7	**AGENDA ITEM** **ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**
	Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting

12/1/2026

BCC MEETING DATE

TO: **Joy Andrews, County Administrator** **DATE:** **November 4, 2026**

FROM: **Westly Woodward, Engineer** **PHONE:** **904 209-0615**

SUBJECT OR TITLE: **NZVAR 2026-05 Lee Family Property**

AGENDA TYPE: **Business Item, Ex Parte Communications, Public Hearing, Report**

BACKGROUND INFORMATION:

Request for a Non-Zoning Variance to Section 5.01.01.C.1 of the Land Development Code to create five (5) residential lots without subdivision and platting requirements; Section 6.02.01.D.2 and 6.02.01.D.3 to permit up to four (4) new residential driveways on a collector roadway; and Section 6.02.09 to allow relief from the requirement to construct a stormwater management facility as part of the proposed residential development. This request is a companion application to CPA(SS) 2026-02 Lee Family Property.

1. IS FUNDING REQUIRED? No **2. IF YES, INDICATE IF BUDGETED.** No

IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:

INDICATE FUNDING SOURCE:

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to approve NZVAR 2026-05 Lee Family Property request to the Land Development Code to allow for the creation of five (5) residential lots without platting and subdivision standards based upon six (6) findings of fact and five (5) conditions as provided in the Staff Report.

DENY: Motion to deny NZVAR 2026-05 Lee Family Property request to the Land Development Code to allow for the creation of five (5) residential lots without platting and subdivision standards based upon six (6) findings of fact as provided in the Staff Report.

For Administration Use Only:
Legal: Kealey West 11/17/2026 **OMB: LF 11/17/2026** **Admin: Brad Bradley 11/18/2026**

Growth Management Department
Development Review Division Report
Application for Non-Zoning Variance
NZVAR 2026-05 Lee Family Property

To:	Board of County Commissioners
From:	Westly Woodward, Engineer
Date:	October 23, 2026
Subject:	NZVAR 2026-05 Lee Family Property Request for a Non-Zoning Variance to Section 5.01.01.C.1 of the Land Development Code to create five (5) residential lots without subdivision and platting requirements; Section 6.02.01.D.2 and 6.02.01.D.3 to permit up to four (4) new residential driveways on a collector roadway; and Section 6.02.09 to allow relief from the requirement to construct a stormwater management facility as part of the proposed residential development. This request is a companion application to CPA(SS) 2026-02 Lee Family Property.
Applicant:	Tyler and Mary Lee
Owner(s):	Tyler and Mary Lee
Hearing Date(s):	Board of County Commissioners - December 1, 2026
Commissioner District:	District 2

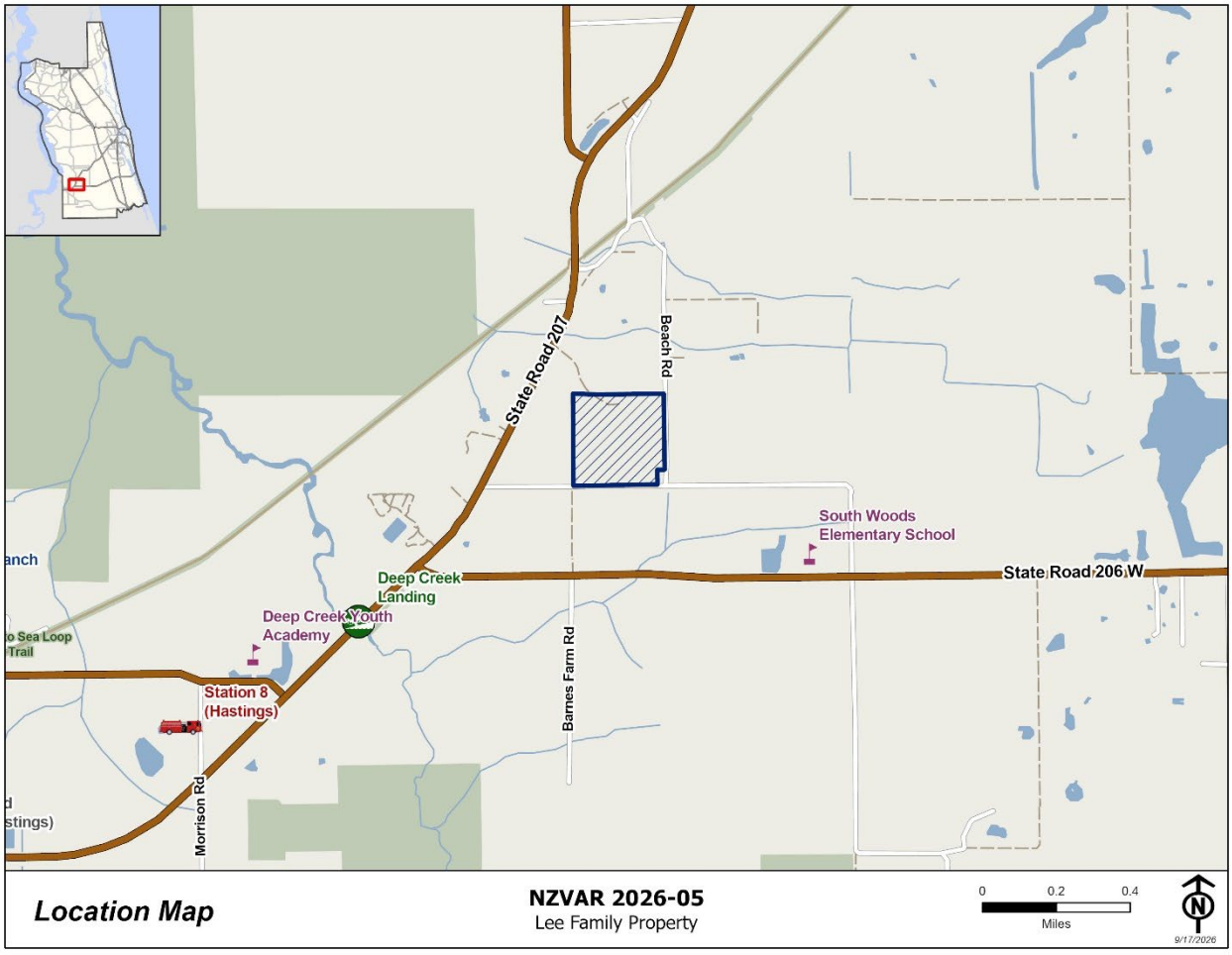
SUGGESTED MOTION/ACTION

APPROVE: Motion to approve **NZVAR 2026-05 Lee Family Property** request to the Land Development Code to allow for the creation of five (5) residential lots without platting and subdivision standards based upon six (6) findings of fact and five (5) conditions as provided in the Staff Report.

