC. 5.01.13 SWIMMING POOLS AND POOL ENCLOSURES TO ALLOW A POOL SETBACK REDUCTION FROM 25’ TO 7’; CHAPTER 6, SEC. 6.04.07 STANDARDS FOR PARKING AND PARKING LOTS TO REDUCE THE PARKING STALL DEPTHS FROM 20’ TO 18’ AND THE REQUIRED MINIMUM NUMBER OF PARKING SPACES FROM 94 TO 75

Conflicts of Interest: none noted.

Ex-parte Communication: none noted.

Staff Presentation: Presented by Planning Director Brian Herrmann. Planning Director Herrmann responded to questions from the Commission. Discussion concerning walkways and landscaping.  
Applicant Presentation: Housh Ghovae, Northside Engineering, and Steve Spencer presented the applicant’s presentation and responded to questions from the Commissioners. Mr. Ghovae noted that there could be “a lot more” parking added to the project with a decrease in the landscaping. Mr. Ghovae noted that there were numerous investors looking to come to the City and develop properties. Mr. Spencer expressed displeasure toward Planning Director Herrmann. Mr. Ghovae expressed a desire to continue to work to make the project work better. The Commissioners stated that they had requested the property owner work with the City. Mr. Ghovae offered to meet with Planning Director Herrmann personally to discuss the project. Mr. Ghovae questioned Planning Director Herrmann regarding the site plan. Planning Director Herrmann responded. The applicants submitted drawings of two elevations at the Commission’s request.

Public comment: none.

Intervening parties: none noted.

Applicant's rebuttal: Mr. Ghovae responded to questions from the Commissioners. Steve Spencer joined Mr. Ghovae in answering Commissioner Ebert's question regarding the outparcel. Mr. Ghovae noted some ideas for the outparcel development. Commissioner Ebert questioned about the billboard located on the property. It was noted that there was an easement on the billboard. The legal status of the billboard is in limbo. Commissioner Martin asked if any agreement had been reached regarding to the parking. Planning Director Herrmann not that there was not an agreement regarding the parking.

Motion to deny all variance requests was tendered by Chair Froehling then withdrawn. Motion to deny all variance requests was made by Commissioner Smith; seconded by Commissioner Martin. (City Attorney clarified that the chair cannot make motion. Commissioner Smith then presented the motion).

Commissioners discussed the variance requests.

Motion carried 4-3.

- b) **Request for Variance – V19-0016 – William R. Spell – 315 NW Magnolia Circle, Crystal River, Florida.**  
A Variance to Chapter 6, Sec. 6.04.02. – Access and driveway design requirements, Subsection A, to allow a nine foot (9') variance to the maximum thirty feet (30') space between driveways, as measured from the centerlines to thirty-nine feet (39') between driveways, as measured from the centerlines; Subsection B, Table 6.04.02.A, request for a Variance to exceed the number of allowed driveways, one (1), on a local road to allow two driveways, creating a circular drive, on a local road which has one hundred linear feet (100').

Conflict of Interest: none noted.

Ex-parte: none noted.

Staff presentation: Planning Director Herrmann presented the staff report to the Commission. Planning Director Herrmann responded to questions from the Commissioners. Commissioners various questions regarding the location of the new driveway.

Applicant's Presentation: Mr. Spell presented the applicant's presentation to the Commission.

Mr. Spell responded to questions from the Commission. The Commissioners discussed the variance request.

Public Comment: none.

Vice Chair Grannan moved to grant the variance; seconded by Terrance Thompson.

Motion carried 7-0.

- c) **Request No. V19-0017 for Variance – Hunter Spring, Inc. - 1610 SE Paradise Circle, Crystal River, Florida.**  
A Variance to Chapter 5, Sec. 5.01.07. - Docks, boat davits, boat lifts, boat covers, and boathouses, Subsection I, which permits "duplex and multi-family lots may have one (1) boat slip per fifty (50) feet of shoreline, or part thereof" asking the Planning Commission to allow ten (10) boat slips on two hundred fifty (250) feet of shoreline.

Vice Chair Grannan motioned to continue the hearing until December 5, 2019 at 5:30 pm; seconded by Chair Froehling. Motion carried 7-0. **To Be Continued to December 5, 2019 at 5:30 pm.**

- d) **Request for an Amendment to the Master Plan adopted by Ordinance 17-O-17 - Port Paradise Hotel LLC located at 1508 SE Kings Bay Drive, Crystal River, Florida.**  
ORDINANCE 19-O-17 - AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING THE MASTER PLAN ADOPTED BY ORDINANCE NUMBER 17-O-17 OF THE CITY OF CRYSTAL RIVER BY INCREASING THE FREEBOARD AND OVERALL HEIGHT BY ONE (1) FOOT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR CODIFICATION, PROVIDING FOR MODIFICATIONS THAT MAY ARISE AT HEARINGS; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Ex-parte: none noted.

Staff Presentation: Planning Director Herrmann presented the staff report to the Commission.

Chair Froehling spoke about the insurance rates and the effect of building above Base Flood Elevation

Vice Chair Grannan read the application into the record.

Applicant's Presentation: Dr. Desai presented the applicant's presentation to the Commission.

Dr. Desai submitted substantiating evidence as to why the change is necessary. (See attached Exhibit 1 and Exhibit 2).

Planning Director Herrmann spoke about LEED certification requirements.

Commissioners asked Planning Director Herrmann and Dr. Desai questions regarding the project.

Public Input: none noted.

Intervening parties: none noted.

Vice Chair Grannan motioned to recommend approval of the change to the PUD Master Plan to the City Council; seconded by Commissioner Ebert.

Motion carried 7-0.

10) New Business - None

11) Unfinished Business – **Land Development Code Proposed Changes Update**

Planning Director Herrmann provided an overview of the proposed changes to the LDC.

12) Citizen Input – 5 minutes – none.

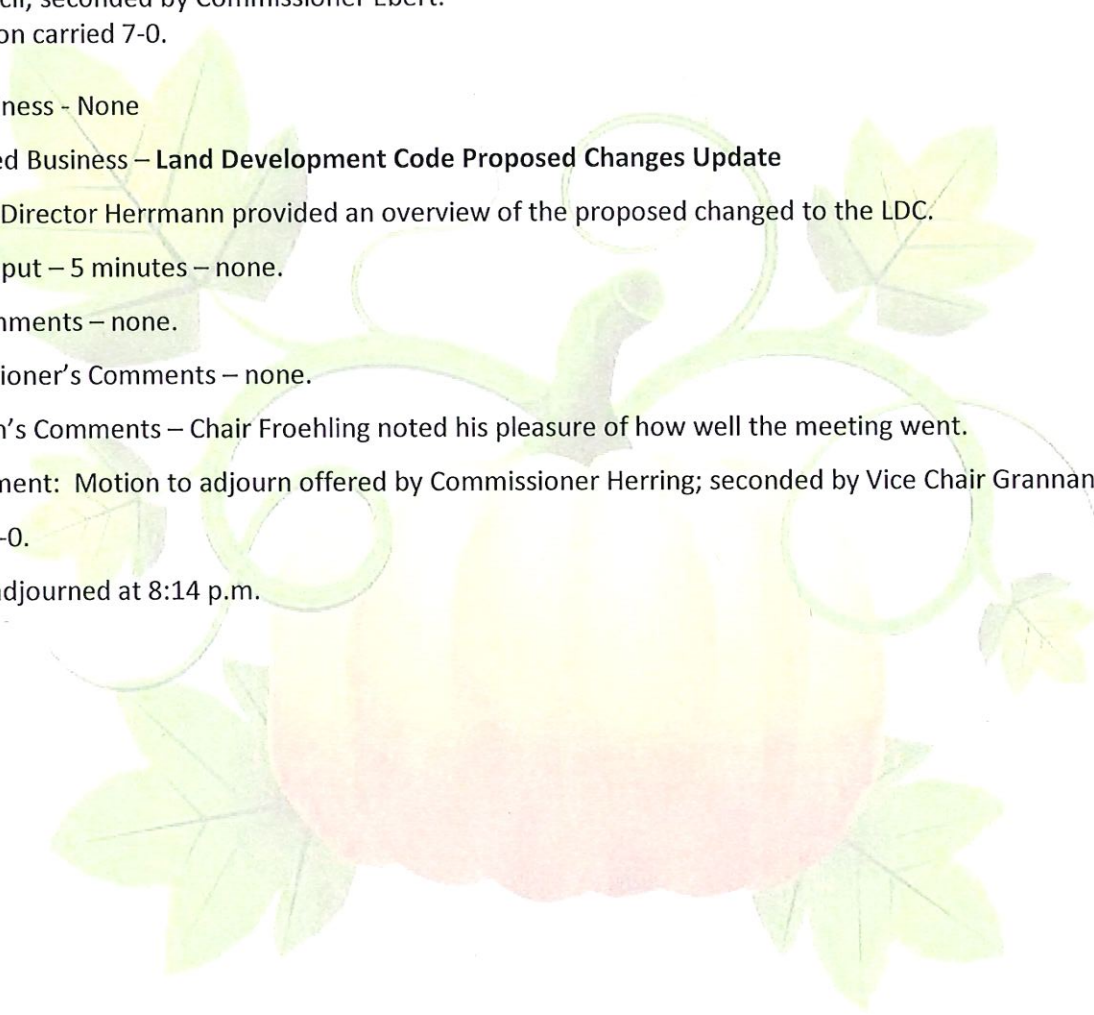
13) Staff Comments – none.

14) Commissioner's Comments – none.

15) Chairman's Comments – Chair Froehling noted his pleasure of how well the meeting went.

16) Adjournment: Motion to adjourn offered by Commissioner Herring; seconded by Vice Chair Grannan. Motion carried 7-0.

Meeting adjourned at 8:14 p.m.



**Planning Commission Minutes  
November 14, 2019 - 5:30 p.m.**

Robert Froehling- Chair  
Daniel Grannan - Vice Chair  
Michael "Randy" Martin  
Charles Kish  
Scott Ebert



Doug Smith  
Alt. Seat 1 - Tonia Herring  
Alt. Seat 2 - Terrance Thompson

- 1) Call to Order - The Vice Chair called the meeting to order in place of the Chair. (Chair passed the gavel to the Vice Chair to run the meeting).
- 2) Roll Call - Charles Kish, Terrance Thompson, Tonia Herring, Robert Froehling, Randy Martin, Daniel Grannan, and Scott Ebert. Staff: Planning Director Brian Herrmann, City Attorney Cliff Taylor, Zoning Administer Jeanette Rehberg and Deputy Clerk Lisa Morris.
- 3) Invocation - The Vice Chair Grannan led in the invocation/moment of silence.
- 4) Pledge of Allegiance - The Vice Chair Grannan led in the recital of the pledge of allegiance.
- 5) Citizen Input- None.
- 6) Workshop - Planning Director Herrmann presented to the Commission information on the proposed amendments to the Land Development Code (LDC). Planning Director Herrmann present examples of what would be changed related to formatting of the LDC. The Commissioners asked various questions regarding the sketches in the proposed changes. It was noted to put a disclaimer regarding sketches are examples only, not necessarily a requirement. There was discussion regarding the addition of CRA requirements in Appendix "A" section 4.07.00. The Commissioners discussed the Commercial waterfronts overlay area. The Commission discussed requirements of trees and shrubs.