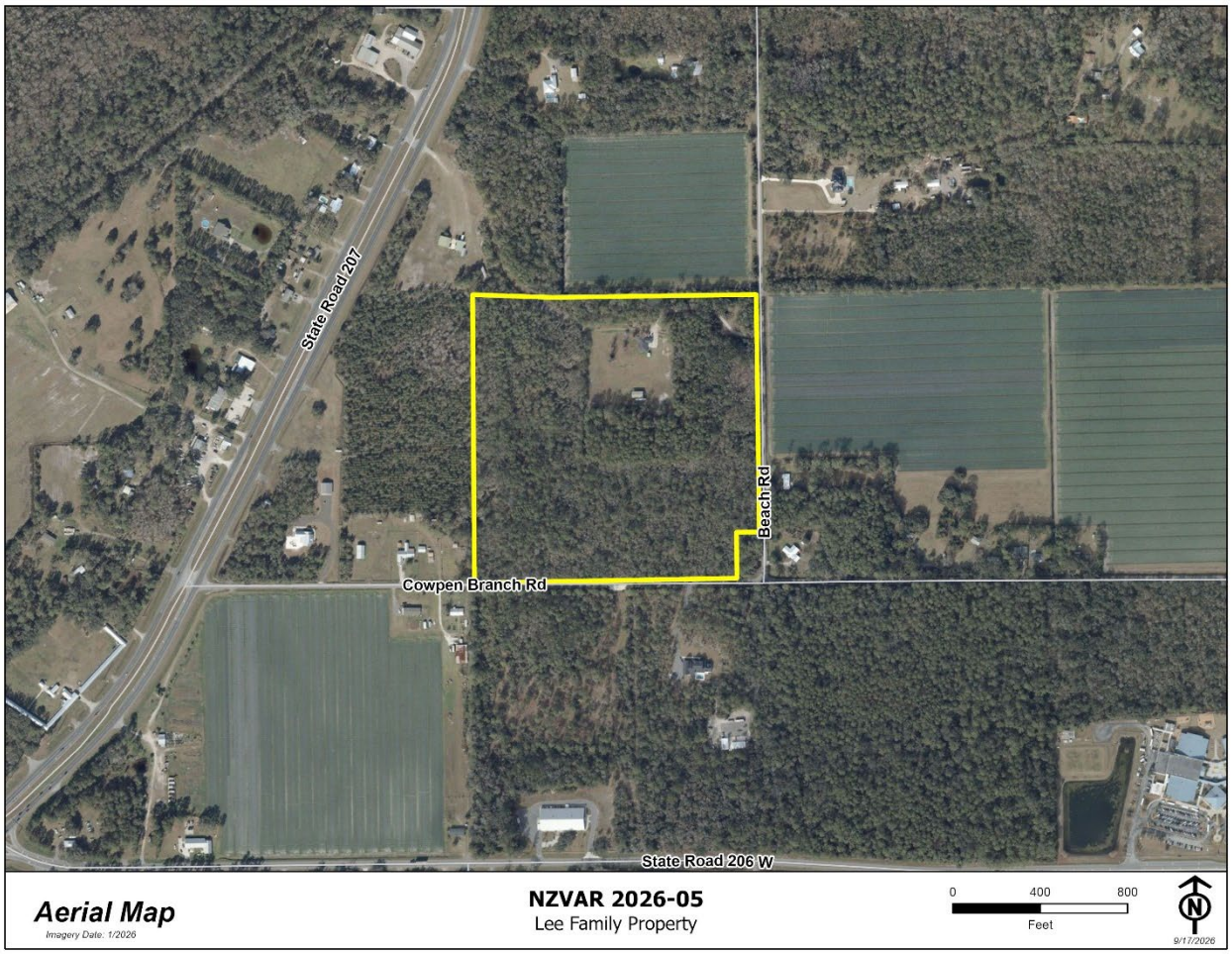
DENY: Motion to deny **NZVAR 2026-05 Lee Family Property** request to the Land Development Code to allow for the creation of five (5) residential lots without platting and subdivision standards based upon six (6) findings of fact as provided in the Staff Report.

MAP SERIES

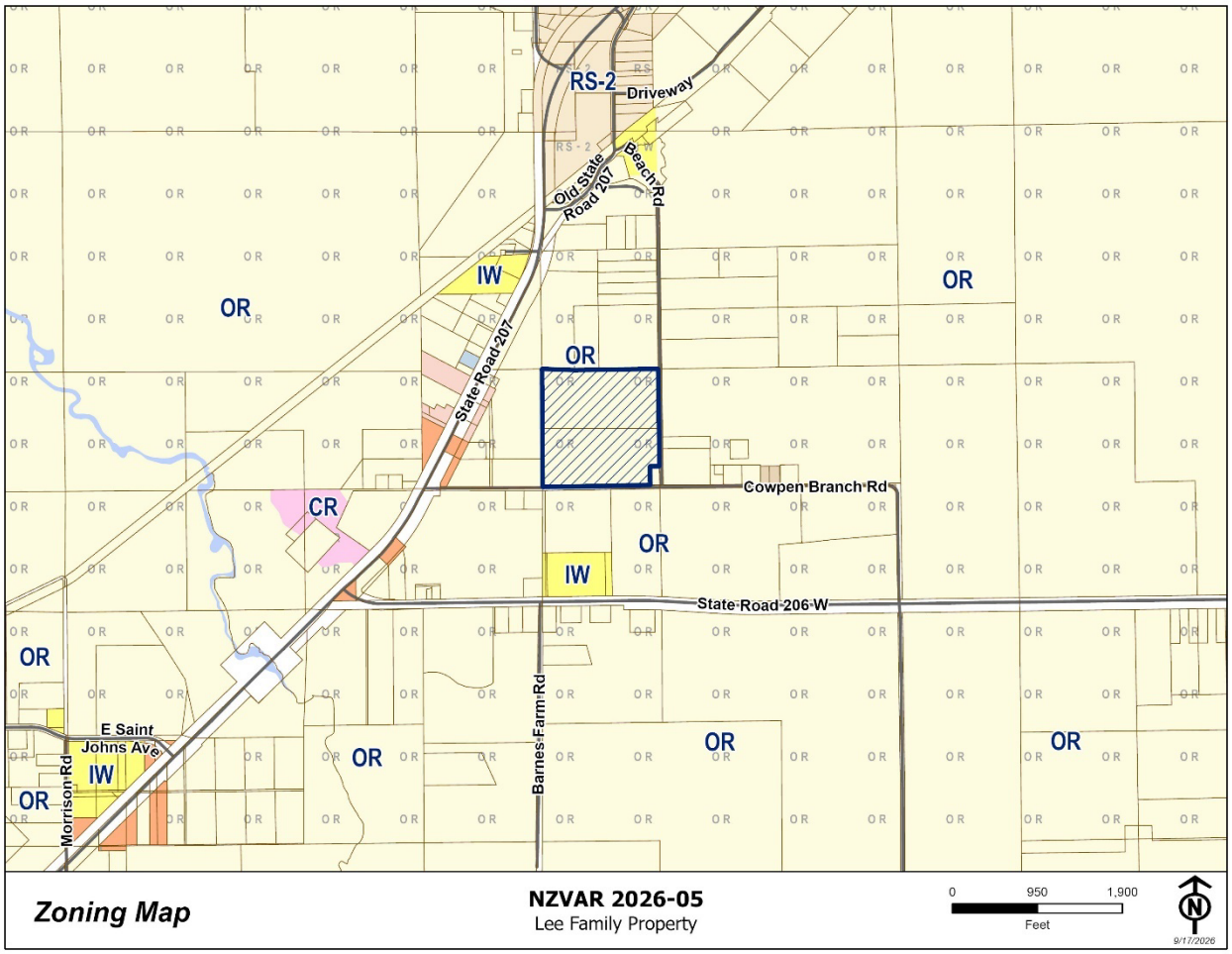
Location: The subject parcel is located at the corner of each Road and Cowpen Branch Road.



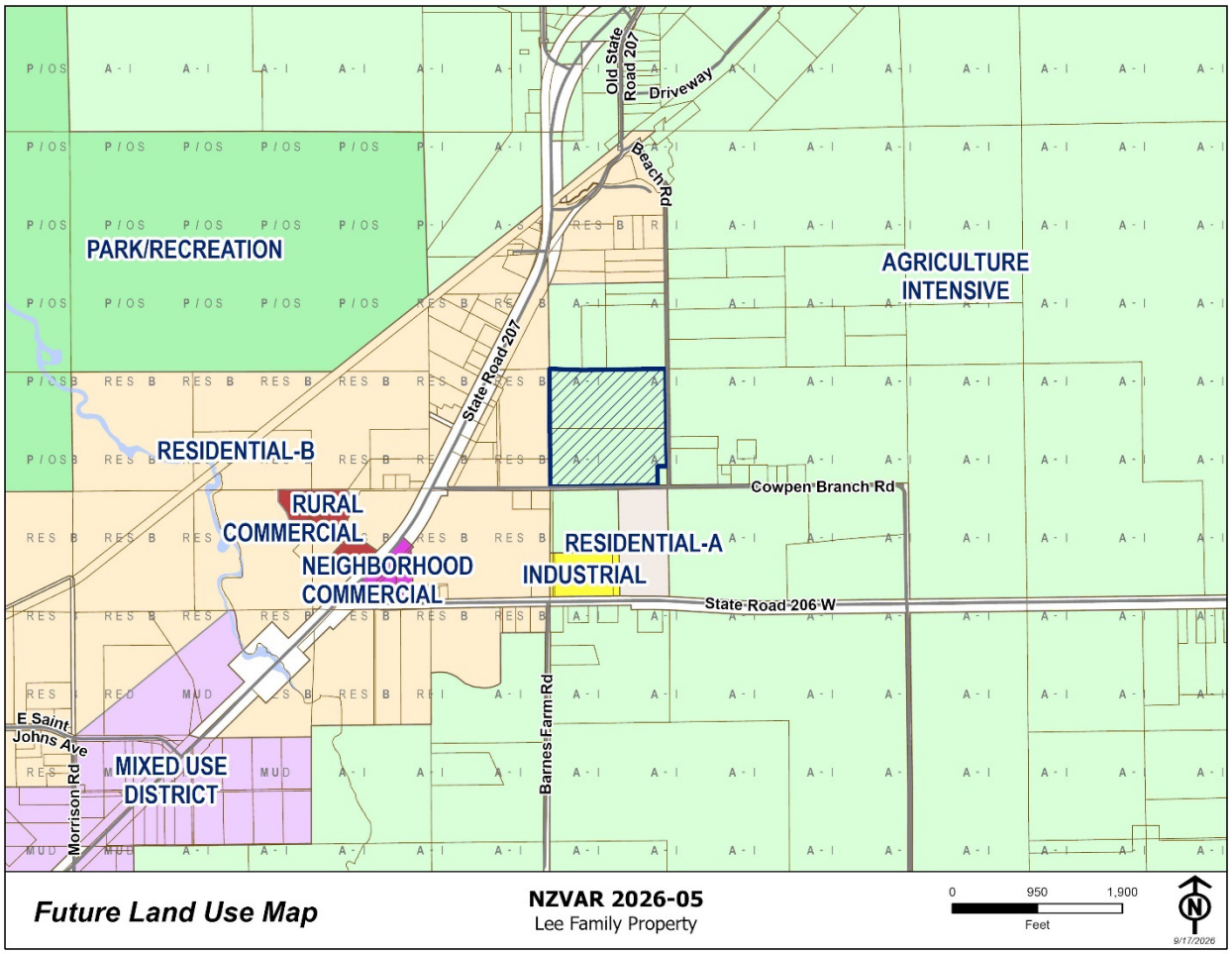
Aerial Imagery: The subject property with one existing single-family residence and residential driveway connection.