The Commission discussed storm water management requirements, state requirements and the City's stricter standards. It was noted that the storm water retention requirements need to be adjusted and addressed. Planning Director Herrmann discussed relocation of cellular tower, and add language regarding installation standards for new cellular towers, and 5G cellular towers.

The Commission discussed building heights and where measuring begins. The Commission discussed restricting buildings to 4 stories above base flood level. The current height is 55' plus 10' for apertures in the commercial waterfront zone. The Commission discussed parking standards for certain lots. Define which type of category a hotel falls in and

**Planning Commission Minutes**  
**November 14, 2019 - 5:30 p.m.**

increasing the stories from 3.5 to 4. Planning Director Herrmann expressed concern about where the story begins and defining what can go in the base flood area under a building. Planning Director Herrmann noted Administrative Discretion clause and subdividing lots. The Commissioners asked about changing the storm water retention rules about filling in lots.

- 7) Citizen Input - None.
- 8) Staff Comments - Planning Director Herrmann apologized for being overly passionate regarding a certain sections of the LDC.
- 9) Commissioner's Comments - None.
- 10) Chairmar's Comments - None.
- 11) Adjournment - Commissioner Kish moved to adjourn. Chair Froehling seconded the motion. Motion carried 7-0. Meeting adjourned 7:58 adjourn.

**Amended Planning Commission  
Special Meeting Minutes  
November 21, 2019 - 5:30 p.m.**

Robert Froehling- Chair  
Daniel Grannan - Vice Chair  
Michael Martin  
Charles Kish  
Scott Ebert



Doug Smith  
Vacant  
Alternate 1 - Tonia Herring  
Alternate 2 - Terry Thompson

- 1) Call to Order – The meeting was called to order at 5:46 p.m.
- 2) Roll Call – Terrance Thompson, Robert Froehling, Randy Martin, Doug Smith and Scott Ebert. City Manager Ken Frink, Planning Director Brian Herrmann, Assistant City Attorney Cliff Taylor, and Deputy Clerk Lisa Morris.
- 3) Invocation – The Chair led in the invocation/moment of silence.
- 4) Pledge of Allegiance – The Chair led in the recital of the Pledge of Allegiance.
- 5) Adoption of Agenda – Commissioner Thompson moved to adopt the Agenda; seconded by Commissioner Martin. Motion carried 5-0.
- 6) Approval of Minutes – None
- 7) Citizen Input – 3 minutes – None.
- 8) Public Hearing -
  - a) **Ordinance No. 20-O-01 - Proposed Changes to the Land Development Code –** Assistant City Attorney Taylor noted that it was not a quasi-judicial hearing. Planning Director Herrmann provided the Commission an oration of the staff report. Planning Director Herrmann discussed holding a charrette for city planning in the near future. Planning Director Herrmann noted elements that were being addressed including such things as lot coverage, setbacks, built to line (zone), parking, and storm water retention and treatment. City Manager Frink provided the Commission with information regarding storm water treatment on commercial and residential lots. Planning Director Herrmann provided a summary to the commission regarding the LDC proposed changes that are currently are proposed. Herrmann requested that the commission recommend approval to the City council. The Commission discussed various components of the proposed changes. Commissioners requested clarification on certain items, depictions, charts and tables. Commissioner Thompson moved to recommend the proposed changes to the City Council; Commissioner Ebert seconded the motion. Motion carried 5-0.
- 9) New Business - None
- 10) Citizen Input – 5 minutes – none.

- 11) Staff Comments – Staff provided information regarding a contentious issue that is upcoming.
- 12) Commissioner’s Comments – Commissioner Ebert noted that lack of enforcement of the rules/codes in the City. Commissioners noted that code violations not being enforced. Planning Commissioner Herrmann noted the change where Citrus County Sheriff’s Office can issue tickets for those in violation of the city code.
- 13) Chairman’s Comments - Chair Froehling asked about the Wawa project. Chair Froehling questioned the time limit on the permit. Planning Director Herrmann noted Tesla station were being planned to be added to the Wawa site.
- 14) Adjournment – Commissioner Thompson move to adjourn; seconded by Commissioner Smith.  
Motion carried 5-0.  
Meeting adjourned at 7:28 p.m.



**Planning Commission  
Minutes  
December 5, 2019 - 5:30 p.m.**

Robert Froehling- Chair  
Daniel Grannan - Vice Chair  
Randy Martin  
Charles Kish  
Scott Ebert



Doug Smith  
Vacant  
Alternate 1 - Tonia Herring  
Alternate 2 - Terry Thompson

- 1) Call to Order – The meeting was called to order at 5:31 p.m. by Vice Chair Grannan.
- 2) Roll Call – Charles Kish, Terry Thompson, Doug Smith, Daniel Grannan, Randy Martin, Scott Ebert, Assistant City Attorney Cliff Taylor, Planning Director Brian Herrmann and Planning Administrative Assistant Andrea Hullstrung.
- 3) Invocation – The Vice Chair led the Invocation/moment of silence.
- 4) Pledge of Allegiance – The Vice Chair led in the recital of the Pledge of Allegiance
- 5) Adoption of Agenda – Commissioner Martin moved to adopt the agenda; Commissioner Thompson seconded the motion. Motion carried 6-0.
- 6) Approval of Minutes – Commissioner Thompson made the motion to approve the minutes from **Workshop, October 17, 2019 and Meeting, November 11, 2019**; seconded by Commissioner Martin. Motion carried 6-0.
- 7) Citizen Input – Robert Pitts, Crystal River, inquired if the workshops were open to the public. Vice Chair Grannan noted that the workshops are indeed open to the public.
- 8) Public Hearings – Quasi-Judicial  
Assistant City Attorney Taylor swore in all who would testify.
  - a) **Remove Request for Variance (No Variance Necessary): Request for Variance – V19-0018 – Christopher and Nicollete Hannon – 1820 NW 20<sup>th</sup> Ave. Crystal River, Florida.**  
A Variance to the City of Crystal River Land Development Code, Chapter 4, Sec. 4.02.02. – Standards for Buildings and Building Placement (Setbacks), Table 4.02.02.C. Standards for Building Heights and Setbacks to allow a ten (10') waterfront setback at the point where a manmade boat slip encroaches into the lot and requiring a reduction of the required rear yard waterfront setback from 25 feet to 10 feet to construct a new single-family residence on the lot.  
Removed from agenda.
  - b) **Request for Variance – V19-0019 – Lauren and Dawne Gatling – NE 2<sup>nd</sup> Street, Crystal River, Florida.**  
A Variance to the City of Crystal River Land Development Code, Chapter 4, Sec. 4.02.02. – Standards for Buildings and Building Placement (Setbacks), Table 4.02.02.C. Standards for Building Heights and Setbacks to allow a reduction in the required rear yard waterfront setback from 25 feet to 15 feet and a reduction in the required front yard setback from 25 feet to 20 feet to construct a new single-family residence on the lot.  
Conflicts of Interest: none noted.  
Ex-parte Communication: Scott Ebert noted an ex-parte communication regarding information gathering.

Staff Presentation: Planning Director Herrmann introduced the new Planning Department Administrative Assistant, Andrea Hullstrung. Planning Director Herrmann provided the staff report on the variance request. Commissioners asked various questions regarding the site plan. Planning Director Herrmann provided a response to the questions. The Commissioners asked questions regarding how the other homes in the neighborhood are situated. The Commissioners asked various questions regarding the property, and encroachments. Commissioners questioned where calculations for the 25-foot begins on waterfront property.

Applicant Presentation: Lauren Gatling presented the applicant's presentation to the Commission. The applicant agreed to move the structure forward 10 feet; therefore, there was not a need for a variance, thus the variance hearing was closed without a vote.

Public comment:

Intervening parties:

Applicant's rebuttal:

The applicant agreed to move the structure forward 10 feet; therefore, there was not a need for a variance, thus the variance hearing was closed without a vote. Vice Chair Grannan read into records a letter from Mark Littrell expressing concerns related to the property development.

- c) **Request No. V19-0017 for Variance – Hunter Spring, Inc. - 1610 SE Paradise Circle, Crystal River, Florida.** A Variance to Chapter 5, Sec. 5.01.07. - Docks, boat davits, boat lifts, boat covers, and boathouses, Subsection I, which permits "duplex and multi-family lots may have one (1) boat slip per fifty (50) feet of shoreline, or part thereof" asking the Planning Commission to allow ten (10) boat slips on two hundred fifty (250) feet of shoreline. **Continued to January 9, 2019 at 5:30 p.m.**
- 9) New Business – Reschedule January 2<sup>nd</sup> meeting to January 9<sup>th</sup> due to New Year's holiday – Commissioner Thompson moved to reschedule the January 2<sup>nd</sup> Planning Commission Meeting to January 9<sup>th</sup>; Vice Chair Grannan seconded the motion. Motion carried 6-0.
- 10) Unfinished Business – None.
- 11) Citizen Input – 5 minutes – None.
- 12) Staff Comments – Discussion was held regarding property/lot lines in the CRA. Further discussion was held regarding how to determine where the setback line is determined on a waterfront property. Planning Director Herrmann noted that the bylaws state there are attendance requirements that need to be met and potentially update the bylaws. Vice Chair Grannan inquired if it would be helpful to respond regarding attendance for meetings.
- 13) Commissioner's Comments – Discussion was held regarding waiving variance fee for not needing variance after paying the fee.
- 14) Chairman's Comments – Vice Chair Grannan requested that the Commission view a card if they had not already done so.
- 15) Adjournment – Commission Thompson moved to adjourn; seconded by Commissioner Kish. Motion carried 6-0. Meeting adjourned at 6:44 p.m.

# PLANNING COMMISSION



## STAFF REPORT

### Planning and Development Services Department

<b>MEETING DATE:</b>	January 9, 2020
<b>APPLICANT:</b>	<b>Ned and Lisa Davis</b> 400 NW Magnolia Circle, Crystal River, Florida
<b>PROJECT:</b>	<ol style="list-style-type: none"><li>1. <b>Request for a Variance</b> from The City of Crystal River Code of Ordinances, Appendix A – Land Development Code, Chapter 6, Sec. 6.04.02. – Access and driveway design requirements, Subsection D, to allow a driveway within one hundred (100) feet of the intersection of the 400 NW Magnolia Circle and NW Fern Drive centerlines.</li><li>2. <b>Request for a Variance</b> from The City of Crystal River Code of Ordinances, Appendix A – Land Development Code, Chapter 6, Sec. 6.04.02. – Access and driveway design requirements, Subsection F (1) to expand the maximum twenty (20) foot driveway width by an additional twelve (12) feet, increasing the driveway to a thirty-two (32) foot wide driveway on property located at 400 NW Magnolia Cir.</li></ol>
<b>PROJECT MANAGER:</b>	<b>Brian D. Herrmann, CNU-A, LEED AP</b> Director of Planning and Development Services

**REQUESTED VARIANCE:** The applicant is requesting two variances to the Crystal River Land Development Code (LDC) Chapter 6, Sec. 6.04.02, – Access and driveway design requirements:

1. ...to allow a driveway within one hundred (100) feet of the intersection of 400 NW Magnolia Circle and NW Fern Drive, as measured from the centerlines.