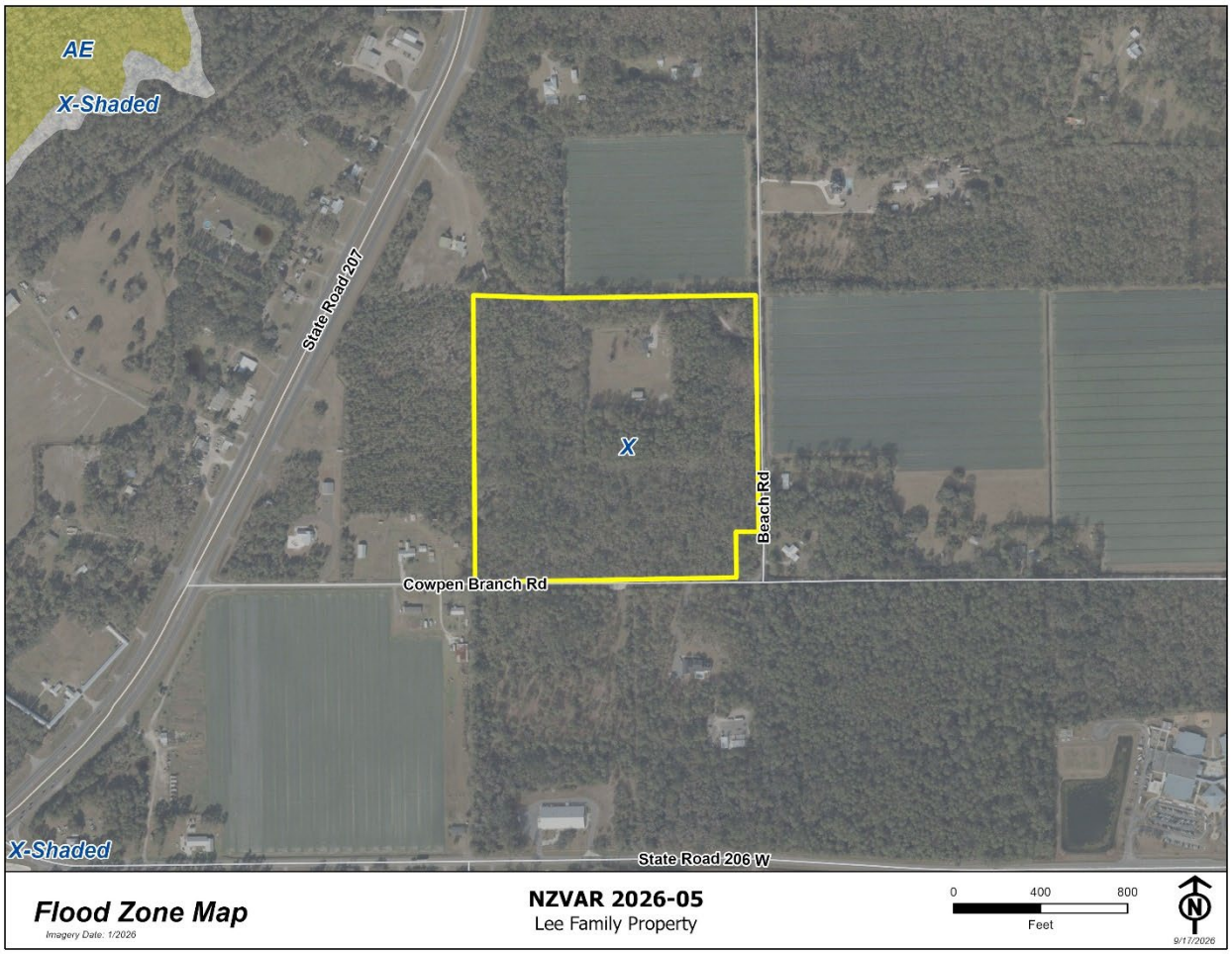
Zoning Map: The subject property is zoned Open Rural (OR).



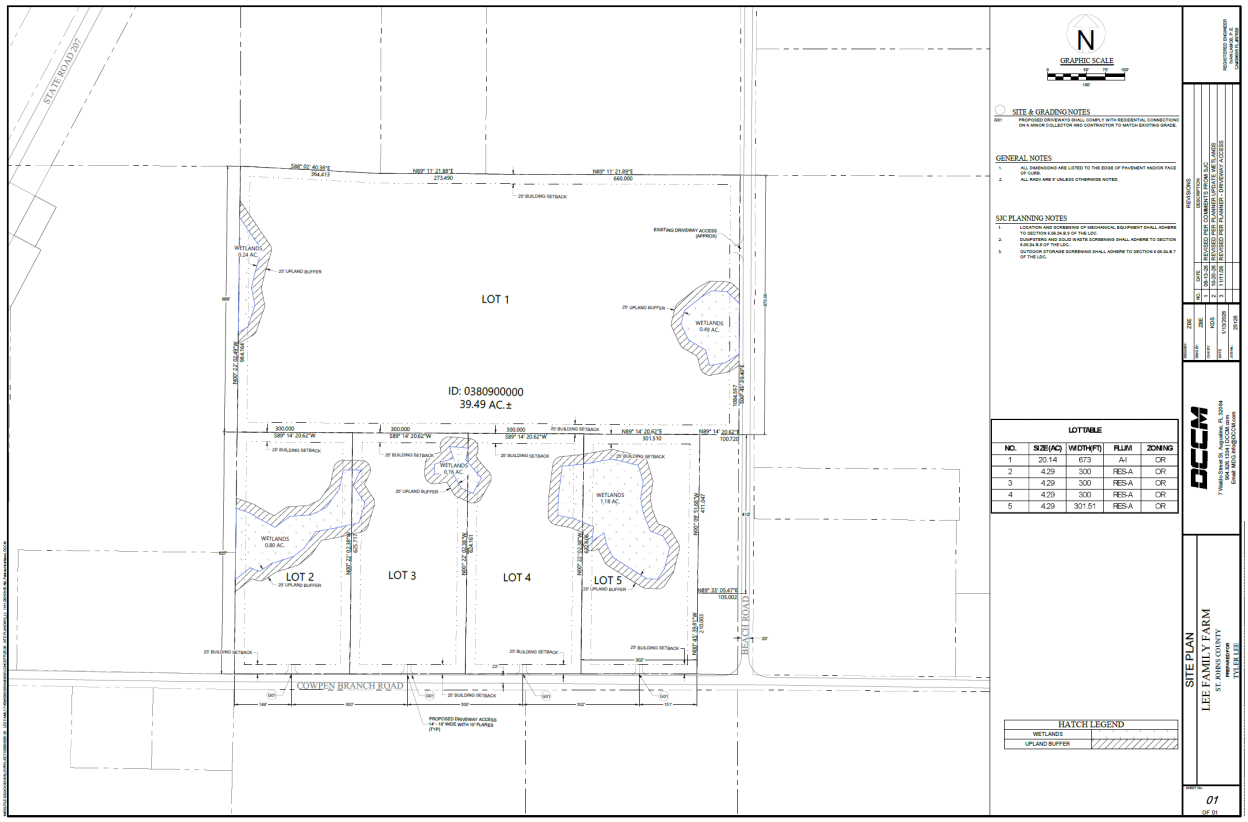
Future Land Use Map: The subject property has a future land use designation of Agriculture Intensive (A-I) but is the subject of an associate Comprehensive Plan Amendment (Small Scale) CPA (SS) 2026-02 Lee Family Property to change the FLU to Residential-A (Res-A) and is being heard concurrently.