**Subsection D of 6.04.02 states:**

- D. No point of access shall be allowed within one hundred (100) feet of the intersection of the centerlines of any right-of-way.

2. ...to exceed the maximum permitted driveway width of twenty (20) feet by an additional twelve (12) feet, resulting in a driveway that is thirty-two (32) feet in width.

**Subsection (F.1) of 6.04.02 states:**

- F. Driveways shall comply with the following standards:

1. Residential driveways shall be a minimum of twelve (12) feet in width and a maximum of twenty (20) feet in width.

**ADDITIONAL INFORMATION:** The applicant has not provided the Impervious Surface Ratio (ISR), however the lot must not exceed the maximum allowance for the zoning district (45%). The ISR will be reviewed upon submittal, and prior to approval.

**SUPPORTING DIAGRAMS ILLUSTRATIONS & TABLES:** See site plan (Attachment 1 and 2)

**COMPLIANCE WITH VARIANCE CRITERIA:** Staff reviewed the application against each of the ten (10) criteria in subsection (A) of 9.02.02 and reached the following conclusions:

A. *In order for an application for a variance to be approved or approved with conditions, the planning commission shall make a positive finding, based on the evidence submitted, with regard to **each** of the following provisions:*

1. **There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC;**

***False.** The proposed variance is not the result of a hardship that came about when implementing the existing provisions of the LDC. The lot is vacant. The applicant could propose alternative designs that both relocate and reduce the width of the proposed residential driveway. Such designs would meet the standards of the LDC and maintain the applicant's substantial property rights.*

2. **The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs;**

***False.** The proposed variance to site the driveway within one hundred (100) feet of the nearest intersection and exceed the maximum permitted residential driveway width by twelve (12) feet is the result of the owner's actions; however, staff does not believe that "development costs" were a factor.*

3. **The need for the proposed variance is due to the physical shape, configuration, or topographical condition of the lot in such a manner as to distinguish it from other adjacent or nearby lots or from other lots in the district;**

***False.** The proposed variance to site the driveway within one hundred (100) feet of the nearest intersection and exceed the maximum permitted residential driveway width by twelve (12) feet is not the result of the physical shape, configuration, or topographical condition of the lot. The lot is vacant, and while it is irregular in shape, it contains sufficient space to relocate and reduce the driveway without impeding upon the applicant's property rights.*

4. **The proposed variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby lots or other lots in the zoning district;**

***False.** The proposed variance to site the driveway within one hundred (100) feet of the nearest intersection and exceed the maximum permitted residential driveway width by twelve (12) feet is not necessary to preserve a substantial property right generally available to other property owners of adjacent or nearby lots.*

5. **The grant of the proposed variance does not confer on the applicant any special privilege that is prohibited by this LDC to other lands, buildings, or structures in the same zoning district;**

***False.** The proposed variance to site the driveway within one hundred (100) feet of the nearest intersection and exceed the maximum permitted residential driveway width by twelve (12) feet would confer on the applicant privileges that are otherwise prohibited by the LDC for other lands, buildings, or structures in the same zoning district. The applicant can either relocate or reduce the size of the proposed driveway.*

6. The proposed variance does not substantially increase congestion on surrounding streets, does not increase the danger of fire or other hazard, and is not otherwise detrimental to the health, safety, or general welfare of the public;

*True. The proposed variance, if granted, does not substantially increase congestion on surrounding streets, increase the danger of fire or other hazards, and is not otherwise detrimental to the health, safety, or general welfare of the public.*

7. The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the district;

*False. Supposedly, the two variances are being requested (at least in part) for easier boat access. A house is a residence for people. It is part of the larger community. While boats are commonplace in our area, so too are driveways that not only accommodate them, but also meet the standards of the LDC.*

*The proposed intensity of the driveway exceeds that of nearby and adjacent development. At thirty-two (32) feet-wide the proposed driveway is half-again what the LDC permits for residential driveways. In addition, the drive essentially forms an extension of NW Fern Drive. One must question if the benefits conveyed upon the applicant justify such dramatic deviations from the ordinance, and potential impacts to the character of the community.*

8. The variance granted is the minimum variance that results in reasonable use of the land, building, or structure;

*False. The proposed variance is not necessary for the applicant to reasonably use the land, building, or structure. The applicant can either relocate or reduce the size of the proposed driveway.*

9. The effect of the proposed variance is consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria; and

*False. The effect of the proposed variance, if granted, is not consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria. The applicant can either relocate or reduce the size of the proposed driveway.*

10. The effect of the proposed variance is consistent with the comprehensive plan.

*False. The Comprehensive Plan establishes parameters for Future Land Use in the City, including the zoning regulations implemented by the LDC. The applicant can either relocate or reduce the size of the proposed driveway while meeting all provisions.*

**CONSIDERATIONS:** As conveyed in Subsection (B.5.) of 9.02.03. (Procedures for variances), the Planning Commission shall "approve, deny, or approve with conditions the application for variance, based upon the findings regarding conditions set forth in subsection 9.02.02.A.

In addition, subsection (C) of 9.02.03 (Limitations on the grant of a variance) states:

1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
2. A variance shall not be granted which authorizes any use or standard that is expressly prohibited by this LDC.
3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

**STAFF FINDINGS:** Staff reviewed the application and determined that the proposal meets one (1) of the ten (10) requirements for a variance listed in subsection 9.02.02(A).

6. The development is not detrimental to the health, safety, or general welfare of the public.

Based on these criteria the Planning Commission should not grant either variance. That said, the proposed siting of the house on the lot does somewhat limit the location of the driveway. Staff does not recommend approval of a variance that would result in the proposed design (Attachment 1). However, we do feel as though it is appropriate to **approve a variance** to permit driveway ingress/egress within one-hundred (100) feet of the intersection centerlines” if the following conditions coincide.

Conditions:

- The point of ingress / egress for the driveway should be perpendicular with Magnolia Circle such that the intersection forms a (T).
- The point of ingress / egress (centerline) for the perpendicular driveway should be located a minimum of 20 feet to the south of the centerline of the proposed driveway.
- The driveway shall not exceed 20 feet in width, except for one (non-tapered) bulb-out area which may be permitted to be five (5) feet wide by twenty (20) feet in length.

The Planning Commission should consider the above findings prior to acting on the proposed request.

ATTACHMENTS:

1. Plan depicting the proposed driveway
2. Pictometry photos of parcel



# VARIANCE APPLICATION

Department of Planning & Community Development  
1234 North West Highway 19  
Crystal River, FL 34428  
352-795-4216 Ext. 306  
Fax: 352-795-6245

Office Use Only: Paid \$250.00 Date 12/11/19  
Residential - \$250 Commercial - \$500

### Applicant Information:

Name: Ned E. & Lisa Gail Davis Phone # 619-770-5164  
Street Address: 3188 N Chandler Dr Hernando FL 34442  
CITY ST ZIP  
Email Address: Ned.Davis@Crown.com

### Property Information:

Alt Key #: 2383712 Parcel Id # 171820 0000 1A000 0150  
(AVAILABLE AT THE CITRUS COUNTY PROPERTY APPRAISER'S WEBSITE: [www.citruspa.org](http://www.citruspa.org).)  
Legal Description: Lot 15, Block A of Bunt's Point an unrecorded subdivision.

\_\_\_\_\_ (or attach description on a separate page)  
Subdivision: Bunt's Point Unrecorded Lot: 15 Block: A  
Current Zoning District: RW  
Flood Zone: AE Base Flood Elevation: 9.00  
(This information shall be based on the latest Flood Insurance Rate Maps)

**The applicant for a variance has the burden of proof of demonstrating that the application for a variance complies with each of the requirements of Section 9.02.02(A).**

**Variance Request:** Please enter a description of request and Land Development Code Sections that pertain to the requested action.  
[https://library.municode.com/fl/crystal\\_river/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_APX\\_ALADECO\\_CH9VACORE\\_9.02.00VA](https://library.municode.com/fl/crystal_river/codes/code_of_ordinances?nodeId=PTIIICOR_APX_ALADECO_CH9VACORE_9.02.00VA)

Section 6.04.02-F 1. Access and Driveway design requirements; requesting a residential driveway width increase from max 20' wide to 32' wide to accomodate an angled driveway