Flood Zone: The subject property is located sole within FEMA Designated Flood Zone X which is not considered a Special Flood Hazard zone.



Site Plan: The site plan shows the proposed divisions and resulting property boundaries as well as conceptual access points to Cowpen Branch Road.



BACKGROUND

The subject parcel is located at the Northwest corner of Cowpen Branch Road and Beach Road. The parcel is 39.49 acres total and has 1239.46' of frontage on Cowpen Branch Road and 1117.49' of frontage on Beach Road according to the survey (attached). The applicant is proposing to divide the property into a resulting five (5) parcels, one ~20 acre parcel and four (4) ~4.3 acre parcels (see Site Plan). According to the application, the resulting parcels are intended to remain owned by family members. The applicant has requested a non-zoning variance for relief from platting and several subdivision design related requirements.

APPLICATION SUMMARY

When an existing lot of record is proposed to be divided more than once resulting in more than two (2) new parcels of land, the land is considered to have been divided so as to constitute a Subdivision as defined by the Land Development Code. As such, the Land Development Code requires a subdivision plat and an engineered subdivision design for the development of the resulting parcels as single-family residential home sites. Generally, this includes internal roads, utilities, and stormwater management facilities to serve the new home sites all meeting the County's subdivision design standards and subsequently recorded as a subdivision plat. The Land Development Code also states that access to residential home sites within a defined subdivision shall be from Local Roads only.

The applicant is requesting relief from section 5.01.01.C Subdivision Platting requirements as well as sections within 6.02.00 regarding Subdivision Design and Access to allow for the proposed division of land without needing to provide additional infrastructure for access, utilities, and stormwater management. The applicant asserts that this request is in an effort to maintain the rural character of the surrounding area and that single-

family residential development of the larger sites would not necessitate the same infrastructure needs of a higher-density subdivision. As an additional part of the variance application, the applicant is requesting the allowance of four (4) new residential driveways with direct access to Cowpen Branch Road for access to the newly created parcels stating that this follows the existing pattern of development for this rural area.

LAND DEVELOPMENT CODE REFERENCE

5.01.01.C.1: Applicability

Whenever land in unincorporated St. Johns County is divided so as to constitute a Subdivision as defined herein, such Subdivision of land shall be in compliance with the requirements set forth in these regulations. The entire parent Parcel (or unified ownership tract) for any Subdivision shall be reviewed by the County in conjunction with the Subdivision review for any portion of the parent Parcel (or unified ownership tract). No County Development Order or Development Permit for residential Use shall be issued for more than two (2) Parcels (or unified ownership tracts) of land which have been Subdivided from a parent Parcel (or unified ownership tract) existing as of the effective date of this amendment to the Land Development Code (i.e., October 17, 2000) without a plat being approved by the Board of County Commissioners, pursuant to Chapter 177, Florida Statutes, for the additional Parcels (or unified ownership tracts). Parcels (or unified ownership tracts) of land may be Subdivided and County Development Orders or Development Permits may be issued for family farm and lot divisions approved in compliance with the Comprehensive Plan and all other applicable Land Development Regulations and non-residential Uses on such Subdivisions without a required plat.

6.02.01.D.2: Access to Arterial or Collector Roadways

Unless otherwise approved by the County Administrator for good cause, residential Lots in Subdivisions shall not have direct access to an Arterial or Collector Roadway. Residential Lots in Subdivisions that abut an Arterial or Collector Roadway shall not front on said Roadway and access shall be blocked by a non-access buffer.

6.02.01.D.3: Access to Local Roads

Residential Lots in Subdivisions shall front on and have direct access to Local Roads only. Local Roads shall be arranged and designed so as to restrict their Use by through and high speed traffic.

6.02.09: Stormwater Management

Subdivisions shall comply with requirements of the St. Johns River Water Management District (SJRWMD) and Part 6.04.00 Roadway, Drainage, & Utilities.

*St. Johns County cannot provide relief from regulations enforced by outside agencies and can only approve a non-zoning variance to those parts of this Code section over which the local agency has authority.

DEPARTMENTAL REVIEW

The Development Review Division has routed this request to all appropriate reviewing departments. All comments have been addressed.

TECHNICAL REVIEW

Technical staff has reviewed the applicant's request for relief from Subdivision and Platting requirements as well as to allow four (4) new residential driveways on Cowpen Branch Road, a Minor Collector roadway. Given the size of the resulting parcels, (4 acres or greater), staff does not object to the management of stormwater runoff according to the Land Development Code's standards for "infill" residential development. Any new residential construction on the resulting parcels shall meet all residential lot grading requirements as specified by 6.04.06.H for lots over one (1) acre in size and the development of these lots as single-family (SF) home sites shall consider and accommodate existing drainage patterns according to the

Land Development Code's regulations regarding SF development. Additionally, during the review, Public Works staff made note that the requested driveways should meet the geometry and spacing standards for residential driveways on collector roads. Otherwise, no objection was noted to the direct access to Cowpen Branch Road in lieu of a new, internal roadway system. Regardless of any relief granted by Local authority, the applicant is not relieved of any requirements imposed by State or Federal agencies including for stormwater management; this clarification has been included as a condition for approval of the variance.

LAND DEVELOPMENT CODE REFERENCE AND CRITERIA FOR ACTION

Variance, Non-Zoning: A case-by-case deviation to the rules of this Code, when it is demonstrated that compliance with the Code would be a practical impossibility, and/or upon showing of good cause, an alternative to the Code is provided that conforms to the general intent and spirit of the Code. The Board of County Commissioners may require such conditions that will, in its judgement, substantially secure the same objectives of the standards or requirements so varied or modified.

Section 10.04.03.B, governing non-zoning variances, states the BCC shall not vary the requirements of any provision of this Code unless it makes the following five positive findings, based on substantial evidence.

NON-ZONING VARIANCE FINDINGS

Section 10.04.03.B states the BCC shall not vary the requirements of any provision of this Code unless it makes the following five positive findings, based on substantial evidence.

The Applicant's response to the Required Findings as prescribed by the LDC is included below, and as an attachment to this report.

a. **There are practical difficulties in carrying out the strict letter of the regulation.**
   The subdivision, roadway, and drainage improvements required by the LDC are not warranted for five (5) homes, the lower four (4) on lots over 4.25-acre in size served by private well and septic. In addition, the amount of impervious surface from the homes does not warrant formal stormwater management facilities. The large residential lots will have ample pervious area for natural stormwater retention.
b. **The Variance request is not based exclusively upon a desire to reduce the cost of developing the site.**
   The proposal of five (5) large lot, single-family homes accessed directly from Cowpen Branch Road and one existing access on Beach Road is consistent with the development pattern of properties located within this rural part of St Johns County. The subdivision, roadway, and drainage improvements are not warranted for the additional homes and would alter the rural character of the surrounding area.
c. **The proposed Variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.**
   The five (5) homes will not substantially increase congestion, the danger of fire or any other hazard to the public. The increase in traffic will be negligible. Driveways are spaced ~230' feet to permit safe ingress/egress on the roadway with speed limit of 25 MPH. Development will meet fire requirements.

d. The proposed Variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

The development of five (5) large lot, single-family homes accessed directly from Cowpen Branch Road and one existing access on Beach Road is consistent with the development pattern of properties located within this rural part of St Johns County and will not diminish property values of the surrounding area.

e. The effect of the proposed Variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

The development of five (5) large lot, single-family homes accessed directly from Cowpen Branch Road and one existing access on Beach Road is consistent with the development pattern of properties located within this rural part of St Johns County.

SUGGESTED MOTION/ FINDINGS/ CONDITIONS TO APPROVE THE REQUEST

Suggested Motion to APPROVE Non-zoning Variance 2026-05 Lee Family Property, through the Land Development Code Section Variance to Section 5.01.01.C.1, 6.02.01.D.2, 6.02.01.D.3, and 6.02.09 of the Land Development Code subject to the six (6) findings and five (5) conditions as follows:

1. The request for this Non-Zoning Variance has been fully considered after public hearing pursuant to legal notice as required by Florida law and the St. Johns County Land Development Code.
2. There are practical difficulties in carrying out the strict letter of the regulation.
3. The Variance request is not based exclusively upon desire to reduce the cost of developing the site.
4. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or another hazard to the public.
5. The proposed variance will not substantially diminish property values in, nor alter the essential character of area surrounding the site.
6. The effect of the proposed Variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

The board may consider the following five (5) conditions if the non-zoning variance is approved:

1. The Non-Zoning Variance shall be transferable and shall run with the title to the property.
2. Approval of the Non-Zoning Variance does not release the property from compliance with all other relevant requirements of the St. Johns County Land Development Code or Comprehensive Plan.
3. The approval of this Non-Zoning Variance is limited to the specific provisions of the Land Development Code. Approval shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan.
4. The applicant will be required to submit a residential clearance sheet for any homes proposed on the resulting lots to be reviewed for compliance with all applicable land development regulations including but not limited to setbacks and building height, drainage, and landscaping.
5. Prior to commencement of any construction activity, the applicant will be required to provide: 1) a copy of the St. Johns River Water Management District (SJRWMD) Stormwater Management permit OR 2) a permit exemption letter from the SJRWMD.

SUGGESTED MOTION/ FINDINGS/ CONDITIONS TO DENY THE REQUEST

Suggested Motion to DENY Non-zoning Variance 2026-05 Lee Family Property, through the Land Development Code Section Variance to Section 5.01.01.C.1, 6.02.01.D.2, 6.02.01.D.3, and 6.02.09 of the Land Development Code subject to the six (6) findings:

1. The request for this Non-Zoning Variance has been fully considered after public hearing pursuant to legal notice as required by Florida law and the St. Johns County Land Development Code.
2. There are no practical difficulties in carrying out the strict letter of the regulation.
3. The Variance request is based exclusively upon a desire to reduce the cost of developing.
4. The proposed Variance will substantially increase congestion on surrounding public streets, the danger of fire, or another hazard to the public.
5. The proposed Variance will substantially diminish property values and alter the essential character or area surrounding the site.
6. The effect of the proposed Variance is not in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

CORRESPONDENCE/PHONE CALLS

As of the writing of this staff report, Staff has received no correspondence or phone calls concerning this application.

ACTION

Staff offers six (6) findings of fact and five (5) conditions to support a motion to approve or six (6) findings of fact to deny. These findings may be subject to other competent substantial evidence received at the quasi-judicial public hearing.

ATTACHMENTS

1. Summary of Request and Findings of Fact
2. Site Plan
3. “Exhibit A”
4. Advertisement and Notice to Adjacent Property Owners
5. Draft Orders

SUMMARY OF REQUEST AND FINDINGS OF FACT

Lee Family Property
Non-Zoning Variance

General Summary Statement

Request

Relief from LDC Sec. 5.01.01.C.1 to create five (5) residential lots without subdivision/platting; Sec. 6.02.01.D.2 and 6.02.01.D.3 to permit up to four (4) residential driveways on Cowpen Branch Road, a collector roadway; and Sec. 6.02.09 to waive constructing a stormwater management facility as part of the residential development.

The southern 19.95-acres of Parcel ID: 038090-0000 is proposed to be split into four (4) single-family lots between 4.25 and 5.25-acres in size. This small, low-impact development does not necessitate the infrastructure and requirements of a higher-density subdivision. These variances keep the rural residential character of the area and match nearby residential development. The level of improvements required by the LDC are not warranted for a total of five (5) residential units in this rural part of the County.

Justification

The parcel is located on the north side of Cowpen Branch Road and Beach Road. The parcel has approximately **1200** feet of frontage and is located on a stretch of Cowpen Branch Road that is a two lane, 25 MPH road. The five (5) single-family residential lots with requested variances are consistent with other applications approved for large lot residential development in the surrounding area (i.e., NZVAR 2024-09 and NZVAR 2025-15 on the north side of Pine Island Road) and maintain the rural character of the surrounding area. Based on the OR zoning, the four (4) of the lots will be **4.29** acres while one (1) will be **20.14** acres.

Future Zoning is A-1 allows one dwelling unit per 20 acres, current zoning OR.

LDC Section 10.04.03.B:

Required Findings:

1. There are practical difficulties in carrying out the strict letter of the regulation.
   Response: The subdivision, roadway, and drainage improvements required by the LDC are not warranted for five (5) homes, the lower four (4) on lots over 4.25-acre in size served by private well and septic. In addition, the amount of impervious surface from the homes does not warrant formal stormwater management facilities. The large residential lots will have ample pervious area for natural stormwater retention.

2. The Variance request is not based exclusively upon a desire to reduce the cost of developing the site.
   Response: The proposal of five (5) large lot, single-family homes accessed directly from Cowpen Branch Road and one existing access on Beach Road is consistent with the development pattern of properties located within this rural part of St Johns County. The subdivision, roadway, and drainage improvements are not warranted for the additional homes and would alter the rural character of the surrounding area.

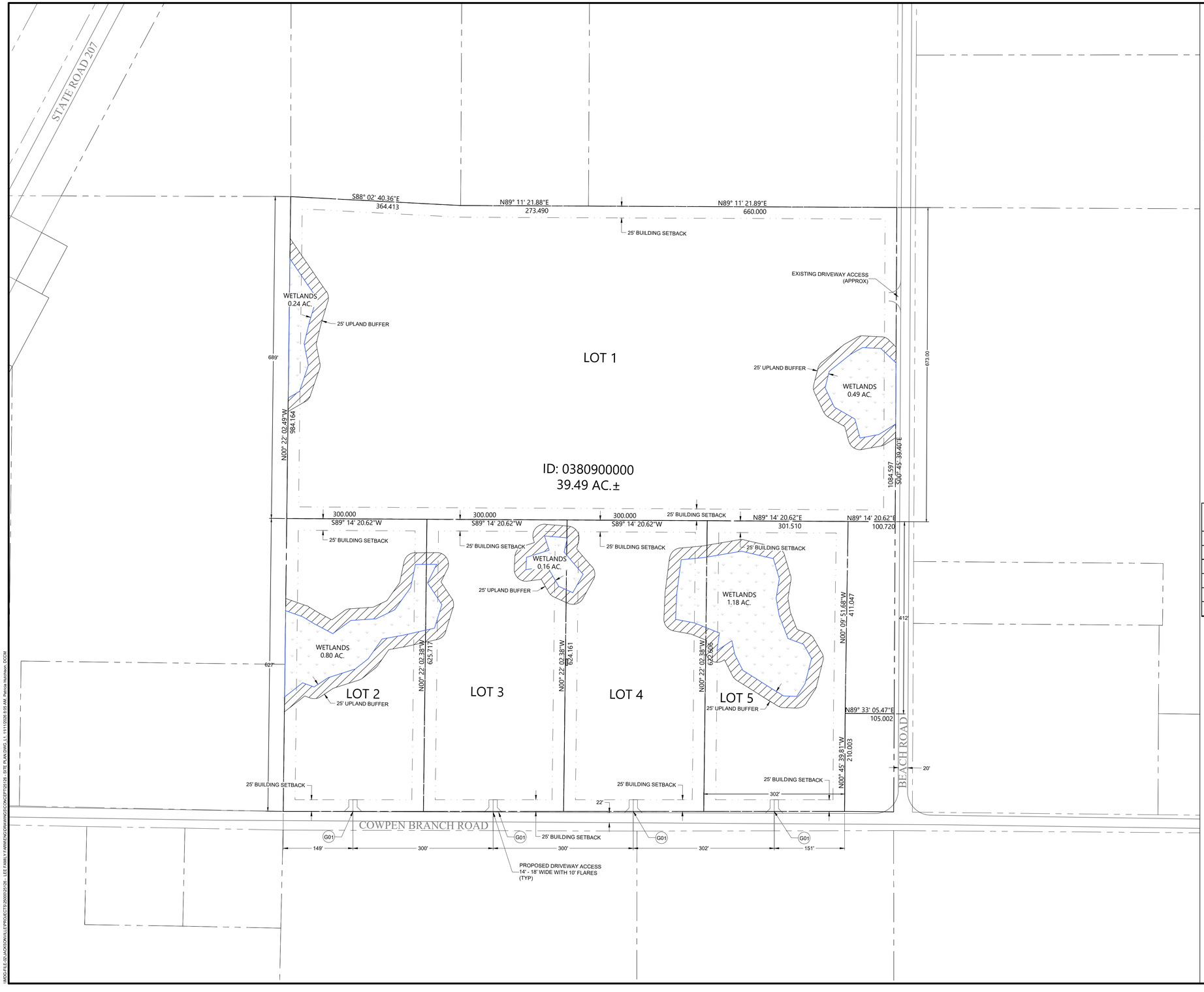
3. The proposed Variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
   Response: The five (5) homes will not substantially increase congestion, the danger of fire or any other hazard to the public. The increase in traffic will be negligible. Driveways are spaced ~230' feet to permit