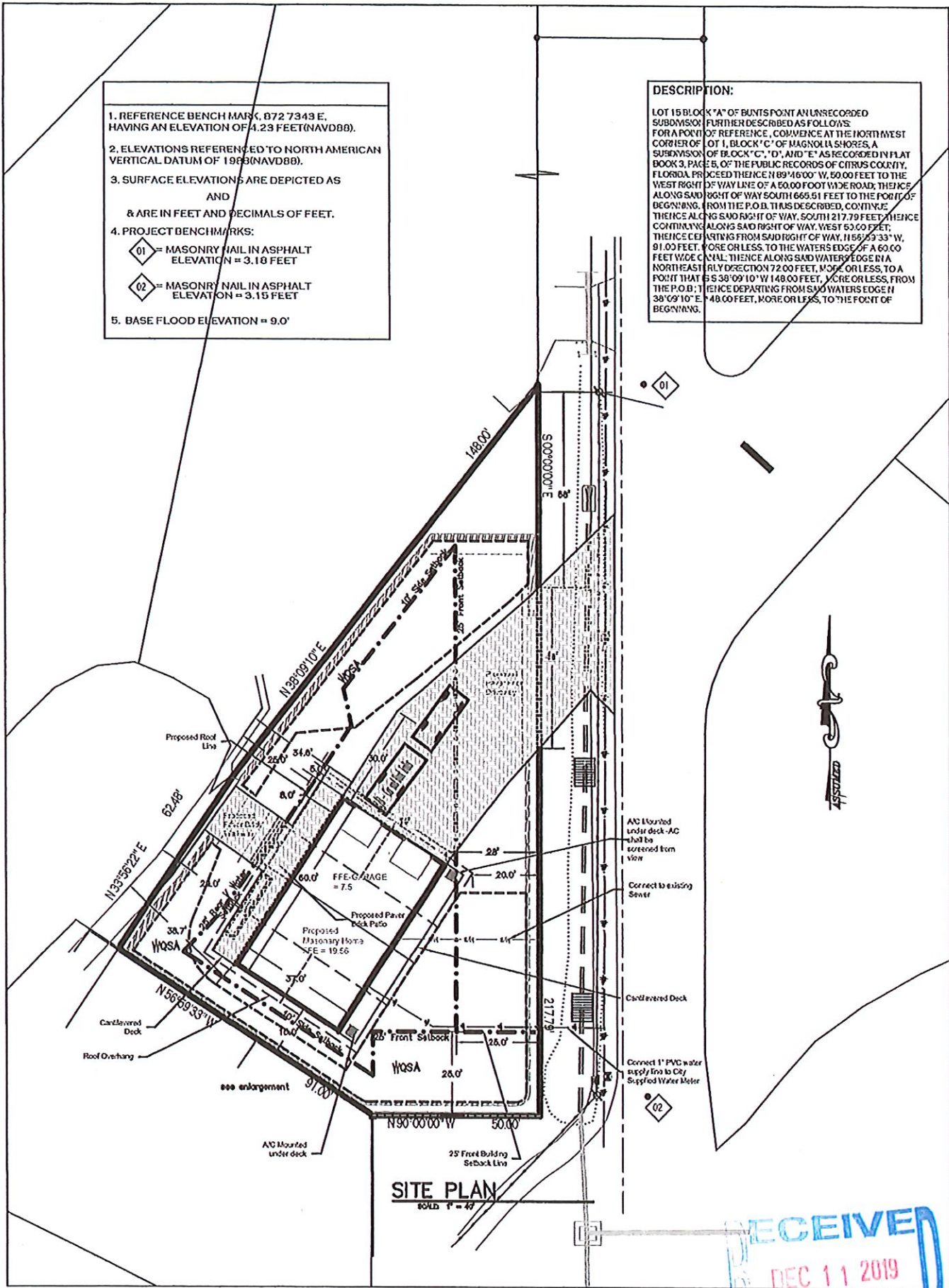
Lisa G. Davis  
Signature  Owner  Agent

12/11/2019  
Date



1. REFERENCE BENCH MARK, 072 7343 E, HAVING AN ELEVATION OF 4.23 FEET (NAVD88).
2. ELEVATIONS REFERENCED TO NORTH AMERICAN VERTICAL DATUM OF 1985 (NAVD88).
3. SURFACE ELEVATIONS ARE DEPICTED AS AND ARE IN FEET AND DECIMALS OF FEET.
4. PROJECT BENCHMARKS:
  - ◊01 = MASONRY NAIL IN ASPHALT ELEVATION = 3.18 FEET
  - ◊02 = MASONRY NAIL IN ASPHALT ELEVATION = 3.15 FEET
5. BASE FLOOD ELEVATION = 9.0'

**DESCRIPTION:**  
 LOT 15 BLOCK "A" OF BUNTS POINT AN UNRECORDED SUBDIVISION FURTHER DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, BLOCK "C" OF MAGNOLIA SHORES, A SUBDIVISION OF BLOCK "C", "D", AND "E" AS RECORDED IN PLAT BOOK 9, PAGE 5, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA. PROCEED THENCE N 89° 16' 00" W, 50.00 FEET TO THE WEST RIGHT OF WAY LINE OF A 60.00 FOOT WIDE ROAD; THENCE ALONG SAID RIGHT OF WAY SOUTH 665.51 FEET TO THE POINT OF BEGINNING; FROM THE P.O.B. THUS DESCRIBED, CONTINUE THENCE ALONG SAID RIGHT OF WAY, SOUTH 217.79 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY, WEST 53.00 FEET; THENCE DEPARTING FROM SAID RIGHT OF WAY, N 56° 59' 33" W, 91.03 FEET, MORE OR LESS, TO THE WATER'S EDGE OF A 60.00 FEET WIDE CANAL; THENCE ALONG SAID WATER'S EDGE IN A NORTHEASTLY DIRECTION 72.00 FEET, MORE OR LESS, TO A POINT THAT IS S 38° 09' 10" W 148.00 FEET, MORE OR LESS, FROM THE P.O.B.; THENCE DEPARTING FROM SAID WATER'S EDGE N 38° 09' 10" E, 48.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.



**SITE PLAN**  
 SCALE 1" = 40'

RECEIVED  
 DEC 11 2019  
 BY: AH





# Davis parcel

# Attachment 2



8/2019

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**CITY OF CRYSTAL RIVER  
PLANNING COMMISSION  
BY-LAWS**

**Article I  
Name**

1. The name of the organization as prescribed by City Council shall be "Planning Commission". It may also be referred to as "City Planning Commission" or "Commission". (LDC 8.02.01)
2. The office of the Commission shall be at the City of Crystal River City Hall. All official documents, records, minutes, maps, etc. shall be filed or recorded in the office of the City Clerk. (LDC 8.01.08)

**Article II  
Object**

1. The objectives and purposes of the City of Crystal River Planning Commission are those set for the in Florida Statutes, Sections 163.3174 and those powers and duties delegated to the Planning Commission in the aforementioned statutes and by the City of Crystal River Land Development Code (LDC).
2. The Planning Commission shall be responsible for, but not limited to the following items:
  - (A) Serve as the Local Planning Agency pursuant to Florida Statutes 163.3174.
  - (B) To hear, consider, and make recommendations to the City Council regarding applications to amend the Official Zoning Map, amend the text of the LDC, create a subdivision and amend the Official Zoning Map to PUD together with a PUD master plan.
  - (C) To conduct public hearings and render decisions in compliance with the requirements of the LDC.
  - (D) Any other matter, within the jurisdiction of the Commission, authorized by the City of Crystal River Land Development Code (LDC) and the City Council.

**Article III**  
**Members**

1. Membership in terms of office shall be as specified in the ordinance establishing the Commission is shall be comprised of seven (7) regular members plus one nonvoting member appointed from the Citrus County School Board (LDC 8.02.02).
2. All voting Commission members shall take the "Oath of Office" at the meeting immediately following their appointment. (Exhibit 1)

**Article IV**  
**Alternate Members to the Planning Commission**

1. Pursuant to Ordinance 06-O-16, there shall be two (2) alternate members of the Crystal River Planning Commission appointed by the City Council.
2. Alternates shall attend all regular meetings of the Planning Commission.
3. Alternates will be non-voting members unless they are acting in place of a regular member who is absent or disqualified.
4. Alternates may participate in discussion of any agenda item.
5. There shall be identified a First Alternate and a Second Alternate. After the initial identification, the positions shall rotate monthly.
6. In the event of two (2) regular members being either absent or disqualified, both alternates shall be seated in the regular members' positions. When seated in place of a regular member, an alternate shall have all of the responsibilities and the authority of a regular member. This includes participation in all discussions, the ability to make motions, and the ability to vote.

## **Article V Officers**

1. At the first regular meeting in the month of October each year (Organization Meeting) the Commission shall elect, from its members, a Chairperson and a Vice Chairperson. The Vice Chairperson shall act as Chairperson of the Commission during the absence or disability of the Chairperson.
2. The Chairperson shall preside at all meetings and hearings of the Commission and shall have the duties normally inferred by parliamentary practice. The Chairperson shall have the authority to appoint committees and generally perform other duties as may be prescribed in these by-laws. The Chairperson shall have the privilege of discussing all matters before the Commission, make motions and shall vote therein. (LDC 8.01.05)(LDC 8.02.03 (d))
3. The Chairperson shall make reports of the Commissions business to the City Council on a regular basis.
4. The Planning and Development Director shall act as the administrative office of the Commission, and shall make provision for a secretary at regular and special meetings.
5. A temporary Chairperson shall be elected by its members in attendance, at any meeting, in the case that both the Chairperson and the Vice Chairperson are absent.
6. Vacancies in any elected office shall be filled by regular election procedures as herein specified with the terms to run until the next annual organizational meeting. Resignations from the Commission shall be in writing and transmitted to the Chairperson who will then forward same to the City Council of Crystal River.

## **Article VI Meetings**

1. Regular meetings shall be held the first Thursday of each month at ~~6:30~~5:30 p.m. in the City Hall Council Chambers located at 123 NW Highway 19, Crystal River, Florida. In the event of conflict with

holidays the majority of members may change the date of any scheduled meeting. In the event of a declared emergency the Chairperson or the Planning and Development Director may cancel any scheduled meeting. Special meetings may be called by the Chairperson when such meetings are deemed necessary. Members shall be notified three (3) days prior to a special meeting and shall be notified as to the time and place of such meeting. Meetings shall have a three (3) hour time limit that may be extended by majority vote of the Commissioners present.

2. The majority of members of the Commission, five (5) shall constitute a quorum. The number of votes to transact business shall be a majority of the members present at any meeting unless otherwise provided by law. (LDC 8.02.07)
3. All meetings of the Commission shall be conducted in strict compliance with the Florida Sunshine Law.
4. The agenda may contain, but not limited to the following items:
  - (A) A cover page containing "Notice to the Public" and "General Meeting Procedures".
    1. **CALL TO ORDER**
    2. **ROLL CALL**
    3. **MOMENT OF SILENCE**
    4. **PLEDGE OF ALLEGIANCE**
    5. **ADOPTION OF AGENDA**
    6. **APPROVAL OF MINUTES**
    7. **PUBLIC HEARINGS**
    8. **UNFINISHED BUSINESS**
    9. **NEW BUSINESS**
    10. **CITIZEN INPUT**
    11. **COMMUNICAITONS**
    12. **COMMITTEE REPORTS**
    13. **STAFF COMMENTS**
    14. **COMMISSIONER'S COMMENTS**
    15. **CHAIRMAN'S COMMENTS**
    16. **ADJOURNMENT**

5. A workshop meeting may be called by majority vote of the Commission.
6. Members of the Commission are to notify the Planning and Development Director or designee at least forty-eight (48) hours prior to a meeting that they will not be able to attend.
7. Any member of the Commission who may benefit financially from any matter before this Commission SHALL excuse himself/herself from the voting procedure for this matter in the manner required by Florida Statutes 112.3143.
8. No member may abstain from voting unless he/she has a voting conflict as noted herein.
9. When a tie vote occurs on any matter before the Commission, that vote is construed as a denial without prejudice.
10. The Chairperson shall prescribe the method of conduct of the hearing. All comments shall be directed to the Chair only after being properly recognized by the Chairperson. All persons recognized shall approach the podium in order to facilitate proper recording of their comments. Each person shall state his/her name and address clearly for the record.
11. All decisions of the Commission shall be made at a public meeting by a motion made and a second, called for by the Chairperson. A roll call vote may be taken by the secretary.

**Article VII**  
**Parliamentary Authority**

1. All meetings may be conducted in accordance with parliamentary procedure as set forth and explained in the latest Revised Edition of Robert's Rules of Order, which shall serve as the official rules of procedure. (LDC 8.01.05)

**Article VIII  
Amendments**

1. These by-laws shall be suspended only by a unanimous vote of the entire seven members of the Commission, however, no by-law which is required to comply with federal, state, local law, or City Council Resolution may be so suspended.
2. A proposal to amend the by-laws shall be made at a regular or special meeting of the Commission and shall require a super majority affirmative vote at the next regular or special meeting of the Commission.
3. The Commission shall review the by-laws annually at the first regular meeting after the organizational meeting held in October.

**Severability**

1. If any section, clause, provision or portion of these by-laws shall be held invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity or constitutionality of any other section, clause, provision or portion of these by-laws.

**Certificate of Adoption**

1. The forgoing by-laws of the Planning Commission of the City of Crystal River, Florida, are hereby adopted by the affirmative vote of the Commission on this 3<sup>rd</sup> day of MARCH, 2016.

By:   
Robert Froehling, Chairperson

Attest:   
Mia Fink, City Clerk