safe ingress/egress on the roadway with speed limit of 25 MPH. Development will meet fire requirements.

4. The proposed Variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
   Response: The development of five (5) large lot, single-family homes accessed directly from Cowpen Branch Road and one existing access on Beach Road is consistent with the development pattern of properties located within this rural part of St Johns County and will not diminish property values of the surrounding area.

5. The effect of the proposed Variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.
   Response: The development of five (5) large lot, single-family homes accessed directly from Cowpen Branch Road and one existing access on Beach Road is consistent with the development pattern of properties located within this rural part of St Johns County.

SITE PLAN



N

GRAPHIC SCALE

0 50' 75' 100'

100'

SITE & GRADING NOTES

G01 PROPOSED DRIVEWAYS SHALL COMPLY WITH RESIDENTIAL CONNECTIONS ON A MINOR COLLECTOR AND CONTRACTOR TO MATCH EXISTING GRADE.

GENERAL NOTES

1. ALL DIMENSIONS ARE LISTED TO THE EDGE OF PAVEMENT AND/OR FACE OF CURB.
2. ALL RADII ARE 5' UNLESS OTHERWISE NOTED.

SJC PLANNING NOTES

1. LOCATION AND SCREENING OF MECHANICAL EQUIPMENT SHALL ADHERE TO SECTION 6.06.04.B.9 OF THE LDC.
2. DUMPSTERS AND SOLID WASTE SCREENING SHALL ADHERE TO SECTION 6.06.04.B.8 OF THE LDC.
3. OUTDOOR STORAGE SCREENING SHALL ADHERE TO SECTION 6.06.04.B.7 OF THE LDC.

LOT TABLE

NO.	SIZE(AC)	WIDTH(FT)	FLUM	ZONING
1	20.14	673	A-I	OR
2	4.29	300	RES-A	OR
3	4.29	300	RES-A	OR
4	4.29	300	RES-A	OR
5	4.29	301.51	RES-A	OR

HATCH LEGEND

WETLANDS	
UPLAND BUFFER	

REGISTERED ENGINEER
IVAN LAMOS, P.E.
CA#39656 FL#97659

REVISIONS

NO.	DATE	DESCRIPTION
1	08-13-26	REVISED PER COMMENTS FROM SJC
2	10-20-26	REVISED PER PLANNER UPDATE WETLANDS
3	11/11/26	REVISED PER PLANNER - DRIVEWAY ACCESS

DSGN BY: ZBE
DWG BY: ZBE
CHK BY: KDS
DATE: 1/13/2026
JOB No.: 25126

DCCM
7 Waldo Street St. Augustine, FL 32084
904.826.1334 | DCCM.com
Email: MDG.Info@DCCM.com

SITE PLAN

LEE FAMILY FARM

ST. JOHNS COUNTY

PREPARED FOR

TYLER LEE

SHEET No.: 01 OF 01

EXHIBIT A

EXHIBIT A

LEGAL DESCRIPTION

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 28 EAST, SAINT. JOHNS COUNTY, FLORIDA; LESS AND EXCEPT THE WEST 105 FEET OF THE SOUTH 210 FEET THEREOF AS RECORDED IN OFFICIAL RECORDS BOOK 675, PAGE 1823, PUBLIC RECORDS OF SAINT JOHNS COUNTY, FLORIDA.

PARCEL ID: 038090-0000

ADVERTISEMENT AND NOTICE TO ADJACENT PROPERTY OWNERS

DATE: 10/19/2026
TO: ST. AUGUSTINE RECORD
ATTN: legals@staugustine.com

FROM: Growth Management
Jen Gutt / 904-209-0663 / jgutt@sjcfl.us
SEND BILL AND ONE (1) PROOF TO APPLICANT:
Tyler Lee
7550 SR 207
Elkton, FL 32033
(904) 814-7991
vp@sjmsaa.org; tblservicesinc@aol.com

PLEASE SEND (1) PROOF TO:
St. Johns County – Growth Management Dept.
4040 Lewis Speedway
Saint Augustine, FL 32084
Attn: Jen Gutt / jgutt@sjcfl.us

PUBLISH ONE TIME ON: 11/2/2026
B/W non-display, 2 column wide legal liner. Include Order # and publish date at bottom of ad

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NOTICE OF A PROPOSED NON ZONING VARIANCE

NOTICE IS HEREBY GIVEN that a public hearing will be held on 12/1/2026 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider a Request for a Non-Zoning Variance to Section 5.01.01.C.1 of the Land Development Code to create five (5) residential lots without subdivision and platting requirements; Section 6.02.01.D.2 and 6.02.01.D.3 to permit up to four (4) new residential driveways on a collector roadway; and Section 6.02.09 to allow relief from the requirement to construct a stormwater management facility as part of the proposed residential development. This request is a companion application to CPA(SS) 2026-02 Lee Family Property.

The subject property is located at 7501 Cowpen Branch Road. See attached map (Exhibit A). This file is maintained in the Planning and Zoning Division of the Growth Management Department located at the St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, Florida 32084 and may be inspected by interested parties prior to said public hearing. Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication, care of SJC Planning and Zoning Section, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the St. Johns County Facilities Management, 2416 Dobbs Road, St. Augustine, FL 32086. Hearing impaired persons, call Florida Relay Service (1-800-955-8770), no later than 5 days prior to the meeting.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
CLAY MURPHY, CHAIR
FILE NUMBER: NZVAR-2026000005
Project Name: Lee Family Property

St. Johns County Growth Management Department, Planning & Zoning Division
4040 Lewis Speedway, St. Augustine, Florida 32084
Phone: (904) 209-0675
E-mail: plandept@sjcfl.us

ADJACENT PROPERTY OWNER NOTICE

You have received this notice because you own property within a 300-foot radius of the subject property below. This is notice of a public hearing scheduled for the request as described below. For additional information please email plandept@sjcfl.us or call (904) 209-0675 ext. 2.

NOTICE OF PUBLIC HEARING: Notice is hereby given that a Public Hearing will be held on **12/1/2026 at 9:00 am** before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider the described application.

REQUESTED CHANGE: Request for a Non-Zoning Variance to Section 5.01.01.C.1 of the Land Development Code to create five (5) residential lots without subdivision and platting requirements; Section 6.02.01.D.2 and 6.02.01.D.3 to permit up to four (4) new residential driveways on a collector roadway; and Section 6.02.09 to allow relief from the requirement to construct a stormwater management facility as part of the proposed residential development. This request is a companion application to CPA(SS) 2026-02 Lee Family Property.

LOCATION OF PROPERTY: 7501 Cowpen Branch Road

SUBJECT: File number: NZVAR-2026000005
Lee Family Property

APPLICATION FILED BY: Tyler Lee
7550 SR 207
Elkton, FL 32033

The application is on file with the Planning & Zoning Division and is open to public review and inspection during regular business hours Monday through Friday 7:30 AM to 4:30 PM.

Not less than 15 days in advance of this hearing date, sign(s) will be posted on the subject property on each street side of the property. If no street frontage is available, sign(s) will be posted on the nearest street frontage with a note providing the location of the subject property. In the event that no signs are observed, citizens are asked to notify the Planning & Zoning Division.

Please be advised you may attend the meeting indicated in the notice and state your opinions, or you may reply by e-mail to: plandept@sjcfl.us. If you choose to reply by mail and use this form, please send it to St. Johns County Planning & Zoning Division, 4040 Lewis Speedway, St. Augustine, Florida 32084. If needed, additional pages may be included. Please note: any correspondence will be included in the public record, staff packet and provided to the applicant.

This matter is subject to court imposed quasi-judicial rules of procedures. Decisions must be made on Competent Substantial Evidence, which are fact-based testimony and evidence presented as a part of the hearing. Acceptable citizen testimony includes, but is not limited to: first-hand knowledge of the area; observed changes in condition or quality of life of a neighborhood over time; location and density of nearby development; or personally observed noise, vibrations and other nuisance.

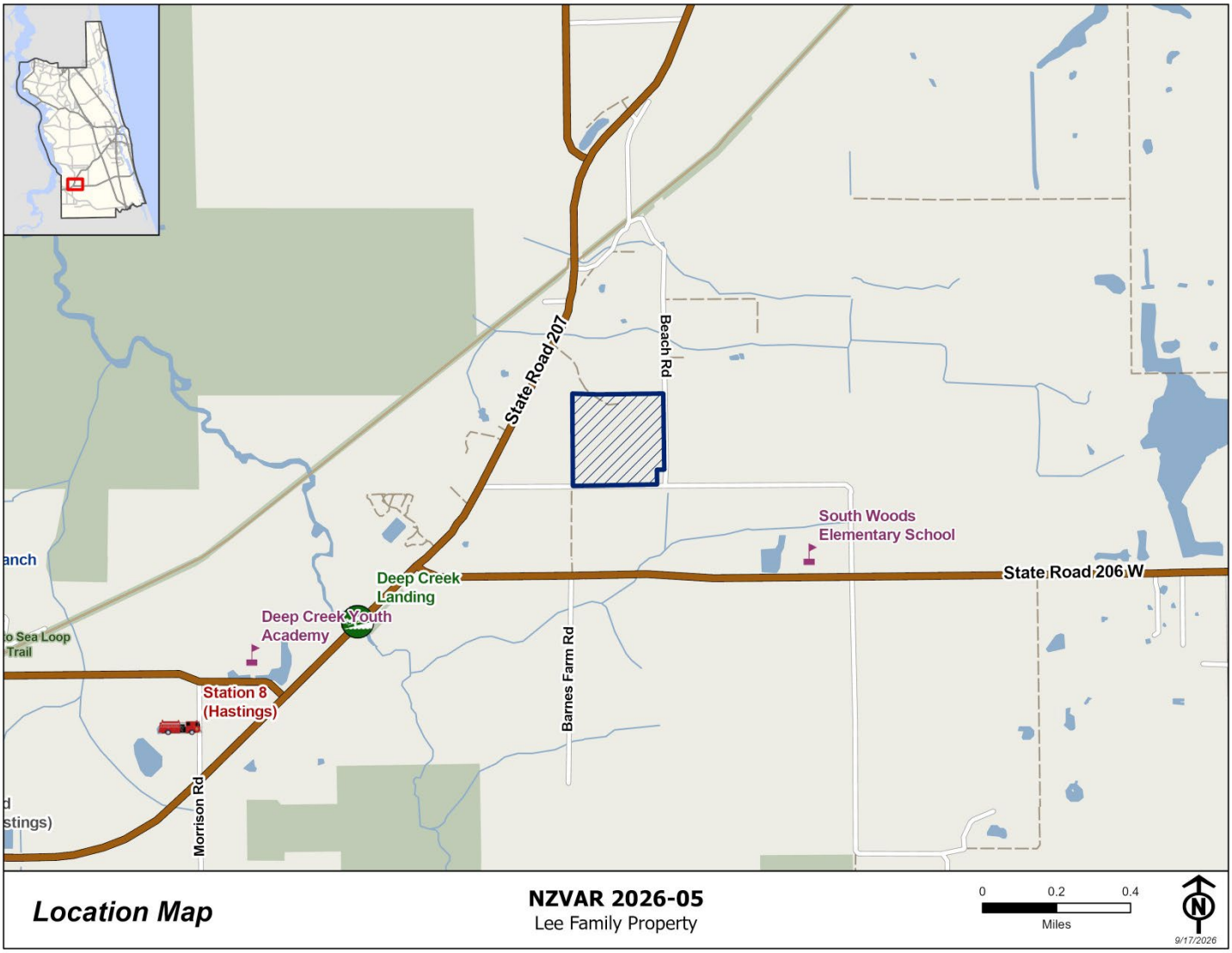
In accordance with the Americans Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or visit St Johns County Facilities Management 2416 Dobbs Rd 32086, no later than 5 days prior to the date of this meeting. Hearing impaired persons, call Florida Relay Services (1-800-955-8770).

Visual aids are allowed with any presentations to the Board or Agency; we ask that no photographs with a glossy finish be presented as part of the presentation. For quality purpose, photographs and PowerPoint presentations can be sent digitally. Staff will then project any visuals on the overhead screens. Such arrangements must be made at least twenty-four (24) hours in advance of the meeting by contacting the St. Johns County Government Channel at (904) 209-0555 or the Planning and Zoning Division at (904) 209-0675.

FILE NUMBER: NZVAR-2026000005 Lee Family Property

Correspondence is a part of the public records and will be provided to the Agency / Board and applicant.

Comments: (please attach additional pages if necessary)	
Signature:	Address:



DRAFT ORDERS

ORDER
ST. JOHNS COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

RE:	Tyler and Mary Lee 7550 State Road 207 Elkton, FL 32033
FILE NUMBER:	NZVAR 2026-05 – Lee Family Property
PARCEL:	038090-0000
LEGAL:	See Exhibit "A"
DATE OF HEARING:	December 1, 2026

ORDER APPROVING NON-ZONING VARIANCE

The above referenced application for a Non-Zoning Variance to the following Land Development Code Sections that came before the Board of County Commissioners for public hearing on December 1, 2026.

5.01.01.C.1: Applicability Whenever land in unincorporated St. Johns County is divided so as to constitute a Subdivision as defined herein, such Subdivision of land shall be in compliance with the requirements set forth in these regulations. The entire parent Parcel (or unified ownership tract) for any Subdivision shall be reviewed by the County in conjunction with the Subdivision review for any portion of the parent Parcel (or unified ownership tract). No County Development Order or Development Permit for residential Use shall be issued for more than two (2) Parcels (or unified ownership tracts) of land which have been Subdivided from a parent Parcel (or unified ownership tract) existing as of the effective date of this amendment to the Land Development Code (i.e., October 17, 2000) without a plat being approved by the Board of County Commissioners, pursuant to Chapter 177, Florida Statutes, for the additional Parcels (or unified ownership tracts). Parcels (or unified ownership tracts) of land may be Subdivided and County Development Orders or Development Permits may be issued for family farm and lot divisions approved in compliance with the Comprehensive Plan and all other applicable Land Development Regulations and non-residential Uses on such Subdivisions without a required plat.

6.02.01.D.2 Access to Arterial or Collector Roadways Unless otherwise approved by the County Administrator for good cause, residential Lots in Subdivisions shall not have direct access to an

Arterial or Collector Roadway. Residential Lots in Subdivisions that abut an Arterial or Collector Roadway shall not front on said Roadway and access shall be blocked by a non-access buffer.

6.02.01.D.3 Access to Local Roads Residential Lots in Subdivisions shall front on and have direct access to Local Roads only. Local Roads shall be arranged and designed so as to restrict their Use by through and high speed traffic.

6.02.09 Stormwater Management Subdivisions shall comply with requirements of the St. Johns River Water Management District (SJRWMD) and Part 6.04.00 Roadway, Drainage, & Utilities.

**St. Johns County cannot provide relief from regulations enforced by outside agencies and can only approve a non-zoning variance to those parts of this Code section over which the local agency has authority.*

FINDINGS OF FACT

Having considered said application for Non-Zoning Variances, supporting documents, and the evidence presented at the public hearing, the Board of County Commissioners makes the following Findings of Fact:

1. The request for this Non-Zoning Variance has been fully considered after public hearing pursuant to legal notice as required by Florida law and the St. Johns County Land Development Code.

2. There are practical difficulties in carrying out the strict letter of the regulation.

3. The Variance request is not based exclusively upon a desire to reduce the cost of developing the site.

4. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.

5. The proposed variance will not substantially diminish property values in, nor alter the essential character of area surrounding the site.

6. The effect of the proposed Variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

ACCORDINGLY, based on the said Findings of Fact, the Board of County Commissioners hereby grants the Non-Zoning Variance to Section 5.01.01.C.1, 6.02.01.D.2, 6.02.01.D.3, and 6.02.09 of the Land Development Code to allow for the creation of five (5) residential lots without platting and subdivision standards subject to the following five (5) conditions:

1. The Non-Zoning Variance shall be transferable and shall run with the title to the property.

2. Approval of the Non-Zoning Variance does not release the property from compliance with all other relevant requirements of the St. Johns County Land Development Code or Comprehensive Plan.
3. The approval of this Non-Zoning Variance is limited to the specific provisions of the Land Development Code. Approval shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan.

4. The applicant will be required to submit a residential clearance sheet for any homes proposed on the resulting lots to be reviewed for compliance with all applicable land development regulations including but not limited to setbacks and building height, drainage, and landscaping.

5. Prior to commencement of any construction activity, the applicant will be required to provide: 1) a copy of the St. Johns River Water Management District (SJRWMD) Stormwater Management permit OR 2) a permit exemption letter from the SJRWMD.

Date of Commission Action: December 1, 2026

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By:_____
Ann Taylor, Chair

Date:_____

ATTEST: Brandon J. Patty, Clerk of the Circuit Court & Comptroller

By: _____
Deputy Clerk

EXHIBIT A

LEGAL DESCRIPTION

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 28 EAST, SAINT. JOHNS COUNTY, FLORIDA; LESS AND EXCEPT THE WEST 105 FEET OF THE SOUTH 210 FEET THEREOF AS RECORDED IN OFFICIAL RECORDS BOOK 675, PAGE 1823, PUBLIC RECORDS OF SAINT JOHNS COUNTY, FLORIDA.

PARCEL ID: 038090-0000

ORDER
ST. JOHNS COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

RE:	Tyler and Mary Lee 7550 State Road 207 Elkton, FL 32033
FILE NUMBER:	NZVAR 2026-05 – Lee Family Property
PARCEL:	038090-0000
LEGAL:	See Exhibit "A"
DATE OF HEARING:	December 1, 2026

ORDER DENYING NON-ZONING VARIANCE

The above referenced application for a Non-Zoning Variance to the following Land Development Code Sections that came before the Board of County Commissioners for public hearing on December 1, 2026.

5.01.01.C.1: Applicability Whenever land in unincorporated St. Johns County is divided so as to constitute a Subdivision as defined herein, such Subdivision of land shall be in compliance with the requirements set forth in these regulations. The entire parent Parcel (or unified ownership tract) for any Subdivision shall be reviewed by the County in conjunction with the Subdivision review for any portion of the parent Parcel (or unified ownership tract). No County Development Order or Development Permit for residential Use shall be issued for more than two (2) Parcels (or unified ownership tracts) of land which have been Subdivided from a parent Parcel (or unified ownership tract) existing as of the effective date of this amendment to the Land Development Code (i.e., October 17, 2000) without a plat being approved by the Board of County Commissioners, pursuant to Chapter 177, Florida Statutes, for the additional Parcels (or unified ownership tracts). Parcels (or unified ownership tracts) of land may be Subdivided and County Development Orders or Development Permits may be issued for family farm and lot divisions approved in compliance with the Comprehensive Plan and all other applicable Land Development Regulations and non-residential Uses on such Subdivisions without a required plat.

6.02.01.D.2 Access to Arterial or Collector Roadways Unless otherwise approved by the County Administrator for good cause, residential Lots in Subdivisions shall not have direct access to an

Arterial or Collector Roadway. Residential Lots in Subdivisions that abut an Arterial or Collector Roadway shall not front on said Roadway and access shall be blocked by a non-access buffer.

6.02.01.D.3 Access to Local Roads Residential Lots in Subdivisions shall front on and have direct access to Local Roads only. Local Roads shall be arranged and designed so as to restrict their Use by through and high speed traffic.

6.02.09 Stormwater Management Subdivisions shall comply with requirements of the St. Johns River Water Management District (SJRWMD) and Part 6.04.00 Roadway, Drainage, & Utilities.

FINDINGS OF FACT

Having considered said application for Non-Zoning Variances, supporting documents, and the evidence presented at the public hearing, the Board of County Commissioners makes the following Findings of Fact:

1. The request for this Non-Zoning Variance has been fully considered after public hearing pursuant to legal notice as required by Florida law and the St. Johns County Land Development Code.

2. There are no practical difficulties in carrying out the strict letter of the regulation.

3. The Variance request is based exclusively upon a desire to reduce the cost of developing.

4. The proposed Variance will substantially increase congestion on surrounding public streets, the danger of fire, or another hazard to the public.

5. The proposed Variance will substantially diminish property values and alter the essential character or area surrounding the site.

6. The effect of the proposed Variance is not in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

ACCORDINGLY, based on the said Findings of Fact, the Board of County Commissioners hereby denies the Non-Zoning Variance to Section 5.01.01.C.1, 6.02.01.D.2, 6.02.01.D.3, and 6.02.09 of the Land Development Code to allow for the creation of five (5) residential lots without platting and subdivision standards.

Any appeal of this decision may be made by filing a petition for writ of certiorari with the Clerk of the Circuit Court of St. Johns County within thirty (30) days.

Date of Commission Action: December 1, 2026

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By:_____
Ann Taylor, Chair

Date:_____

ATTEST: Brandon J. Patty, Clerk of the Circuit Court & Comptroller

By: _____
Deputy Clerk

EXHIBIT A

LEGAL DESCRIPTION

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 28 EAST, SAINT. JOHNS COUNTY, FLORIDA; LESS AND EXCEPT THE WEST 105 FEET OF THE SOUTH 210 FEET THEREOF AS RECORDED IN OFFICIAL RECORDS BOOK 675, PAGE 1823, PUBLIC RECORDS OF SAINT JOHNS COUNTY, FLORIDA.

PARCEL ID: 038090-0000

USA TODAY CO.

PO Box 631244 Cincinnati, OH 45263-1244

LocaliQ

AFFIDAVIT OF PUBLICATION

Tyler Lee
Tyler Lee
Tyler Lee
7550 SR 207
Elkton FL 32033

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the St Augustine Record, published in St Johns County, Florida; that the attached copy of advertisement, being a , was published on the publicly accessible website of St Johns County, Florida, or in a newspaper by print in the issues of, on:

SAG St Augustine Record 11/02/2026

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 11/02/2026

Legal Clerk

Notary, State of WI, County of Brown

8.25.30

My commission expires

Publication Cost:	$328.40	
Tax Amount:	$0.00	
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Order No:	12744089	# of Copies:
Customer No:	1625322	1
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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF A PROPOSED NON ZONING VARIANCE

NOTICE IS HEREBY GIVEN that a public hearing will be held on 12/1/2026 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider a Request for a Non-Zoning Variance to Section 5.01.01.C.1 of the Land Development Code to create five (5) residential lots without subdivision and platting requirements; Section 6.02.01.D.2 and 6.02.01.D.3 to permit up to four (4) new residential driveways on a collector roadway; and Section 6.02.09 to allow relief from the requirement to construct a stormwater management facility as part of the proposed residential development. This request is a companion application to CPA(SS) 2026-02 Lee Family Property.

The subject property is located at 7501 Cowpen Branch Road. See attached map (Exhibit A). This file is maintained in the Planning and Zoning Division of the Growth Management Department located at the St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, Florida 32084 and may be inspected by interested parties prior to said public hearing. Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication, care of SJC Planning and Zoning Section, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the St. Johns County Facilities Management, 2416 Dobbs Road, St. Augustine, FL 32086. Hearing impaired persons, call Florida Relay Service (1-800-955-8770), no later than 5 days prior to the meeting.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
CLAY MURPHY, CHAIR
FILE NUMBER: NZVAR-2026000005
Project Name: Lee Family Property

